

REAL ESTATE TRANSFER  
TAX PAID

STAMP#

\$ 335.20

RECORDER 2-4-05 Pottawattamie

DATE \_\_\_\_\_ COUNTY \_\_\_\_\_

COMPARED

FILED FOR RECORD  
POTTAWATTAMIE CO. IA.

INST # 14538

RECORDING FEE 30<sup>00</sup>

AUDITOR FEE 10<sup>00</sup>

RMA FEE 1.00 ECOM 1.00

05 FEB -4 AM 11:23

JOHN SCIORTINO  
RECORDER

Prepared by: Wayne S. Rasmussen, Attorney at Law  
1005 S. 107<sup>th</sup> Ave., Ste. 101, Omaha, NE 68114/402-493-3300  
Address tax statement: W.E.M. Co., Inc., William J. Merwald, Pres., 228 Bellevue Blvd., N, Bellevue, NE 68005

## WARRANTY DEED

For the consideration of Ten Dollars (\$10.00) and other valuable consideration, **CLIFFORD JOHNSON and LINDA K. JOHNSON**, husband and wife do hereby Convey to **W. E. M. Co., Inc.**, the following described real estate in **POTTAWATTAMIE** County, Iowa:

See Attached Exhibit "A"

*For zoning, subdivision, taxation and assessment purposes, the above-described properties shall be considered one parcel.*

Grantors do Hereby Covenant with grantees, and successors in interest, that grantors hold the real estate by title in fee simple; that they have good and lawful authority to sell and convey the real estate; that the real estate is Free and Clear of all Liens and Encumbrances except as may be above stated; and grantors Covenant to Warrant and Defend the real estate against the lawful claims of all persons except as may be above stated. Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share in and to the real estate.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

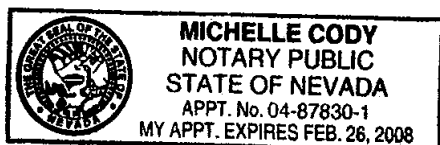
Dated: 1-26-05

Clifford Johnson  
Clifford Johnson (Grantor)

Linda K. Johnson  
Linda K. Johnson (Grantor)

State of Nevada)  
) ss.  
County of Clark)

On this 26 day of January, 2005, before me the undersigned, a Notary Public in and for said State, personally appeared **CLIFFORD JOHNSON and LINDA K. JOHNSON**, husband and wife to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.



Michelle Cody  
Notary Public Michelle Cody

BK105PG14495

335.20

335.20  
FEB 4 2005  
COUNTY AUDITOR

Entered for Taxation  
MAILING TO STATE

EXHIBIT "A"

The following described Real Estate situated in the  
County of Pottawattamie and State of Iowa, to-wit:-

A parcel of land located in a part of the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , a part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , and a part of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  in Section 13, Township 77, Range 44, and a part of the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , and a part of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  in Section 18, Township 77, Range 43, all in Pottawattamie County, Iowa, and being more particularly described as follows: Beginning at the Southeast corner of said Section 13; thence along the South line of the SE $\frac{1}{4}$  of said Section 13, S 89° 22' 06" W, (assumed bearing) 2368.91 feet to the centerline of a creek; thence along said creek centerline the following 12 courses; 1) N 44° 32' 54" E, 115.13 feet; 2) thence N 07° 26' 54" W, 190.70 feet; 3) thence N 60° 35' 53" E, 240.26 feet; 4) thence N 07° 29' 40" E, 76.34 feet; 5) thence N 56° 53' 46" W, 146.08 feet; 6) thence N 00° 18' 46" E, 97.30 feet; 7) thence S 81° 29' 36" E, 193.72 feet; 8) thence N 24° 13' 28" E, 345.34 feet; 9) thence N 86° 28' 33" E, 245.53 feet; 10) thence N 59° 46' 38" E, 231.84 feet; 11) thence N 39° 06' 58" E, 168.29 feet; 12) thence N 69° 30' 46" E, 69.39 feet to the West line of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 13; thence along said West line N 00° 33' 07" W, 109.16 feet to the Northwest corner of said SE $\frac{1}{4}$  SE $\frac{1}{4}$ ; thence along the North line of said SE $\frac{1}{4}$  SE $\frac{1}{4}$  N 89° 14' 21" E, 72.08 feet to the centerline of a creek; thence along said centerline the following five (5) courses; 1) N 06° 54' 46" E, 264.31 feet; 2) thence N 28° 40' 13" E, 154.18 feet; 3) thence N 51° 39' 29" E, 200.48 feet; 4) thence N 25° 02' 34" W, 241.90 feet; 5) thence N 07° 12' 21" E, 153.29 feet to the centerline of a county road and the beginning of a curve concave Southwesterly and having a central angle of 42° 18' 44" and a radius of 572.95 feet; thence along said centerline and Southeasterly along said curve 423.12 feet having a chord bearing and distance of S 26° 48' 57" E, 413.57 feet; thence continuing along said centerline S 05° 39' 35" E, 671.91 feet to the beginning of a curve concave Northeasterly and having a central angle of 45° 04' 56" and a radius of 383.81 feet; thence continuing along said centerline and Southeasterly along said curve 302.00 feet having a chord bearing and distance of S 25° 05' 30" E, 294.27 feet; thence continuing along said centerline S 44° 31' 25" E, 593.26 feet; thence N 21° 25' 07" E, 365.05 feet; thence N 79° 19' 36" E, 121.98 feet; thence N 72° 57' 46" E, 278.13 feet; thence N 66° 38' 57" E, 241.68 feet; thence N 58° 49' 38" E, 80.04 feet; thence N 52° 58' 07" E, 412.41 feet; thence N 48° 30' 10" E, 29.05 feet; thence N 00° 00' 00" E, 13.51 feet to the North line of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 18; thence along said North line N 89° 14' 21" E, 514.99 feet; thence S 03° 59' 16" W, 273.69 feet; thence N 75° 43' 06" W, 58.95 feet; thence S 81° 24' 57" W, 19.16 feet; thence S 70° 30' 58" W, 339.88 feet; thence S 58° 59' 46" W, 576.66 feet; thence S 64° 00' 50" W, 724.53 feet to the centerline of a county road; thence along said centerline S 42° 24' 30" E, 463.04 feet to the South line of the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 18; thence along said South line S 89° 11' 36" W, 205.66 feet to the Southeast corner of said Section 13 and the point of beginning. Subject to any and all existing easements and/or rights-of-way whatsoever in nature.

TOWNSHIP:	Rockford/Boomer	SKP #	2005-07
SECTION:	13/18		
RECEIPT #:	53387	AMOUNT	\$150.00

## POTTAWATTAMIE COUNTY, IOWA, SKETCH PLAT APPLICATION

1. PROPERTY OWNER #1	Clifford and Linda K. Johnson		Telephone	
Address	P.O. Box 15, Crescent, IA 51526			
2. PROPERTY OWNER #2	Clifford and Linda K. Johnson			
Address				
SURVEYOR	C & H Land Surveying			
Address:	P.O. Box 302, Missouri Valley, IA 51555			
2. CONTACT PERSON	Pat Hengen, Farmers National Company		3. SUBDIVISION NAME only if chosen at this time	
4. STREET NAME(S)	175th Street		5. CIVIL TOWNSHIP	Rockford/Boomer
6. CURRENT LEGAL DESCRIPTION	Property #1	072-023-013-021799-000-000	SE1/4 SE1/4 except Parcel A 13-77-44	
	Property #2	072-023-013-021514-000-000	NE1/4 SE1/4 lying east of creek, 13-77-44	
	Property #3	010-002-018-001715-000-000	Parcel A SW1/4 SW1/4 and SE1/4 SW1/4 18-77-43	
	Property #4	072-023-013-021800-000-000	SW1/4 SE1/4 lying east of creek, 13-77-44	
7. LAND USE	Current	Ag.	Proposed	Ag.
8. ZONING	Current	A-4	Proposed	A-4
9. PROPOSED LEGAL DESCRIPTION	Property #1	Parcel E of A SW1/4 SW1/4 and SE1/4 SW1/4 18-77-43 and Parcel B SE1/4 SE1/4 13-77-44 and Parcel C NE1/4 SE1/4 13-77-44 and SW1/4 SE1/4 lying east of creek, 13-77-44. Note-Parcel F of A, Parcel C SE1/4 SE1/4 13-77-44 and Parcels "A", "B", "D" and "E" NE1/4 SE1/4 are being processed as property line adjustments on separate applications.		
	Property #2	---		
	Property #3	---		
10. INFRASTRUCTURE	Water	<input type="checkbox"/> Private Water Well <input type="checkbox"/> Public/Common Water System		
	Sewer	<input type="checkbox"/> Septic System <input type="checkbox"/> Municipal/Common Sewer		

11. ENTRANCE
- ☐ Existing Entrance
  - ☐ New Entrance onto State Highway proposed. See attached copy of approved Iowa Department of Transportation Entrance Permit.
  - ☐ New Entrance onto County Road proposed. See attached copy of approved Pottawattamie County Secondary Road Entrance Permit.
  - ☐ This application is for a major subdivision. No individual driveways are being proposed at this time.

12. REQUIRED ATTACHMENTS

- A. Existing protective covenants or deed restrictions on the subject property.
- B. Existing and proposed easements affecting the subject property.
- C. Entrance Permit.
- D. Septic System Clearance.
- E. Filing fee--Make checks payable to "Pottawattamie County Treasurer"
- F. County Treasurer's Certification on taxes and special assessments
- G. Proposed deeds.
- H. Plat of Survey.

For Office Use Required	Not Applicable	Received
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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13. CERTIFICATION/SIGNATURE

I certify that all of the information and documentation presented with this application is true and correct to the best of my knowledge

Property Owner	<i>Clifford Johnson</i>	<i>Linda K. Johnson</i>	Date
Type or Print Name	Clifford Johnson	Linda K. Johnson	10-9-04

14. DECISION

This sketch plat application has been reviewed and it has been determined that said application is for a: Property Line Adjustment

Said application is hereby ☒ Approved ☐ Denied.

Subject to Conditions, Restrictions & Instructions contained on Page 2 of this Application, and to the following:

1. No dwelling can be constructed on Parcel E of A SW1/4 SW1/4 and SE1/4 SW1/4 18-77-43 and Parcel B SE1/4 SE1/4 13-77-44 and Parcel C NE1/4 SE1/4 13-77-44 and SW1/4 SE1/4 lying east of creek, 13-77-44.

*Kay E. Mocha*  
Kay E. Mocha, County Planning Director

*2-1-05*  
Date

THIS SKETCH PLAT APPLICATION MUST BE RECORDED WITH THE APPROPRIATE CONTRACT OR DEED ON OR BEFORE \_\_\_\_\_. AFTER SAID DATE THIS SKETCH APPLICATION APPROVAL IS VOID.

A PLAT OF SURVEY IS REQUIRED OF ALL PARCEL DESIGNATED ON THE ATTACHED MAP.

## SKETCH PLAT APPLICATION CONDITIONS, RESTRICTIONS AND INSTRUCTIONS

### PROPERTY LINE ADJUSTMENT

If **Approved**, subject to the following conditions. Approval of the sketch plat signifies that the proposed property line adjustment, as presented, complies with the County Zoning Ordinance and Subdivision Ordinance. You are hereby authorized to proceed with the preparation of the necessary instruments for conveyance of the subject parcel to the named adjoining property owner. A plat of survey shall be prepared. One (1) copy of the plat of survey shall be filed with this Office. **A copy of this decision shall be recorded simultaneously with the instrument filed with the County Recorder which transfers the ownership of said property being divided.** A copy of said instrument shall be forwarded to the Office of Planning and Development prior to being recorded so that it can be insured that a deed restriction is included which directs the County Auditor to combine the portion of land described in the instrument with the adjoining tract or parcel to create a single parcel.

If **Denied**, be advised that said denial may be appealed to the Planning and Zoning Commission. Applications for appeal are available through the Office of Planning and Development.

### PROPERTY SPLIT

If **Approved**, subject to the following conditions. Approval of the sketch plat signifies that the proposed property split, as presented, complies with the County Zoning Ordinance and Subdivision Ordinance.

#### A plat of survey shall be prepared as follows:

- A. In the event a forty-acre aliquot part is proposed to be divided into two (2) parcels, it shall be required that only the parcel being conveyed have a plat of survey prepared of it. However, as allowed by Code of Iowa, Section 354.4, at the discretion of the County Auditor, an order may be given to require both parcels to have a plat of survey prepared of them. In the event only the parcel being conveyed has a plat of survey prepared, the decision on the sketch plat application shall be conditional upon no further divisions taking place in that forty-acre aliquot part until such time as all parcels in said forty-acre aliquot part have had a plat of survey prepared of them.
- B. In the event a forty-acre aliquot part is proposed to be divided into three (3) parcels simultaneously, it shall be required that all three (3) parcels in that forty-acre aliquot part have a plat of survey prepared of them.
- C. In the event a forty-acre aliquot part was divided into two (2) parcels prior to July 29, 1996 and it is proposed that one (1) of the two (2) parcels be divided into two (2) parcels, resulting in no more than three (3) parcels within the boundaries of the forty-acre aliquot part, only the two (2) new parcels shall be required to have a plat of survey prepared of them.
- D. In the event a forty-acre aliquot part was divided into two (2) parcels after July 29, 1996 and it is proposed that one of the two parcels be divided into two (2) parcels, neither parcel shall be able to be divided unless a plat of survey has been prepared of all parcels located in said forty-acre aliquot part.

One (1) copy of the plat of survey shall be filed with this Office. **A copy of this decision shall be recorded simultaneously with the instrument filed with the County Recorder which transfers the ownership of said property being divided.**

**Section 8.004.040, Pottawattamie County, Iowa, Zoning Ordinance, states: LOT FRONTAGE REQUIRED:** No lot shall contain any building used in whole or in part for residence purposes unless such lot abuts for at least twenty-five (25) feet on at least one (1) street, or unless it has an exclusive unobstructed private easement of access or right-of-way at least twenty-five (25) feet wide to a street; and there shall be not more than one (1) single-family dwelling for such frontage or easement, except that a common easement of access at least fifty (50) feet wide may be provided for no more than two (2) such single-family dwellings or for no more than one (1) two-family or multiple dwellings. The driveway surface shall be constructed within the boundaries of the frontage or easement. There shall be a minimum separation distance, along the street, of one hundred fifty (150) feet between such frontage or easement.

If **Denied**, be advised that said denial may be appealed to the Planning and Zoning Commission. Applications for appeal are available through the Office of Planning and Development.

### MINOR/MAJOR SUBDIVISION

If **Approved**, subject to the following conditions. Approval of the sketch plat signifies that the proposed minor or major subdivision, as presented, complies with the County Zoning Ordinance and Subdivision Ordinance. You are hereby authorized to proceed with the preparation of a preliminary plat as described in the Subdivision Ordinance.

If **Denied**, be advised that said denial may be appealed to the Planning and Zoning Commission. Applications for appeal are available through the Office of Planning and Development.

### MINIMUM LOT STANDARDS

The minimum lot standards and setbacks for the zoning district in which this property is located is as follows for a single-family dwelling. Contact the Planning Department for all other land uses and the minimum requirements. All standards shown are net values and do not include the right-of-way for roads.

Lot Area	Lot Width	Lot Depth	Front Street Yard	Interior Side Yard*	Rear Yard*	Street Side Yard
2.0 Acres Minimum	175' Minimum	300' Minimum	75' from road right-of-way**	25'	50'	75' from road right-of-way**

\*Rear Yard Setback for detached accessory buildings behind the single-family dwelling is 4'

\*Side Yard Setback for detached accessory buildings behind the single-family dwelling is 4'

\*\*Front and Street Yard Setback is 100' in the A-4 (Loess Hills) District.

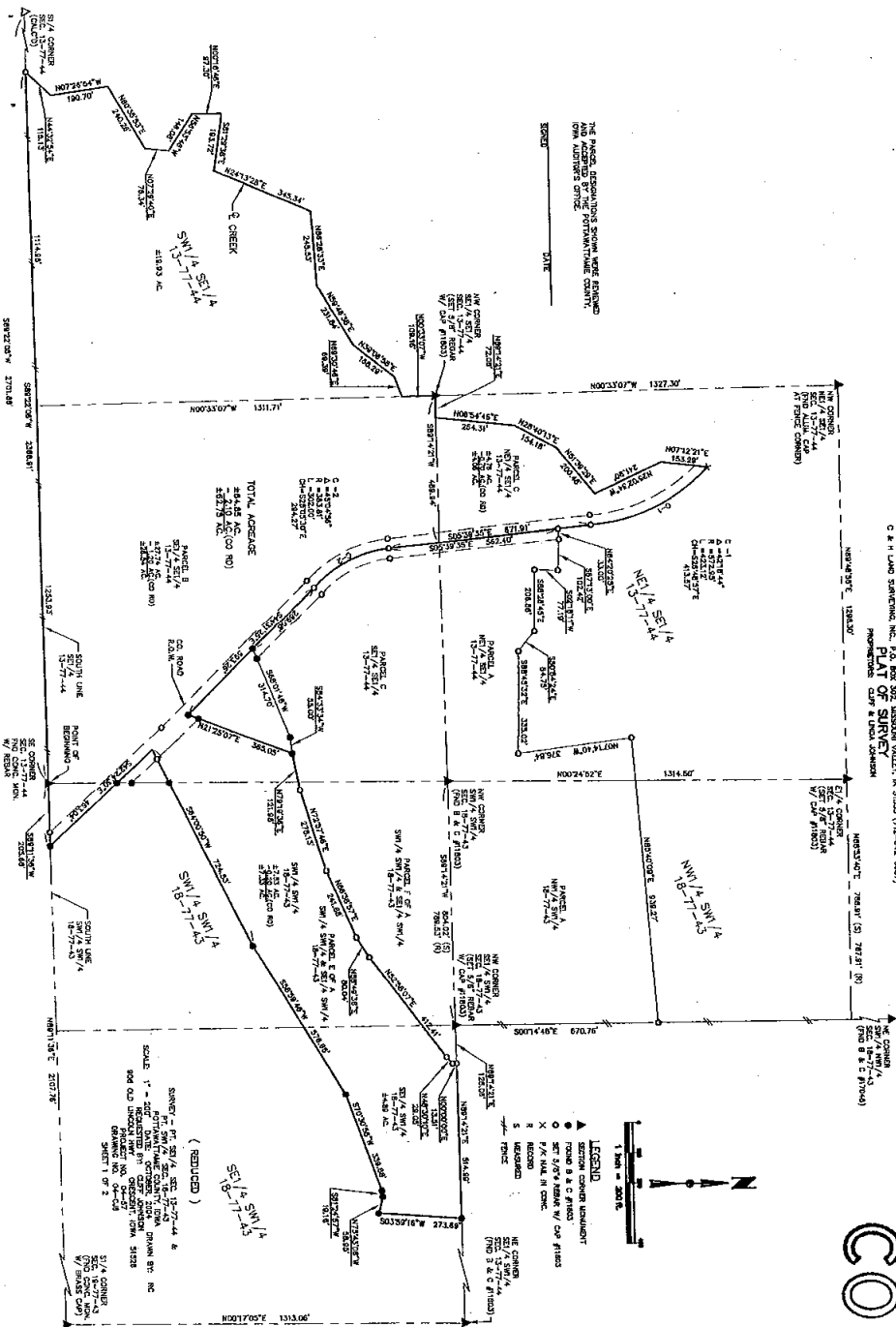
All lot lines, except the front lot line abutting a public or private road, shall be situated in such a manner that the minimum setbacks illustrated above are met.

**The minimum lot area (size) shown is subject to the provisions of Section 8.004.030 WATER SUPPLY, SEWAGE DISPOSAL AND SETBACKS:** Every residence, business, trade, or industry hereafter established, which requires water supply and sewage disposal facilities, shall provide facilities which conform with the requirements and standards of the appropriate State, County or local agency.

For the purpose of providing adequate sewage disposal in areas serviced by onsite wastewater treatment and disposal systems, soil characteristics shall be highly instrumental in determining lot area. The minimum lot area in the various districts shall be determined by the following factors:

- .01 The ability to situate a private water well on the lot in accordance with the Private Water Well Ordinance;
- .02 The ability to situate two (2) onsite wastewater treatment and disposal systems on the lot;
- .03 The ability to meet the appropriate setback requirements for the zoning district, and
- .04 The ability to provide adequate off-street parking and off-street loading.

In the event the above-referenced features can be accommodated in the minimum lot area outlined in the various districts, said lot area shall be accepted as stated. However, in the event the above-referenced features cannot be accommodated in the specified minimum lot area for that zoning district, said lot area shall be increased to a size that can accommodate the above-referenced features.



COPY

RETURN TO COUNTY PLANNING

The parcel designation(s) shown on the attached PLAT OF SURVEY were reviewed and accepted by the Pottawattamie County GIS Department on behalf of the Pottawattamie County Auditor's Office.

Signed Andy Knauss Date 11-09-2011

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PART OF THE SW1/4 SE1/4, A PART OF THE NE1/4 SE1/4, AND A PART OF THE SE1/4 SE1/4 IN SECTION 13, TOWNSHIP 77 NORTH, RANGE 44 WEST OF THE 5TH PRINCIPAL MERIDIAN, AND A PART OF THE SW1/4 SW1/4, AND A PART OF THE SE1/4 SW1/4 IN SECTION 18, TOWNSHIP 77 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN, ALL IN POTTAWATTAMIE COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 13; THENCE ALONG THE SOUTH LINE OF THE SE1/4 OF SAID SECTION 13, S89°22'06"W, (ASSUMED BEARING) 2368.91 FEET TO THE CENTERLINE OF A CREEK; THENCE ALONG SAID CREEK CENTERLINE THE FOLLOWING TWELVE (12) COURSES: 1) N44°32'54"E, 115.13 FEET; 2) THENCE N07°26'54"W, 190.70 FEET; 3) THENCE N60°35'53"E, 240.26 FEET; 4) THENCE N07°29'40"E, 76.34 FEET; 5) THENCE N56°53'46"W, 146.08 FEET; 6) THENCE N00°18'46"E, 97.30 FEET; 7) THENCE S81°29'36"E, 193.72 FEET; 8) THENCE N24°13'28"E, 345.34 FEET; 9) THENCE N86°28'33"E, 245.53 FEET; 10) THENCE N59°46'38"E, 231.84 FEET; 11) THENCE N39°08'58"E, 168.29 FEET; 12) THENCE N69°30'46"E, 69.39 FEET TO THE WEST LINE OF THE SE1/4 SE1/4 OF SAID SECTION 13; THENCE ALONG SAID WEST LINE N00°33'07"W, 109.16 FEET TO THE NORTHWEST CORNER OF SAID SE1/4 SE1/4; THENCE ALONG THE NORTH LINE OF SAID SE1/4 SE1/4 N89°14'21"E, 72.08 FEET TO THE CENTERLINE OF A CREEK; THENCE ALONG SAID CENTERLINE THE FOLLOWING FIVE (5) COURSES: 1) N06°54'46"E, 264.31 FEET; 2) THENCE N28°40'13"E, 154.18 FEET; 3) THENCE N51°39'29"E, 200.48 FEET; 4) THENCE N25°02'34"W, 241.90 FEET; 5) THENCE N07°12'21"E, 153.29 FEET TO THE CENTERLINE OF A COUNTY ROAD AND THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A CENTRAL ANGLE OF 42°18'44" AND A RADIUS OF 572.95 FEET; THENCE ALONG SAID CENTERLINE AND SOUTHEASTERLY ALONG SAID CURVE 423.12 FEET HAVING A CHORD BEARING AND DISTANCE OF S26°48'57"E, 413.57 FEET; THENCE CONTINUING ALONG SAID CENTERLINE S05°39'36"E, 671.91 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY AND HAVING A CENTRAL ANGLE OF 45°04'56" AND A RADIUS OF 383.81 FEET; THENCE CONTINUING ALONG SAID CENTERLINE AND SOUTHEASTERLY ALONG SAID CURVE 302.00 FEET HAVING A CHORD BEARING AND DISTANCE OF S25°05'30"E, 294.27 FEET; THENCE CONTINUING ALONG SAID CENTERLINE S44°31'25"E, 593.26 FEET; THENCE N21°25'07"E, 365.05 FEET; THENCE N79°19'36"E, 121.98 FEET; THENCE N72°57'46"E, 278.13 FEET; THENCE N66°38'52"E, 241.68 FEET; THENCE N58°49'38"E, 80.04 FEET; THENCE N52°58'07"E, 412.41 FEET; THENCE N48°30'10"E, 29.05 FEET; THENCE N00°00'00"E, 13.51 FEET TO THE NORTH LINE OF THE SE1/4 SW1/4 OF SAID SECTION 18; THENCE ALONG SAID NORTH LINE N89°14'21"E, 514.99 FEET; THENCE S03°59'16"W, 273.69 FEET; THENCE N75°43'06"W, 58.95 FEET; THENCE S81°24'57"W, 19.16 FEET; THENCE S70°30'58"W, 339.88 FEET; THENCE S58°59'46"W, 576.66 FEET; THENCE S64°00'50"W, 724.53 FEET TO THE CENTERLINE OF A COUNTY ROAD; THENCE ALONG SAID CENTERLINE S42°24'30"E, 463.04 FEET TO THE SOUTH LINE OF THE SW1/4 SW1/4 OF SAID SECTION 18; THENCE ALONG SAID SOUTH LINE S89°11'36"W, 205.66 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 13 AND THE POINT OF BEGINNING. SAID PARCEL CONTAINS 64.85 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY AND ALL EXISTING EASEMENTS AND/OR RIGHTS-OF-WAY WHATSOEVER IN NATURE.

CERTIFICATION

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

ROBERT F. COLWELL, L.S.  
LICENSE NO. 11803

DATE

MY REGISTRATION RENEWAL DATE IS DECEMBER 31, 2005.

DATE OF FIELD SURVEY: OCTOBER, 2004

THIS CERTIFICATION COVERS PAGE 1 OF 2 AND PAGE 2 OF 2.



SURVEY - PT. SE1/4, SEC. 13-77-44 &  
PT. SW1/4, SEC. 18-77-43  
POTTAWATTAMIE COUNTY, IOWA  
SCALE: 1" = 200' DATE: OCTOBER, 2004 DRAWN BY: RC  
REQUESTED BY: CLIFF JOHNSON  
906 OLD LINCOLN HWY. CRESCENT, IOWA 51526  
PROJECT NO. 04-57  
DRAWING NO. 04-CJ6  
SHEET 2 OF 2