

2006 APR 24 PM 3:32

RECORDED

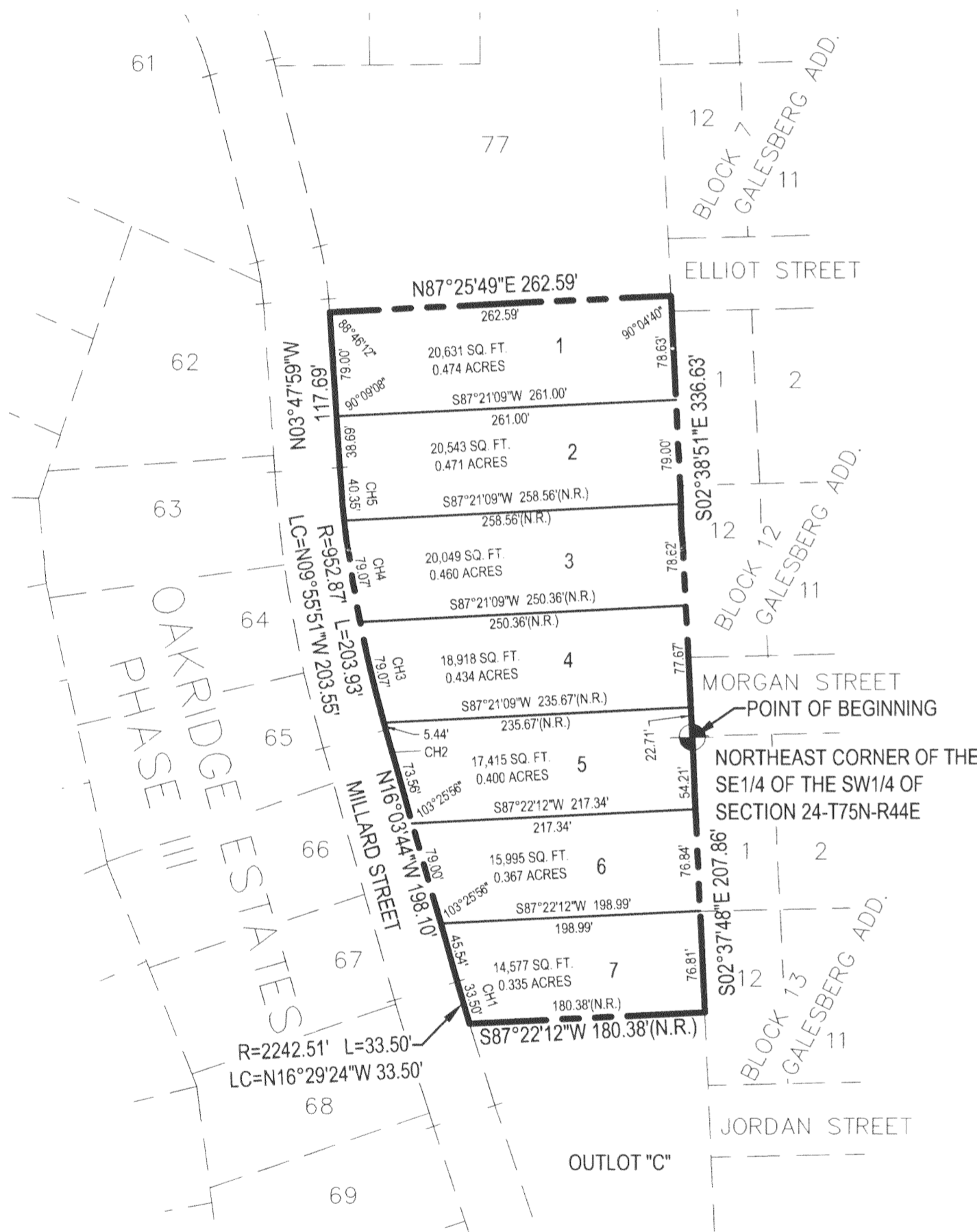
OAK RIDGE ESTATES PHASE III REPLAT ONE

020350

INST # _____
RECORDING FEE 65.00
AUDITOR FEE _____
RMA FEE 1.00 ECOM 1.00

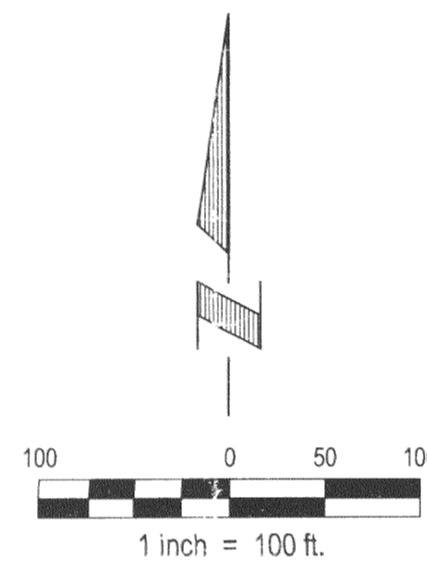
LOTS 1 THRU 7 INCLUSIVE

BEING A REPLATTING OF LOTS 74 THRU 76, OAK RIDGE ESTATES PHASE III, A SUBDIVISION LOCATED IN THE EAST 1/2 OF THE SW1/4 OF SECTION 24, TOWNSHIP 75 NORTH, RANGE 44 WEST OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA.



LEGEND

- PINS FOUND, 5/8" X 30" REBAR WITH ALUMINUM CAP #13373 (UNLESS OTHERWISE NOTED)
- PINS SET, 5/8" X 30" REBAR WITH ALUMINUM CAP #13373
- ⊕ SECTION CORNER FOUND
- CH(X) CURVE CHORD DATA (SEE LINE TABLE)



LINE TABLE

LINE	LENGTH	BEARING
CH1	33.50'	N16°29'24"W
CH2	5.44'	N15°53'55"W
CH3	79.05'	N13°21'27"W
CH4	79.05'	N08°36'11"W
CH5	40.35'	N05°00'46"W

NOTES:

1. ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED
2. ALL LOTS LINES ARE RADIAL TO CURVED STREETS UNLESS SHOWN AS (N.R.).
3. A PERPETUAL EASEMENT 5 FEET IN WIDTH IS RESERVED ALONG THE SIDE LOT LINES OF LOTS; AND 10 FEET IN WIDTH ALONG THE FRONT AND REAR LOT LINES OF ALL LOTS; SAID EASEMENTS ARE FOR UTILITY INSTALLATION AND MAINTENANCE AND FOR DRAINAGE. SAID DRAINAGE AREAS AND ANY INCLUDED DRAINAGE SYSTEMS ARE PRIVATE AND TO BE INSTALLED AND MAINTAINED BY THE OWNERS OF THE LOTS ADJOINING THEM.
4. PROTECTIVE COVENANTS, CONDITIONS, AND RESTRICTIONS HAVE BEEN PREPARED FOR THIS DEVELOPMENT AND HAVE BEEN RECORDED WITH THE FINAL PLAT OF OAK RIDGE ESTATES PHASE III.

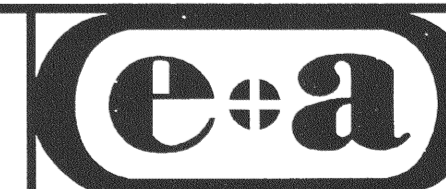
BK 115 PG 20287

Proj No:	2000032.16
Date:	01/10/2006
Designed By:	
Drawn By: DAS	Chk By (Dsgn):
Chk By (Insp):	Chk By (Cad Mgr):
Scale:	1" = 100'
Sheet 1 of 2	

Revisions	
No	Date

FINAL PLAT

OAK RIDGE ESTATES PHASE III
REPLAT ONE
COUNCIL BLUFFS, IOWA



E&A CONSULTING GROUP, INC.
ENGINEERING • PLANNING • FIELD SERVICES

330 NORTH 117TH STREET OMAHA, NE 68154
PHONE: (402) 895-4700 FAX: (402) 895-3599
www.eacg.com

OAK RIDGE ESTATES PHASE III REPLAT ONE

LOTS 1 THRU 7 INCLUSIVE

BEING A REPLATTING OF LOTS 74 THRU 76, OAK RIDGE ESTATES PHASE III, A SUBDIVISION LOCATED IN THE EAST 1/2 OF THE SW1/4 OF SECTION 24, TOWNSHIP 75 NORTH, RANGE 44 WEST OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA.

Dedication


Know all persons by these presents: that Oak Ridge Estates L.L.C., managed by First Management, Inc., hereafter known as Oak Ridge Estates, L.L.C. being the sole owner and proprietor of the land described in the surveyor's certificate and embraced within this plat, has caused said property to be subdivided into lots as shown, said subdivision to be hereafter known as Oak Ridge Estates Phase III Replat One, consisting of Lots 1 through 7. Oak Ridge Estates, L.L.C. does hereby certify that the Plat is a subdivision of the property described therein, and that Oak Ridge Estates, L.L.C. is the sole and only owner and proprietor in fee simple of the above described property. The subdivision of the property as shown in the Plat is done with the consent and full knowledge of the proprietor and with the proprietors' desire that the property be subdivided and that the subdivision be known as Oak Ridge Estates Phase III Replat One.

Oak Ridge Estates, L.L.C. does hereby ratify and approve the disposition of their property as shown on the plat.

Oak Ridge Estates, L.L.C. does hereby dedicate to the City of Council Bluffs, Iowa, for public use Parkwild Drive. Oak Ridge Estates, L.L.C. does hereby dedicate to the City of Council Bluffs, Iowa, any sanitary sewer and storm sewer and drainage way easements for the installation and maintenance of sewer conduits and appurtenance thereto and any drainage systems deemed necessary by the City of Council Bluffs, Iowa.


1. ERECTION OF STRUCTURES PROHIBITED: Oak Ridge Estates, L.L.C. or it's successors or assigns shall not erect any structure over or within the Easement Area without obtaining the prior written consent of the City Engineer.
2. CHANGE OF GRADE PROHIBITED: Oak Ridge Estates, L.L.C. or it's successors or assigns shall not change the grade elevation or contour of any part of the Easement Area without obtaining the prior written consent of the City Engineer.
3. RIGHT OF ACCESS: City shall have the right of access to the Easement Area and have all rights of ingress and egress reasonably necessary for the use and enjoyment of the Easement Area as herein described.
4. REMOVAL and REPLACEMENT: The cost of removal and replacement of any unauthorized improvement or structures within the Easement Area, necessitated by the exercise of the rights under this dedication, shall be borne by the Oak Ridge Estates, L.L.C. or it's successors or assigns.
5. SURFACE RESTORATION: City's liability to restore the surface within the Easement Area shall be limited only to grading and seeding.
6. DUTY TO REPAIR: City agrees that any drain tile, drive or access way, fence, or yard or other improvements outside of the Easement Area which may be damaged as a result of any entry made through an exercise of the City's right of access, shall be repaired at no expense to Oak Ridge Estates, L.L.C. or it's successors or assigns.
7. EASEMENT RUNS WITH LAND: This easement shall be deemed to run with the land and shall be binding on Oak Ridge Estates, L.L.C. or it's successors and assigns.

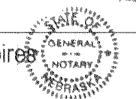
Oak Ridge Estates, L.L.C.


By: First Management, Inc, Managing Member
Randy Weisler, Chairman

Acknowledgment of Notary)
County of Pottawattamie)

On this 12 day of April, 2006, before me the undersigned, a notary public, personally came Randy Weisler, Chairman, First Management, Inc. to me personally known to be the identical person whose name is affixed to the foregoing instrument, and he acknowledges the same to be his voluntary act and deed, as said Chairman.


Notary Public

My Commission Expires  TERRILL TEFFT
MY COMMISSION EXPIRES
April 5, 2008

APPROVAL OF COUNCIL BLUFFS COMMUNITY DEVELOPMENT DEPARTMENT

THIS FINAL PLAT OF OAK RIDGE ESTATES PHASE III REPLAT ONE, WAS APPROVED BY THE COUNCIL BLUFFS COMMUNITY DEVELOPMENT DEPARTMENT ON THIS 17th DAY OF April, 2006.


DONALD GROSS, DIRECTOR

COUNTY TREASURER'S CERTIFICATE

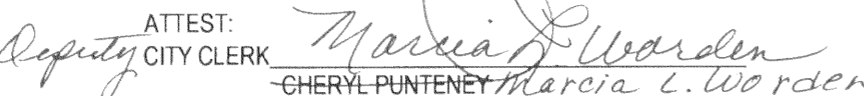

THIS IS TO CERTIFY THAT I FIND NO REGULAR OR SPECIAL TAXES, DUE OR DELINQUENT, AGAINST THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND EMBRACED IN THIS PLAT AS SHOWN ON THE RECORDS OF THIS OFFICE, THIS 24th DAY OF April, 2006.


JUDY ANN MILLER, POTTAWATTAMIE COUNTY TREASURER

APPROVAL OF COUNCIL BLUFFS CITY COUNCIL



THIS FINAL PLAT OF OAK RIDGE ESTATES PHASE III REPLAT ONE WAS APPROVED BY THE COUNCIL BLUFFS CITY COUNCIL ON THIS 27th DAY OF Feb, 2006.


THOMAS P. HANAFAN, MAYOR

ATTEST:
CITY CLERK 
CHERYL PUNTENE 

ACKNOWLEDGEMENT OF NOTARY)
COUNTY OF POTTAWATTAMIE)

ON THIS 12 DAY OF April, 2006, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC, PERSONALLY CAME RANDY WEISLER, CHAIRMAN, FIRST MANAGEMENT, INC. TO ME PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE FOREGOING INSTRUMENT, AND HE ACKNOWLEDGES THE SAME TO BE HIS VOLUNTARY ACT AND DEED, AS SAID CHAIRMAN.

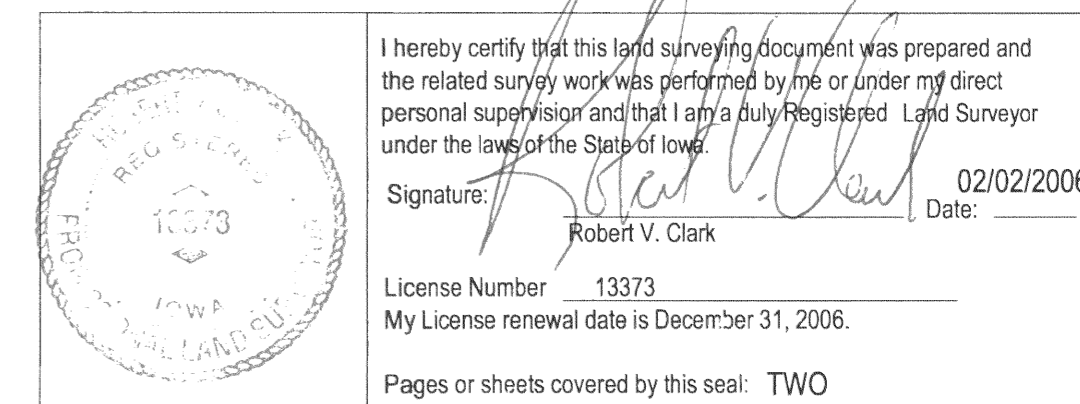

NOTARY PUBLIC
April 5, 2008
MY COMMISSION EXPIRES  TERRILL TEFFT
MY COMMISSION EXPIRES
April 5, 2008

LEGAL DESCRIPTION:

LOTS 74, 75 AND 76, OAK RIDGE ESTATES PHASE III, A SUBDIVISION LOCATED IN THE EAST 1/2 OF THE SW1/4 OF SECTION 24, TOWNSHIP 75 NORTH, RANGE 44 WEST OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 74, OAK RIDGE ESTATES PHASE III, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID LOT 75, OAK RIDGE ESTATES PHASE III, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF MORGAN STREET RIGHT-OF-WAY, SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT 1, BLOCK 13, GALESBERG ADDITION, A SUBDIVISION LOCATED IN THE SE1/4 OF SAID SECTION 24, SAID POINT ALSO BEING THE NORTHEAST CORNER OF THE SE1/4 OF SAID SW1/4 OF SECTION 24; THENCE S02°37'48"E (ASSUMED BEARING) ALONG THE EAST LINE OF SAID LOT 74, OAK RIDGE ESTATES PHASE III, SAID LINE ALSO BEING THE WEST LINE OF SAID LOTS 1 AND 12, BLOCK 13, GALESBERG ADDITION, SAID LINE ALSO BEING THE EAST LINE OF SAID SE1/4 OF THE SW1/4 OF SECTION 24, A DISTANCE OF 207.86 FEET TO THE SOUTHEAST CORNER OF SAID LOT 74, OAK RIDGE ESTATES PHASE III, SAID POINT ALSO BEING THE NORTHEAST CORNER OF OUTLOT "C", SAID OAK RIDGE ESTATES PHASE III; THENCE S87°22'12"W ALONG THE SOUTHERLY LINE OF SAID LOT 74, OAK RIDGE ESTATES PHASE III, SAID LINE ALSO BEING THE NORTH LINE OF SAID OUTLOT "C", OAK RIDGE ESTATES PHASE III, A DISTANCE OF 180.38 FEET TO THE SOUTHWEST CORNER OF SAID LOT 74, OAK RIDGE ESTATES PHASE III, SAID LINE ALSO BEING THE NORTHWEST CORNER OF SAID OUTLOT "C", OAK RIDGE ESTATES PHASE III, SAID POINT ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF MILLARD STREET; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID LOTS 74, 75 AND 76, OAK RIDGE ESTATE PHASE III, SAID LINE ALSO BEING THE EASTERLY RIGHT-OF-WAY LINE OF SAID MILLARD STREET ON THE FOLLOWING DESCRIBED COURSES; THENCE NORTHWESTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 2242.51 FEET, A DISTANCE OF 33.50 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N16°29'24"W, A DISTANCE OF 33.50 FEET; THENCE N16°03'44"W, A DISTANCE OF 198.10 FEET; THENCE NORTHWESTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 952.87 FEET, A DISTANCE OF 203.93 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N09°55'51"W, A DISTANCE OF 203.55 FEET; THENCE N03°47'59"W, A DISTANCE OF 117.69 FEET TO THE NORTHWEST CORNER OF SAID LOT 76, OAK RIDGE ESTATES PHASE III, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 77, SAID OAK RIDGE ESTATES PHASE III; THENCE N87°25'49"E ALONG THE NORTH LINE OF SAID LOT 76, OAK RIDGE ESTATE PHASE III, SAID LINE ALSO BEING THE SOUTH LINE OF SAID LOT 77, OAK RIDGE ESTATES PHASE III, A DISTANCE OF 262.59 FEET TO THE NORTHEAST CORNER OF SAID LOT 76, OAK RIDGE ESTATES PHASE III, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID LOT 77, OAK RIDGE ESTATES PHASE III, SAID POINT ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF ELLIOT STREET, SAID LINE ALSO BEING THE EAST LINE OF THE NE1/4 OF SAID SW1/4 OF SECTION 24; THENCE S02°38'51"E ALONG THE EAST LINE OF SAID LOTS 76 AND 75, OAK RIDGE ESTATES PHASE III, SAID LINE ALSO BEING THE WEST RIGHT-OF-WAY LINE OF ELLIOT STREET, AND ALSO THE WEST LINE OF LOT 1 AND 12, BLOCK 12, SAID GALESBERG ADDITION, AND ALSO THE WEST RIGHT-OF-WAY LINE OF SAID MORGAN STREET, SAID LINE ALSO BEING SAID EAST LINE OF THE NW1/4 OF THE SW1/4 OF SECTION 24, A DISTANCE OF 336.63 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS AN AREA OF 128,130 SQUARE FEET, MORE 2.941 ACRES, MORE OR LESS.




WE HEREBY CERTIFY THAT THE FOLLOWING DOCUMENTS WILL BE RECORDED WITH THE POTTAWATTAMIE COUNTY RECORDER CONTEMPORANEOUSLY WITH THE FILING OF THE FINAL PLAT.

- ALL PRIVATE RESTRICTIONS AND/OR COVENANTS, IF ANY, WHICH WILL BE A PART OF THE SUBJECT DEVELOPMENT.
- NOTARIZED CERTIFICATION OF OWNER THAT THE SUBDIVISION AS IT APPEARS HEREON IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE OWNER.
- A NOTARIZED STATEMENT FROM THE MORTGAGE HOLDER OR LIENHOLDER, IF ANY, THAT THE PLAT IS PREPARED WITH THEIR FREE CONSENT AND IN ACCORDANCE WITH THEIR DESIRE.
- A NOTARIZED PARTIAL RELEASE FROM THE MORTGAGE HOLDER OR LIENHOLDER FOR ALL AREAS CONVEYED TO THE GOVERNING BODY OR DEDICATED TO THE PUBLIC.
- CERTIFIED RESOLUTION OF EACH GOVERNING BODY APPROVING THE SUBDIVISION OR WAIVING THE RIGHT TO REVIEW.

WE HEREBY CERTIFY THAT I WILL MEET ALL EQUAL OPPORTUNITY AND FAIR MARKETING OBJECTIVES CONSISTENT WITH FEDERAL, STATE AND LOCAL GUIDELINES.

OAK RIDGE ESTATES, L.L.C.


BY: FIRST MANAGEMENT, INC. MANAGING MEMBER
RANDY WEISLER, CHAIRMAN

Proj No: 2000032.i6	Revisions	<div style="text-align: center;"> <h3>OAK RIDGE ESTATES PHASE III REPLAT ONE</h3> <p>COUNCIL BLUFFS, IOWA</p> </div>	 <h2>E&A CONSULTING GROUP, INC.</h2> <p>ENGINEERING • PLANNING • FIELD SERVICES</p> <p>330 NORTH 117TH STREET OMAHA, NE 68154 PHONE: (402) 895-4700 FAX: (402) 895-3599 www.eacg.com</p>
Date: 01/10/2006	No. Date		
Designed By:			
Drawn By: DAS Chk By (Dsgn):			
Chk By (Insp): Chk By (Cad Mgr):			
Scale: 1" = 100'			
Sheet 2 of 2			

COMPARED

CERTIFICATE AND RECEIPT

=====

STATE OF IOWA

} SS.

Pottawattamie County,

The undersigned, Deputy City Clerk of the City of Council Bluffs, Iowa, hereby certifies that: Resolution 06-56 and Attachment "A" is as the same that appears of record in this office.



Witness my hand and seal of Council Bluffs, Iowa,

this 13th day of April A.D. 2006

Maria L. Warden

Deputy City Clerk of the City of Council Bluffs

=====

COMPARED

Record

018577

FILED FOR RECORD
OTTAWATTAMIE CO. IA

2006 MAR 27 AM 10:06

JOHN SCIORTINO
RECORDER

INST # _____
RECORDING FEE 20.00
AUDITOR FEE _____
RMA FEE 1.00 ECOM 1.00

Prepared by: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, Iowa 51503 (712) 328-4620
Return to: City Clerk, 209 Pearl Street, Council Bluffs, Iowa 51503 (712) 328-4616

RESOLUTION NO. 06-56

A RESOLUTION granting final plat approval for Oak Ridge Estates Phase III Replat One, with variances.

WHEREAS, Oak Ridge Estates, LLC has requested a replat of three vacant lots located along the east side of Millard Street, south of Parkwild Drive; and

WHEREAS, the preliminary plan for Oak Ridge Estates Phase III was approved by Resolution No. 02-280 on September 23, 2002. Resolution No. 03-276 approved the final plat for Phase III on December 15, 2003; and

WHEREAS, the proposed subdivision is consistent with the purpose and intent of the Subdivision and Zoning Ordinances; and

WHEREAS, the final plat has been reviewed by the appropriate city departments and utilities; and

WHEREAS, the Community Development Department recommends approval of the replat of Oak Ridge Estates Phase III Replat One, as shown on Attachment "A", subject to the following conditions:

1. Approval of a variance allowing Lots 1 through 4 to be platted even though the depth is more than three times the width of the lot. The 10' front yard setback variance granted with final plat approval of Phase III shall also apply to construction on the replatted lots, as the same circumstances are in place.
2. Prior to executing the final plat, all technical corrections required by the Community Development Department and/or Public Works Department shall be incorporated into the final plat document, including identification of underlying lot numbers in half tone on the document for ease of reference to the original plat.
3. Prior to executing the final plat, all required public improvements, including the sanitary sewer laterals and any modifications to the storm sewer inlets, shall be installed at developer's expense and accepted by the City, or the City shall be in receipt of a performance guarantee in an amount determined by the Public Works Department to be sufficient to finish the public improvements not yet completed and/or certified and accepted by the Public Works Department. The developer shall provide City with two sets of as-built construction drawings and a two-year maintenance bond, upon acceptance of all required improvements.
4. The applicant shall provide the Community Development Department with a copy of the covenants applicable to the subdivision and record them again with this plat for ease of reference.

1-598

5. Sidewalks shall be installed at no expense to the City, along the street frontage of each lot prior to the issuance of a certificate of occupancy for each house.

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

That the final plat for Oak Ridge Estates Phase III Replat One, as shown on Attachment "A", is hereby approved, subject to the conditions set forth above; and

BE IT FURTHER RESOLVED

That the Mayor and City Clerk are hereby authorized and directed to endorse the final plat.

ADOPTED
AND February 27, 2006
APPROVED



THOMAS P. HANAFAN Mayor

Attest: 

CHERYL PUNTENEY City Clerk

Planning Case No. SUB-06-009

4F

Curtis J. Heithoff
ATTORNEY AT LAW
508 SOUTH 8TH STREET
Council Bluffs, Iowa 51501

(712) 325-0888
FAX (712) 325-0894

April 21, 2006

Community Development Department
Zoning and Subdivision
205 South Main
Council Bluffs, IA 51503

Pottawattamie County Recorder
Pottawattamie County Courthouse
Council Bluffs, IA 51501

RE: Oak Ridge Estates Phase III Replat One Platting Opinion

Ladies and Gentlemen:

I have examined the Abstract of Title to:

Lots 74, 75 and 76, Oak Ridge Estates Phase III, a Subdivision located in the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 24, Township 75 North, Range 44 West of the 5th P.M., Pottawattamie County, Iowa, more particularly described as follows:

Beginning at the Northeast corner of said Lot 74, Oak Ridge Estates Phase III, said point also being the Southeast corner of said Lot 75, Oak Ridge Estates Phase III, said point also being the Southeast corner of Morgan Street right-of-way, said point also being the Northwest corner of Lot 1, Block 13, Galesburg Addition, a Subdivision located in the SE $\frac{1}{4}$ of said Section 24, said point also being the Northeast corner of the SE $\frac{1}{4}$ of said SW $\frac{1}{4}$ of Section 24; thence S02°37'48"E (assumed bearing) along the East line of said Lot 74, Oak Ridge Estates Phase III, said line also being the West line of said Lots 1 and 12, Block 13, Galesburg Addition, said line also being the East line of said SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 24, a distance of 207.86 feet to the Southeast Corner of said Lot 74, Oak Ridge Estates Phase III, said point also being the Northeast corner of Outlot "C", said Oak Ridge Estates Phase III; thence S87°22'12"W along the Southerly line of said Lot 74, Oak Ridge Estates Phase III, said line also being the North line of said Outlot "C", Oak Ridge Estates Phase III, a distance of 180.38 feet to the Southwest corner of said Lot 74, Oak Ridge Estates Phase III, said line also being the Northwest corner of said Outlot "C", Oak Ridge Estates Phase III, said point also being on the Easterly right-of-way line of Millard Street; thence Northerly along the Westerly line of said Lots 74, 75 and 76, Oak Ridge Estates Phase

III, said line also being the Easterly right-of-way line of said Millard Street of the following described courses; thence Northwesterly on a curve to the right with a radius of 2242.51 feet, a distance of 33.50 feet, said curve having a long chord which bears N16°29'24"W, a distance of 33.50 feet; thence N16°03'04"W, a distance of 198.10 feet; thence Northwesterly on a curve to the right with a radius of 952.87 feet, a distance of 203.93 feet, said curve having a long chord which bears N09°55'51"W, a distance of 203.55 feet; thence N03°47'59"W, a distance of 117.69 feet to the Northwest corner of said Lot 76, Oak Ridge Estates Phase III, said point also being the Southwest corner of Lot 77, Oak Ridge Estates Phase III; thence N87°25'49"E along the North line of said Lot 76, Oak Ridge Estates Phase III, said line also being the South line of said Lot 77, Oak Ridge Estates Phase III, a distance of 262.59 feet to the Northeast corner of said Lot 76, Oak Ridge Estates Phase III, said point also being the Southeast corner of said Lot 77, Oak Ridge Estates Phase III, said point also being on the West right-of-way line of Elliott Street, said line also being the East line of the NE¼ of said SW¼ of Section 24; thence S02°38'51"E along the East line of said Lots 76 and 75, Oak Ridge Estates Phase III, said line also being the West right-of-way line of Elliott Street, and also being the West line of Lot 1 and 12, Block 12, said Galesburg Addition, and also the West right-of-way line of said Morgan Street, said line also being said East line of the NW¼ of the SW¼ of Section 24, a distance of 336.63 feet to the point of beginning.

which real estate is to be platted into:

Oak Ridge Estates Phase III Replat One, being a replatting of Lots 74 thru 76, Oak Ridge Estates Phase III, a Subdivision located in the E½ of the SW¼ of Section 24, Township 75 North, Range 44 West of the 5th P.M., in Pottawattamie County, Iowa.

This Abstract does not cover matters included in Chapter 614.29 through 614.38 of the Code of Iowa as amended, the Marketable Title Act and Chapter 11 of the Iowa Land Title Examination Standards and the Abstracting Standards of the Iowa Land Title Association, which are excluded thereunder, except: Plats and survey; easements; party wall and other boundary line agreements; unexpired recorded leases; and patents and is certified to April 11, 2006 at 8:00 A.M. by Abstract Guaranty Company and is in one part containing 41 entries. From my examination, I find marketable title to be in.

OAKRIDGE ESTATES, L.L.C., subject to the following:

1. Entry #19 sets forth a Mortgage, Security Agreement and Assignment of Rents in the amount of \$2,000,000.00 from Oakridge Estates, L.L.C., a Nebraska limited liability

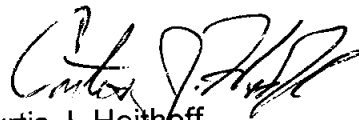
Company, to Firststar Bank, N.A., which Mortgage is dated May 31, 2000 and was recorded on May 31, 2000 in Book 100, Page 54129.

2. Entry #41 shows that the 2004 Real Estate Taxes and all prior years are paid.

CAUTION

This opinion is prepared pursuant to the provisions of §354.11(3) of the Code of Iowa, and only sets forth the names of the proprietors and holders of mortgages, liens, or other encumbrances on the real estate. Further as the abstract of title covers only matters which are of record in Pottawattamie County, Iowa, this examiner can make no determination concerning matters or problems which would be disclosed by a survey; the rights of parties who may be in possession of the real estate, other than the titleholders of record; and the right to file Mechanic's Liens against the premises for labor or materials furnished in connection with improvements made on the real estate within 90 days of furnishing the last item of improvement.

Very truly yours,



Curtis J. Heitoff
Member No. 2590

CJH:mee

STATEMENT OF MORTGAGE HOLDER

STATE OF IOWA)
)ss:
POLK COUNTY)

This Statement of Mortgage Holder is made pursuant to Iowa Code Section 353.11(2) by the undersigned representative of U.S. Bank, N.A.

1. That U.S. Bank, N.A. is the present holder of a certain Mortgage, Security Agreement and Assignment of Rents dated May 31, 2000 and recorded on May 31, 2000 in Book 100, Page 54129 of the Records of Pottawattamie County, Iowa, said Mortgage being originally given to Firststar Bank, N.A. by Oakridge Estates, L.L.C., a Nebraska limited liability company, and encumbering real estate owned by Oakridge Estates, L.L.C., which real estate is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ NW $\frac{1}{4}$, all in Section 24, Township 75 North, Range 44 West of the 5th P.M., Pottawattamie County, Iowa, and more fully set forth in said Mortgage, Security Agreement and Assignment of Rents.

2. That U.S. Bank, N.A. is the successor to Firststar Bank, N.A. by reason of the merger of both such entities.

3. That the real estate which is the subject of the Mortgage, Security Agreement and Assignment of Rents recorded in Book 100, Page 54129 of the Records of Pottawattamie County and described in paragraph 1 includes real estate to be platted by Oakridge Estates, L.L.C., which real estate will thereafter be known as:

Oak Ridge Estates Phase III, an Addition to the City of Council Bluffs, Iowa, Lots 58 through 88 Inclusive and Outlot "C", being a Platting of part of the SW $\frac{1}{4}$ of Section 24, Township 75 North, Range 44 West of the 5th P.M., in Pottawattamie County, Iowa.

with the real estate comprising Oak Ridge Estates Phase III being legally described as:

A tract of land located in the SW $\frac{1}{4}$ of Section 24, Township 75 North, Range 44 West of the 5th P.M., Pottawattamie County, Iowa, more particularly described as follows: Beginning at the Northeast corner of Lot 17, Oak Ridge Estates Phase I, a subdivision located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24; thence along the Northerly line of said Lot 17, Oakridge Estates Phase I, and also the Northerly line of Lots 18, 19 and 20, said Oakridge Estates Phase I on the following described courses; thence N63°09'55" W, a distance of 162.36 feet; thence N76°32'48"W, a distance of 122.62 feet; thence S85°28'08"W, a distance of 93.75 feet to the Southeast corner of Lot 46, Oakridge Estates Phase II, a subdivision located in the E $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 24; thence Northerly along the Easterly line of said Lot 46, Oakridge Estates Phase II, and also along the Easterly line of Lots 47 thru 57, inclusive, said Oakridge Estates Phase II on the following described courses: thence N04°31'52"W, a distance of 81.10 feet; thence N07°46'43"W, a distance of 92.14 feet; thence N07°27'42"W, a distance of 329.92 feet; thence N22°03'27"W, a distance of 182.29 feet; thence N12°20'53"W, a distance of 217.67 feet; thence N04°48'19"W, a distance of 65.76 feet to the Northeast corner of said Lot 57, Oakridge Estates Phase II; thence N88°29'22"W along the North line of said Lot 57, Oakridge Estates Phase II a distance of 145.84 feet to the Northwest corner of said Lot 57, Oakridge Estates Phase II, said point also being on the Easterly right-of-way line of Park Wild Drive; thence N24°17'28"E along said Easterly right-of-way line of Park Wild Drive, a distance of 35.06 feet to the point of intersection of said Easterly right-of-way of Park Wild Drive and the Northerly right-of-way line of said Park Wild Drive; thence N65°42'32" W along said Northerly right-of-way line of Park Wild Drive, a distance of 50.00 feet to the point of intersection of said Northerly right-of-way line of Park Wild Drive and the Westerly right-of-way line of said Park Wild Drive; thence S24°17'28"W along said Westerly right-of-way line of Park Wild Drive, a distance of 39.95 feet to the Northeast corner of Lot 45, said Oakridge Estates Phase II; thence along the Northerly line of said Lot 45, Oakridge Estates Phase II on the following described courses; thence N65°42'32"W, a distance of 150.00 feet; thence N75°33'29"W, a distance of 75.00 feet to the Northwest corner of said Lot 45, Oakridge Estates Phase II, said point

also being on the

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Easterly line of Lot 33, said Oakridge Estates Phase II; thence N09°01'03"E along said Easterly line of Lot 33, Oakridge Estates Phase II, a distance of 68.77 feet to the Northeast corner of said Lot 33, Oakridge Estates Phase II; thence N31°46'04"E, a distance of 386.23 feet; thence N50°08'11"E, a distance of 165.66 feet; thence N61°16'20"E, a distance of 50.00 feet; thence N74°04'57"E, a distance of 174.15 feet; thence S85°25'00"E, a distance of 89.26 feet; thence N89°32'31"E, a distance of 85.00 feet; thence S00°27'29"E, a distance of 126.00 feet; thence N89°32'31"E, a distance of 84.00 feet; thence S00°27'29"E, a distance of 34.00 feet; thence N89°32'31"E, a distance of 59.29 feet to a point on the East line of said SW $\frac{1}{4}$ of Section 24, said point also being on the West right-of-way line of Hammond Street; thence S02°38'51"E along said West right-of-way line of Hammond Street, and also the West line of Lots 1 and 12, Block 7, Galesburg Addition, a subdivision located in the SE $\frac{1}{4}$ of said Section 24, and also the West right-of-way line of Elliott Street, and also the West line of Lots 1 and 12, Block 12, said Galesburg Addition, and also the West right-of-way line of Morgan Street, a distance of 694.44 feet to the Northeast corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24; thence S02°37'48"E along said West right-of-way line of Morgan Street, and also the West line of Lot 1, Block 13, said Galesburg Addition, and also the West right-of-way line of Jordan Street, and also the West line of Prospect Park, and also the West right-of-way line of Millard Street, and also the West line of Lots 1 and 12, Block 19, said Galesburg Addition, a distance of 857.33 feet to the point of beginning.

4. That the Final Plat for Oak Ridge Estates Phase III, an Addition to the City of Council Bluffs, Iowa, which is composed of the real estate described in paragraph 3 and which is encumbered by the Mortgage, Security Agreement, and Assignment of Rents as described in paragraph 1, has been prepared with the free consent and in accordance with the desire of U.S. Bank, and U.S. Bank hereby fully consents to the platting of the real estate set forth in paragraph 3 into:

Oak Ridge Estates Phase III, an Addition to the City of Council Bluffs, Iowa, Lots 58 through 88 Inclusive and Outlot "C", being a Platting of part of the SW $\frac{1}{4}$ of Section 24, Township 75 North, Range 44 West of the 5th P.M., in Pottawattamie County, Iowa.

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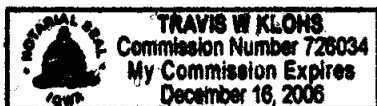
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DATED this 20 day of April, 2006.

U.S. BANK, N.A., Successor in Interest
of Firststar Bank, N.A.

BY: Jerald V. Jensen
Jerald V. Jensen -Vice-President

NOW On this 20th day of APRIL, 2006, before me, a Notary Public in and for said County and State, personally appeared Jerald V. Jensen, to me personally known, who being by me duly sworn, did say that he is a Vice-President of U.S. Bank, N.A. executing the within and foregoing instrument to which this is attached; that no seal has been procured by U.S. Bank, N.A.; that the instrument was signed on behalf of U.S. Bank, N.A. by authority of its Board of Directors; and that Jerald V. Jensen, of U.S. Bank, N.A., acknowledged the execution of the foregoing instrument to be the voluntary act and deed of U.S. Bank, N.A.; by it and by him voluntarily executed.



Travis W. Klohs
NOTARY PUBLIC IN AND FOR SAID STATE