

WHEN RECORDED RETURN TO:

City of Ankeny
Attn: City Clerk
410 West First Street
Ankeny, IA 50023

Preparer Information:

Civil Design Advantage
3405 SE Crossroads Drive, Suite G
Grimes, IA 50111
(515) 369-4400

TEMPORARY ACCESS/STAGING EASEMENT

KNOW ALL BY THESE PRESENTS:

That Deer Creek Estates, LLC (hereinafter called "Grantor") in consideration of mutual benefit and other valuable consideration in hand paid by the City of Ankeny, Iowa upon final approval and acceptance of this easement do hereby convey unto the City of Ankeny, Iowa, a municipal corporation, in the County of Polk, State of Iowa (hereinafter called "Grantee"), a temporary access/staging easement over, under, across, and through the following described real estate:

See Attached Exhibit "A"

That said easement is granted unto the City of Ankeny, Iowa, for the purpose of the access, construction, installation, and maintenance of the following described public improvement:

**Deer Creek Trunk Sanitary Sewer Extension
Including Associated Tree Clearing & Grubbing**

In connection herewith it is specifically agreed that by this easement, the Grantee and all its contractors/consultants shall have the right to enter upon said premises as shall be necessary to construct, inspect, and repair, any and all of said improvements and all appurtenances thereto, together with the right to use said improvements as it deems necessary.

The Grantee shall restore said described land to a satisfactory condition after construction and/or repair in satisfactory condition as per plan. Grantee shall provide erosion control measures within the easement area as per industry standards.

This easement shall be for the period of time necessary to construct this improvement and will expire upon the date of final acceptance of the project by the City Council of the Grantee. Anticipated timeframe is estimated from February 2019 through the Summer of 2020.

The Grantor does hereby covenant with the said Grantee, and successors in interest, that said Grantor holds said real estate by title and fee simple; that they have good and lawful authority to sell and convey the same; that said premises are free and clear of all liens and encumbrances whatsoever except as may be herein stated; that said Grantor covenants to warrant and defend the said premises against the lawful claims of all persons whomsoever, except as may be herein stated.

IN WITNESS WHEREOF, we have hereunto affixed our hands this 12th day of February, 2019.

GRANTOR:

By:

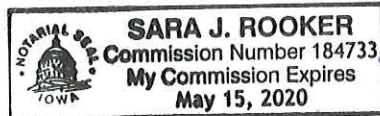
Grantor's name

STATE OF IOWA)

) ss:

COUNTY OF POLK)

On the 12th day of February, 2019, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared R. Smiley SK: NWR and _____ to me known to be the person(s) named in and who executed the foregoing instrument, and acknowledged that he/she/they executed the same as a voluntary act and deed.



Sara J. Rooker
Notary Public in and for the State of Iowa

My Commission Expires 5-15-20

ACCEPTANCE BY CITY

STATE OF IOWA)

) ss:

COUNTY OF POLK)

I, Deb Arend, Interim City Clerk of the City of Ankeny, Iowa, do hereby certify that the within and foregoing Easement was duly approved and accepted by the City Council of said City by Resolution No. _____, passed on the _____ day of _____, 2019, and this certificate is made pursuant to authority contained in said Resolution.

Signed this _____ day of _____, 2019.

Interim City Clerk of the City of Ankeny, Iowa

EXHIBIT 'A' - EASEMENT PLAT

TEMPORARY ACCESS/STAGING EASEMENT DESCRIPTION

A PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 80 NORTH, RANGE 23 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN THE CITY OF ANKENY, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF STREET LOT 'A', THE CROSSINGS AT DEER CREEK PLAT 1, AN OFFICIAL PLAT; THENCE SOUTH 66°13'23" WEST ALONG THE NORTHERLY LINE OF SAID STREET LOT 'A', 80.00 FEET TO THE NORTHWEST CORNER OF SAID STREET LOT 'A'; THENCE NORTHWESTERLY ALONG A CURVE CONCAVE SOUTHWESTERLY WHOSE RADIUS IS 1160.00 FEET, WHOSE ARC LENGTH IS 468.83 FEET AND WHOSE CHORD BEARS NORTH 35°21'20" WEST, 465.65 FEET; THENCE NORTHWESTERLY ALONG A CURVE CONCAVE SOUTHWESTERLY WHOSE RADIUS IS 1160.00 FEET, WHOSE ARC LENGTH IS 108.64 FEET AND WHOSE CHORD BEARS NORTH 49°37'01" WEST, 108.61 FEET; THENCE NORTHWESTERLY ALONG A CURVE CONCAVE NORTHEASTERLY WHOSE RADIUS IS 1240.00 FEET, WHOSE ARC LENGTH IS 428.06 FEET AND WHOSE CHORD BEARS NORTH 42°24'39" WEST, 425.94 FEET; THENCE SOUTH 52°00'00" WEST, 345.00 FEET; THENCE NORTH 38°00'00" WEST, 70.00 FEET; THENCE NORTH 52°00'00" EAST, 353.73 FEET; THENCE NORTHWESTERLY ALONG A CURVE CONCAVE NORTHEASTERLY WHOSE RADIUS IS 1240.00 FEET, WHOSE ARC LENGTH IS 5.28 FEET AND WHOSE CHORD BEARS NORTH 29°08'21" WEST, 5.28 FEET; THENCE NORTH 60°58'58" EAST, 80.00 FEET; THENCE SOUTHEASTERLY ALONG A CURVE CONCAVE NORTHEASTERLY WHOSE RADIUS IS 1160.00 FEET, WHOSE ARC LENGTH IS 471.38 FEET AND WHOSE CHORD BEARS SOUTH 40°39'31" EAST, 468.15 FEET; THENCE SOUTHEASTERLY ALONG A CURVE CONCAVE SOUTHWESTERLY WHOSE RADIUS IS 1240.00 FEET, WHOSE ARC LENGTH IS 116.14 FEET AND WHOSE CHORD BEARS SOUTH 49°37'01" EAST, 116.10 FEET; THENCE SOUTHEASTERLY ALONG A CURVE CONCAVE SOUTHWESTERLY WHOSE RADIUS IS 1240.00 FEET, WHOSE ARC LENGTH IS 501.16 FEET AND WHOSE CHORD BEARS SOUTH 35°21'20" EAST, 497.76 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.55 ACRES (111,234 SQUARE FEET).

OWNER

DEER CREEK ESTATES LLC

EXHIBIT 'A' - EASEMENT PLAT

