

2020-02041

RECORDED: 02/21/2020 08:44:01 AM

RECORDING FEE: 22.00

IOWA E-FILING FEE: 3.00

TOTAL FEE: 25.00

TRANSFER TAX: 183.20

MARK BRANDENBURG, RECORDER  
POTTAWATTAMIE COUNTY, IOWA



Prepared by: Allyssa Myers, Office of Right of Way, 800 Lincoln Way, Ames, IA 50010, 515-239-1757  
Return to: Allyssa Myers, Office of Right of Way, 800 Lincoln Way, Ames, IA 50010, 515-239-1757  
Address Tax Statements: Tax Exempt-IA Code Sec. 427.1 Prop Mgmt-ROW Office, IDOT, 800 Lincoln Way, Ames, IA 50010

## WARRANTY DEED

For the consideration of ONE HUNDRED FOURTEEN THOUSAND EIGHT HUNDRED TWENTY EIGHT AND NO/100-----(\$114,828.00)-----DOLLARS and other valuable consideration in hand paid by Iowa Department of Transportation, **COUNCIL BLUFFS APARTMENTS, LLC**, a limited liability company organized and existing under the laws of the State of Iowa, does hereby convey to the **STATE OF IOWA**, the following described real estate in Pottawattamie County, Iowa:

### THE FEE SIMPLE TITLE GRANTED IS TO LAND DESCRIBED AS FOLLOWS:

A parcel of land located in Parcel "A" and Parcel "C" of the NW1/4 NW1/4 Section 33, T75N, R44W of the 5th P.M., City of Council Bluffs, Pottawattamie County, Iowa, as shown on Acquisition Plat Exhibit "A" attached hereto and by reference made a part hereof, said parcel is more particularly described as follows:

Commencing at the most Easterly Corner of Parcel "A" of the NW1/4 NW1/4 of Section 33, T75N, R44W of the 5th P.M., thence N84°28'37"W 29.59 feet along the northeasterly line of said Parcel "A" to the Point of Beginning; thence S72°27'21"W 180.66 feet; thence S57°40'32"W 192.06 feet; thence N22°36'48"W 131.31 feet to a point on the present southerly right of way line of Interstate Route No. 480; thence N67°14'31"E 153.50 feet along said present southerly right of way line; thence S84°30'13"E 244.62 feet along said present southerly right of way line to the Point of Beginning, said parcel contain 28,707 sq. ft. or 0.66 acres

No rights of direct access shall be permitted between Interstate Route No. 29 and Grantor's remaining property abutting thereon.

This deed is given in fulfillment of a certain Agreement dated August 22, 2019, and recorded in the Pottawattamie County Recorder's Office on August 26, 2019, as Document No. 2019-10299, except for those terms that survive the execution of this document.

The additional amount of \$2,500.00, as agreed to by the aforesaid Agreement, is paid as severance damages to the remaining property and is not subject to real estate transfer tax.

This land is being acquired for public purposes through eminent domain and a Declaration of Value is not required. Iowa Code Sec. 428A.1.

Grantor does hereby covenant with grantees, and successors in interest, that grantor holds the real estate by title in fee simple; that it has 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 it covenants to warrant and defend the real estate against the lawful claims of all persons, except as may be above stated.

Grantor hereby states that the person executing this instrument is duly authorized by the grantor and has the legal capacity to execute this instrument.

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 July 29, 2019

COUNCIL BLUFFS APARTMENTS, LLC

By: Howard M. Kooper (Sign in Ink)  
Howard M. Kooper, Managing Member

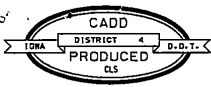
STATE OF Nebraska, COUNTY OF Douglas, ss:

This instrument was acknowledged before me on July 29, 2019, by Howard M. Kooper, as Managing Member, respectively of Council Bluffs Apartments, LLC.



Janet Pacula Roos (Sign in Ink)  
Notary Public.

(AFFIX NOTARIAL SEAL ABOVE ▲)

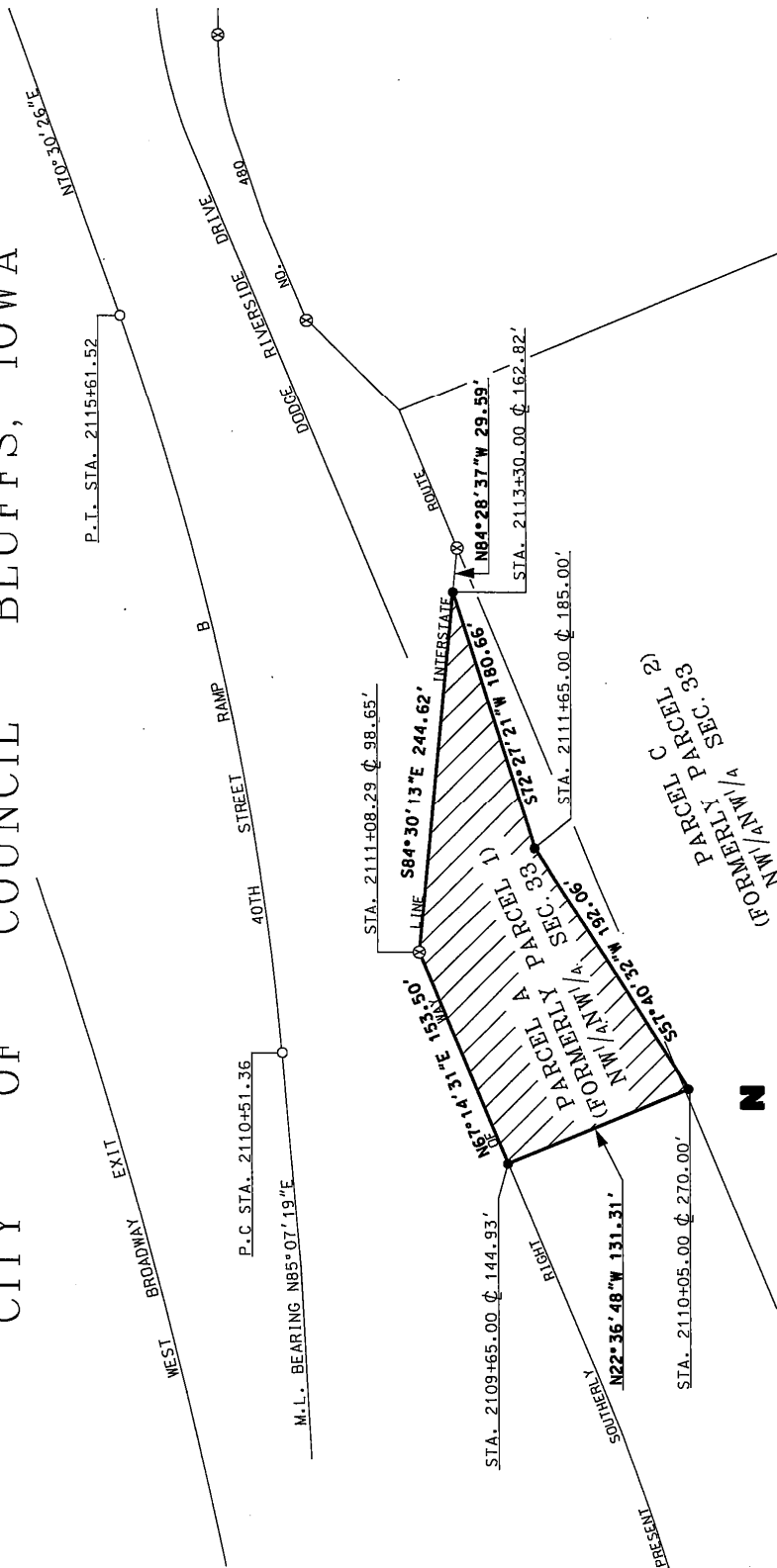


IOWA DEPARTMENT OF TRANSPORTATION  
ACQUISITION PLAT  
EXHIBIT "A"



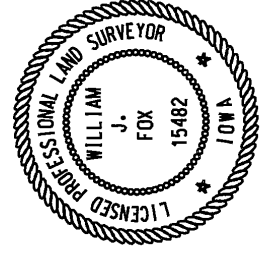
COUNTY **POTTAWATTAMIE** STATE CONTROL NO. \_\_\_\_\_  
PROJECT NO. **IMN-029-3(168)53--0E-78** PARCEL NO. **428**  
SECTION **33** TOWNSHIP **75N** RANGE **44W**  
ROW - FEE **28,707** SQ. FT. \_\_\_\_\_ ACRES, QUIT CLAIM \_\_\_\_\_ AC  
ACQUIRED ACCESS RIGHTS FROM STA. \_\_\_\_\_ TO STA. \_\_\_\_\_ MAIN LINE \_\_\_\_\_ SIDE  
ACQUIRED ACCESS RIGHTS FROM STA. \_\_\_\_\_ TO STA. \_\_\_\_\_ SIDE ROAD \_\_\_\_\_ SIDE  
ACQUIRED FROM \_\_\_\_\_  
CONVEY TO \_\_\_\_\_

CITY OF COUNCIL BLUFFS, IOWA



I hereby certify that this land surveying document was prepared by me and the related survey work was performed by me or under my direct supervision and that I am a duly Licensed Professional Land Surveyor under the laws of the State of Iowa.

*William J. Fox*  
WILLIAM J. FOX  
Date **1-4-18**  
License number **15482**  
Pages covered by this seal **1**  
My License Renewal date is December 31, 2019



40TH STREET RAMP B  
P.I. STA. 2113+07.83  
Δ = 14°36'53"(LT)  
D = 2°51'53"  
T = 256.47'  
L = 510.15'  
R = 2,000.00'  
E = 16.38'



SCALE (FEET)  
1 INCH = 100 FEET

LEGEND	
●	SET 5" IRON PINW/CAP # 15482
⊗	FOUND LOT CORNER
○	CALCULATED POINT
▲	FOUND SECTION CORNER
△	SET SECTION CORNER
(R)	RECORD DISTANCE
(M)	MEASURE DISTANCE