

Preparer and Return to

Information:	<u>Tara Meredith</u>	<u>1525 NE 36th Street</u>	<u>Ankeny, IA 50021</u>	<u>(515)964-9444</u>
	Individual's Name	Street Address	City, State, Zip	Phone

SPACE ABOVE THIS LINE FOR RECORDER

OWNER'S CONSENT TO PLAT

STATE OF IOWA)
)SS.
COUNTY OF POLK)

I, the undersigned, certify and state that the owner of record of the property legally described on the attached Exhibit "A" is D.R.A. Properties, L.C. an Iowa Limited Liability Corporation, and further hereby acknowledge and certify that the titleholder of said property intends to subdivide or plat the property as:

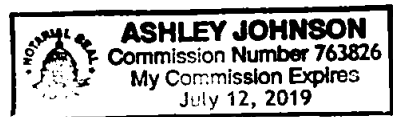
Albaugh Industrial Park Plat 10, an Official Plat, now included in and forming a part of the City of Ankeny, Polk County, Iowa

This platting is done with the full consent and in accordance with the desire of D.R.A. Properties, L.C.

D.R.A. Properties, L.C.

Tara Meredith
Tara Meredith, Secretary

Subscribed and sworn on the 13th day of May, 2019, before me a Notary Public in and for the State of Iowa by Tara Meredith as Secretary for D.R.A. Properties, L.C. who personally appeared and to me personally known, who by me duly sworn, did say that she had the authority to and did voluntarily execute the same in her capacity as the representative of the titleholder, for and on behalf of the titleholder.



Ashley Johnson
Notary Public, State of Iowa

Exhibit "A"

ALBAUGH INDUSTRIAL PARK PLAT 10 – PROPERTY DESCRIPTION

LOT 3, LOT 4, OUTLOT "X", AND THE EAST 25.00 FEET OF LOT 1 AND LOT 2, ELDER BUSINESS PARK, AN OFFICIAL PLAT RECORDED IN BOOK 8609, PAGE 418 IN THE OFFICE OF THE POLK COUNTY RECORDER, POLK COUNTY, IOWA, LOCATED WITHIN SECTION 1, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M. (SAYLOR TOWNSHIP) POLK COUNTY, IOWA AND CONTAINING 29.26 ACRES (1,274,537 S.F.).

PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

Preparer

Information: Stuart I. Feldstein 1525 NE 36th Street Ankeny, IA 50021 (515)964-9444
 Individual's Name Street Name City Phone

SPACE ABOVE THIS LINE FOR RECORDER

LENDER'S CONSENT TO PLAT

KNOWN BY ALL MEN PRESENT:

The undersigned, Community Business Lenders Service Company, LLC, acting with full authority to act for and on behalf of the Credit Union Service Organization, does hereby consent to the platting of the property to be platted as Albaugh Industrial Park Plat 10, an Official Plat, now included in and forming a part of Polk County, Iowa and specifically described on the attached Exhibit "A".

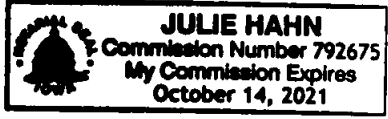
This consent as mortgagee to the property described above is given with the free consent and in accordance with the desires of the undersigned as mortgagee to said property described above which is to be included in said plat.

Dated this 14th day of May, 2019 in Polk County, Iowa.

COMMUNITY BUSINESS LENDERS SERVICE COMPANY, LLC

By *[Signature]*

On this 14th day of May, 2019, before me the undersigned a Notary Public in and for said County and State, personally appeared Mark Killian to me personally known, who being by me duly sworn, did say that he is the Chief Executive Officer of said corporation executing the within and foregoing instrument, that the corporation has no seal; that said instrument was signed on behalf of said corporation by authority of its Board of Directors; and that the said Mark Killian as such officer acknowledged the execution of said instrument to the voluntary act and deed of said corporation by it and by him voluntarily executed.



[Signature]
NOTARY PUBLIC IN AND FOR THE STATE OF IOWA

Exhibit "A"

ALBAUGH INDUSTRIAL PARK PLAT 10 – PROPERTY DESCRIPTION

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PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

Preparer Information: Kellen Gorman, City of Ankeny, Iowa, 220 W. 1st St., Ankeny, IA 50023

Phone: 515-963-3544

RESOLUTION 2019-247

**RESOLUTION ACCEPTING THE FINAL PLAT FOR ALBAUGH INDUSTRIAL PARK PLAT 10,
SUBJECT TO APPLICABLE POLK COUNTY SUBDIVISION REQUIREMENTS IN LIEU OF
THE CITY OF ANKENY SUBDIVISION REGULATIONS**

WHEREAS, the Plan and Zoning Commission of the City of Ankeny, Iowa, recommended approval of the final plat of Albaugh Industrial Park Plat 10 on the 8th day of January, 2019; and

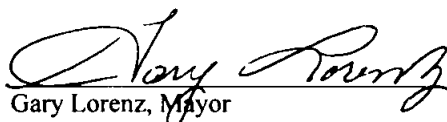
WHEREAS, the Commission also recommended a variation from the subdivision regulations of the City of Ankeny, Iowa, to require that the subdivision be required to comply with applicable Polk County requirements in lieu of the Ankeny subdivision regulations; and

WHEREAS, the plat area is located within the two-mile subdivision review authority of the City of Ankeny, Iowa, and not within a planned growth or annexation area of the City.


NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANKENY, IOWA:

That the final plat of Albaugh Industrial Park Plat 10 is hereby approved and accepted subject to applicable Polk County subdivision requirements in lieu of City of Ankeny subdivision regulations.

PASSED AND APPROVED this 3rd day of June, 2019.


Gary Lorenz, Mayor

ATTEST:


Debra M. Arend, Interim City Clerk

RESOLUTION

Moved by Connolly Seconded by Brownell that the following Resolution be adopted.

WHEREAS, the owners of land located in Section 1, Township 79 North, Range 24 West of the 5th P.M. (Saylor Township), Polk County, Iowa, wish to subdivide and plat their land into a major subdivision final plat known as Albaugh Industrial Park Plat 10; and

WHEREAS, this major subdivision final plat proposes 11 commercial / industrial lots and one (1) outlot on 29.26 acres of land; and

WHEREAS, the owner has complied with all codes and ordinances for the unincorporated territory of Polk County, Iowa; and

WHEREAS, the Polk County Board of Supervisors voted unanimously, with none absent, to approve the major subdivision preliminary plat of Albaugh Industrial Park Plat 10 on February 6, 2018; and

WHEREAS, the Polk County Public Works Department has inspected the required subdivision improvements under the Subdivision Inspection Agreement entered into with DRA Properties, LC, and hereby accepts the public roadway, storm sewers and sanitary sewer systems and associated appurtenances; and

WHEREAS, the Polk County Public Works Department has conducted a traffic and engineering investigation and recommends that the following traffic control conditions be established on roadways within Albaugh Industrial Park Plat 10:

- 1) A "25 mph" speed limit on NE 67th Place and NE 15th Street; and
- 2) A "STOP" condition be placed on NE 67th Place at the intersection with NE 14th Street and placed on NE 15th Street at the intersection of NE 67th Place and NE 66th Avenue; and
- 3) A "NO PARKING" condition be place on both sides of NE 67th Place and NE 15th Street including around the cul-de-sac on NE 67th Place; and

WHEREAS, the Polk County Public Works Department has reviewed the major subdivision final plat and recommends that it be approved.

NOW, THEREFORE, BE IT RESOLVED that Polk County, Iowa approves the major subdivision final plat of Albaugh Industrial Park Plat 10 and authorizes the Chairperson of the Polk County Board of Supervisors to sign the Resolution.

Sewer Service:	Polk County Sanitary Sewer
Water Service:	Des Moines Water Works
Zoning:	"LI" Light Industrial District, with conditions
Platted by:	DRA Properties, LC – Dennis Albaugh (owner/developer)
Engineer:	Snyder & Associates, Inc.
Location:	Northeast of the intersection of NE 14 th Street (Hwy 69) and NE 66 th Avenue
Township:	Saylor; and

#15

BE IT FURTHER RESOLVED that Polk County, Iowa:

- 1) Accepts the new roadways shown as Lot 'A' (NE 67th Place), and Lot 'B' (NE 15th Street) of Albaugh Industrial Park Plat 10 into the Polk County Secondary Roads System; and
- 2) Accepts the warranty deeds for said streets and authorizes the Polk County Public Works Department to have the same recorded; and
- 3) Accepts the Four-year maintenance bonds provided by Manatts, Inc. for the roadway pavement and Peterson Construction for the storm sewer and sanitary sewer improvements constructed as part of Albaugh Industrial Park Plat 10 effective December 3, 2019; and
- 4) Authorizes the Polk County Public Works Department to initiate snow removal And maintenance services on said streets; and
- 5) Establishes a "25 M.P.H." speed zone on NE 67th Place and NE 15th Street; and
- 6) Establishes a "NO PARKING" condition on both sides of NE 67th Place and NE 15th Street including the cul-de-sac of NE 67th Place; and
- 7) Establishes a "STOP" condition on NE 67th Place at the intersection of NE 14th Street, and on NE 15th Street at the intersection with NE 67th Place and at NE 66th Avenue.

POLK COUNTY, IOWA

Tom Hockensmith

Chairperson

RECOMMENDED FOR APPROVAL

Robert Rice

Robert Rice, Director,
Public Works Department

FISCAL NOTE: No cost to the County

ROLL CALL FOR ALLOWANCE

Steve Van Oort Yea Nay

Robert Brownell Yea Nay

Angela Connolly Yea Nay

DEC - 3 2019

Matt McCoy Yea Nay

Tom Hockensmith Yea Nay

ALLOWED BY VOTE OF BOARD

Yea 5 Nay 0

Tom Hockensmith
CHAIRPERSON
Resolution made by *MS*

HANDLEY LAW FIRM

A PROFESSIONAL CORPORATION
ATTORNEYS AND COUNSELORS AT LAW

LARRY J. HANDLEY
HEATHER N. HANDLEY-CHERRY
CHELSEY N. HANDLEY-TOMLINSON

NORTHPOINTE PROFESSIONAL PARK
2575 NORTH ANKENY BLVD. SUITE 221
ANKENY, IOWA 50023
TELEPHONE (515) 965-1200
FACSIMILE (515) 965-9911

November 2, 2019

Polk County Board of Supervisors
Polk County Administrative Building
Des Moines, Iowa 50309

RE: Abstract Opinion No. 102819H

Members of the Board:

At your request I have examined the abstract of title covering the following described real estate, to-wit:

LOT 3, LOT 4, OUTLOT "X" AND THE EAST 25.00 FEET OF LOT 1 AND LOT 2, ELDER BUSINESS PARK, AN OFFICIAL PLAT RECORDED IN BOOK 8609 PAGE 418 IN THE OFFICE OF THE POLK COUNTY RECORDER, POLK COUNTY, IOWA, LOCATED WITHIN SECTION 1, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH PM (SAYLOR TOWNSHIP) POLK COUNTY, IOWA AND CONTAINING 29.26 ACRES (1,274,537 s.f.) PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD, **TO BE KNOWN AS "ALBAUGH INDUSTRIAL PARK, PLAT 10"**.

Said abstract consisting of a series of continuations concluding with Pencil Notes No. 728899 prepared by Iowa Title Company to October 23, 2019, at 6:00 a.m. From such examination I find as follows:

TITLEHOLDERS: Title to the property is currently held in the name of D.R.A. Properties, L.C., an Iowa Limited Liability Company.

MORTGAGES: See Objections.

TAXES: The property is taxed as parcel numbers 270.01067.051.002, 270.01067.052.002, 270.01067.053.000, 270.01067.054.000, and 270.01067.055.000 in Polk County, Iowa. The taxes for the fiscal year 2018-2019 appear as follows: **1st installment**, \$2.00, paid, \$124.00, paid, \$17.00, paid, \$17.00, paid, and \$379.00, paid; **2nd installment**, \$2.00, due, \$124.00, due, \$17.00, due, \$17.00, due, and \$379.00, due.

EASEMENTS: Title to the property is subject to any easements established by adverse possession. You should take visual inspection of the property to see if there are any public utility easements running over, under or across the property that could be easements by adverse possession.

ZONING: The property under examination is subject to the zoning ordinances of §, Iowa. You should make sure the property conforms to the uses as set in said ordinances.

BOUNDARIES: You should satisfy yourself that the measurements and boundaries of the property you intend to purchase are the same as above described and not in dispute with some neighbor. This may be done by having a survey made at your own expense, if necessary. Likewise, you should determine that any adjacent public street or highway necessary for the use of the property is in use and has been dedicated as a public thoroughway.

SEARCH: Searches have been made against the titleholder and no claims or demands were made against them which would become liens against, except as mentioned herein.

OBJECTIONS:

MORTGAGE: The abstract reflects a mortgage executed by titleholder in favor of Community Business Lenders in the original amount of \$2,536,000.00 dated September 14, 2017, and filed of record on September 17, 2017, in Book 16647 Page 350.

MORTGAGE: The abstract reflects a mortgage executed by titleholder in favor of Community Business Lenders in the original amount of \$3,590,000.00 dated February 26, 2019, and filed of record on February 28, 2019, in Book 17247 Page 115. Said mortgage was filed with an Assignment of Rents dated February 26, 2019, and filed of record on February 28, 2019, in Book 17247 Page 108.

MORTGAGE: The abstract reflects a mortgage executed by titleholder in favor of Community Business Lenders in the original amount of \$2,360,000.00 dated March 2, 2019, and filed of record on March 15, 2019, in Book 17261 Page 533. Said mortgage was filed with an Assignment of Rents dated March 11, 2019, and filed of record on March 15, 2019, in Book 17261 Page 545.

TAXES: The abstract indicates that the taxes have been paid through December 31, 2018 .

PLAT DRAWING: At Entry No. 11 of Abstract No. 399018 there appears a plat drawing showing the property under examination. Said drawing discloses dimensions of the property as well as building set-back requirement and any public utility and drainage easement affecting the subject property.

COVENANTS: At Entry No. 12 of Abstract No. 399018 there appears Declaration of Covenants filed on October 9, 2000, in Book 8609 Page 430. **IT SHOULD BE NOTED**

THAT THROUGH INDEPENDENT INVESTIGATION AND REVIEW these covenants will be deemed null and void by and through the filing of new covenants entitled “Revised and Restated Covenants” to be filed of record as part of the platting process and said covenants create an Owners Association for management of the Plat as proposed.

EASEMENT: At Entry No. 2 there appears a water main easement in favor of the City of Des Moines dated October 6, 2000, and filed of record on October 10, 2000, in Book 8609 Page 694. Said easement affects the property under examination.

EASEMENT: At Entry No. 15 there appears a sanitary sewer easement in favor of Polk County dated February 20, 2018, and filed of record in Book 16889 Page 467. Said easement affects the property under examination.

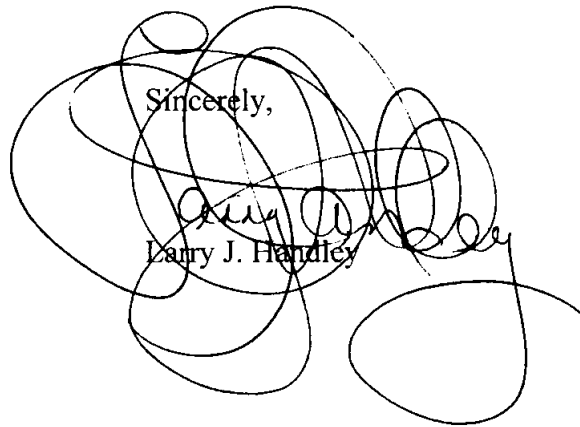
EASEMENT: At Entry No. 16 there appears a sanitary sewer extension agreement in favor of Polk County dated May 15, 2018, and filed of record on May 30, 2018, in Book 16939 Page 454. **IT SHOULD BE NOTED THAT THROUGH INDEPENDENT INVESTIGATION AND REVIEW** it has been determined that all obligations pursuant to said agreement have been satisfied and released.

ADMONITION: In platting real estate, you are required by law to take notice of and protect yourself from any matters affecting this property that you can observe from ordinary physical examination of the property itself or inquiry with the seller. The most important of these matters are:

- a. Rights of any parties you find in possession of any part of the property, especially including renters.
- b. Improvements, alterations, or repairs made within the past 90 days for which mechanics liens may be perfected.
- c. Assessments for improvements such as paving, sewer or any other public utility charges unpaid, or that may become a lien against this property that have been so recent as to not appear in the Abstract of Title.
- d. You should be certain there are no financing statements filed under the Uniform Commercial Code affecting personal property or fixtures appurtenant to the use of the property.
- e. Under the Iowa law dissolution of marriage filing is not made public record until parties have been litigated in Court at least 90 days after said filing. You should therefore have assurances that there are no proceedings in dissolution pending.
- f. You should determine whether any solid wastes, hazardous substances, pollutants, above or below ground storage tanks, drainage wells, water wells, landfill sites or other environmentally regulated conditions exist on the property. Such conditions are not ordinarily shown in the abstract, but they may result in injunctions, fines, required cleanup, or other remedial actions under federal, state or local laws. These laws may impose liens against the property and personal liability against the owner, even though the owner did nothing to create the conditions, and acquired the property without knowing about it.

- g. If you are assuming a mortgage in the purchase of the property, you should verify the balance remaining. This is material not only as it shows the amount you owe on the property, but it is necessary in determining your tax basis for future capital gain purposes. You should satisfy yourself that the mortgage does not contain a "due-on-sale" clause. Such a clause may allow the mortgagee to accelerate the payment of the balance due or to increase the per annum interest rate.

YOUR attention is called to the fact that this opinion is based upon pencil notes of the abstractor which have not been certified. Before final closing, this abstract should be continued, certified by the abstractor and returned to this office for final examination.

Sincerely,

Larry J. Handley

LJH/bj

Prepared by: Karl Althaus, Polk County Auditor's Office, 111 Court Ave., Ste. 230, Des Moines, IA 50309-2297 (515) 286-3091

Approval of Subdivision Plat Name

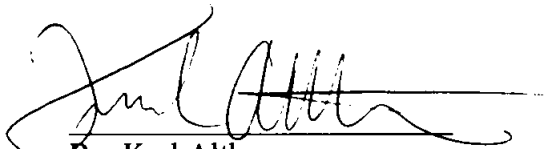
Pursuant to Iowa Code §354.6(2) and §354.11(1)(e), the Polk County Auditor has approved the subdivision plat name of:

ALBAUGH INDUSTRIAL PARK PLAT 10



Jamie Fitzgerald, Polk County Auditor

December 3, 2018
Date



By: Karl Althaus

CERTIFICATE OF TREASURER OF POLK COUNTY, IOWA

STATE OF IOWA)
) ss:
COUNTY OF POLK)

I, Mary Maloney, Treasurer of Polk County, having examined the records of my office, in accordance with the provisions of Section 354.11 of the Code of Iowa pertaining to real properties, specifically set forth in Exhibit "A" attached hereto and made part hereof, to be hereinafter designated as:

ALBAUGH INDUSTRIAL PARK PLAT 10
an Official Plat, Polk County, Iowa

do hereby certify that same is free from all certified taxes, special assessments and special rates and charges.

Nor are there any taxes due for Moneys and Credits, Bushels of Grain, Industrial Machinery, Data Processing Equipment, Utilities or Buildings on Leased Land against

D.R.A. PROPERTIES, L.C.,

who is(are) the record title holder(s) of said real estate.

Dated at Des Moines, IA , Wednesday, October 30, 2019 .

MARY MALONEY
POLK COUNTY TREASURER

by Jade Gussow
Deputy
(Treasurer's Seal)

Subscribed and sworn to before me on this 30 day of October, 2019.

by Rachael S. Hagedorn
Notary Public in and for Polk County, IA
(Notary Seal)



PREPARED BY: Rebecca Lawrence, Property Description Specialist

EXHIBIT A

LOT 3, LOT 4, OUTLOT "X" AND THE EAST 25.00 FEET OF LOT 1 AND LOT 2, ELDER BUSINESS PARK, AN OFFICIAL PLAT RECORDED IN BOOK 8609 PAGE 418 IN THE OFFICE OF THE POLK COUNTY RECORDER, POLK COUNTY, IOWA, LOCATED WITHIN SECTION 1, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH PM (SAYLOR TOWNSHIP) POLK COUNTY, IOWA AND CONTAINING 29.26 ACRES (1,274,537 s.f.) PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD, TO BE KNOWN AS "ALBAUGH INDUSTRIAL PARK, PLAT 10".