

ZAIGER ADDITION (REPLAT OF PART OF RAILROAD ADDITION) FINAL PLAT

PLAT DESCRIPTION

FINAL PLAT DESCRIPTION

BEING A REPLAT OF PART OF BLOCKS 33,34,51,62 & 79 AND ALL OF BLOCKS 52,61&.80 AND THE VACATED STREETS AND ALLEYS ABUTTING, ALL IN RAILROAD ADDITION TO THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

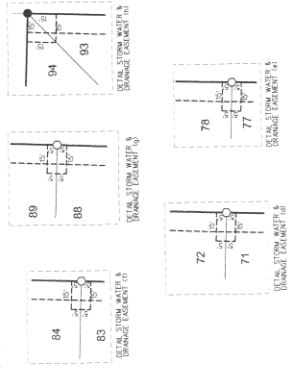
BEGINNING AT THE SOUTHEAST CORNER OF SAID BLOCK 80 THENCE NORTH 87° 58' 02" WEST ALONG THE SOUTH LINE OF SAID BLOCKS 80 AND 79 AND EXTENSIONS THEREOF 601.76 FEET TO A POINT ON THE CENTERLINE OF SAID CENTERLINE ALLEY LYING WEST OF AND ADJACENT TO LOT 11 SAID BLOCK 79 THENCE NORTH 87° 58' 02" WEST ALONG SAID CENTERLINE ALLEY LYING WEST OF AND ADJACENT TO THE CENTERLINE OF SAID NORTH-SOUTH ALLEYS IN SAID BLOCKS 62 AND 51 AND EXTENSIONS THEREOF EAST ALONG SAID CENTERLINE OF SAID NORTH-SOUTH ALLEYS IN SAID BLOCKS 62 AND 51 TO THE NORTHEAST CORNER OF LOT 22 SAID BLOCK 51; THENCE NORTH 1° 58' 44" EAST, 66.00 FEET TO THE SOUTHWEST CORNER OF LOT 13 SAID BLOCK 34; THENCE SOUTH 87° 50' 06" EAST ALONG THE SOUTH LINE OF SAID BLOCK 34 TO A POINT ON THE NORTH LINE OF LOT 6 SAID BLOCK 33; THENCE SOUTH 87° 48' 29" EAST ALONG SAID CENTERLINE OF SAID BLOCK 33, 362.86 FEET TO THE NORTHEAST CORNER OF SAID BLOCK 33; THENCE SOUTH 87° 48' 29" EAST ALONG SAID CENTERLINE OF SAID BLOCK 33, 362.86 FEET TO THE NORTHEAST CORNER OF SAID LOT 17; THENCE NORTH 1° 54' 23" WEST ALONG THE EAST LINE OF SAID BLOCKS 33, 52, 61 AND EXTENSIONS THEREOF, 1350.58 FEET TO THE POINT OF BEGINNING AND CONTAINING 18.04 ACRES (785.675 S.F.) MORE OR LESS.

CURVE TABLE

CURVE NO.	DELTA	RADIUS	ARC LENGTH	TANGENT	CHORD	BEARING/DISTANCE
4-1	14° 56' 00" RT	275.00'	71.68'	56.04'	59° 26' 44" W	71.47'
4-2	3° 06' 18" RT	275.00'	14.90'	14.90'	N 1° 29' 04" W	14.90'
4-3	13° 52' 54" RT	275.00'	95.03'	57.67'	N 1° 57' 40" E	64.88'
4-4	14° 56' 12" RT	275.00'	95.03'	55.24'	N 25° 57' 15" E	69.90'
4-5	91° 52' 20" LT	275.00'	53.31'	53.31'	N 28° 53' 21" E	53.25'
4-6	16° 52' 20" LT	275.00'	124.10'	62.81'	N 12° 55' 04" E	123.34'
4-7	16° 52' 20" LT	275.00'	124.10'	39.49'	S 25° 05' 01" W	78.18'
4-8	8° 50' 06" LT	325.00'	48.22'	24.16'	S 29° 00' 16" W	48.18'
4-9	8° 11' 06" LT	325.00'	46.43'	23.25'	S 20° 39' 40" W	46.39'
4-10	8° 11' 06" LT	325.00'	46.43'	36.33'	S 12° 28' 33" W	46.39'
4-11	19° 12' 17" LT	57.00'	19.11'	9.64'	N 50° 57' 10" E	19.07'
4-12	46° 43' 35" LT	57.00'	46.49'	24.62'	N 17° 59' 14" E	35.48'
4-13	36° 15' 47" LT	57.00'	36.08'	16.71'	N 28° 15' 07" W	35.48'
4-14	28° 29' 23" LT	57.00'	28.31'	28.23'	S 85° 11' 28" W	50.59'
4-15	52° 41' 36" LT	57.00'	52.41'	28.70'	S 42° 25' 07" W	28.40'
4-16	31° 16' 55" RT	300.00'	163.76'	83.98'	N 17° 37' 01" E	161.74'
4-17	31° 16' 55" RT	300.00'	163.76'	83.98'	N 17° 37' 01" E	161.74'

DETAIL

NOT TO SCALE



LEGEND

- Section Corner: 1/2" Rebar, Cap (1804)
- 100' Brass Offset (Noted)
- 100' Brass Offset
- ROW Rail
- Control Point
- Bench Mark
- Plotted Distance
- Measured Bearing & Distance
- Recorded As
- Point Distance
- Indicated Distance
- Contouring
- Section Line
- 1/4" Section Line
- 1/4" 1/4" Section Line
- 1/4" Section Line
- 1/4" Section Line

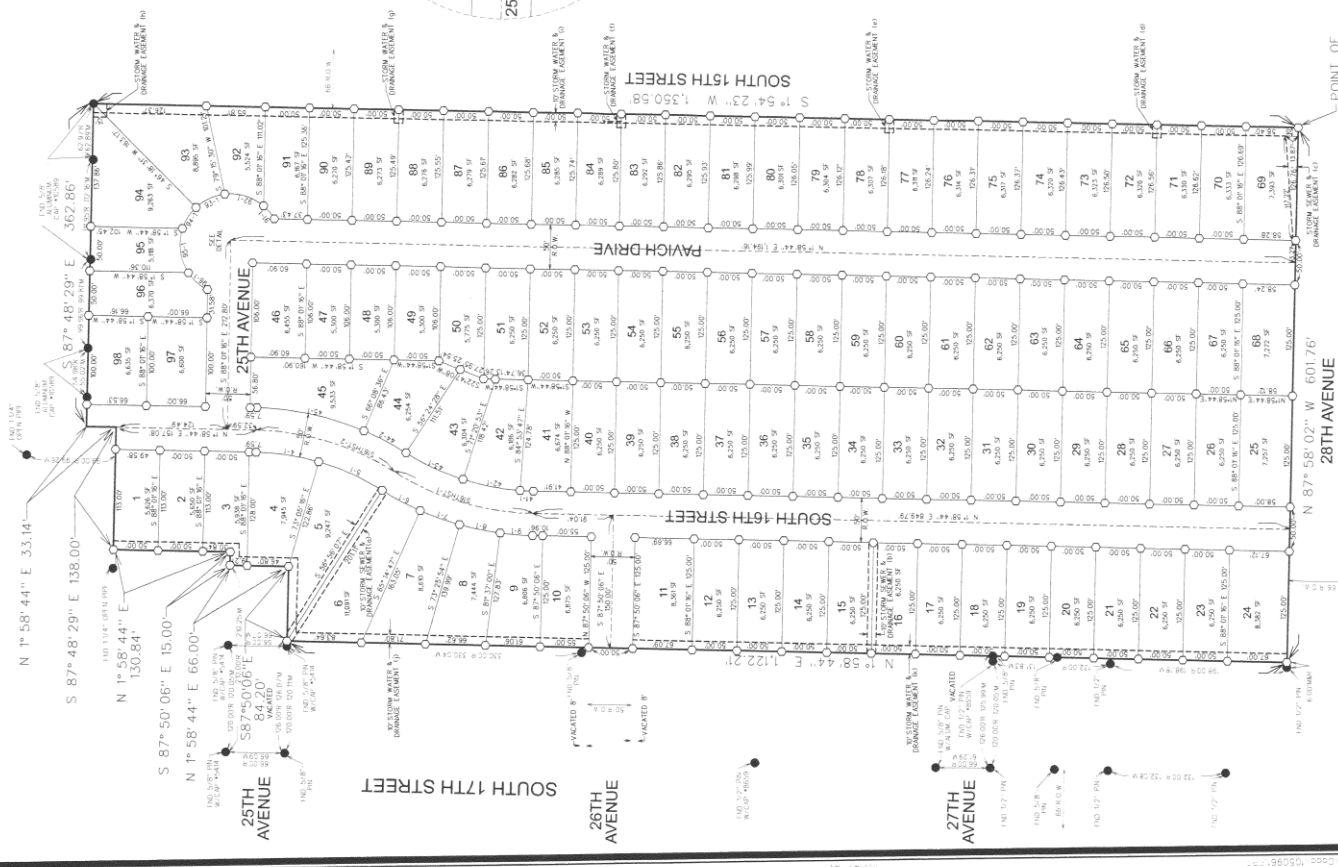
INST # 003804

RECORDING FEE 95.00
AUDITOR FEE
RMA FEE 1.00 ECOM 1.00

SCALE 1" = 100'

I hereby certify that this plat, surveying work was performed by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Iowa.

Michael G. Celler 7-24-06
Michael G. Celler, P.L.S.
I License Number 11804
My license expires on December 31, 2007
Pages or sheets covered by this plat:
SHEETS 1 & 2



SNYDER & ASSOCIATES
1751 MADISON AVENUE | COUNCIL BLUFFS, IOWA 51903 | 319-364-0304
ATLANTA, GA 30303 | 404-525-8888
MARIETTA, GA 30067 | 770-429-8888
NANKYVILLE, TN 37057 | 615-994-2020
Project No: 105.0961
Sheet 1 of 2

ZAIGER ADDITION COMPARED
FINAL PLAT

2005 AUG 30 AM 8:04
RECORDED
JUL 15 2005
HOLIDAY/VALENTINE
OWNER/DEVELOPER
LC DEVELOPMENT, LLC
17298 LAPWORTH LANE
CRESENT, IOWA 51526
ZONING
R-1
NOTE:
A 5.00 FOOT WIDE PERMANENT EASEMENT ON EACH SIDE OF ALL SIDE LOT LINES, A 10.00 FOOT WIDE PERMANENT EASEMENT OF PERMANENT EASEMENT ALONG ALL REAR LOT LINES, ARE RESERVED FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES.

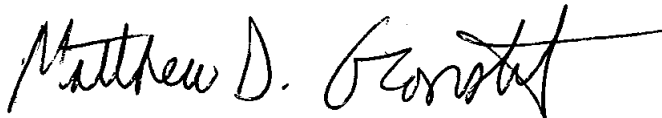
COMPARED

Consent of Mortgagee to Platting

Council Bluffs Savings Bank, a Division of Carroll County State Bank, is the holder of one mortgage on the property that is part of the plat to which this Consent of Mortgagee is attached. The first mortgage was executed by LC Development, L.C. on April 18, 2006 and recorded in the Pottawattamie County Recorder's Office at Book 106 Page 20355 on April 25, 2006. Said mortgage covers real estate which is now known as and shown on said plat. The real estate as described on the Owner's Certificate attached to this plat, to which the Consent of Mortgagee is attached, is certain real estate which is being laid out into lots as designated by the attached plat of LC Development, L.C., in Pottawattamie County, Iowa, pursuant to Chapter 354, Code of Iowa 2003, as amended. Council Bluffs Savings Bank, a Division of Carroll County State Bank, as the holder of said mortgage, hereby consents to said platting, and said consent is given pursuant to the provisions of Section 354.11(2), Code of Iowa, 2003, as amended. Since a portion of the property designated on the plat is to be conveyed or dedicated to the local government within such land is located, this Consent of Mortgage shall constitute a partial release of said mortgage for all areas conveyed to the local governmental unit or dedicated to the public. Said consent by Council Bluffs Savings Bank, a Division of Carroll County State Bank, shall in no way be deemed a release, either total or partial, of any interest in the remainder of the tract of land not conveyed to the local governmental unit or dedicated to the public that arises out of the mortgage as referred to above and said Consent shall in no way subject Council Bluffs Savings Bank, a Division of Carroll County State Bank to any expense or liability as a result of said platting procedure.

Dated this 10th day of August, 2006

Council Bluffs Savings Bank
A Division of Carroll County State Bank



Matthew D. Gronstal
President

Consent of Mortgagee to Platting

The City of Council Bluffs, Iowa is the holder of a mortgage on the property that is part of the plat to which this Consent of Mortgagee is attached. This mortgage is dated March 10, 2006, and filed for record on March 23, 2006, in Book 106, Page 18381. The mortgage was executed by LC Development, L.C. and recorded in the Pottawattamie County Recorder's Office. Said mortgage covers real estate which is now known as and shown on said plat. The real estate described on the Owner's Certificate attached to this plat, to which the Consent of Mortgagee is attached, is certain real estate which is being laid out into lots as designated by the attached plat of LC Development, L.C., in Pottawattamie County, Iowa, pursuant to Chapter 354, Code of Iowa 2003, as amended. The City of Council Bluffs, Iowa, as the holder of said mortgage, hereby consents to said platting, and said consent is given pursuant to the provisions of Section 354.11(2), Code of Iowa, 2003, as amended. Since a portion of the property designated on the plat is to be conveyed or dedicated to the local government within such land is located, this Consent of Mortgagee shall constitute a partial release of said mortgage for all areas conveyed to the local governmental unit or dedicated to the public. Said consent by the City of Council Bluffs, Iowa, shall in no way be deemed a release, either total or partial, of any interest in the remainder of the tract of land not conveyed to the local governmental unit or dedicated to the public that arises out of the mortgages as referred to above and said Consent shall in no way subject the City of Council Bluffs, Iowa to any expense or liability as a result of said platting procedure.

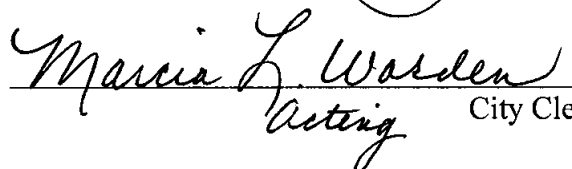
Dated this 16th day of August, 2006.

CITY OF COUNCIL BLUFFS, IOWA

By


THOMAS P. HANAFAN, Mayor

ATTEST:


Marcia L. Warden
Acting City Clerk

STIERMAN LAW OFFICE, P.C.

Matthew V. Stierman
607 South Main St. Suite 200
P.O. Box 823
Co. Bluffs, IA 51502-0823
(712) 322-2040 / FAX (712) 256-8779
MSTIERMAN@MCLEODUSA.NET

Licensed in Iowa & Nebraska

August 28, 2006

Ed Leazenby
Michael Collins
LC Development, L.C.
17298 Lapworth Lane
Crescent, Iowa 51526

RE: Abstract Opinion to the following real estate in Pottawattamie County,
Iowa as described in the attached Exhibit A.
Abstract # 8373

As per your request, I examined the Abstract of Title to the above described real estate and I am issuing this opinion based upon my findings.

The abstract contains 150 entries and was last certified to August 22, 2006, at 8:00 a.m., by the Dakota Title and Escrow Company.

Basing my opinion solely on the abstract to the above property and the entries therein, I find good and marketable title to the premises in LC Development, L.C. aka L.C., LLC, by the following transfers:

- a. By Warranty Deed dated October 13, 2005 and filed January 03, 2006 at entry number 117 and filed in book 106, page 13382 in the records of the Pottawattamie County Recorder;
- b. By Warranty deed dated October 24, 2005 and filed November 03, 2005 at entry number 118 and filed in book 106, page 9240 in the records of the Pottawattamie County Recorder;
- c. By Warranty Deed dated October 13, 2005 and filed January 03, 2006 at entry number 120 and filed in book 106, page 13381 in the records of the Pottawattamie County Recorder;

- d. By Warranty Deed dated April 18, 2006 and filed April 25, 2006 at entry number 121 and filed in book 106, page 20354 in the records of the Pottawattamie County Recorder;
- e. By Warranty Deed dated October 17, 2005 and filed January 03, 2006 at entry number 123 and filed in book 106, page 13383 in the records of the Pottawattamie County Recorder;
- f. By Warranty Deed dated August 15, 2006 and filed August 21, 2006 at entry number 146 and filed in book 107, page 3111 in the records of the Pottawattamie County Recorder;
- g. By Warranty Deed dated August 16, 2006 and filed August 21, 2006 at entry number 145 and filed in book 107, page 3109 in the records of the Pottawattamie County Recorder;
- h. By Resolution number 05-328 by the City of Council Bluffs vacating to L.C., LLC certain city streets and right-of-ways identified at entry number 137, filed on February 14, 2006 at book 106, page 16199 in the Pottawattamie County Recorder.

This finding is subject to the following qualifications as set forth below:

TAXES:

At Entry No. 150 it shows that the status of the general taxes relating to the multiple Parcel Numbers which comprise the property identified in Exhibit A. All 2004 taxes have been paid.

MORTGAGES:

The following mortgage liens are shown to affect the property:

- a. At entry number 129 there is a mortgage given by LC, LLC in favor of the City of Council Bluffs dated March 10, 2006 and filed March 23, 2006 in book 106, page 18381 in the records of the Pottawattamie County Recorder in an amount of \$322,443.50. Note: At entry number 131 there is a subordination agreement given by the City of Council Bluffs to Council Bluffs Savings Bank dated April 18, 2006 and filed May 09, 2006 in book 106, page 21246 which purports to subordinates the City's mortgage filed at book 106, page 18381 to the Council Bluffs Savings Bank's mortgage, referred to immediately below, filed at book 106, page 20355.
- b. At entry number 130 there is a mortgage given by LC Development, L.C. in favor of Council Bluffs Savings Bank dated April 18, 2006 and filed April 25, 2006 in book 106, page 20355 in the records of the Pottawattamie County Recorder in an amount of \$2,000,000.00. This mortgage pertains to the land identified in Exhibit A attached hereto. This is a first lien on the land.

EASEMENTS:

Entry number 132 shows that there is an easement granted to the City of Council Bluffs dated May 06, 1996 and filed on May 07, 1996 in book 96, page 33080 of the Pottawattamie County Records. The easement reserves a permanent and perpetual utilities easement in block 34 for the maintenance of any and all utilities presently in place and for such reconstruction, replacement, and repair which the City deems necessary.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Matt Stierman". The signature is written in a cursive style with a long horizontal flourish at the end.

Matthew V. Stierman
MVS/llk

#8373

ABSTRACT OF TITLE

TO

A part of Blocks 33, 34, 51, 62 and 79 and all of Blocks 52, 61 and 80 and vacated streets and alleys, all in Railroad Addition to the City of Council Bluffs, Pottawattamie County, Iowa and described as follows: Beginning at the Southeast corner of said Block 80; thence North 87 degrees 58' 02" West along the South line of said Blocks 80 and 79 and extensions thereof, 601.76 feet to a point on the centerline of the vacated alley lying West of and adjacent to Lot 11, said Block 79; thence North 1 degrees 58' 44" East along said centerline of vacated alley and along the center line of vacated alleys in said Blocks 62 and 51 and extensions thereof, 1122.21 feet to a point on the South right of way line of 25th Avenue; thence South 87 degrees 50' 06" East along said right-of-way line and along the North line of said Block 51, 84.20 feet to the Northwest corner of Lot 22 said Block 51; thence North 1 degrees 58' 44" East, 66.00 feet to the Southwest corner of Lot 13 said Block 34; thence South 87 degrees 50' 06" East along the South line of said Lot 13, 15.00 feet thence North 1 degrees 58' 44" East, 130.84 feet to a point on the North line of Lot 16 said Block 34; thence South 87 degrees 48' 29" East along said North line of Lot 16 and the Easterly extension thereof, 138.00 feet to a point on the centerline of South 16th Street; thence North 1 degrees 58' 44" East along said centerline, 33.14 feet to a point of the Westerly extension of the North line of Lot 6 said Block 33; thence South 87 degrees 48' 29" East along said line and along the North line of Lots 6, 11, 12 and 17 said Block 33, 362.86 feet to the Northeast corner of said Lot 17; thence South 1 degrees 54' 23" West along the East line of said Blocks 33, 52, 61 and 80 and extensions thereof, 1350.58 feet to the Point of Beginning and containing 18.04 acres (785,673 S.F.) more or less.

Since Sections 614.29 to 614.38 of the 1971 Code of Iowa, Chapter 11 of the Iowa Land Title Examination Standards To May 31, 2006 at 8:00 A.M.

EXHIBIT A

MARILYN JO DRAKE
POTTAWATTAMIE COUNTY
AUDITOR
AND ELECTION COMMISSIONER
227 S. 6th St, Room 243
P. O. BOX 649
COUNCIL BLUFFS, IOWA 51502-0649

Gary Herman, First Deputy - Elections
Paula Glade, First Deputy - Real Estate
Donna West, First Deputy - Tax and
Finance
Phone (712) 328-5700
FAX (712) 328-4740



County Auditor's Certification
Pottawattamie County, Iowa

I, Marilyn Jo Drake, Auditor of Pottawattamie County, Iowa, do hereby certify that the subdivision name of the attached platting is unique within Pottawattamie County and is hereby approved.

subdivision: Zaiger Addition Name of new
Paula E Glade 1st Deputy Auditor

CERTIFICATE AND RECEIPT

=====

STATE OF IOWA

} ss.

Pottawattamie County,

The undersigned, Acting Clerk of the City of Council Bluffs, Iowa, hereby certifies that Resolution 06-182 and Attachment "A" are as the same appears of record in this office.

Witness my hand and seal of the City of Council Bluffs, Iowa,

this 29th day of August A.D. 2006



A handwritten signature in cursive script, appearing to read "R. D. ...", is written over a horizontal line.

Acting City Clerk of the City of Council Bluffs, Iowa

=====

INST # 002119
RECORDING FEE 10.00
AUDITOR FEE _____
RMA FEE 1.00 ECOM 1.00

COMPARED

FILED FOR RECORD
POTTAWATTAMIE CO. I
2006 AUG -7 AM 9:42

RESOLUTION NO. 06-182

A RESOLUTION granting final plat approval for a 98 lot residential subdivision to be known as Zaiger Addition.

WHEREAS, LC Development, LLC, is requesting final plat approval for a 98 lot residential subdivision replat to be known as Zaiger Addition, located west of South 15th Street, north of 28th Avenue; and

WHEREAS, the proposed subdivision is a replat of part of Blocks 33, 34, 51, 62 and 79 and all of Blocks 52, 61 and 80, including all of and/or parts of vacated streets and alleys abutting, all in Railroad Addition to the City of Council Bluffs, Pottawattamie County, Iowa; and

WHEREAS, the proposed subdivision is zoned R-1/Single Family Residential District. The property was rezoned by Ordinance No. 5876 on January 9, 2006. Surrounding property is zoned R-2/Two Family Residential District; and

WHEREAS, the appropriate City departments and utilities have reviewed the final plat; and

WHEREAS, the Community Development Department recommends final plat approval for a residential subdivision to be known as Zaiger Addition, as shown on Attachment "A", subject to the following conditions:

1. All technical corrections required by the Community Development Department and/or Public Works Department shall be made on the final plat document prior to execution of the document.
2. Sidewalks, built to City standards, shall be installed prior to issuance of a Certificate of Occupancy for each house.
3. Verification that all information and/or deposits necessary to MidAmerican Energy for the installation of street lights shall be submitted to the Community Development Department prior to execution of the final plat.
4. Submittal of a performance guarantee in an amount determined by Public Works shall be accepted prior to execution of the final plat.

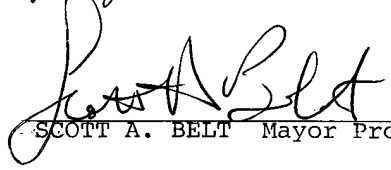
NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That the final plat for a residential subdivision to be known as Zaiger Addition, 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 July 10, 2006
APPROVED


SCOTT A. BELT Mayor Pro Tem

Attest: 
MARCIA L. WORDEN Acting City Clerk

4C
Planning Case No. SUB-06-015

1-1006

ZAIGER ADDITION (REPLAT OF PART OF RAILROAD ADDITION) FINAL PLAT

CITY COUNCIL

APPROVED BY MAYOR: THE HONORABLE THOMAS P. HANFMAN DATE

ATTESTED TO BY:

CITY CLERK: CHERYL PUNTENEY DATE

COMMUNITY DEVELOPMENT DIRECTOR: DONALD GROSS DATE

CERTIFICATE OF TREASURER OF POTTAWATTAMIE COUNTY, IOWA
I, THE TREASURER OF POTTAWATTAMIE COUNTY, IOWA, HEREBY CERTIFY THAT THE PROPERTY INCLUDED IN ZAIGER ADDITION SUBDIVISION, IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS.

TREASURER OF POTTAWATTAMIE COUNTY, IOWA: JUDY ANN MILLER DATE

WE HEREBY CERTIFY THAT WE WILL MEET ALL EQUAL OPPORTUNITY AND FAIR MARKETING OBJECTIVES CONSISTENT WITH FEDERAL, STATE AND LOCAL GUIDELINES. WE HEREBY CERTIFY THAT THE FOLLOWING DOCUMENTS WILL BE RECORDED WITH THE POTTAWATTAMIE COUNTY RECORDER CONTEMPORANEOUSLY WITH THE FILING OF THE FINAL PLAT.

A. ALL PRIVATE RESTRICTIONS AND/OR COVENANTS IF ANY, WHICH WILL BE A PART OF THE SUBJECT DEVELOPMENT.
B. CERTIFIED RESOLUTION OF EACH GOVERNING BODY APPROVING THE SUBDIVISION OR WAIVING THE RIGHT TO REVIEW.

DEDICATION:

KNOW ALL PERSONS BY THESE PRESENTS THAT LC DEVELOPMENT, LLC BEING THE SOLE OWNER OF THE PROPERTY DESCRIBED WITHIN THE LEGAL DESCRIPTION AND EMBRACED WITHIN THIS PLAT HAS CAUSED SAID PROPERTY TO BE SUBDIVIDED AS LOTS 1 THROUGH 98 AND PUBLIC RIGHTS ARE HEREBY DEDICATED TO THE CITY OF COUNCIL BLUFFS, IOWA, THROUGH SAID LC DEVELOPMENT, LLC. SAID PROPERTY TO BE KNOWN AS ZAIGER ADDITION SUBDIVISION, SAID LC DEVELOPMENT, LLC, DOES HEREBY DEDICATE TO THE CITY OF COUNCIL BLUFFS, IOWA, THE RIGHT-OF-WAY FOR S. 18TH STREET (135 ACRES, MORE OR LESS), S. 18TH PLACE (1.35 ACRES, MORE OR LESS), 25TH STREET (135 ACRES, MORE OR LESS), AND THE RIGHT-OF-WAY FOR S. 18TH STREET (135 ACRES, MORE OR LESS) HEREBY DEDICATED TO THE CITY OF COUNCIL BLUFFS, IOWA, A PERPETUAL, STORM SEWER AND DRAINAGE EASEMENT ALONG THE BACK LOT LINE OF LOTS 1 THROUGH 58, AND ALONG THE SIDE OF LOTS 5 AND 6, LOTS 15 AND 16, AND LOTS 17 THROUGH 58, AND ALONG THE SIDE OF LOTS 5 AND 6, LOTS 15 AND 16, BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

EASEMENT RUNS WITH THE LAND. THIS EASEMENT SHALL BE DEEMED TO RUN WITH THE LAND AND SHALL BE BINDING ON LC DEVELOPMENT, L.L.C., ITS SUCCESSORS OR ASSIGNS. ERECTION OF STRUCTURES PROHIBITED. LC DEVELOPMENT, L.L.C., OR ITS SUCCESSORS OR ASSIGNS SHALL NOT ERECT ANY STRUCTURE OVER NOR WITHIN THE EASEMENT AREA WITHOUT OBTAINING THE PRIOR WRITTEN CONSENT OF THE CITY ENGINEER.
CHANGE OF GRADE: LC DEVELOPMENT, L.L.C. OR ITS SUCCESSORS OR ASSIGNS SHALL NOT CHANGE THE GRADE, ELEVATION, NOR THE CONTOURS OF ANY PART OF THE EASEMENT AREA WITHOUT OBTAINING THE PRIOR WRITTEN CONSENT OF THE CITY ENGINEER.
RIGHT OF ACCESS: THE CITY SHALL HAVE THE RIGHT OF ACCESS TO THE EASEMENT AREA AND HAVE ALL RIGHTS OF EGRESS AND EGRESS REASONABLY NECESSARY FOR THE USE AND ENJOYMENT OF THE EASEMENT AREA HEREBY DESCRIBED.
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 EASEMENT, SHALL BE BORNE BY SAID LC DEVELOPMENT, L.L.C., OR ITS SUCCESSORS OR ASSIGNS.
SURFACE RESTORATION: CITY'S LIABILITY TO RESTORE THE SURFACE WITHIN THE EASEMENT AREA SHALL BE LIMITED TO GRADING AND SEEDING.

DUTY TO REPAIR: CITY AGREES THAT ANY DEBRIS, DRIVE OR ACCESS WAY FENCE, OR OTHER IMPROVEMENT 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 SAID LC DEVELOPMENT, L.L.C., OR ITS SUCCESSORS OR ASSIGNS.

IN WITNESS WHEREOF, I DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF LC DEVELOPMENT, L.L.C., PROPERTY AS CONTAINED HEREIN ON THIS _____ DAY OF _____, 2006.

BY: _____
ED LEZARNEY

BY: _____
MIKE COLLINS

ON THIS _____ DAY OF _____, 2006, BEFORE ME A NOTARY PUBLIC IN AND FOR THE STATE OF IOWA, I HAVE PERSONALLY KNOWN _____ AND _____ AND I AM FULLY ADVERSELY AFFECTED BY THE SAID INSTRUMENT. I HAVE READ THE SAID INSTRUMENT AND I AM SURE THAT THE SAID INSTRUMENT IS THE FREE AND VOLUNTARY ACT AND DEED OF SAID LIMITED LIABILITY COMPANY AS VOLUNTARILY EXECUTED.

NOTARY PUBLIC IN AND FOR SAID STATE

MY COMMISSION EXPIRES _____

40

NO.	REVISIONS TO PLAT AND DESCRIPTION	DATE	BY
1	REVISIONS TO LOTS 42, 43, AND PLAT DESCRIPTION	6/30/06	ML
2	REVISIONS TO PLAT AND DESCRIPTION	6/30/06	RLC

Author: _____
 Engineer: JWK Checked By: MCG Scale: 1" = 100'
 Technician: RLC Date: 06-08-06 Plot No: _____
 Project No: K05.0961
 File No: _____

ZAIGER ADDITION
FINAL PLAT

CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA

SNYDER & ASSOCIATES

1751 MADISON AVENUE
COUNCIL BLUFFS, IOWA 51503
712-322-3202

ATLANTA, GA 770-505-8800
DENVER, CO 303-733-1122
CHICAGO, IL 773-322-3202

ANN ARBOR, MI 734-769-8800
ARIZONA, AZ 602-494-2020
ST. JOSEPH, MO 816-361-6301

WARRVILLE, MO 816-361-6322

S

K05.0961

Sheet 2 of 2

**DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS,
FOR ZAIGER ADDITION
IN THE CITY OF COUNCIL BLUFFS, IOWA**

THIS DECLARATION, made this 29 day of Aug, 2006 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 Zaiger Addition 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 LC Development, LC as the Developer of Zaiger Addition (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

one automobile 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 850 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 patterned masonry, brick, or stone.
8. The front, side and back yards shall have sod placed or be seeded 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. 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.
16. No dwelling shall be moved to any location within Zaiger Addition from outside the development.
17. 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.
18. Materials and equipment used during the construction and landscaping process shall be stored and maintained on the lot in an orderly manner.
19. 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.
20. 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.
21. Notwithstanding the foregoing provisions, paragraphs "19" and "20" 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.
22. 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.
23. All buildings and improvements shall be constructed in compliance with the pertinent zoning and building codes of the City of Council Bluffs, Iowa.
24. 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 placed 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

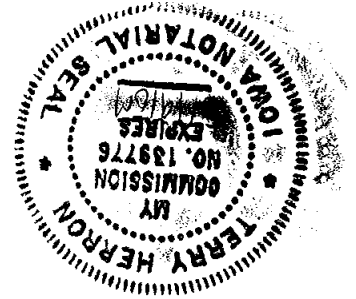
structure thereon, is under the provision of Title 15 of the Municipal Code, authorized to be occupied or maintained.

25. 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.
26. Fruit or vegetable gardens shall not be permitted which would extend forward past the rear of any house erected on any lot.
27. 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 Zaiger Addition 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.
28. Invalidation 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.
29. The following construction standards are required of all structures:
 - a. Multiple structures in the same location 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.
 - b. Front entry stoop must be constructed of concrete materials and all exposed side surfaces must be patterned masonry, brick, or stone. The maximum side exposure of the front stoop is 18 inches.
 - c. All exposed foundations on the side and back of the structure will be appropriately primed and painted.
 - d. All front elevations must have horizontal siding. Cement, Masonite and vinyl are acceptable siding materials.
 - e. All structures including garage shall be constructed on fill areas as illustrated in the grading plan.
 - f. All lots must be appropriately graded in accordance with the engineer's grading plan.
30. Homeowners Association to be established by residents before August 1, 2008.
31. All Perpetual Storm Water and Drainage easements as dedicate to the Home Owners Association by LC Development, LC will be maintained and kept operable by the Home Owners Association. These easements shall be subject to the terms and conditions as designated on the Zaiger Addition Final Plat in the Records office, Pottawattamie County, Iowa. These easements run with the land; these easements shall be deemed to run with the land and shall be binding on the Home Owners Association, its successors or assigns. Prior approval must be granted by the City Engineer for all improvement, changes or erection of any structure in the easement area. All improvements, changes or erection of any structure in the easement area are to be made only upon the consent of the City Engineer of Council Bluffs, Iowa.

8-29-06
Executed on the above date set forth:

Michelle Olsen

LC Development, LC



STATE OF IOWA)
COUNTY OF POTTAWATTAMIE)

On this 29th day of Aug, 2006, 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.

Terry Herron
Notary Public

