

FILED J. MCCALMANT COUNTY RECORDER  
FILED MCCALMANT COUNTY RECORDER  
AFFIDAVIT

STATE OF IOWA )  
LINN COUNTY )

SS 99 JAN 5 A 199 JAN 5 A 10 : 08

LINN COUNTY, IOWA

DOCUMENT NO. 41169  
RECORDING FEE 10  
AUTOMATION FEE 1-

I, David J. Elgin, who, having been duly sworn upon my oath, hereby depose and state as follows:

1. I am a resident of Linn County, Iowa, and am a duly Licensed Professional Engineer under the laws of the State of Iowa (Registration No. 9216).
2. I am employed by the City of Cedar Rapids as City Engineer.
3. City Council Resolution No. 2315-12-90 dated December 5, 1990, required the developer, Cedar Rapids Partners, to make public improvements on property described in above Resolution.
4. City Council Resolution No. 1499-8-91 dated August 21, 1991, required Tri-State Realty Investors of K.C. Inc. to sign an Agreement to install P.C. concrete sidewalk and bring the parking area to proper sidewalk grade on 12<sup>th</sup> Avenue SW adjacent to Lot 3 and Lot 4, Alexandra Estates, First Addition.
5. City Council Resolution No. 1501-8-91 dated August 21, 1991, required Tri-State Realty Investors of K.C. Inc. to sign an Agreement to install P.C. concrete pavement and bring the street right-of-way area to the proper grade on 12<sup>th</sup> Avenue SW adjacent to Lots 3 and 4, Alexandra Estates, First Addition.
6. City Council Resolution No. 2019-11-91, dated November 20, 1991, authorized the Mayor and City Clerk to sign an Agreement for acquisition of right-of-way and storm sewer and drainage easement in connection with the extension of First Avenue west between Wiley Boulevard and Jacolyn Drive, with the Estate of John Carl Baumhoefener and Cedar Rapids Partners.
7. Condition No. 4, No. 5 and No., 6 of City Council Resolution No. 1751-8-96, required the developer, Al Wells Homes, to install P.C. concrete sidewalk along 12<sup>th</sup> Avenue SW adjacent to Lot 3, Alexandra Estates, First Addition, and submit a signed Agreement for ownership and maintenance of private storm sewer and private sanitary sewer to be located on this site. The developer is responsible to extend sanitary

8. As of this date, the public improvements required by the City of Cedar Rapids as referenced by City Council Resolutions referred to in Items 3 through 7 above, have been substantially completed except for the following:

- a. Shade trees along 12<sup>th</sup> Avenue, Jacolyn Drive and Wiley Blvd (item 9, Resolution 2315-12-90).
- b. Sidewalks along Wiley Blvd. (Item 8, Resolution 2315-12-90).
- c. Payment of 25% of the cost of traffic signal installation cost at the intersection of Wiley Blvd. and 1<sup>st</sup> Avenue West (Item 12, Resolution 2315-12-90). This cost (25%) is \$12,338.93.

Dated this 17<sup>th</sup> day of November, 1998.

*David J. Elgin*  
David J. Elgin

On this 17<sup>th</sup> day of NOVEMBER, 1998, before me a Notary Public in and for the County of Linn, State of Iowa, personally appeared DAVID J. ELGIN to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that they have executed the same as their voluntary act and deed.

IN WITNESS WHEREOF I hereunto sign my name and affix my notarial seal the day and year last above written.

*Jean M. Novak*  
Notary Public In and For Linn County, Iowa  
JEAN M. NOVAK

MY COMMISSION EXPIRES  
SEPTEMBER 25, 2001

