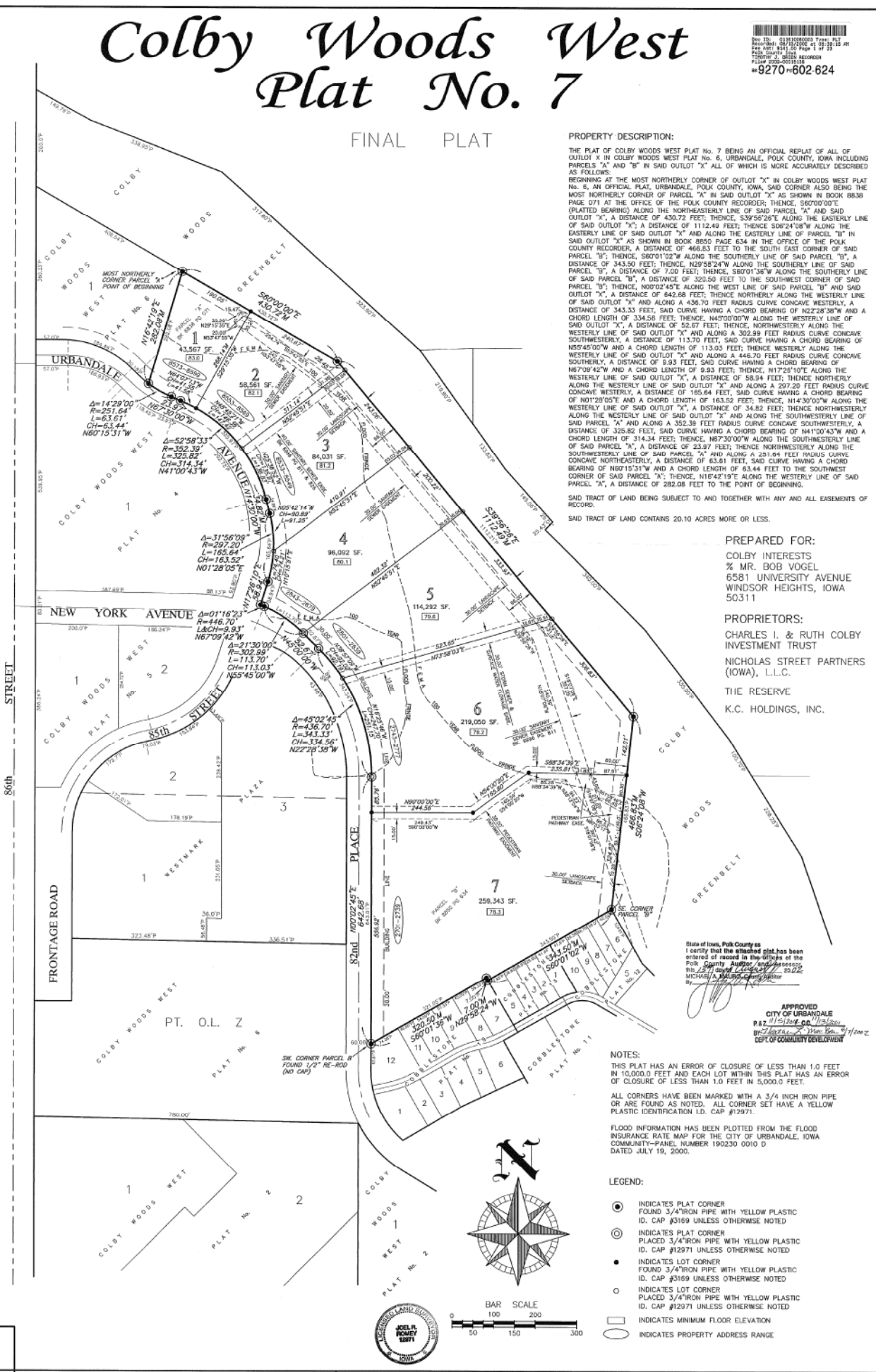


Colby Woods West Plat No. 7

FINAL PLAT

Doc. 13, 2012050003 Form 613
4/4/01, 8/14/02, 12/1/03
2002-00015138
PLAT 2002-00015138
#9270-602-624



PROPERTY DESCRIPTION:

THE PLAT OF COLBY WOODS WEST PLAT No. 7 BEING AN OFFICIAL REPLAT OF ALL OF OUTLOT 'K' IN COLBY WOODS WEST PLAT No. 6, URBANDALE, POLK COUNTY, IOWA, INCLUDING PARCELS 'A' AND 'B' IN SAID OUTLOT 'K' ALL OF WHICH IS MORE ACCURATELY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF OUTLOT 'K' IN COLBY WOODS WEST PLAT No. 6, AN OFFICIAL PLAT, URBANDALE, POLK COUNTY, IOWA, SAID CORNER ALSO BEING THE MOST NORTHERLY CORNER OF PARCEL 'A' IN SAID OUTLOT 'K' AS SHOWN IN BOOK 8836 PAGE 071 AT THE OFFICE OF THE POLK COUNTY RECORDER; THENCE S87°00'00"E (PLATTED BEARING) ALONG THE NORTHEASTERLY LINE OF SAID PARCEL 'A' AND SAID OUTLOT 'K', A DISTANCE OF 430.72 FEET; THENCE S39°56'26"E ALONG THE EASTERLY LINE OF SAID OUTLOT 'K'; A DISTANCE OF 1112.49 FEET; THENCE S06°24'06"W ALONG THE EASTERLY LINE OF SAID OUTLOT 'K' AND ALONG THE EASTERLY LINE OF PARCEL 'B' IN SAID OUTLOT 'K' AS SHOWN IN BOOK 8836 PAGE 634 IN THE OFFICE OF THE POLK COUNTY RECORDER, A DISTANCE OF 466.83 FEET TO THE SOUTH EAST CORNER OF SAID PARCEL 'B'; THENCE S60°01'02"W ALONG THE SOUTHERLY LINE OF SAID PARCEL 'B', A DISTANCE OF 343.50 FEET; THENCE N29°58'24"W ALONG THE SOUTHERLY LINE OF SAID PARCEL 'B', A DISTANCE OF 7.20 FEET; THENCE S80°03'56"W ALONG THE SOUTHERLY LINE OF SAID OUTLOT 'K' AND ALONG A 436.70 FEET RADIUS CURVE CONCAVE WESTERLY, A DISTANCE OF 343.33 FEET, SAID CURVE HAVING A CHORD BEARING OF N22°28'38"W AND A CHORD LENGTH OF 334.58 FEET; THENCE N45°00'00"W ALONG THE WESTERLY LINE OF SAID OUTLOT 'K', A DISTANCE OF 52.87 FEET; THENCE NORTHWESTERLY ALONG THE WESTERLY LINE OF SAID OUTLOT 'K' AND ALONG A 302.89 FEET RADIUS CURVE CONCAVE SOUTHWESTERLY, A DISTANCE OF 113.70 FEET, SAID CURVE HAVING A CHORD BEARING OF N59°45'00"W AND A CHORD LENGTH OF 113.03 FEET; THENCE WESTERLY ALONG THE WESTERLY LINE OF SAID OUTLOT 'K' AND ALONG A 446.70 FEET RADIUS CURVE CONCAVE SOUTHWESTERLY, A DISTANCE OF 9.93 FEET; THENCE N17°26'10"E ALONG THE WESTERLY LINE OF SAID OUTLOT 'K', A DISTANCE OF 58.84 FEET; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID OUTLOT 'K' AND ALONG A 297.20 FEET RADIUS CURVE CONCAVE WESTERLY, A DISTANCE OF 185.94 FEET, SAID CURVE HAVING A CHORD BEARING OF N01°28'05"E AND A CHORD LENGTH OF 163.52 FEET; THENCE N14°30'00"W ALONG THE WESTERLY LINE OF SAID OUTLOT 'K', A DISTANCE OF 34.82 FEET; THENCE NORTHWESTERLY ALONG THE WESTERLY LINE OF SAID OUTLOT 'K' AND ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL 'A' AND ALONG A 352.39 FEET RADIUS CURVE CONCAVE SOUTHWESTERLY, A DISTANCE OF 325.82 FEET, SAID CURVE HAVING A CHORD BEARING OF N41°00'43"W AND A CHORD LENGTH OF 314.34 FEET; THENCE N67°30'00"W ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL 'A', A DISTANCE OF 23.87 FEET; THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL 'A' AND ALONG A 251.04 FEET RADIUS CURVE CONCAVE NORTHEASTERLY, A DISTANCE OF 63.61 FEET, SAID CURVE HAVING A CHORD BEARING OF N60°15'31"W AND A CHORD LENGTH OF 63.44 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 'A'; THENCE N18°42'19"E ALONG THE WESTERLY LINE OF SAID PARCEL 'A', A DISTANCE OF 282.08 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS OF RECORD.

SAID TRACT OF LAND CONTAINS 20.10 ACRES MORE OR LESS.

PREPARED FOR:
COLBY INTERESTS
% MR. BOB VOGEL
6581 UNIVERSITY AVENUE
WINDSOR HEIGHTS, IOWA
50311

PROPRIETORS:
CHARLES I. & RUTH COLBY
INVESTMENT TRUST
NICHOLAS STREET PARTNERS
(IOWA), L.L.C.
THE RESERVE
K.C. HOLDINGS, INC.

State of Iowa, Polk County ss
I certify that the attached plat has been
entered of record in the office of the
Polk County Auditor and is a true and
correct copy of the original as shown to
MICHAEL A. HARRIS, County Auditor

APPROVED
CITY OF URBANDALE
P.17 11/13/02 CC 1/3/02
BY: [Signature] Mayor
CITY OF COMMUNITY DEVELOPMENT

NOTES:

THIS PLAT HAS AN ERROR OF CLOSURE OF LESS THAN 1.0 FEET IN 5,000.0 FEET AND EACH LOT WITHIN THIS PLAT HAS AN ERROR OF CLOSURE OF LESS THAN 1.0 FEET IN 5,000.0 FEET.

ALL CORNERS HAVE BEEN MARKED WITH A 3/4" IRON PIPE OR ARE FOUND AS NOTED. ALL CORNER SET HAVE A YELLOW PLASTIC IDENTIFICATION I.D. CAP #12971.

FLOOD INFORMATION HAS BEEN PLOTTED FROM THE FLOOD INSURANCE RATE MAP FOR THE CITY OF URBANDALE, IOWA COMMUNITY-PANEL NUMBER 190230 0010 D DATED JULY 19, 2005.

LEGEND:

- INDICATES PLAT CORNER FOUND 3/4" IRON PIPE WITH YELLOW PLASTIC I.D. CAP #3169 UNLESS OTHERWISE NOTED
- INDICATES PLAT CORNER PLACED 3/4" IRON PIPE WITH YELLOW PLASTIC I.D. CAP #12971 UNLESS OTHERWISE NOTED
- INDICATES LOT CORNER FOUND 3/4" IRON PIPE WITH YELLOW PLASTIC I.D. CAP #3169 UNLESS OTHERWISE NOTED
- INDICATES LOT CORNER PLACED 3/4" IRON PIPE WITH YELLOW PLASTIC I.D. CAP #12971 UNLESS OTHERWISE NOTED
- INDICATES MINIMUM FLOOR ELEVATION
- INDICATES PROPERTY ADDRESS RANGE



REFERENCE DRAWING NO.
104-23P
103-25P
103-24P
101-24P

DRAWING NO.
101-17P

Bishop Engineering Company
3501 104th Street
Des Moines, Iowa

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA. LICENSE RENEWAL DATE: 31 DEC. 2003

BY: JOEL R. RONEY P.L.S. 12971
DATE: 03/08/2002
SCALE: 1" = 100'
EDUC. COLBY INTERESTS

SIGNED: *Joel R. Roney 03/08/02*
PH: (515) 276-0467

2	SAN. SEW. EASEMENT ON LOTS 1 & 2	07/24/02	JHW
3	PER CITY COMMENT LETTER	07/17/02	JHW
1	REVISION		BT

PROJECT: **COLBY WOODS WEST PLAT No. 7**
FINAL PLAT

Handwritten initials/signature

RETURN TO:

Prepared by: Jeremy C. Sharpe, 666 Walnut, 2000 Financial Center, Des Moines, IA 50309-3989, 515-243-7100

CERTIFICATE OF PROPRIETOR

STATE OF IOWA)
) SS:
COUNTY OF POLK)

KNOW ALL MEN BY THESE PRESENTS:

The undersigned hereby states, acknowledges and certifies that Charles I. Colby, Jr., Clark A. Colby, R. Edith Claiborne and Carol L. Clarke, as Trustees of The Charles I. Colby and Ruth Colby Investment Trust, is the proprietor and record fee title owner of a portion of the real estate described in Exhibit "A" attached hereto, to become Colby Woods West Plat No. 7. The undersigned further acknowledges and certifies that the subdivision of said real estate is with the consent and in accordance with the desires of said owner.

Dated this 20 day of June, 2002.

THE CHARLES I. COLBY
AND RUTH COLBY INVESTMENT TRUST

By *Charles I. Colby, Jr.*
Charles I. Colby, Jr., Trustee

By *Clark A. Colby*
Clark A. Colby, Trustee

By *R. Edith Claiborne*
R. Edith Claiborne, Trustee

By *Carol L. Clarke*
Carol L. Clarke, Trustee

STATE OF IOWA)
) SS:
COUNTY OF POLK)

On this 20 day of June, 2002, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Charles I. Colby, Jr., Clark A. Colby, R. Edith Claiborne and Carol L. Clarke, to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that those persons as the fiduciaries, executed the instrument as the voluntary act and deed of the persons and of the fiduciaries.

Linda D. Clark

Notary Public in and for the State of Iowa

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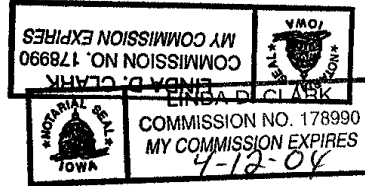


EXHIBIT A

PROPERTY DESCRIPTION:

THE PLAT OF COLBY WOODS WEST PLAT No. 7 BEING AN OFFICIAL REPLAT OF ALL OF OUTLOT X IN COLBY WOODS WEST PLAT No. 6, URBANDALE, POLK COUNTY, IOWA INCLUDING PARCELS "A" AND "B" IN SAID OUTLOT "X" ALL OF WHICH IS MORE ACCURATELY DESCRIBED AS FOLLOWS:

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Prepared by: Jeremy C. Sharpe, 666 Walnut, 2000 Financial Center, Des Moines, IA 50309-3989, 515-243-7100

CERTIFICATE OF PROPRIETOR

STATE OF IOWA)
) SS:
COUNTY OF POLK)

KNOW ALL MEN BY THESE PRESENTS:

The undersigned hereby states, acknowledges and certifies that **K. C. Holdings, Inc.**, is the proprietor and record fee title owner of a portion of the real estate described in Exhibit "A" attached hereto, to become Colby Woods West Plat No. 7. The undersigned further acknowledges and certifies that the subdivision of said real estate is with the consent and in accordance with the desires of said owner.

Dated this 17th day of June, 2002.

K. C. HOLDINGS, INC.

By [Signature]
Name: Gregory P. Judas
Title: President

STATE OF Iowa)
) SS:
COUNTY OF Polk)

This instrument was acknowledged before me on the 17th day of JUNE, 2002, by Gregory P. Judas as President of **K. C. Holdings, Inc.**, on behalf of whom the instrument was executed.

[Signature]
Notary Public

d:\0049\06\colby woodswest\plat 7\ct-proprietor-kch.doc

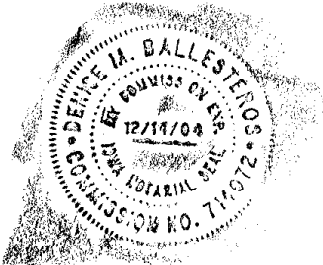


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Prepared by: Jeremy C. Sharpe, 666 Walnut, 2000 Financial Center, Des Moines, IA 50309-3989, 515-243-7100

CERTIFICATE OF PROPRIETOR

STATE OF NEBRASKA)
) SS:
COUNTY OF DOUGLAS)

KNOW ALL MEN BY THESE PRESENTS:

The undersigned hereby states, acknowledges and certifies that **The Reserve**, a nonprofit corporation, is the proprietor and record fee title owner of a portion of the real estate described in Exhibit "A" attached hereto, to become Colby Woods West Plat No. 7. The undersigned further acknowledges and certifies that the subdivision of said real estate is with the consent and in accordance with the desires of said owner.

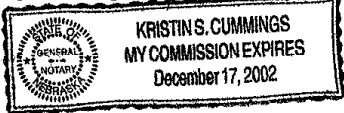
Dated this 14 day of June, 2002.

THE RESERVE, a nonprofit corporation

By [Signature]
Name: Howard Huber
Title: pres

STATE OF NEBRASKA)
) SS:
COUNTY OF DOUGLAS)

This instrument was acknowledged before me on the 18th day of June, 2002, by Howard Huber as President of **The Reserve**, a nonprofit corporation, on behalf of whom the instrument was executed.



[Signature]
Notary Public

d:\c0049\06\colby woods\west\plat 7\ct-proprietor-reserve.doc

EXHIBIT A

PROPERTY DESCRIPTION:

THE PLAT OF COLBY WOODS WEST PLAT No. 7 BEING AN OFFICIAL REPLAT OF ALL OF OUTLOT X IN COLBY WOODS WEST PLAT No. 6, URBANDALE, POLK COUNTY, IOWA INCLUDING PARCELS "A" AND "B" IN SAID OUTLOT "X" ALL OF WHICH IS MORE ACCURATELY DESCRIBED AS FOLLOWS:

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Prepared by: Jeremy C. Sharpe, 666 Walnut, 2000 Financial Center, Des Moines, IA 50309-3989, 515-243-7100

CERTIFICATE OF PROPRIETOR

STATE OF Nebraska)
) SS:
COUNTY OF Douglas)

KNOW ALL MEN BY THESE PRESENTS:

The undersigned hereby states, acknowledges and certifies that **Nicholas Street Partners (Iowa), L.L.C.**, a limited liability company, is the proprietor and record fee title owner of a portion of the real estate described in Exhibit "A" attached hereto, to become Colby Woods West Plat No. 7. The undersigned further acknowledges and certifies that the subdivision of said real estate is with the consent and in accordance with the desires of said owner.

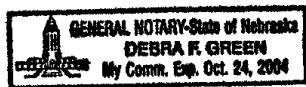
Dated this 24th day of June, 2002.

NICHOLAS STREET PARTNERS (IOWA), L.L.C., a limited liability company

By *Bart Votava*
Name: BAIET VOTAVA
Title: President

STATE OF Nebraska)
) SS:
COUNTY OF Douglas)

This instrument was acknowledged before me on the 24 day of June, 2002, by Bart Votava as President of **Nicholas Street Partners (Iowa), L.L.C.**, a limited liability company, on behalf of whom the instrument was executed.



Debra F. Green
Notary Public

d:\c0049\06\colby woods\west\plat 7\ct-proprietor-nicholas.doc

EXHIBIT A

PROPERTY DESCRIPTION:

THE PLAT OF COLBY WOODS WEST PLAT No. 7 BEING AN OFFICIAL REPLAT OF ALL OF OUTLOT X IN COLBY WOODS WEST PLAT No. 6, URBANDALE, POLK COUNTY, IOWA INCLUDING PARCELS "A" AND "B" IN SAID OUTLOT "X" ALL OF WHICH IS MORE ACCURATELY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF OUTLOT "X" IN COLBY WOODS WEST PLAT No. 6, AN OFFICIAL PLAT, URBANDALE, POLK COUNTY, IOWA, SAID CORNER ALSO BEING THE MOST NORTHERLY CORNER OF PARCEL "A" IN SAID OUTLOT "X" AS SHOWN IN BOOK 8838 PAGE 071 AT THE OFFICE OF THE POLK COUNTY RECORDER; THENCE, S60°00'00"E (PLATTED BEARING) ALONG THE NORTHEASTERLY LINE OF SAID PARCEL "A" AND SAID OUTLOT "X", A DISTANCE OF 430.72 FEET; THENCE, S39°56'26"E ALONG THE EASTERLY LINE OF SAID OUTLOT "X"; A DISTANCE OF 1112.49 FEET; THENCE S06°24'08"W ALONG THE EASTERLY LINE OF SAID OUTLOT "X" AND ALONG THE EASTERLY LINE OF PARCEL "B" IN SAID OUTLOT "X" AS SHOWN IN BOOK 8850 PAGE 634 IN THE OFFICE OF THE POLK COUNTY RECORDER, A DISTANCE OF 466.83 FEET TO THE SOUTH EAST CORNER OF SAID PARCEL "B"; THENCE, S60°01'02"W ALONG THE SOUTHERLY LINE OF SAID PARCEL "B". A DISTANCE OF 343.50 FEET; THENCE, N29°58'24"W ALONG THE SOUTHERLY LINE OF SAID PARCEL "B", A DISTANCE OF 7.00 FEET; THENCE, S60°01'36"W ALONG THE SOUTHERLY LINE OF SAID PARCEL "B", A DISTANCE OF 320.50 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL "B"; THENCE, N00°02'45"E ALONG THE WEST LINE OF SAID PARCEL "B" AND SAID OUTLOT "X", A DISTANCE OF 642.68 FEET; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID OUTLOT "X" AND ALONG A 436.70 FEET RADIUS CURVE CONCAVE WESTERLY, A DISTANCE OF 343.33 FEET, SAID CURVE HAVING A CHORD BEARING OF N22°28'38"W AND A CHORD LENGTH OF 334.56 FEET; THENCE, N45°00'00"W ALONG THE WESTERLY LINE OF SAID OUTLOT "X", A DISTANCE OF 52.67 FEET; THENCE, NORTHWESTERLY ALONG THE WESTERLY LINE OF SAID OUTLOT "X" AND ALONG A 302.99 FEET RADIUS CURVE CONCAVE SOUTHWESTERLY, A DISTANCE OF 113.70 FEET, SAID CURVE HAVING A CHORD BEARING OF N55°45'00"W AND A CHORD LENGTH OF 113.03 FEET; THENCE WESTERLY ALONG THE WESTERLY LINE OF SAID OUTLOT "X" AND ALONG A 446.70 FEET RADIUS CURVE CONCAVE SOUTHERLY, A DISTANCE OF 9.93 FEET, SAID CURVE HAVING A CHORD BEARING OF N67°09'42"W AND A CHORD LENGTH OF 9.93 FEET; THENCE, N17°26'10"E ALONG THE WESTERLY LINE OF SAID OUTLOT "X", A DISTANCE OF 58.94 FEET; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID OUTLOT "X" AND ALONG A 297.20 FEET RADIUS CURVE CONCAVE WESTERLY, A DISTANCE OF 165.64 FEET, SAID CURVE HAVING A CHORD BEARING OF N01°28'05"E AND A CHORD LENGTH OF 163.52 FEET; THENCE, N14°30'00"W ALONG THE WESTERLY LINE OF SAID OUTLOT "X", A DISTANCE OF 34.82 FEET; THENCE NORTHWESTERLY ALONG THE WESTERLY LINE OF SAID OUTLOT "X" AND ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL "A" AND ALONG A 352.39 FEET RADIUS CURVE CONCAVE SOUTHWESTERLY, A DISTANCE OF 325.82 FEET, SAID CURVE HAVING A CHORD BEARING OF N41°00'43"W AND A CHORD LENGTH OF 314.34 FEET; THENCE, N67°30'00"W ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL "A", A DISTANCE OF 23.97 FEET; THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL "A" AND ALONG A 251.64 FEET RADIUS CURVE CONCAVE NORTHEASTERLY, A DISTANCE OF 63.61 FEET, SAID CURVE HAVING A CHORD BEARING OF N60°15'31"W AND A CHORD LENGTH OF 63.44 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL "A"; THENCE, N16°42'19"E ALONG THE WESTERLY LINE OF SAID PARCEL "A", A DISTANCE OF 282.08 FEET TO THE POINT OF BEGINNING.

When recorded return to:
Jeremy C. Sharpe
2000 Financial Center
Des Moines, Iowa 50309

Prepared by: Jeremy C. Sharpe, 2000 Financial Center, 666 Walnut, Des Moines, IA 50309-3989, 515-243-7100

**CERTIFICATE OF
CONSENT OF MORTGAGEE**

STATE OF IOWA)
) SS:
COUNTY OF POLK)

KNOW ALL MEN BY THESE PRESENTS:

That **Iowa Savings Bank, a Division of First Federal Savings Bank of the Midwest**, which holds mortgages recorded in Book 8804 at Page 603 and in Book 9104 at Page 717 of the Polk County, Iowa records on a portion of the land described herein as Exhibit A does hereby consent that the property described on Exhibit A hereto be subdivided and platted as Colby Woods West Plat No. 7, and consents to the easements and covenants affecting such property as shown on and filed with the plat to be filed of record.

Dated this 21st day of June, 2002.

**IOWA SAVINGS BANK, A DIVISION OF FIRST
FEDERAL SAVINGS BANK OF THE MIDWEST**

By Brian Bond Vice President
Title

STATE OF IOWA)
) SS:
COUNTY OF POLK)



This instrument was acknowledged before me on the 21 day of JUNE, 2002 by Brian Bond as Vice President of Iowa Savings Bank on behalf of whom the instrument was executed.

Donna Witmer
Notary Public in and for said State

EXHIBIT A

PROPERTY DESCRIPTION:

THE PLAT OF COLBY WOODS WEST PLAT No. 7 BEING AN OFFICIAL REPLAT OF ALL OF OUTLOT X IN COLBY WOODS WEST PLAT No. 6, URBANDALE, POLK COUNTY, IOWA INCLUDING PARCELS "A" AND "B" IN SAID OUTLOT "X" ALL OF WHICH IS MORE ACCURATELY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF OUTLOT "X" IN COLBY WOODS WEST PLAT No. 6, AN OFFICIAL PLAT, URBANDALE, POLK COUNTY, IOWA, SAID CORNER ALSO BEING THE MOST NORTHERLY CORNER OF PARCEL "A" IN SAID OUTLOT "X" AS SHOWN IN BOOK 8838 PAGE 071 AT THE OFFICE OF THE POLK COUNTY RECORDER; THENCE, S60°00'00"E (PLATTED BEARING) ALONG THE NORTHEASTERLY LINE OF SAID PARCEL "A" AND SAID OUTLOT "X", A DISTANCE OF 430.72 FEET; THENCE, S39°56'26"E ALONG THE EASTERLY LINE OF SAID OUTLOT "X"; A DISTANCE OF 1112.49 FEET; THENCE S06°24'08"W ALONG THE EASTERLY LINE OF SAID OUTLOT "X" AND ALONG THE EASTERLY LINE OF PARCEL "B" IN SAID OUTLOT "X" AS SHOWN IN BOOK 8850 PAGE 634 IN THE OFFICE OF THE POLK COUNTY RECORDER, A DISTANCE OF 466.83 FEET TO THE SOUTH EAST CORNER OF SAID PARCEL "B"; THENCE, S60°01'02"W ALONG THE SOUTHERLY LINE OF SAID PARCEL "B", A DISTANCE OF 343.50 FEET; THENCE, N29°58'24"W ALONG THE SOUTHERLY LINE OF SAID PARCEL "B", A DISTANCE OF 7.00 FEET; THENCE, S60°01'36"W ALONG THE SOUTHERLY LINE OF SAID PARCEL "B", A DISTANCE OF 320.50 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL "B"; THENCE, N00°02'45"E ALONG THE WEST LINE OF SAID PARCEL "B" AND SAID OUTLOT "X", A DISTANCE OF 642.68 FEET; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID OUTLOT "X" AND ALONG A 436.70 FEET RADIUS CURVE CONCAVE WESTERLY, A DISTANCE OF 343.33 FEET, SAID CURVE HAVING A CHORD BEARING OF N22°28'38"W AND A CHORD LENGTH OF 334.56 FEET; THENCE, N45°00'00"W ALONG THE WESTERLY LINE OF SAID OUTLOT "X", A DISTANCE OF 52.67 FEET; THENCE, NORTHWESTERLY ALONG THE WESTERLY LINE OF SAID OUTLOT "X" AND ALONG A 302.99 FEET RADIUS CURVE CONCAVE SOUTHWESTERLY, A DISTANCE OF 113.70 FEET, SAID CURVE HAVING A CHORD BEARING OF N55°45'00"W AND A CHORD LENGTH OF 113.03 FEET; THENCE WESTERLY ALONG THE WESTERLY LINE OF SAID OUTLOT "X" AND ALONG A 446.70 FEET RADIUS CURVE CONCAVE SOUTHERLY, A DISTANCE OF 9.93 FEET, SAID CURVE HAVING A CHORD BEARING OF N67°09'42"W AND A CHORD LENGTH OF 9.93 FEET; THENCE, N17°26'10"E ALONG THE WESTERLY LINE OF SAID OUTLOT "X", A DISTANCE OF 58.94 FEET; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID OUTLOT "X" AND ALONG A 297.20 FEET RADIUS CURVE CONCAVE WESTERLY, A DISTANCE OF 165.64 FEET, SAID CURVE HAVING A CHORD BEARING OF N01°28'05"E AND A CHORD LENGTH OF 163.52 FEET; THENCE, N14°30'00"W ALONG THE WESTERLY LINE OF SAID OUTLOT "X", A DISTANCE OF 34.82 FEET; THENCE NORTHWESTERLY ALONG THE WESTERLY LINE OF SAID OUTLOT "X" AND ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL "A" AND ALONG A 352.39 FEET RADIUS CURVE CONCAVE SOUTHWESTERLY, A DISTANCE OF 325.82 FEET, SAID CURVE HAVING A CHORD BEARING OF N41°00'43"W AND A CHORD LENGTH OF 314.34 FEET; THENCE, N67°30'00"W ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL "A", A DISTANCE OF 23.97 FEET; THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL "A" AND ALONG A 251.64 FEET RADIUS CURVE CONCAVE NORTHEASTERLY, A DISTANCE OF 63.61 FEET, SAID CURVE HAVING A CHORD BEARING OF N60°15'31"W AND A CHORD LENGTH OF 63.44 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL "A"; THENCE, N16°42'19"E ALONG THE WESTERLY LINE OF SAID PARCEL "A", A DISTANCE OF 282.08 FEET TO THE POINT OF BEGINNING.

When recorded return to:
Jeremy C. Sharpe
2000 Financial Center
Des Moines, Iowa 50309

Prepared by: Jeremy C. Sharpe, 2000 Financial Center, 666 Walnut, Des Moines, IA 50309-3989, 515-243-7100

**CERTIFICATE OF
CONSENT OF MORTGAGEE**

STATE OF NEBRASKA)
) SS:
COUNTY OF DOUGLAS)

KNOW ALL MEN BY THESE PRESENTS:

That **Great Western Bank**, which holds a mortgage in its own capacity as lender recorded in Book 8885 at Page 100 of the Polk County, Iowa records, and which holds a mortgage and two financing statements in its capacity of Trustee under a Trust Indenture dated as of August 15, 2001, which mortgage an financing statements are recorded respectively in Book 8979 at Page 215 (amended in Book 9104 at Page 018) and in Book 8997 at Page 812 and Book 9104 at Page 019, all in the Polk County, Iowa records, on a portion of the land described herein as Exhibit A does hereby consent that the property described on Exhibit A hereto be subdivided and platted as Colby Woods West Plat No. 7, and consents to the easements and covenants affecting such property as shown on and filed with the plat to be filed of record.

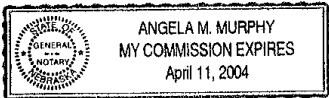
Dated this 25 day of June, 2002.

GREAT WESTERN BANK, in its Individual capacity and as Trustee

By [Signature] SVP.
Title

STATE OF NEBRASKA)
) SS
COUNTY OF DOUGLAS)

This instrument was acknowledged before me on the 25 day of June, 2002 by Tim Siensen as Senior Vice President of Great Western Bank on behalf of whom the instrument was executed.



[Signature] Nebraska
Notary Public in and for said State

d:\c0049\06\colby woods\west\plat 7\crt-consent of mortgage-gr w-jcs.doc

EXHIBIT A

PROPERTY DESCRIPTION:

THE PLAT OF COLBY WOODS WEST PLAT No. 7 BEING AN OFFICIAL REPLAT OF ALL OF OUTLOT X IN COLBY WOODS WEST PLAT No. 6, URBANDALE, POLK COUNTY, IOWA INCLUDING PARCELS "A" AND "B" IN SAID OUTLOT "X" ALL OF WHICH IS MORE ACCURATELY DESCRIBED AS FOLLOWS:

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CITY OF URBANDALE

Office of the Mayor and City Council

3315 - 70th Street
Box 3540
Urbandale, Iowa 50322-0540
Phone 515-278-3900
Fax 515-278-3905

November 14, 2001

Polk County Auditor
Polk County Administration Building
111 Court Avenue
Des Moines, Iowa 50309

Certification

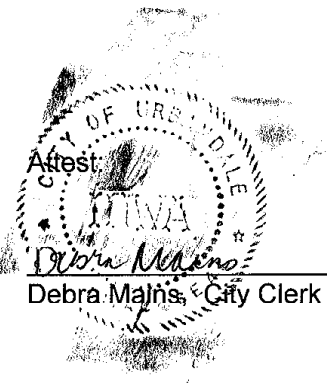

We, Brad Zaun, Mayor, and Debra Mains, City Clerk appointed for the City of Urbandale, Iowa, do hereby certify that the following is a true and accurate record from the City of Urbandale, Iowa, Council Minutes for November 14, 2001:

Forst moved, seconded by Andeweg to approve Resolution 162-2001 Approving the "Colby Woods West Plat No. 7" Final Plat (82nd Place, New York Avenue and Urbandale Avenue), subject to recommendations of the Planning and Zoning Commission. On roll call, Ayes: Forst, Andeweg, Brush, Noah. Nays: none. Motion carried.

A copy of the resolution is attached.



Brad Zaun, Mayor

Debra Mains, City Clerk

RESOLUTION NO. 162-2001

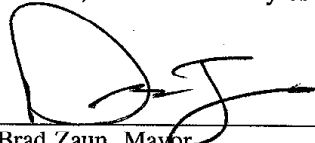
WHEREAS, on the 5th day of November, 2001, the "Colby Woods West Plat No. 7" Final Plat (82nd Place, New York Avenue and Urbandale Avenue) was approved by the Planning and Zoning Commission; and

WHEREAS, the aforementioned Final Plat appears to conform to the Subdivision Ordinance of the City of Urbandale and to Chapter 354 of the Code of Iowa, 1999;

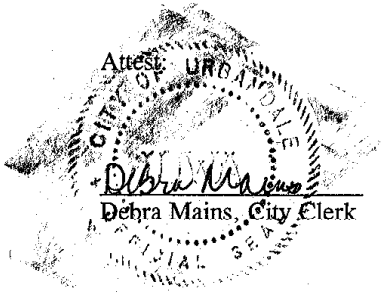
NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Urbandale, Iowa, that the aforementioned Final Plat is hereby approved.

BE IT FURTHER RESOLVED, that any street, park, or other land that is designated by the plat or the statement by the proprietors to be dedicated to the public is hereby approved and accepted for dedication.

Passed and approved by the City Council of the City of Urbandale, Iowa this 13th day of November, 2001.



Brad Zaun, Mayor



LAW OFFICES
BELIN LAMSON McCORMICK ZUMBACH FLYNN
A Professional Corporation
THE FINANCIAL CENTER
666 WALNUT STREET SUITE 2000
DES MOINES, IA 50309-3989
Telephone: (515) 243-7100 Telecopier (515) 283-4678

Plat Opinion

June 17, 2002

City of Urbandale
City Hall
Urbandale, IA 50322

Dear Mayor and Members of the City Council:

This is to certify that I have examined the attached abstract of title last continued in Pencil Notes No. 449901 prepared by Iowa Title Company containing 24 entries continued to June 5, 2002 at 7:00 a.m. covering the following-described real estate:

Outlot "X", COLBY WOODS WEST PLAT NO. 6, an Official Plat, all now included in and forming a part of the City of Urbandale, Polk County, Iowa.

to be platted as COLBY WOODS WEST PLAT NO. 7

and based upon the abstract I find merchantable fee title in the names of

THE TRUSTEES OF THE CHARLES I. COLBY AND RUTH COLBY INVESTMENT TRUST as to all of Outlot "X" except for the portions thereof described in Exhibits A, B and C attached hereto

and

K. C. HOLDINGS, INC. as to the portion of Outlot "X" to become Lot 1 of COLBY WOODS WEST PLAT NO. 7 described in Exhibit A attached hereto

and

THE RESERVE, a nonprofit corporation, as to the portion of Outlot "X" to become a portion of Lot 7 in COLBY WOODS WEST PLAT NO. 7 as described in Exhibit B attached hereto

and

NICHOLAS STREET PARTNERS (IOWA), L.L.C. as to a portion of Outlot "X" to become a part of Lot 7 in COLBY WOODS WEST PLAT NO. 7 as described in exhibit C attached hereto.

subject to the following:

1. **TRUSTEES:** The Trustees of The Charles I. Colby and Ruth Colby Investment Trust are shown in the abstract to be Charles I. Colby, Jr., Clark A. Colby, Carol L. Clarke and R. Edith Claiborne. Any documents executed on behalf of the Trust should be signed by all four trustees.
2. **MORTGAGE:** A Mortgage in the amount of \$185,130.00 dated May 3, 2001 executed by K. C. Holdings, Inc. in favor of Iowa Savings Bank, a Division of First Federal Savings Bank of the Midwest, recorded May 4, 2001 in Book 8804 at Page 603 of the Polk County, Iowa records, which covers the portion of the property under examination to become Lot 1, described in Exhibit A attached hereto.
3. **MORTGAGE:** A Mortgage in the amount of \$708,000.00 dated June 12, 2001 executed by Essex Corporation in favor of Great Western Bank recorded June 29, 2001 in Book 8885 at Page 100 of

the Polk County, Iowa records. This Mortgage covers the real estate described in Exhibit C attached hereto.

4. **MORTGAGE:** A Mortgage in the amount of \$5,000,000.00 dated August 15, 2001 executed by The Reserve, a nonprofit corporation, in favor of The City of Urbandale and assigned to Great Western Bank as Trustee recorded September 7, 2001 in Book 8979, Page 215 of the Polk County, Iowa records. This Mortgage has been amended by an Amendment recorded March 12, 2002 in Book 9104 at Page 18 of the Polk County, Iowa records. This Mortgage covers the real estate described in Exhibit B attached hereto.

5. **FINANCING STATEMENT:** A Financing Statement recorded September 25, 2001 in Book 8997 at Page 812 of the Polk County, Iowa records showing The Reserve, a nonprofit corporation, as debtor and Great Western Bank as trustee as a secured party, which covers fixtures located on the property described in Exhibit B attached hereto.

6. **FINANCING STATEMENT:** A Financing Statement recorded March 12, 2002 in Book 9104 at Page 19 of the Polk County, Iowa records showing The Reserve, a nonprofit corporation, as debtor and Great Western Bank as trustee as a secured party, which covers fixtures located on the property described in Exhibit B attached hereto.

7. **MORTGAGE:** A mortgage in the amount of \$1,200,000.00 dated March 14, 2002 executed by K. C. Holdings, Inc. in favor of Iowa Savings Bank, Division of First Federal Savings Bank of the Midwest, recorded March 13, 2002 in Book 9104, Page 717 of the Polk County, Iowa records which covers the property to become Lot 1, described in Exhibit A attached hereto.

8. **DECLARATION OF EASEMENTS AND COVENANTS:** A Declaration of Easements and Covenants recorded March 7, 1985 in Book 5431 at Page 944 of the Polk County, Iowa records by which the then Trustee of the Charles I. Colby and Ruth Colby Investment Trust create certain private access drives, drainage easements, slope easements, sewage easements and other rights affecting not only the property under examination but adjacent property owned by the Trustee. The Declaration has been amended by First Amendment of Declaration of Easements and Covenants recorded March 15, 1988 in Book 5832 at Page 200 of the Polk County, Iowa records.

9. **EASEMENT AGREEMENT:** Easement Agreement recorded July 19, 1989 in Book 6126 at Page 238 of the Polk County, Iowa records between The Charles I. Colby and Ruth Colby Investment Trust and Cobblestone Owners Association, Inc. whereby cross-easements are banned benefiting property owned by the parties to the Agreement, which includes property included in this plat, whereby Charles I. Colby and Ruth Colby Investment Trust and its successors and assigns as owners of the property then owned by the Trust and described in the Easement Agreement would have the right to use the private streets located in Cobblestone Plat Nos. 1 through 13, inclusive, to the same extent and for the same purposes as the owners of the property in Cobblestone Plat Nos. 1 through 13, inclusive, and the owners of property in Cobblestone Plat Nos. 1 through 13 shall have the right to use and enjoy any street, whether dedicated to the City of Urbandale or not, which may be constructed in the property described therein then owned by the Trustee of The Charles I. Colby and Ruth Colby Investment Trust.

10. **CONSTRUCTION AND PERMANENT EASEMENT:** A Construction and Permanent Easement recorded September 7, 2001 in Book 8979 at Page 209 of the Polk County, Iowa records which burdens a portion of the property described in Exhibit C attached hereto for the benefit of the property described in Exhibit B attached hereto, for the purpose of constructing, inspecting, retaining, repairing, replacing or removing a garage serving the property described in Exhibit B.

11. **UTILITIES EASEMENTS:** This is a plat opinion prepared in connection with the filing of the Final Plat of Colby Woods West Plat No. 7, and therefore no reference is made to particular Utility Easements granted to the City or utility companies and shown of record in the abstract.

12. **SEARCHES:** No new searches have been made against anyone outside the chain of title. There appear no liens against the present titleholder except as may be noted in this opinion.

13. **REAL ESTATE TAXES:** 2000-2001 fiscal year taxes: first installment \$167.00 paid; second installment \$167.00 paid. Parcel No. 612-632; Urbandale District 31-2.

14. **ZONING:** The property is subject to the zoning ordinances of the City of Urbandale, Iowa.

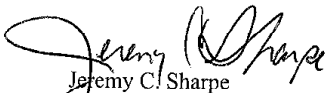
15. **PLAT OPINION:** This title opinion is rendered for platting purposes in accordance with the laws of the State of Iowa and for no other purpose.

GENERAL EXCEPTIONS: There are certain matters which cannot be ascertained from an examination of the abstract and which may affect your use of, enjoyment of and rights in and to the real

estate under examination. Accordingly, this title opinion is subject to and you must take notice of the following:

- a. Matters which would be revealed by an accurate survey and inspection of the premises such as encroachments, overlaps, and boundary line disputes. Further, access to public streets and the correctness of lot area and boundary lines cannot be assured by this opinion.
- b. You are charged with notice of the rights of persons in possession of the real estate or any portion thereof.
- c. The real estate under examination is subject to the zoning ordinances of the city or county stated above. You should determine whether the real estate complies with the applicable zoning ordinances.
- d. Persons furnishing labor or materials for improvement of the real estate within the last 90 days may be entitled to file a mechanic's lien if not paid. In such event, your lien or title may be subject to such mechanic's lien.
- e. Special assessments, preliminary assessments, and deficiency assessments are a lien from certification by the city or the county or other taxing jurisdiction to the County Treasurer. The lien for such assessments has priority equivalent to real estate taxes. Such a lien may not be shown in the abstract but may attach against the real estate for work preliminarily approved by the City Council.
- f. Charges for certain municipal services provided by a city prior to your ownership, such as solid waste and sewage disposal, may be a lien against the real estate when certified to the County Treasurer's Office. Such a lien has priority equivalent to real estate taxes.
- g. The abstract does not disclose the existence of hazardous substances, hazardous waste, hazardous materials, pollutants, contaminants, underground storage tanks, drainage wells, active or abandoned water wells and other environmentally-regulated activities. You are cautioned that federal, state and local legislation may permit injunctive relief, and require removal and remedial actions, or other clean up, and may create a lien for the same.
- h. Searches for judgments by the abstracter are limited to a ten-year period, however, certain installment judgments such as child support and alimony rendered in a decree of dissolution more than ten years ago are a lien on the real estate of the obligor for ten years after the installment becomes due.

Very truly yours,


Jeremy C. Sharpe
For the Firm
ACS:cj

WRB
5-7-01

EXHIBIT A

A portion of Outlot "X", COLBY WOODS WEST PLAT NO. 6, an Official Plat, all now included in and forming a part of the City of Urbandale, Polk County, Iowa, that is more particularly described as follows:

Beginning at the most Westerly Corner of Outlot X in COLBY WOODS WEST PLAT No. 6, an Official Plat, now included in and forming a part of the City of Urbandale, Polk County, Iowa, said point being the Southeast Corner of Lot 1 in said COLBY WOODS WEST PLAT No. 6; thence N16°42'19"E along the Easterly line of said Lot 1 a distance of 282.08 feet to the Northeast Corner of said Lot 1 and to the most Northerly Corner of said Outlot X; thence S60°00'00"E along the Northerly Line of said Outlot X a distance of 190.05 feet; thence S29°15'36"W a distance of 268.14 feet to the Westerly Line of said Outlot X and to the Northerly Right-of-Way Line of Urbandale Avenue as it is presently established; thence Northwesterly along the Northerly Right-of-Way Line of said Urbandale Avenue and along a 352.39 feet radius curve concave Southwesterly a distance of 41.57 feet, said curve having a chord bearing of N64°07'12"W and a chord length of 41.55 feet; thence N67°30'00"W along the Northerly Right-of-Way Line of said Urbandale Avenue a distance of 23.97 feet; thence Northwesterly along the Northerly Right-of-Way Line of said Urbandale Avenue and along a 251.64 foot radius curve concave Northeasterly a distance of 63.61 feet, said curve having a chord bearing of N60°15'31"W and a chord length of 63.44 feet to the Point of Beginning.

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BK8804PG602

EXHIBIT B

Description of Land

An irregular shaped portion of Parcel "B" in Outlot "X", Colby Woods West Plat No. 6, an Official Plat, Urbandale, Polk County, Iowa, as shown in Book 8850 at Page 634 in the Office of the Polk County Recorder and described as follows: Beginning at the Northwest Corner of said Parcel "B"; thence N 90°00'00" E, along the North line of said Parcel "B", a distance of 205.28 feet; thence S 29°58'24" E, a distance of 386.64 feet to the southerly line of said Parcel "B"; thence S 60°01'02" W along the southerly line of said Parcel "B"; a distance of 135.95 feet; thence N 29°58'24" W along the southerly line of said Parcel "B", a distance of 7.00 feet; thence S 60°01'36" W along the southerly line of said Parcel "B", a distance of 320.50 feet to the Southwest corner of said Parcel "B", thence N 00°02'45" E along the West line of said Parcel "B", a distance of 556.92 feet to the point of beginning.

Together with rights provided by that certain Construction and Permanent Easement, by and between Essex Corporation, a Nebraska corporation, and The Reserve, a Nonprofit Corporation, dated August 29, 2001 and recorded Sept 7, 2001 in Book 8979 at Page 209 of the Records in the Office of the Recorder for Polk County, Iowa.

BK8979PG247

AN IRREGULAR SHAPED PORTION OF PARCEL "B" IN OUTLOT "X", COLBY WOODS WEST PLAT No. 6, AN OFFICIAL PLAT, URBANDALE, POLK COUNTY, IOWA AS SHOWN AT BOOK 8850 PAGE 634 IN THE OFFICE OF THE POLK COUNTY RECORDER AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL "B"; THENCE, N90°00'00"E ALONG THE NORTH LINE OF SAID PARCEL "B", A DISTANCE OF 205.28 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N90°00'00"E ALONG THE NORTH LINE OF SAID PARCEL "B", A DISTANCE OF 39.28 FEET; THENCE, N54°00'20"E ALONG THE NORTHERLY LINE OF SAID PARCEL "B", A DISTANCE OF 165.80 FEET; THENCE, S88°34'39"E ALONG THE NORTHERLY LINE OF SAID PARCEL "B", A DISTANCE OF 235.81 FEET TO THE NORTHEAST CORNER OF SAID PARCEL "B"; THENCE S06°24'08"W ALONG THE EAST LINE OF SAID PARCEL "B", A DISTANCE OF 324.82 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL "B"; THENCE, S80°01'02"W ALONG THE SOUTHERLY LINE OF SAID PARCEL "B", A DISTANCE OF 207.55 FEET; THENCE, N29°58'24"W, A DISTANCE OF 94.30 FEET; THENCE, N60°01'36"E, A DISTANCE OF 60.33 FEET; THENCE, N29°58'24"W, A DISTANCE OF 56.67 FEET; THENCE, S60°01'36"W, A DISTANCE OF 60.33 FEET; THENCE, N29°58'24"W, A DISTANCE OF 235.67 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS OF RECORD.

SAID TRACT OF LAND CONTAINS 2.63 ACRES MORE OR LESS.

AND

AN IRREGULAR SHAPED PORTION OF PARCEL "B" IN OUTLOT "X", COLBY WOODS WEST PLAT No. 6, AN OFFICIAL PLAT, URBANDALE, POLK COUNTY, IOWA AS SHOWN AT BOOK 8850 PAGE 634 IN THE OFFICE OF THE POLK COUNTY RECORDER AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL "B"; THENCE, N90°00'00"E ALONG THE NORTH LINE OF SAID PARCEL "B", A DISTANCE OF 205.28 FEET; THENCE, S29°58'24"E, A DISTANCE OF 235.67 FEET TO THE POINT OF BEGINNING; THENCE, N60°01'36"E, A DISTANCE OF 60.33 FEET; THENCE, S29°58'24"E, A DISTANCE OF 56.67; THENCE, S60°01'36"W, A DISTANCE OF 60.33 FEET; THENCE, N29°58'24"W, A DISTANCE OF 56.67 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS OF RECORD.

SAID TRACT OF LAND CONTAINS 0.08 ACRES MORE OR LESS.

BK 9036PG354

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 OUTLOT X COLBY WOODS WEST PLAT NO. 6, to be hereinafter designated as:

COLBY WOODS WEST PLAT NO. 7 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

**THE TRUSTEES OF THE CHARLES I. COLBY AND RUTH
COLBY INVESTMENT TRUST,
K.C. HOLDINGS, INC.,
THE RESERVE,
and NICHOLAS STREET PARTNERS (IOWA), L.L.C.,**

who are the record title holders of said real estate.

Dated at Des Moines, IA, Friday, June 21, 2002 .

MARY MALONEY
POLK COUNTY TREASURER

Subscribed and sworn to before me on this
21st day of June, 2002.

by [Signature]
SECOND DEPUTY TREASURER
(Treasurer's Seal)

by [Signature]
Notary Public in and for Polk County, IA

(Notary Seal)

