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MATTHEW G. WOODS
JOHN C. RASMUSSEN*
JOHN D. KWAPNIOSKI*
JENNIFER K. SEWELL*
JUSTIN R. WYATT

*Also Admitted in NE

February 25, 2005

Don Gross
Director of Community
Development Department
209 Pearl Street
Council Bluffs, IA 51503

Examined by
Peters Law Firm, P.C.

Abstract Opinion# 4485

RE: Examination of Abstract for Plat of Sunset Park North Subdivision
Phase II
Our File No. 24681

To Whom It May Concern:

As requested, I have completed an examination of the Abstract of Title provided as to the following described real estate situated in Pottawattamie County, Iowa, described, to-wit:

Lots 9 thru 16, Block 47, Lots 9 thru 16, Block 48, Lots 9 thru 16, Block 49 and Lots 9 thru 14, Block 50, Riddle's Subdivision, together with that part of vacated 10th, 11th and 12th Street abutting said Lots and Blocks, in the City of Council Bluffs, Pottawattamie County, Iowa. Being more particularly described as follows: Beginning at the Southwest Corner of said Block 47, thence North 00°08'41" West along the West line of said Block 47 a distance of 135.00 feet; thence North 89°59'49" east along the North line of said Lots 9 thru 16 of Blocks 47, 48, 49 and Lots 9 thru 14, Block 50 a distance of 1435.89 feet; thence South 00°09'34" East along the east line of said Lot 14, Block 50 a distance of 135.06 feet; thence South 89°59'58" West along the South line of said Lots 9 thru 16 of Blocks 47, 48, 49 and Lots 9 thru 14, Block 50 a distance of 1435.92 feet to the Point of Beginning. Subject to easements, restrictions and covenants of record.

The Abstract is in 5 parts. Parts 1 through 4 are prepared pursuant to the 40 year marketable title act commencing at various times from the Root of Title of the various parcels and are all certified through July 20, 2004, at 8:00 a.m. Part 1, which covers real estate in Block 47 contains entries numbered 1 through 84, both inclusive, Part 2, which covers real estate in Block 48 contains entries numbered 1 through 84, both inclusive, Part 3, which covers real estate in Block 49 contains entries numbered 1 through 84, both inclusive and Part 4, which covers real estate in Block 50 contains entries numbered 1 through 94, both inclusive.

Part 5 of the abstract is a continuation of Parts 1, 2, 3, and 4 of the Abstract for the property described above, last certified from July 20, 2004 at 8:00 a.m. to (Friday) February 25, 2005 at 3:00 p.m. containing Entries numbered 1 through 14, both inclusive, plus additional Entries Nos. 1A through 1D and 10A by Abstract

Guaranty Company, Title Guaranty Division Member No. 8146. All references to entry numbers are to part five of the abstract unless otherwise noted.

The Abstract contains a notice at Entry No. 1 of each of the first four parts that the Abstract is prepared pursuant to Section 614.29 through 6147.28 of the Code of Iowa Chapter 11 of the Iowa Land Title Standards of the Iowa Bar Association and the Abstracting Standards of the Iowa Land Title Association.

All matters of record prior to the date of the recording of the root of title are omitted herefrom except:

1. Plats and Surveys.
2. Easements.
3. Party Wall and Other Boundary Line Agreements.
4. Unexpired Recorded Leases.
5. Patents.

TITLE

Subject to the exceptions described below we find marketable title to the real estate to be in the **City of Council Bluffs, Iowa** pursuant to the following described documents:

Lots 9 thru 16, Block 47

a. Lots 9, 10, and 11 in Block 47, Riddles Subdivision acquired by the City of Council Bluffs, Iowa by the combination of :

(i) a Warranty Deed from R. Paul Huss and Rebecca L. Huss, husband and wife, dated October 30, 2001, filed November 13, 2001 in Book 102, page 34332 as disclosed at Entry No. 34 of Part 1, supplemented by:

(ii) a Quit Claim Deed from Charlotte E. Christensen, a single person; Russell E. Van Horn and Sue Van Horn, husband and wife; Richard R. Van Horn, a single person; and Roberta J. Lake, a single person, dated November __, 2001, acknowledged November 16, 2001, filed November 27, 2001 in Book 102, Page 37900 as disclosed at Entry No. 36 of Part 1,

(iii) a Quit Claim Deed from Geraldine K. Green and Russell E. Green, wife and husband, dated November __, 2001, acknowledged November 21, 2001, filed November 27, 2001 in Book 102, Page 37902 as disclosed at Entry No. 37 of Part 1,

(iv) a Quit Claim Deed from Anna Louise Howell and James G. Howell, wife and husband, dated November __, 2001, acknowledged November __, 2001 filed November 27, 2001 in Book 102, Page 37903 as disclosed at Entry No. 38 of Part 1, and

(v) a Quit Claim Deed from Wendell E. Van Horn, a single person; and Dean R. Van Horn and Joni Van Horn, husband and wife, dated November __ 2001, acknowledged November __ 2001, filed November 27, 2001 in Book 102, Page 37904 as disclosed at Entry No. 39 of Part 1.

b. Entry Nos. 20 and 52 of Part 1 disclose that Glen E. Thacker, Jr., aka Glen Thacker, and Connie Thacker, husband and wife, conveyed Lots 12 and 13 (and other property) in Block 47, Riddles Subdivision to the City of Council Bluffs by a Warranty Deed dated July 6, 2001, filed July 18, 2001 in Book 102, Page 4329.

c. Entry No. 68 of Part 1 discloses that Donald A. Jones and Carol A. Jones, husband and wife conveyed Lots 14, 15 and 16 in Block 47, Riddles Subdivision, to the City of Council Bluffs, Iowa by a Warranty Deed dated May 30, 2000, filed June 2, 2000 in Book 100, Page 55600.

Lots 9 Thru 16 Block 48

a. Entry No. 41 of Part 2 discloses the Condemnation of Lot 9 Riddles Subdivision by the City of Council Bluffs, Iowa filed January 4, 2002, in Book 102, Page 50906; and

b. Entry No. 42 of Part 2 discloses that Pottawattamie County Iowa conveyed Lots 10, 13 and 14 in Block 48 Riddles Subdivision to the City of Council Bluffs, Iowa by a Special Warranty Deed dated October 13, 1947, filed September 28, 1948 in Book 994, Page 21; and

c. Entry No. 49 of Part 2 discloses that Donald A. Jones and Carol A. Jones, husband and wife, conveyed Lot 11 (and other property) in Block 48 Riddles Subdivision to the City of Council Bluffs, Iowa by a Warranty Deed dated May 30, 2000, filed June 2, 2000 in Book 100, Page 55600.

d. Entry No. 50 of Part 2 discloses that Pottawattamie County, Iowa, conveyed Lot 12 in Block 48, in Riddles Subdivision to the City of Council Bluffs by a Special Warranty Deed dated October 30, 1947, filed September 28, 1948 in Book 994, Page 23.

e. Entry No. ____ discloses that Ricky R. Snyder and Gay L. Snyder, husband and wife, conveyed Lots 15 and 16, in Block 48, Riddles Subdivision, Council Bluffs, Pottawattamie County, Iowa to the City of Council bluffs by a Warranty Deed dated August 27, 2004, filed September 24, 2004 in Book 105, Page 5864.

Lots 9 Thru 16 Block 49

a. Entry No. 28 of Part 3 discloses that Hazel Harrelson, single, conveyed Lots 9 and 10 in Block 49, in Riddle's Subdivision to the City of Council Bluffs by a Warranty Deed dated July 14, 1977, filed July 29, 1977 in Book 78, Page 2050.

b. Entry No. 26 of Part 3 discloses that Donald A. Jones and Carol A. Jones, husband and wife conveyed Lots 11 - 15 (and other property) in Block 49 in Riddles

Subdivision to the City of Council Bluffs by a Warranty Deed dated May 30, 2000, filed June 2, 2000 in Book 100, Page 55600.

c. Entry No. 6 discloses that Gary L. and Patricia M. James, husband and wife, conveyed Lot 16 in Block 49, Riddles Subdivision to the City of Council Bluffs pursuant to a Warranty Deed dated July 6, 2001, filed July 18, 2001 in Book 102, Page 4330. The Warranty Deed was re-recorded on September 24, 2004 in Book 105, Page 5915 to show the completed Notary paragraph.

PART 4 Block 50

a. Entry No. 40 of Part 4 and Entry No. 6 both disclose that Gary L. James and Patricia M. James, as husband and wife, conveyed Lots 9 and 10 in Block 50, Riddles Subdivision, to the City of Council Bluffs, Iowa by a Warranty Deed dated July 6, 2001, filed July 18, 2001 in Book 102, Page 4330. The Warranty Deed was re-recorded on September 24, 2004 in Book 105, Page 5915 to show the completed Notary paragraph.

b. Entry No. 73 of Part 4 discloses that Donald A. Jones and Carol A. Jones, husband and wife, conveyed Lots 11 and 12 (and other property) in Block 50, Riddles Subdivision to the City of Council Bluffs, Iowa by a Warranty Deed dated May 30, 2000, filed June 2, 2000 in Book 100, Page 55600.

c. Entry No. 80 of Part 4 discloses that Thomas E. Spratt, a single person, conveyed Lots 13 and 14 in Block 50, Riddle's Subdivision to the City of Council Bluffs, Iowa by a Warranty Deed dated October 9, 2001, filed October 17, 2001 in Book 102, Page 27898.

Vacated 10th, 11th and 12th streets abutting the above described Lots and Blocks.

a. Entry No.55 of Part 1, No.69 of Part 2, No.55 of Part 3, and No.83 of Part 4 all disclose City of Council Bluffs Resolution No. 04-132 to vacate of the East/West Alleys located in Blocks 47, 48, 49, 50 and 51, and the South Ninth Street right-of-way abutting Block 50 and Block 51, South Tenth Street right-of-way abutting Block 49 and Block 50, South Eleventh Street right-of-way abutting Block 48 and Block 49, South Twelfth Street right-of-way abutting Block 47 and Block 48, all in Riddle's Subdivision, City of Council Bluffs, Pottawattamie County, Iowa. The resolution which was adopted June 14, 2004, filed July 1, 2004 in Book 105, Page 3 conveys the vacated streets and alleys to the City of Council Bluffs.

EXCEPTIONS

1. Entry No.69 of Part 1, No.66A of Part 2, No.54 of Part 3, and No.81 of Part 4 disclose City of Council Bluffs Resolution No. 02-198 dated July 22, 2002, filed August 9, 2002 in Book 103, Page 10647 - 10686 adopting the Katelman Urban Renewal Plan - including all of the property under examination. Details of that plan are shown in the copy of the plan included on the abstract. You are referred to the document for further details.

2. Entry No.70 of Part 1, No.67 of Part 2; No.53 of Part 3, and No.82 of Part 4 discloses a City of Council Bluffs Ordinance No. 5772 adopted August 25, 2003 filed on September 15, 2003 in Book 104, Page 06898 to amend the zoning map for:

The North ½ of Blocks 46 through 50, Riddle's Subdivision from I-2/General Industrial to R-1/Single Family Residential.

The South ½ of Blocks 48 through 50 and all of Blocks 61 through 65, Riddle's Subdivision from R-3/Low Density Multi Family Residential to R-1/Single Family Residential. The property under examination is zoned R-1/Single Family Residential.

3. Entry No.72 of Part 1, No.70 of Part 2, No.56 of Part 3, and No.84 of Part 4 disclose City of Council Bluffs Ordinance Nos. 3967, 3968, 4948, 5216, 5217, 5255, 5323, 5458, 5469, 5502 and changes to the Municipal Code.

Entry No.73 of Part 1, No.71 of Part 2, No.58 of Part 3, and No.85 of Part 4 disclose City of Council Bluffs Ordinance No. 4589.

Entry No. 74 of Part 1, No.72 of Part 2, No.59 of Part 3, and No.86 of Part 4 disclose City of Council Bluffs Ordinance No. 4942.

Entry No. 75 of Part 1, No.73 of Part 2, No.60 of Part 3, and No.87 of Part 4 disclose City of Council Bluffs Ordinance No. 5264.

Entry No. 76 of Part 1, No.74 of Part 2, No.61 of Part 3, and No.88 of Part 4 disclose City of Council Bluffs No. 5333.

SINCE THESE ORDINANCES AFFECT THE PROPERTY UNDER EXAMINATION, YOU ARE REFERRED TO THE RECORD FOR FURTHER PARTICULARS.

4. Entry No.81 of Part 1, No.78 of Part 2, No.64 of Part 3, and No.91 of Part 4 disclose the following:

WE DO NOT CERTIFY TO UNPAID FEES FOR SERVICES FOR SEWER SYSTEMS, STORM WATER DRAINAGE SYSTEMS, SEWAGE TREATMENT, SOLID WASTE COLLECTION, WATER, AND SOLID WASTE DISPOSAL, WHICH HAVE BEEN CERTIFIED TO THE COUNTY TREASURER FRO COLLECTION UNLESS THESE CHARGES HAVE BEEN ENTERED ON THE TAX RECORDS.

5. Entry No.82 of Part 1, No.79 of Part 2, No.65 of Part 3, and No.92 of Part 4 disclose the following:

"INASMUCH as the office of the County Treasurer indexes Buildings on Leased Land and assessments for Machinery and Equipment in such a manner it is impossible to determine if there are any which would attach to the real estate under examination, we do not certify to such assessments."

6. Entry No.84 of Part 1, No.81 of Part 2, No.67 of Part 3, and No.94 of Part 4 disclose:

"NO SEARCH made for Bankruptcies filed subsequent to 1 October, 1979. Your attention is directed to the Bankruptcy Clerk of Federal Court, Des Moines, Iowa where said matters are now filed of record."

7. Entry No. 12 discloses City of Council Bluffs Resolution No. 04-312 which grants final approval for a 24-lot subdivision to be known as Sunset Park North Phase II. The resolution adopted and approved on December 13, 2004 was recorded January 27, 2005 in Book 105, Page 13964.

8. Entry No. 13 discloses a lien search including liens in district and federal courts of Pottawattamie County as to the following persons, ONLY:-

Past Ten Years: City of Council Bluffs, Iowa

9. Entry No. 14 discloses the following information regarding taxes:

GENERAL TAXES for the year 2003 and prior years, all paid or exempt.

P-000035696022617; **Block 47**
022620;
022623;
022624;

P-000035696022634; **Block 48**
022635;
022636;
022637;
022638;
022639;
022641;

P-000035696022650; **Block 49**
022652;
022655;
022657;

P-000035696022666; **Block 50**
022667;
022668;
022670

CAUTIONARY INSTRUCTIONS

This examination does not constitute a certification that any building or other improvement situated upon the described property are within the platted boundary lines. Such determination could only be made by survey.

This examination does not constitute a certification that any fences or other apparent boundary line markers are situated upon the platted boundaries of the land. This determination could only be made by survey.

If any person is in possession other than the titleholders named in this opinion, you should make inquiry to determine the nature and extent of the claimed right of possession.

You are charged with notice of any visible easements such as power lines, and if any such easements exist, you should make inquiry to determine the nature and extent of the claimed easement right.

The opinion covers the period shown on the abstractor's certificate only. You take subject to any matters affecting title from the last certificate to closing. You can purchase for yourself from the abstractor a lien search and certificate as of closing. Contact the abstractor or this office for assistance.

Under Iowa law, any person who furnishes labor, services, or materials, incident to the construction of any building or other improvement upon real estate, may file a Mechanic's Lien against the real estate, within ninety days after completion of the improvements, if the improvements have not been paid for. You should therefore satisfy yourself that no recent improvements have been made on the property, or if any such improvements have been made, you should satisfy yourself that all bills, in connection with the improvements, have been paid.

You should assure yourself as to the availability of reasonable and convenient access to the real estate from an existing public right of way. You are charged with notice of any rights to access to and from highways and streets which may be designated as "controlled access facilities" by the state and local authorities.

You are charged with notice that the use of any real estate located in the State of Iowa may be subject to restrictions relating to Flood Plain Zoning; these restrictions on use are administered by the Iowa Department of Natural Resources in conjunction with local and federal authorities. In the event the real estate described herein appears to be physically located in an area where there is a potential for flooding from any source, you are directed to consult with the City or County officers having charge of zoning matters to determine whether or not restrictions may apply by virtue of Flood Plain Zoning.

The abstract has not disclosed the existence of hazardous substance, pollutants, contaminants, hazardous wastes, 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, in the event there are environmental and/or public health violations, permit injunctive relief and require removal, remedial actions and/or other "clean up." The cost of such "clean up" may become a lien against the real estate, and a party interested in the real estate may incur personal liability even though said party may not have disposed of any hazardous substances, pollutants, contaminants, or hazardous waste on the real estate or used any underground storage tanks or wells.

You should, therefore, make a careful inspection of the property to determine that such environmental contamination or conditions do not exist. You may also want to consider the following:

- a) Inquire as to past uses of the property to determine if such uses could have resulted in any contamination or future contamination of the property or the groundwater, and ascertain whether any adjoining property has been or is being used for a purpose which has or could result in contamination of the property under examination; and
- b) Make a visual inspection and/or conduct professional testing to confirm the real estate is free of environmental hazards and contamination.

The laws of the U.S.A. relating to bankruptcy provide that all bankruptcy cases are to be filed with the Clerk of the Bankruptcy Court. Since the clerk's office is not in the county in which the real estate is situated, the abstract company cannot certify whether or not the title to the real estate is affected thereby. If a concern should be present regarding the effects of bankruptcy upon the title of the subject real estate, an inquiry should be made to the office of the Clerk of Bankruptcy Court in Des Moines, Iowa.

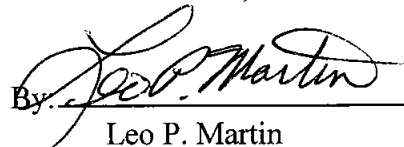
The Abstract does not mention whether any garbage assessments or sewer and water bills remain unpaid. We advise you that these assessments become a lien upon the property when certified to the County Treasurer's Office. If these services are provided to the property, you should contact the City Clerk or water department to determine if there are any such assessments that are unpaid.

* * *

The Abstract will be retained by me pending further instructions. If you have questions, please contact me.

Sincerely,

PETERS LAW FIRM, P.C.

By: 
Leo P. Martin

LPM:rsw
G:\LPM\2468\INTO 4485 REV 2-25-05.wpd

CERTIFICATE AND RECEIPT

=====

STATE OF IOWA,

} ss.

Pottawattamie County,

The undersigned, Clerk of the City of Council Bluffs, Iowa,

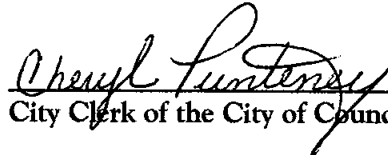
hereby certifies that: Resolution No. 04-312 and Attachment "A"

are true and correct copies

as the same appears of record in this office.

Witness my hand and seal of Council Bluffs, Iowa, this

29th day of Dec. A.D. 2004



City Clerk of the City of Council Bluffs, Iowa

=====

RESOLUTION NO. 04-312

A RESOLUTION granting final plat approval for a 24-lot residential subdivision to be known as Sunset Park North Phase II.

WHEREAS, the Community Development Department has applied for final plat approval for a 24-lot single family residential subdivision to be known as Sunset Park North Phase II, located along the north side of 14th Avenue, from west of South 9th Street to South 13th Street; and

WHEREAS, the proposed subdivision is consistent with the 1994 Comprehensive Plan and the purpose and intent of the Subdivision and Zoning Ordinances. All of the lots directly abut public street right-of-way and exceed the minimum lot size required by the Zoning Ordinance; 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 final plat for Sunset Park North Subdivision Phase II, as shown on Attachment "A", subject to the following conditions:

1. Incorporation of all technical corrections required by the Community Development Department and/or Public Works Department prior to execution of the final plat document, including, but not limited to increasing the utility easement along the front property line of each lot from 5 feet to 10 feet.
2. Sidewalks, built to City standards, 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 residence.

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

That the final plat for Sunset Park North Subdivision Phase II, 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 December 13, 2004
APPROVED


THOMAS P. HANAFAN Mayor

Attest: 
CHERYL PUNTENEY City Clerk

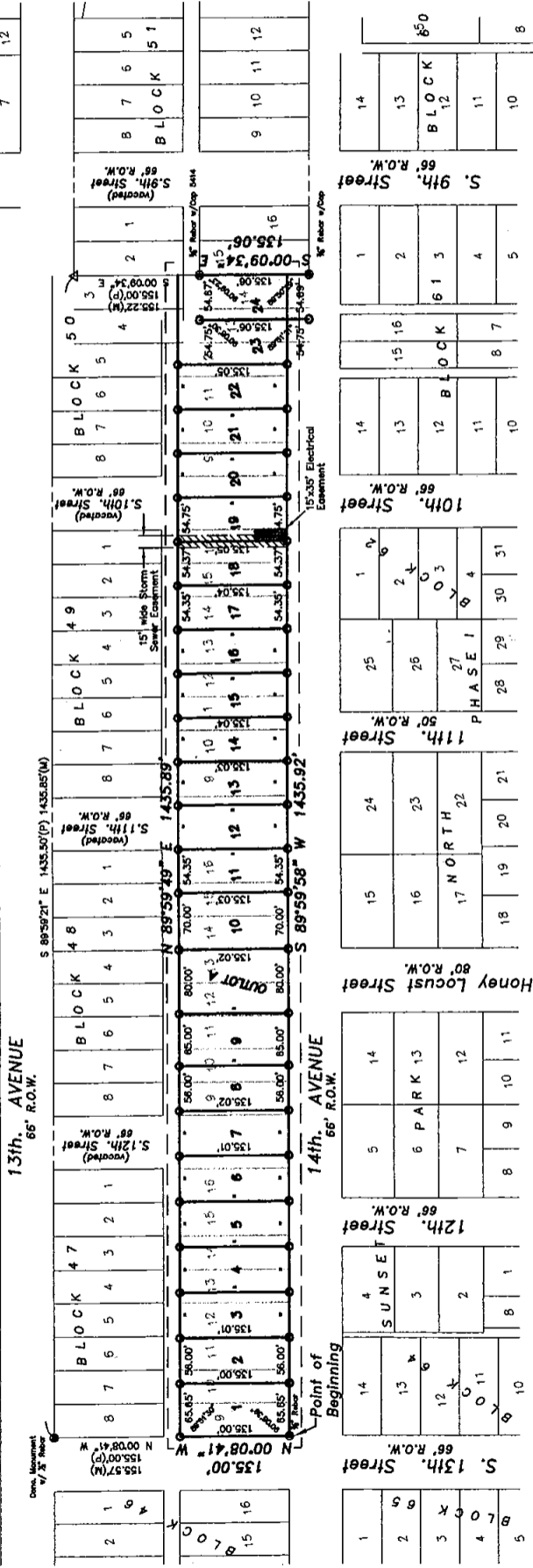
Planning Case No. SUB-04-014

SUNSET PARK NORTH SUBDIVISION PHASE II

LEGAL DESCRIPTION - SUNSET PARK NORTH SUBDIVISION PHASE II
 BEING A REPEAT OF LOTS 9 THRU 16, BLOCK 47, LOTS 9 THRU 16, BLOCK 48, LOTS 9 THRU 16, BLOCK 49 AND LOTS 9 THRU 16, BLOCK 50, TOGETHER WITH THAT PART OF S. 9th STREET, S. 10th STREET, S. 11th STREET AND S. 12th STREET OUTCUTTING SAID BLOCKS, IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID BLOCK 47, THENCE NORTH 00°08'41" WEST ALONG THE WEST LINE OF SAID BLOCK 47 A DISTANCE OF 135.00 FEET; THENCE NORTH 89°59'49" EAST ALONG THE NORTH LINE OF SAID LOTS 9 THRU 16 OF BLOCKS 47, 48, 49 AND LOTS 9 THRU 14, BLOCK 50 A DISTANCE OF 1435.89 FEET; THENCE SOUTH 00°08'41" EAST ALONG THE EAST LINE OF SAID LOTS 9 THRU 14, BLOCK 50 A DISTANCE OF 135.00 FEET; THENCE SOUTH 89°59'49" WEST ALONG THE WEST LINE OF SAID LOTS 15 AND 16, BLOCK 50 A DISTANCE OF 135.00 FEET; THENCE SOUTH 89°59'49" WEST ALONG THE WEST LINE OF SAID LOTS 15 AND 16, BLOCK 50 A DISTANCE OF 1435.82 FEET TO THE POINT OF BEGINNING. ABOVE DESCRIBED TRACT CONTAINS 4.47 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD.

NOTE:
 The east-west alley located in Block 47 thru Block 51, together with that part of S. 9th Street, S. 10th Street, S. 11th Street and S. 12th Street outcutting said blocks, all in Riddle's Subdivision, have been vacated per Resolution No. 04-132, dated 06/14/2004.

RAILROAD GROUNDS



CITY OF COUNCIL BLUFFS CERTIFICATION:
 We hereby certify that we will meet all local, state and federal objectives and standards for the subdivision and for marketing objectives and standards with the following conditions, we hereby certify that the following conditions will be recorded with the Pottawattamie County Recorder contemporaneously with the filing of this Plat:
 A. The subdivision shall be subject to the review of the City Engineer.
 B. Certified resolution of each governing body approving the subdivision or waiving the right to review.

DEDICATION:
 Know all persons by these presents that the City of Council Bluffs, Iowa, being the sole owner of the property described within the legal description and located within this plat, have caused said property to be replatted into Lots 1 through 24, inclusive, and Outlot A, as shown herein, solid property to be hereafter known as "Sunset Park North Subdivision Phase II", and we hereby ratify and approve the disposition of the property as shown on this plat. We do hereby reserve a perpetual 150-foot wide storm sewer easement 500 feet wide on each side of the 150-foot wide storm sewer easement, and a perpetual 10.00 foot wide easement along all front lot lines for the installation and maintenance of utilities. The reservations of these easements shall be subject to the following terms and conditions:
 1) The easement shall be used to run with the land and shall be held in trust for the City of Council Bluffs, Iowa, successors or assigns.
 2) Erection of Structures Prohibited: No structures shall be erected over or within the easement area without obtaining the prior written consent of the City Engineer.
 3) Change of Grade: No change of grade, elevation or contour of any part of the easement area shall take place without obtaining the prior written consent of the City Engineer.
 4) Easement Area: The easement area shall be used for the installation and maintenance of all rights of ingress and egress reasonably necessary for the use and enjoyment of the easement area herein described.
 5) Removal and Replacement: The cost of removal and replacement of any unauthorized improvement or structures within the easement area shall be borne by the owner(s) of the improvement or structures. The easement area shall be restored to the original condition of the surface within the easement area by the owner(s) of the improvement or structures.
 6) Surface Restoration: The City's liability to restore the surface within the easement area shall be limited to grading and seeding.
 7) Duty to Repair: The City agrees that any drain tile, sewer or access way, fence, yard or other improvement outside of the easement area which may be damaged by any improvement or structures within the easement area shall be repaired at no expense to the owners or its successors or assigns.
 In witness hereof we do hereby set our names.

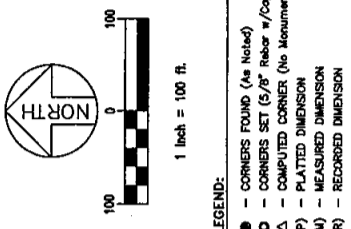
ACKNOWLEDGMENT OF NOTARY
 STATE OF IOWA
 COUNTY OF POTTAWATTAMIE
 ON THIS 21st DAY OF DECEMBER, 2005, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, appeared Mark W. Fredrickson, personally known to me to be the identical person whose name is affixed to the foregoing instrument, and he did acknowledge the execution thereof to be on behalf of the City of Council Bluffs and to be their voluntary act and deed.
 Mark W. Fredrickson
 NOTARY PUBLIC
 DATE: 12/21/05

APPROVAL OF THE COUNCIL BLUFFS CITY COUNCIL
 THIS PLAT OF SUNSET PARK NORTH SUBDIVISION PHASE II HAS BEEN APPROVED BY THE COUNCIL BLUFFS CITY COUNCIL.
 Mayor: Charles J. Pendergast
 City Engineer: Charles J. Pendergast
 DATE: 12-21-05

COUNTY TREASURERS CERTIFICATION
 THIS IS TO CERTIFY THAT I FIND NO CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS DUE OR DELINQUENT AGAINST THE PROPERTY AS DESCRIBED WITHIN THIS PLAT AS SHOWN BY THE RECORDS OF THIS OFFICE.
 COUNTY TREASURER: [Signature]
 DATE: 12-21-05

LOT AREAS

LOT #	Square Feet	Acres
1	8,883	0.20
2	7,580	0.17
3	7,580	0.17
4	7,580	0.17
5	7,580	0.17
6	7,580	0.17
7	7,581	0.17
8	7,581	0.17
9	8,777	0.20
10	9,452	0.22
11	7,539	0.17
12	7,539	0.17
13	7,539	0.17
14	7,539	0.17
15	7,539	0.17
16	7,539	0.17
17	7,539	0.17
18	7,343	0.17
19	7,384	0.17
20	7,384	0.17
21	7,384	0.17
22	7,384	0.17
23	7,384	0.17
24	7,384	0.17
OUTLOT A	10,802	0.25



SURVEYOR'S CERTIFICATION:
 I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.
 Mark W. Fredrickson
 MARK W. FREDRICKSON
 LICENSE NUMBER: 13108
 DATE: 12-20-05
 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2005
 PAGES OR SHEETS COVERED BY THIS SEAL: ONE



DATE	BY	APP	REVISIONS
10/23/04			
	DESIGNED		
	DRAWN		
	CHECKED		

**DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS,
FOR
SUNSET PARK NORTH SUBDIVISION - PHASE II
IN THE CITY OF COUNCIL BLUFFS, IOWA**

THIS DECLARATION, made this 25th day of January, 2005 by the undersigned,

WITNESSETH:

WHEREAS, the undersigned is the owner of the real estate described in Clause I of this Declaration, and is desirous of subjecting the real property described in said Clause I to the conditions, restrictions, limitations, covenants, reservations, easements, liens and charges hereinafter set forth, each and all of which is and are for the benefit of said property and for each owner thereof and shall inure to the benefit of and pass with said property, and each and every parcel thereof, and shall apply to and bind the successors in interest and any owner thereof;

NOW, THEREFORE, the undersigned hereby declares that the real property described in and referred to in Clause I hereof, is and shall be held, transferred, sold and conveyed, subject to the conditions, restrictions, limitations, covenants, reservations, easements, liens and charges herein set forth.

CLAUSE I

Property Subject to this Declaration

The real property which is, and shall be, held and shall be conveyed, transferred, and sold, subject to these conditions, restrictions, limitations, reservations, easements, liens and charges, with respect to the various portions thereof set forth in the various clauses and subdivisions of this Declaration is located in the City of Council Bluffs, Pottawattamie County, State of Iowa, and is more particularly described in the final plat of Sunset Park North Subdivision - Phase II in Council Bluffs, Iowa, attached hereto and incorporated herein by reference.

No property other than that described above shall be subject to this Declaration, unless and until specifically made subject thereto.

CLAUSE II

General Purposes of Conditions

The real property described in Clause I hereof is subject to the conditions, restrictions, limitations, covenants, reservations, easements, liens and charges hereby declared to insure the best use and the most appropriate development and improvement of each building site thereof.

Plans and specifications must be submitted to the City of Council Bluffs (hereinafter the "City") as the Developer of Sunset Park North Subdivision - Phase II (hereinafter "Developer") for approval to protect owners and guard against improper use of surrounding building sites which will depreciate the value of their property; to preserve, as far as practical, the natural beauty of said property; to guard against erection of poorly designed or proportioned structures, and structures built of improper or unsuitable materials; to insure the highest and best development of said property; to prevent haphazard and inharmonious improvements of building sites; to prevent inappropriate location of structures on building sites; to obtain harmonious color schemes; to encourage and secure the erection of attractive homes thereon; to secure and maintain proper setbacks from street and adequate free spaces between structures; and in general to provide adequately for quality improvement of said property and thereby enhance the values of investments made by the purchasers of the building sites therein.

1. All lots described herein shall be known, described and used solely as residential lots, and no structures shall be erected on any lot other than one detached single family dwelling not to exceed two stories in height and an attached garage for not less than two automobiles and not more than three automobiles. Combination of lots is not allowed. Detached garages are not allowed.
2. No trailer, basement, tent, shack, garage, barn or outbuilding shall be used as a residence, temporarily or permanently, nor shall any residence of a temporary character be permitted.
3. Recreational vehicles, mobile homes, campers, motor homes, trailers, motorcycles, motor boats, house boats or similar water boats may be maintained, stored or kept on any parcel of property covered by these covenants provided that they are a) placed to the rear of the parcel and are screened from view by an attractive fence (plans for which shall be submitted to the Developer) as referred to in Paragraph "5" or b) housed within the

garage of said home. Unused vehicles shall be housed within the garage and no lot shall be used for the purpose of selling, leasing or repairing vehicles for commercial purposes.

4. No building shall be erected on any lot unless the design and location is in harmony with the existing structures and location in the tract, and does not violate any of the protective covenants herein. All buildings shall have not less than 950 total square feet of living area on the main floor. Square footage requirements are exclusive of porches and/or attached garages. Maximum lot coverage cannot exceed 1500 square feet. Minimum Building Standards as determined by the Developer are included with these covenants and must be followed.
5. No changes, alterations, additions, buildings, fences or walls shall be commenced without submission and approval of plans and specifications to the Developer, showing the nature, kind, shape, height, materials and location of same. In the event such plans are neither approved or disapproved within 30 days after submission, such approval shall not be required so long as such design and location are harmonious with existing structures and do not violate any restrictive covenants. The primary purpose of this covenant is to protect the value of the homes in the development. This covenant is not to be construed as a means of suppressing expressions of individuality.
6. No fence shall be erected on any lot which would extend forward past the rear of any house erected thereon.
7. All front foundations facing streets are to be covered with brick or stone.
8. The front, side and back yards shall be seeded or sodded with grass.
9. The title-holder or contract holder to each lot, vacant or improved, shall keep their lot or lots free of weeds and debris.
10. No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage, or other wastes.
11. No offensive or obnoxious trade shall be carried on upon any lot, nor shall anything be done, thereon which may be or become an annoyance or nuisance to the neighborhood.
12. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept provided they are not kept, bred or maintained for any commercial purposes.
13. No satellite dish or tower, for television or other communication purposes, shall be placed on any lot, except one satellite dish, not to exceed 2 feet in diameter, may be placed on each lot.
14. Each property owner shall exercise as much care as is possible to retain natural vegetation, trees, shrubs and other similar growth. Prior to removal of such growth, the plans referred to in paragraph "5" shall be submitted to the Developer for approval.
15. A minimum of one tree at least two inches in diameter will be planted by the builder in the area between the front of the dwelling and the street.
16. Plans and specifications for garden sheds, or other similar type structures, shall be submitted for approval by the Developer. Buildings for garden tools, etc. shall be required to have a design similar to the house design with regard to siding materials, roofing materials and roof design. Metal storage buildings will not be allowed.
17. No dwelling shall be moved to any location within Sunset Park North Subdivision - Phase II from outside the development.
18. The maximum time allowed to complete construction and landscaping will be one year from commencement of construction. Excess dirt from excavation shall be hauled from the lot within the construction period. All excavation, backfilling and landscaping shall be done in a manner such that the natural drainage is not altered to such an extent that unreasonable or undesirable drainage or erosion results.
19. Materials and equipment used during the construction and landscaping process shall be stored and maintained on the lot in an orderly manner.
20. No business activities shall be conducted on any lot if the conduct of said business activity will result in an unreasonable increase in the traffic flow, increase in the number of vehicles parked in the streets, or the presence of unsightly commercial vehicles.
21. No sign, billboard or other structure for advertising or the display of advertising material of any kind shall be erected, altered, placed or permitted

to remain on any lot except that real estate for-sale or for-rent signs shall be permitted temporarily in the yards of dwellings which are being offered for sale or rent.

22. Notwithstanding the foregoing provisions, paragraphs "20" and "21" shall not restrict the business activities, advertising, signs and billboard, or the construction and maintenance of structures by the Developer, its agents and assignees, during the construction and sale period of this development.
23. A perpetual easement for utility installation, maintenance and drainage facilities is reserved over, across and through the side five feet of all lots, and over, across and through the rear ten feet of all lots, or as otherwise specified on the final plat.
24. All buildings and improvements shall be constructed in compliance with the pertinent zoning and building codes of the City of Council Bluffs, Iowa.
25. No principal structure shall be erected on any residential lot nearer than 25 feet from the front property line, 20 feet from the rear property line, 15 feet from the street side yard property line, 10% of the lot width at the building setback location or five feet whichever is greater from an interior side property line. No accessory structure shall be erected or place on any residential lot, including garden sheds, nearer than 10 feet from the rear property line, 5 feet from the side property line, 15 feet from a street side yard property line. No accessory structure shall be placed between the front facade of the principal structure and the front property line. A principal structure is a structure for which an authorized use is to occupy or be maintained, in this case the single family residential structure. An accessory structure is a structure which is incidental to and customarily associated with the principal use on the same lot. An accessory structure shall be subordinate in area, extent and purpose to the principal building. Principal or main use means the purpose for which land, a building or structure thereon is, under the provision of Title 15 of the Municipal Code is authorized to be occupied or maintained.
26. Public sidewalks shall be constructed of concrete four feet wide by four inches thick in front of each built-upon lot and along the street side of each built-upon corner lot.
27. Fruit or vegetable gardens shall not be permitted which would extend forward past the rear of any house erected on any lot.
28. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until December 31, 2025. It shall be lawful for any person or persons owning any lot in Sunset Park North Subdivision - Phase II to proceed at law or in equity against the person or persons violating or attempting to violate such covenant or restriction and either to enjoin him/her or them from so doing and to recover damages from such violation.
29. Invalidity of any of these covenants by judgment of court order shall in no way affect any of the other provisions which shall remain in full force and effect.

Minimum Building Standards

The following construction standards are required of all structures:

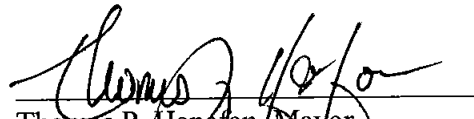
1. The contractor shall construct a single-family dwelling consistent with the terms of an approved application including all attachments.
2. The contractor shall build the unit using materials and standards consistent with those stated in the application attachments as agreed to by City.
3. All structures must meet Housing Quality Standards as defined by the U.S. Department of Housing and Urban Development.
4. All structures must be permitted by the City of Council Bluffs Building Division and appropriately constructed.
5. All structures must meet the Model Energy Code.

6. All single story and split entry structures shall be constructed on a poured concrete or concrete block basement. All 1, 1 1/2 and 2 story structures must be constructed on a continuous frost-free perimeter foundation or slab on grade.
7. Structures shall be a minimum square footage of 950 but maximum lot coverage cannot exceed 1500 square feet.
8. All concrete exposed surfaces on the front elevation and columns on either side of the garage must be bricked.
9. Multiple structures in the same location, including assisted and non-assisted properties shall utilize different elevations and buildings plans (flipping building plans will not be accepted as a new plan) according to the following:
 - Projects with 4 structures must use at least 2 different building plans.
 - Projects with 5 structures must use at least 3 different building plans.
 - Projects with 6 structures must use at least 4 different building plans.
 - Projects with 7 structures must use at least 5 different building plans.
 - Projects with 8+ structures must use at least 6 different building plans.
10. Front entry stoop must be constructed of concrete materials and all exposed side surfaces must be bricked. The maximum side exposure of the front stoop is 18 inches.
11. A minimum total of 20% (including brick on exposed concrete surfaces, columns on either side of the garage and the stoop) of the first floor's front elevation must be bricked.
12. All exposed foundations on the side and back of the structure will be appropriately primed and painted.
13. All elevations must have horizontal siding. Cement, masonite and vinyl are acceptable siding materials.
14. Front entry door must have a full view, self-storing storm door.
15. All rear and side entrances shall exit to a solid surface (i.e. concrete pad or deck). Solid surfaces must have a minimum length of three feet and a minimum width approximately 1' wider than the width of the framed opening of the door.
16. Dowel and pin deck posts to piers whenever applicable.
17. Shutters must be installed on all windows on the front elevation, with the exception of windows on brick/concrete surfaces.
18. House numbers must be installed in brick inlay.
19. Yard must be broadcast seeded with stacked straw cover, drill seeded or sod. Lot must be graded to a smooth surface with all debris and rocks removed.
20. All structures including garage shall be constructed on fill areas as illustrated in the grading plan.
21. All lots must be appropriately graded in accordance with the engineer's grading plan.
22. All garages must be attached and contain two stalls but no more than three stalls. Detached garages are not allowed. Garages cannot exceed two stories

in height.

- 23. Unless already existing on property, one tree with a minimum trunk diameter of two inches must be planted in front of the house.
- 24. Combination of lots is not allowed.

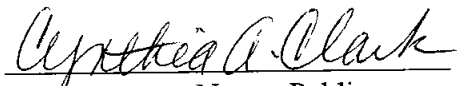
Executed on the above date set forth:



Thomas P. Hanafan, Mayor
City of Council Bluffs, Iowa

STATE OF IOWA)
COUNTY OF POTTAWATTAMIE)

On this 25th day of January, 2005, before me the undersigned, a Notary Public in and for said state, personally appeared to me personally known, who being by me duly sworn did acknowledge that he voluntarily executed the foregoing instrument.



Notary Public

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