

01 DEC 18 PH 3:25

JOHN SCORTINO  
RECORDER

11996

INST # 11996  
RECORDING FEE 120.00  
AUDITOR FEE \_\_\_\_\_  
RMA FEE 1.00

City of Pottawattamie from E#33

DEC 1 8 2001

**BRIARWOOD SUBDIVISION PHASE 2**  
LOTS 101 THROUGH 201 INCLUSIVE

A TRACT OF LAND BEING A PORTION OF THE SOUTH 30 ACRES OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN, AND A PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY, IOWA

**LINE AND CURVE TABLES**

LINE	LENGTH	BEARING
L1	7.24	N89°52'32"E
L2	10.28	N89°52'32"E
L3	4.55	N89°52'32"E
L4	3.05	N89°52'32"E
L5	8.01	S74°12'52"E
L6	8.01	S74°12'52"E
L7	4.01	S74°12'52"E
L8	4.01	S74°12'52"E
L9	23.00	N89°41'32"E
L10	23.00	N89°41'32"E
L11	23.00	N89°41'32"E
L12	23.00	N89°41'32"E
L13	23.00	N89°41'32"E
L14	23.00	N89°41'32"E
L15	10.27	N89°52'32"E
L16	19.29	N89°52'32"E
L17	24.38	S00°16'58"W
L18	24.38	S00°16'58"W
L19	10.11	S00°16'58"W
L20	10.11	S00°16'58"W
L21	23.48	S00°16'58"W
L22	19.27	S00°16'58"W
L23	8.33	S74°18'18"E
L24	8.33	S74°18'18"E
L25	6.01	S74°18'18"E
L26	6.01	S74°18'18"E
L27	5.53	S74°18'18"E
L28	5.53	N89°52'32"E
L29	7.24	N89°52'32"E
L30	7.24	N89°52'32"E
L31	10.28	N89°52'32"E
L32	10.28	N89°52'32"E
L33	18.78	N89°41'32"E

CURVE TABLE	CURVE LENGTH	RADIUS	DELTA CHORD	BEARING
C1	10.28	672.15	0.7215	N89°52'32"E
C2	10.28	672.15	0.7215	N89°52'32"E
C3	11.81	722.15	0.8215	N89°52'32"E
C4	14.04	1184.87	0.7728	N89°52'32"E
C5	20.19	50.00	300.0000	S00°16'58"W
C6	20.19	50.00	300.0000	S00°16'58"W
C7	20.19	50.00	300.0000	S00°16'58"W
C8	20.19	50.00	300.0000	S00°16'58"W
C9	19.29	325.00	307.418	N89°41'32"E
C10	19.29	325.00	307.418	N89°41'32"E
C11	19.29	325.00	307.418	N89°41'32"E
C12	19.29	325.00	307.418	N89°41'32"E
C13	19.29	325.00	307.418	N89°41'32"E
C14	19.29	325.00	307.418	N89°41'32"E
C15	19.29	325.00	307.418	N89°41'32"E
C16	19.29	325.00	307.418	N89°41'32"E
C17	19.29	325.00	307.418	N89°41'32"E
C18	19.29	325.00	307.418	N89°41'32"E
C19	19.29	325.00	307.418	N89°41'32"E
C20	19.29	325.00	307.418	N89°41'32"E
C21	19.29	325.00	307.418	N89°41'32"E
C22	19.29	325.00	307.418	N89°41'32"E
C23	19.29	325.00	307.418	N89°41'32"E
C24	19.29	325.00	307.418	N89°41'32"E
C25	19.29	325.00	307.418	N89°41'32"E
C26	19.29	325.00	307.418	N89°41'32"E
C27	19.29	325.00	307.418	N89°41'32"E
C28	19.29	325.00	307.418	N89°41'32"E
C29	19.29	325.00	307.418	N89°41'32"E
C30	19.29	325.00	307.418	N89°41'32"E
C31	19.29	325.00	307.418	N89°41'32"E
C32	19.29	325.00	307.418	N89°41'32"E
C33	19.29	325.00	307.418	N89°41'32"E
C34	19.29	325.00	307.418	N89°41'32"E
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C36	19.29	325.00	307.418	N89°41'32"E
C37	19.29	325.00	307.418	N89°41'32"E
C38	19.29	325.00	307.418	N89°41'32"E
C39	19.29	325.00	307.418	N89°41'32"E
C40	19.29	325.00	307.418	N89°41'32"E
C41	19.29	325.00	307.418	N89°41'32"E
C42	19.29	325.00	307.418	N89°41'32"E
C43	19.29	325.00	307.418	N89°41'32"E
C44	19.29	325.00	307.418	N89°41'32"E
C45	19.29	325.00	307.418	N89°41'32"E
C46	19.29	325.00	307.418	N89°41'32"E
C47	19.29	325.00	307.418	N89°41'32"E
C48	19.29	325.00	307.418	N89°41'32"E
C49	19.29	325.00	307.418	N89°41'32"E
C50	19.29	325.00	307.418	N89°41'32"E
C51	19.29	325.00	307.418	N89°41'32"E
C52	19.29	325.00	307.418	N89°41'32"E
C53	19.29	325.00	307.418	N89°41'32"E
C54	19.29	325.00	307.418	N89°41'32"E
C55	19.29	325.00	307.418	N89°41'32"E
C56	19.29	325.00	307.418	N89°41'32"E
C57	19.29	325.00	307.418	N89°41'32"E
C58	19.29	325.00	307.418	N89°41'32"E
C59	19.29	325.00	307.418	N89°41'32"E
C60	19.29	325.00	307.418	N89°41'32"E
C61	19.29	325.00	307.418	N89°41'32"E
C62	19.29	325.00	307.418	N89°41'32"E
C63	19.29	325.00	307.418	N89°41'32"E
C64	19.29	325.00	307.418	N89°41'32"E
C65	19.29	325.00	307.418	N89°41'32"E
C66	19.29	325.00	307.418	N89°41'32"E
C67	19.29	325.00	307.418	N89°41'32"E
C68	19.29	325.00	307.418	N89°41'32"E
C69	19.29	325.00	307.418	N89°41'32"E
C70	19.29	325.00	307.418	N89°41'32"E
C71	19.29	325.00	307.418	N89°41'32"E
C72	19.29	325.00	307.418	N89°41'32"E
C73	19.29	325.00	307.418	N89°41'32"E
C74	19.29	325.00	307.418	N89°41'32"E
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C80	19.29	325.00	307.418	N89°41'32"E
C81	19.29	325.00	307.418	N89°41'32"E
C82	19.29	325.00	307.418	N89°41'32"E
C83	19.29	325.00	307.418	N89°41'32"E
C84	19.29	325.00	307.418	N89°41'32"E
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C92	19.29	325.00	307.418	N89°41'32"E
C93	19.29	325.00	307.418	N89°41'32"E
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C97	19.29	325.00	307.418	N89°41'32"E
C98	19.29	325.00	307.418	N89°41'32"E
C99	19.29	325.00	307.418	N89°41'32"E
C100	19.29	325.00	307.418	N89°41'32"E

CURVE TABLE	CURVE LENGTH	RADIUS	DELTA CHORD	BEARING
C101	19.29	325.00	307.418	N89°41'32"E
C102	19.29	325.00	307.418	N89°41'32"E
C103	19.29	325.00	307.418	N89°41'32"E
C104	19.29	325.00	307.418	N89°41'32"E
C105	19.29	325.00	307.418	N89°41'32"E
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C107	19.29	325.00	307.418	N89°41'32"E
C108	19.29	325.00	307.418	N89°41'32"E
C109	19.29	325.00	307.418	N89°41'32"E
C110	19.29	325.00	307.418	N89°41'32"E
C111	19.29	325.00	307.418	N89°41'32"E
C112	19.29	325.00	307.418	N89°41'32"E
C113	19.29	325.00	307.418	N89°41'32"E
C114	19.29	325.00	307.418	N89°41'32"E
C115	19.29	325.00	307.418	N89°41'32"E
C116	19.29	325.00	307.418	N89°41'32"E
C117	19.29	325.00	307.418	N89°41'32"E
C118	19.29	325.00	307.418	N89°41'32"E
C119	19.29	325.00	307.418	N89°41'32"E
C120	19.29	325.00	307.418	N89°41'32"E
C121	19.29	325.00	307.418	N89°41'32"E
C122	19.29	325.00	307.418	N89°41'32"E
C123	19.29	325.00	307.418	N89°41'32"E
C124	19.29	325.00	307.418	N89°41'32"E
C125	19.29	325.00	307.418	N89°41'32"E
C126	19.29	325.00	307.418	N89°41'32"E
C127	19.29	325.00	307.418	N89°41'32"E
C128	19.29	325.00	307.418	N89°41'32"E
C129	19.29	325.00	307.418	N89°41'32"E
C130	19.29	325.00	307.418	N89°41'32"E
C131	19.29	325.00	307.418	N89°41'32"E
C132	19.29	325.00	307.418	N89°41'32"E
C133	19.29	325.00	307.418	N89°41'32"E
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C135	19.29	325.00	307.418	N89°41'32"E
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C139	19.29	325.00	307.418	N89°41'32"E
C140	19.29	325.00	307.418	N89°41'32"E
C141	19.29	325.00	307.418	N89°41'32"E
C142	19.29	325.00	307.418	N89°41'32"E
C143	19.29	325.00	307.418	N89°41'32"E
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C148	19.29	325.00	307.418	N89°41'32"E
C149	19.29	325.00	307.418	N89°41'32"E
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C153	19.29	325.00	307.418	N89°41'32"E
C154	19.29	325.00	307.418	N89°41'32"E
C155	19.29	325.00	307.418	N89°41'32"E
C156	19.29	325.00	307.418	N89°41'32"E
C157	19.29	325.00	307.418	N89°41'32"E
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C171	19.29	325.00	307.418	N89°41'32"E
C172	19.29	325.00	307.418	N89°41'32"E
C173	19.29	325.00	307.418	N89°41'32"E
C174				



082519201M  
082519201M

082519201M  
082519201M

POINT OF COMMENCEMENT  
(ASSUMED BEARING)  
N 00°14'35" W 1104.35'

FOUND 5/8" REBAR W/ ALUMINUM CAP SW CORNER OF 1/4 SE 1/4 OF 33-75-43

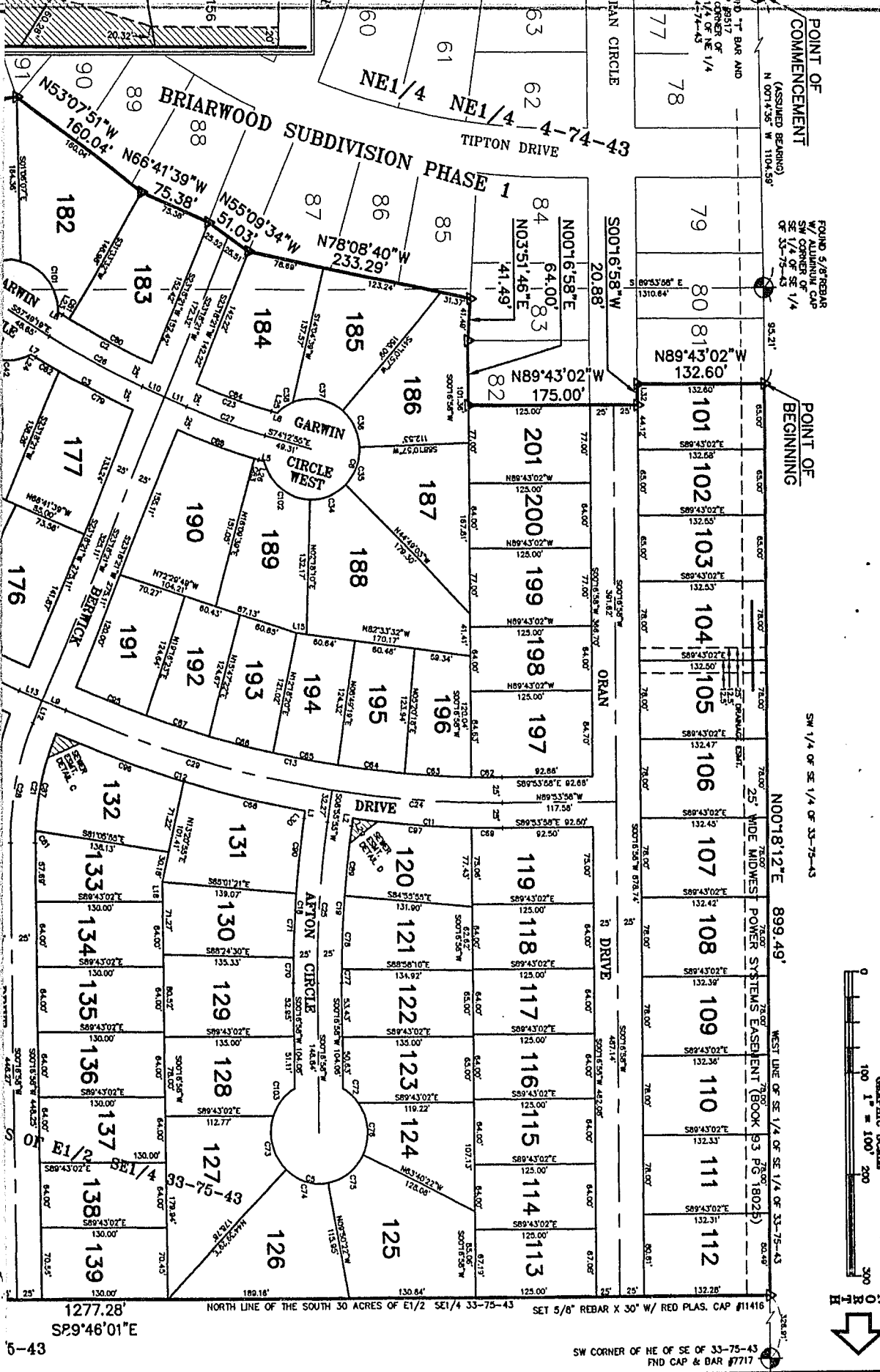
POINT OF BEGINNING

SW 1/4 OF SE 1/4 OF 33-75-43

NO018'12"E 899.49'

WEST LINE OF SE 1/4 OF SE 1/4 OF 33-75-43

GRAPHIC SCALE  
100' 1" = 100' 200' 300'



6-43

SW CORNER OF HE OF SE OF 33-75-43  
FND CAP & BAR #7717

UNAIDED SURVEYING DOCUMENT WAS PREPARED BY  
 PROFESSIONAL SURVEYOR UNDER THE SUPERVISION AND THAT I AM A DULY  
 LICENSED SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

U.C. NO. 11416  
 DECEMBER 31, 2001

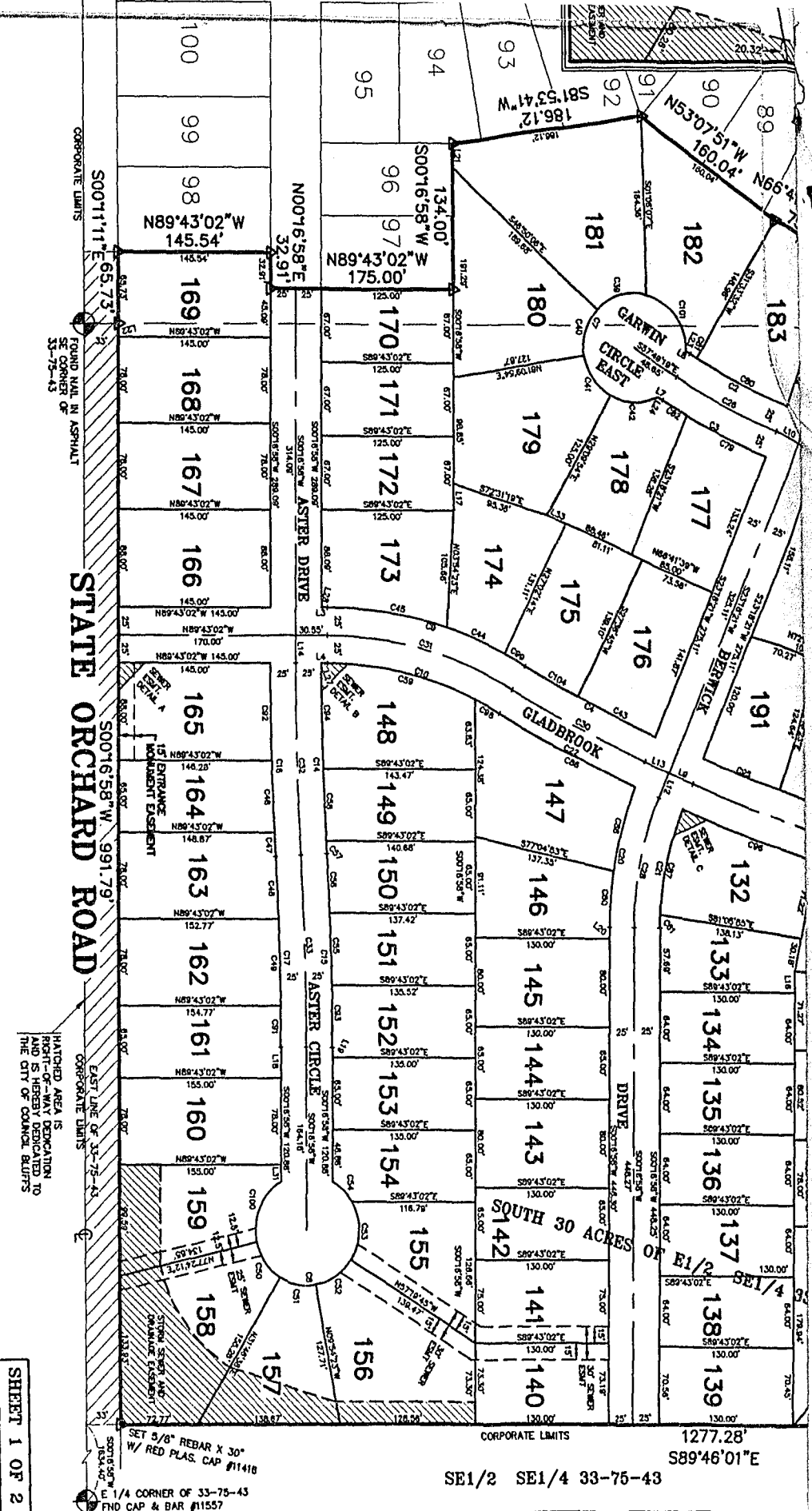


**EHRHART & GRIFFIN ASSOCIATES**

Project No. EGA011115  
**BRIARWOOD SUBDIVISION PHASE 2**  
 ENGINEERING PLANNING LAND SURVEYING  
 3915 Cuming Street • Omaha, Nebraska 68131 • 402 / 551-0631

BK 102Pg45390

**GOULD**

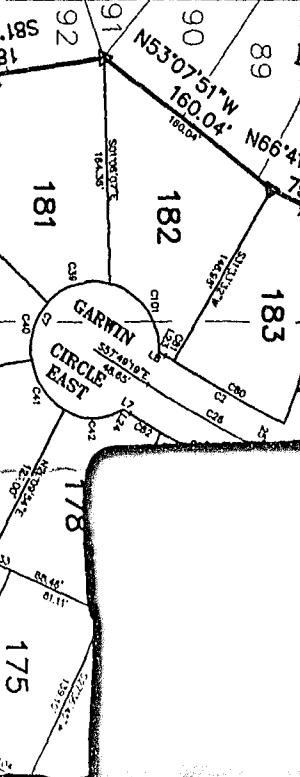
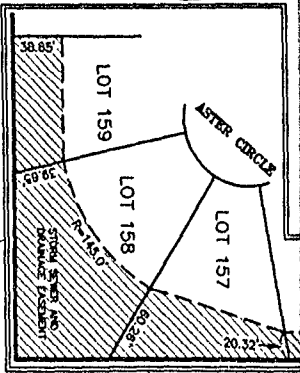
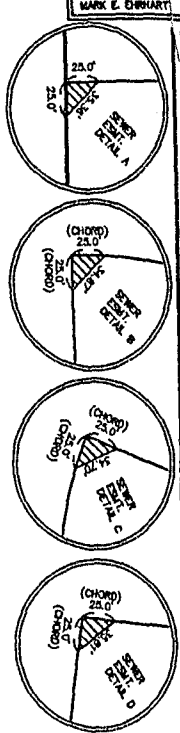


SHEET 1 OF 2

SE1/2 SE1/4 33-75-43

86-1

**STORM SEWER EASEMENT DETAILS**



**LEGAL DESCRIPTION:**

BRIARWOOD PHASE II - LEGAL DESCRIPTION (6-11-2001)  
 A TRACT OF LAND BEING A PORTION OF THE SOUTH 30 ACRES OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN, AND A PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN, POTTIAMATTAME COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN; THENCE NORTH 00°14'36" WEST (ASSUMED BEARING) ALONG THE WEST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER A DISTANCE OF 1104.59 FEET TO THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE NORTH 00°18'12" EAST ALONG THE WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN A DISTANCE OF 95.21 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00°18'12" EAST ALONG SAID WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER QUARTER, A DISTANCE OF 899.49 FEET TO THE NORTH LINE OF THE SOUTH 30 ACRES OF THE SOUTHWEST QUARTER AND CORPORATE LIMITS; THENCE SOUTH 89°46'01" EAST, A DISTANCE OF 1277.28 FEET ALONG SAID WEST LINE, A DISTANCE OF RIGHT-OF-WAY LINE OF STATE ORCHARD ROAD; THENCE SOUTH 00°16'58" WEST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 991.79 FEET; THENCE SOUTH 00°11'11" EAST CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 32.91 FEET; THENCE NORTH 89°43'02" WEST, A DISTANCE OF 146.54 FEET; THENCE SOUTH 00°16'58" WEST, A DISTANCE OF 160.04 FEET; THENCE NORTH 66°41'39" WEST, A DISTANCE OF 186.12 FEET; THENCE NORTH 53°07'51" WEST, A DISTANCE OF 51.03 FEET; THENCE NORTH 78°08'40" WEST, A DISTANCE OF 64.00 FEET; THENCE NORTH 03°51'46" EAST, A DISTANCE OF 41.49 FEET; THENCE NORTH 00°16'58" EAST, A DISTANCE OF 64.00 FEET; THENCE NORTH 89°43'02" WEST, A DISTANCE OF 175.00 FEET; THENCE SOUTH 00°16'58" WEST, A DISTANCE OF 20.88 FEET; THENCE NORTH 89°43'02" WEST, A DISTANCE OF 132.60 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS 30.16 ACRES, MORE OR LESS.

**STANDARD UTILITY EASEMENTS:**

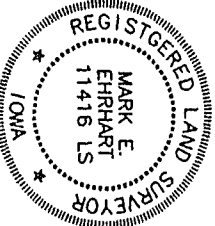
A PERPETUAL EASEMENT IS RESERVED FOR STORM DRAINAGE AND THE INSTALLATION AND MAINTENANCE OF UTILITIES 5 FEET EACH SIDE OF INTERIOR LOT LINES AND 10 FEET IN WIDTH ALONG ALL FRONT AND REAR LOT LINES. SAID DRAINAGE AREAS AND INCLUDED DRAINAGE SYSTEMS, IF ANY, ARE PRIVATE AND ARE TO BE INSTALLED AND MAINTAINED BY THE OWNERS OF THE LOTS ADJOINING THE SAME.

**SURVEYOR'S NOTES:**

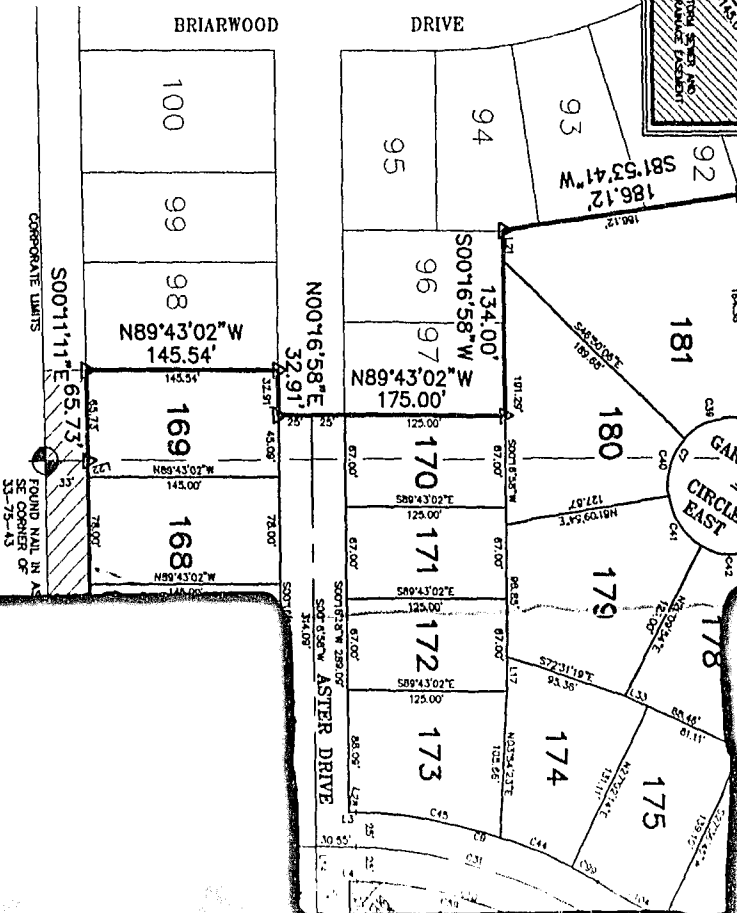
1. ALL LOT LINES ARE RADIAL TO CURVED STREET LINES UNLESS NOTED OTHERWISE. NR = NON-RADIAL
2. DISTANCES SHOWN ALONG A CURVE ARE ARC DISTANCES UNLESS NOTED OTHERWISE.
3. 5/8" X 30" (IRON PINS) WITH ALUMINUM CAPS STAMPED #11416 HAVE BEEN SET AT THE CORNERS OF ALL LOTS, STREETS, ANGLE POINTS, AND THE TERMINAL POINTS OF ALL CURVES, AND CUT "X"s IN THE CENTER OF ALL CUL-DE-SACS.

**LEGEND**

- ▲ - FOUND SURVEY POINT 5/8" REBAR X 30" W/ ALUMINUM CAP #11416
- - UNLESS NOTED OTHERWISE
- ▲ - FOUND SURVEY POINT 5/8" REBAR AND ALUM. CAP # 7717
- - FOUND SURVEY POINT
- ⊙ - SECTION CORNER, SEE DESCRIPTION



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.  
 MARK E. EHRHART  
 DATE 12/13/10  
 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2001  
 LIC. NO. 11416



UNRECORDED

DK1027045391

263549d201XB

660549d201XB

# BRIARWOOD SUBDIVISION P

LOTS 101 THROUGH 201 INCLUSIVE

A TRACT OF LAND BEING A PORTION OF THE SOUTH 30 ACRES OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 75 WEST OF THE 5TH PRINCIPAL MERIDIAN, AND A PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY, IOWA

## DEDICATION:

KNOW ALL PEOPLE OF THESE PRESENTS: THAT DORCOR, INC., A KANSAS CORPORATION

BEING THE SOLE OWNER AND PROPRIETOR OF THE LAND DESCRIBED IN THE LEGAL DESCRIPTION AND EMBRACED WITHIN THIS PLAT, HAS CAUSED WITH OUR FREE CONSENT AND IN ACCORD WITH OUR DESIRE, THE SAME TO BE SUBDIVIDED INTO LOTS AS SHOWN AND TO BE KNOWN AS

BRIARWOOD SUBDIVISION, PHASE 2 CONSISTING OF LOTS 101 THROUGH 201, INCLUSIVE.

AND SAID CORPORATION DOES HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF OUR PROPERTY AS SHOWN ON THIS PLAT, AND THAT ALL STREETS, CIRCLES, AND AVENUES ARE DEDICATED TO THE CITY OF COUNCIL BLUFFS, IOWA, FOR PUBLIC USE, SAID CORPORATION DOES HEREBY DEDICATE TO THE CITY OF COUNCIL BLUFFS, IOWA, THE PERPETUAL 25 FOOT WIDE STORM SEWER AND DRAINAGE EASEMENT LYING IN LOTS 104 AND 105 AS SHOWN HEREON, THE PERPETUAL 25 FOOT WIDE STORM SEWER EASEMENT LYING IN LOTS 158 AND 159 AS SHOWN HEREON, THE PERPETUAL 30 FOOT WIDE STORM SEWER AND SANITARY SEWER EASEMENT LYING IN LOTS 140, 141, 155 AND 156 AS SHOWN HEREON, AND THE PERPETUAL STORM SEWER EASEMENTS DEPICTED ON THE CORNER OF LOTS 120, 132, 148, AND 165, ALL FOR THE INSTALLATION AND MAINTENANCE OF STORM AND/OR SANITARY SEWER CONDUITS AND APPURTENANCES AND ANY DRAINAGE SYSTEMS DEEMED NECESSARY BY THE CITY OF COUNCIL BLUFFS. THE PERPETUAL STORM SEWER AND DRAINAGE EASEMENT FOR THE DETENTION BASIN ACROSS LOTS 158 AND 159 IS RESERVED BY THE DEVELOPER UNTIL SUCH TIME THE EASEMENT IS ASSIGNED TO THE BRIARWOOD HOMES ASSOCIATION. THE DEVELOPER AND LATER THE BRIARWOOD HOMES ASSOCIATION SHALL BE RESPONSIBLE FOR THE CONTINUED MAINTENANCE OF SAID EASEMENT INCLUDING, BUT NOT LIMITED TO THE MAINTENANCE OF ALL IMPROVEMENTS ON SAID EASEMENT WHICH WERE DESIGNED AND CONSTRUCTED BY THE DEVELOPER TO ADDRESS SURFACE WATER DRAINAGE AND TO CONTROL SURFACE WATER RUNOFF. SUFFICIENT RUNOFF VOLUME MUST BE MAINTAINED WITHIN THE EASEMENT AREA. MINIMUM VOLUMES THAT SHALL BE MAINTAINED ARE AS FOLLOWS: 1) TOTAL SURFACE WATER RUNOFF AND SEDIMENT VOLUME REQUIRED IS 52,000 CUBIC FEET OR 1.19 ACRE FEET AND 2) SURFACE WATER RUNOFF DETENTION VOLUME REQUIRED IS 31,000 CUBIC FEET OR 0.71 ACRE FEET. TO ACHIEVE THIS REQUIREMENT EXCAVATION MUST BEGIN IMMEDIATELY, WHEN SEDIMENT HAS REACHED A LEVEL 4.0 FEET BELOW THE 100 YEAR WATER DETENTION SURFACE ELEVATION. THE DETENTION BASIN AREA MUST THEN BE UNIFORMLY EXCAVATED TO A LEVEL OF 5.5 FEET BELOW THE 100 YEAR WATER DETENTION SURFACE ELEVATION, AND THE PERPETUAL 15' ENTRANCE MONUMENT EASEMENT LOCATED ON LOT 165 IS RESERVED BY THE DEVELOPER UNTIL SUCH TIME THE EASEMENT IS ASSIGNED TO THE BRIARWOOD HOMES ASSOCIATION. THE DEVELOPER AND LATER THE BRIARWOOD HOMES ASSOCIATION SHALL BE RESPONSIBLE FOR THE CONTINUED MAINTENANCE OF SAID EASEMENT. THE DEDICATION OF THESE EASEMENT GRANTS SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

ERECTION OF STRUCTURES PROHIBITED: DORCOR, INC., OR ITS SUCCESSORS OR ASSIGNS SHALL NOT ERECT ANY STRUCTURE OVER OR WITHIN THESE EASEMENT AREAS WITHOUT OBTAINING THE PRIOR WRITTEN

ACKNOWLEDG  
STATE OF  
COUNTY OF  
ON THIS 1  
BEFORE ME  
PERSON-ALL  
DOROTHY H  
AS PRESID

6665498301MO

RECORDED

# BRIARWOOD SUBDIVISION PHASE 2

LOTS 101 THROUGH 201 INCLUSIVE

A TRACT OF LAND BEING A PORTION OF THE SOUTH 30 ACRES OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN, AND A PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY, IOWA

THAT

OF THE LAND DESCRIBED IN THE LEGAL DESCRIPTION AND WITH OUR FREE CONSENT AND IN ACCORD WITH OUR DESIRE, IS SHOWN AND TO BE KNOWN AS

CLUSIVE.

IFY AND APPROVE OF THE DISPOSITION OF OUR PROPERTY AS SETS, CIRCLES, AND AVENUES ARE DEDICATED TO THE CITY OF SAID CORPORATION DOES HEREBY DEDICATE TO THE CITY OF FOOT WIDE STORM SEWER AND DRAINAGE EASEMENT LYING IN PERPETUAL 25 FOOT WIDE STORM SEWER EASEMENT LYING IN PERPETUAL 30 FOOT WIDE STORM SEWER AND SANITARY 155 AND 156 AS SHOWN HEREON, AND THE PERPETUAL STORM 120, 132, 148, AND 165, ALL FOR THE 1 AND/OR SANITARY SEWER CONDUITS AND APPURTENANCES NECESSARY BY THE CITY OF COUNCIL BLUFFS. THE PERPETUAL OF THE DETENTION BASIN ACROSS LOTS 158 AND 159 IS TIME THE EASEMENT IS ASSIGNED TO THE BRIARWOOD HOMES THE BRIARWOOD HOMES ASSOCIATION SHALL BE RESPONSIBLE EASEMENT INCLUDING, BUT NOT LIMITED TO THE MAINTENANCE WHICH WERE DESIGNED AND CONSTRUCTED BY THE DEVELOPER TO CONTROL SURFACE WATER RUNOFF. SUFFICIENT RUNOFF EASEMENT AREA. MINIMUM VOLUMES THAT SHALL BE SURFACE WATER RUNOFF AND SEDIMENT VOLUME REQUIRED IS 2) SURFACE WATER RUNOFF DETENTION VOLUME REQUIRED IS TO ACHIEVE THIS REQUIREMENT EXCAVATION MUST BEGIN A LEVEL 4.0 FEET BELOW THE 100 YEAR WATER DETENTION AREA MUST THEN BE UNIFORMLY EXCAVATED TO A LEVEL OF DETENTION SURFACE ELEVATION, AND THE PERPETUAL 15' ON LOT 165 IS RESERVED BY THE DEVELOPER UNTIL SUCH TIME WOOD HOMES ASSOCIATION, THE DEVELOPER AND LATER THE RESPONSIBLE FOR THE CONTINUED MAINTENANCE OF SAID EMENT GRANTS SHALL BE SUBJECT TO THE FOLLOWING TERMS

ROR, INC. OR ITS SUCCESSORS OR ASSIGNS SHALL NOT THESE EASEMENT AREAS WITHOUT OBTAINING THE PRIOR WRITTEN

### ACKNOWLEDGEMENT TO DEDICATION

STATE OF Iowa )  
COUNTY OF Johanna )

ON THIS 14 DAY OF December, 2001, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY CAME,

DOROTHY HAEGELE

AS PRESIDENT OF DORCOR, INC., A KANSAS CORPORATION, PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHOSE ABOVE DEDICATION, AND HE/SHE ACKNOWLEDGES THE EXECUTION OF HIS/HER VOLUNTARY ACT AND DEED AS SUCH OFFICER, A DEED OF SAID DORCOR, INC.

WITNESS MY HAND AND NOTARIAL SEAL AT Des Moines

Patricia J Stout  
NOTARY PUBLIC

Notary Public, State of Kansas  
Patricia J Stout 11-15-04

WE HEREBY CERTIFY THE FOLLOWING DOCUMENTS WILL BE POTTAWATTAMIE COUNTY RECORDER CONTAMPORANEOUS V

A. ALL PRIVATE RESTRICTIONS AND/OR COVENANTS, IF ANY THE SUBJECT DEVELOPMENT.

B. STATEMENT OF MORTGAGE HOLDER, IF ANY, THAT THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE AND ISSUED A PARTIAL RELEASE FOR ALL AREAS CON OR DEDICATED TO THE PUBLIC.

C. TITLE OPINION LETTER OF ATTORNEY.

D. CERTIFIED RESOLUTION OF EACH GOVERNING BODY AS





NOTION OF THE SUBJECT DEVELOPMENT.

A. ALL PRIVATE RESTRICTIONS AND/OR COVENANTS, IF ANY, WHICH WILL BE A PART OF THE SUBJECT DEVELOPMENT.

B. STATEMENT OF MORTGAGE HOLDER, IF ANY, THAT THE PLAT IS PREPARED WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE MORTGAGE HOLDER, AND ISSUED A PARTIAL RELEASE FOR ALL AREAS CONVEYED TO THE GOVERNING BODY OR DEDICATED TO THE PUBLIC.

C. TITLE OPINION LETTER OF ATTORNEY.

D. CERTIFIED RESOLUTION OF EACH GOVERNING BODY AS REQUIRED BY IOWA CODE SEC. 354.8

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

*Dorothy Haegle*  
DORCOR, INC./DOROTHY HAEGELE, PRESIDENT  
DATE 1-3-14-01

*Thomas P. Hanafan*  
COMMUNITY DEVELOPMENT  
DATE 12-17-01

APPROVED BY DIRECTOR, COMMUNITY DEVELOPMENT, DONALD GROSS  
DATE

CITY COUNCIL:  
DATE

APPROVED BY MAYOR, THOMAS P. HANAFAN  
DATE 12-18-01

ATTESTED TO BY:  
*Olga Ramirez*  
CITY CLERK OLGA RAMIREZ  
DATE 12-18-01

CERTIFICATE OF TREASURER OF POTTAWATTAMIE COUNTY, IOWA  
I, *Judy Ann Miller*  
THE TREASURER OF POTTAWATTAMIE COUNTY,  
IOWA, HEREBY CERTIFY THAT THE PROPERTY INCLUDED IN BRIARWOOD SUBDIVISION PHASE 2,  
IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS.

TREASURER OF POTTAWATTAMIE COUNTY, JUDY ANN MILLER  
DATE 12-18-01

SHEET 2 OF 2



**EHRHART & GRIFFIN ASSOCIATES**  
Project No. EGA011115  
BRIARWOOD SUBDIVISION PHASE 2  
ENGINEERING PLANNING LAND SURVEYING  
3915 Cumming Street • Omaha, Nebraska 68131 • 402-551-0631

DN 102764 5395

IMMEDIATELY, WHEN SEDIMENT HAS REACHED A LEVEL 4.0 FEET BELOW THE 100 YEAR WATER DETENTION SURFACE ELEVATION. THE DETENTION BASIN AREA MUST THEN BE UNIFORMLY EXCAVATED TO A LEVEL OF 5.5 FEET BELOW THE 100 YEAR WATER DETENTION SURFACE ELEVATION, AND THE PERPETUAL 15' ENTRANCE MONUMENT EASEMENT LOCATED ON LOT 165 IS RESERVED BY THE DEVELOPER UNTIL SUCH TIME THE EASEMENT IS ASSIGNED TO THE BRIARWOOD HOMES ASSOCIATION. THE DEVELOPER AND LATER THE BRIARWOOD HOMES ASSOCIATION SHALL BE RESPONSIBLE FOR THE CONTINUED MAINTENANCE OF SAID EASEMENT. THE DEDICATION OF THESE EASEMENT GRANTS SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

ERECTOR OF STRUCTURES PROHIBITED: DORCOR, INC., OR ITS SUCCESSORS OR ASSIGNS SHALL NOT ERECT ANY STRUCTURE OVER OR WITHIN THESE EASEMENT AREAS WITHOUT OBTAINING THE PRIOR WRITTEN CONSENT OF THE CITY ENGINEER.

CHANGE OF GRADE PROHIBITED: DORCOR, INC., OR ITS SUCCESSORS OR ASSIGNS SHALL NOT CHANGE THE GRADE ELEVATION, OR CONTOUR OF ANY PART OF THESE EASEMENT AREAS WITHOUT OBTAINING THE PRIOR WRITTEN CONSENT OF THE CITY ENGINEER.

RIGHT OF ACCESS: CITY SHALL HAVE THE RIGHT OF ACCESS TO THE EASEMENT AREAS AND HAVE ALL RIGHTS OF INGRESS AND EGRESS REASONABLY NECESSARY FOR THE USE AND ENJOYMENT OF THE EASEMENT AREAS AS HEREIN DESCRIBED.

REMOVAL AND REPLACEMENT: THE COST OF REMOVAL AND REPLACEMENT OF ANY UNAUTHORIZED IMPROVEMENT OR STRUCTURES WITHIN THE EASEMENT AREAS, NECESSITATED BY THE EXERCISE OF THE RIGHTS UNDER THIS DEDICATION, SHALL BE BORNE BY THE SAID CORPORATION OR ITS SUCCESSORS OR ASSIGNS.

SURFACE RESTORATION: CITY'S LIABILITY TO RESTORE THE SURFACE WITHIN THE EASEMENT AREAS SHALL BE LIMITED ONLY TO GRADING AND SEEDING.

DUTY TO REPAIR: CITY AGREES THAT ANY DRAIN TILE, DRIVE OR ACCESS WAY, FENCE, YARD OR OTHER IMPROVEMENTS OUTSIDE OF THE EASEMENT AREAS 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 THE SAID CORPORATION OR ITS SUCCESSORS OR ASSIGNS.

EASEMENTS RUN WITH THE LAND: THESE EASEMENTS SHALL BE DEEMED TO RUN WITH THE LAND AND SHALL BE BINDING ON DORCOR, INC., OR ITS SUCCESSORS OR ASSIGNS.

IN WITNESS WHEREOF WE DO HEREUNTO SET OUR HANDS,

THIS 14th DAY OF November, 2001 A.D.

*Scotty H. Hartzel* *President*  
DORCOR, INC., A KANSAS CORPORATION

UNRECORDED

BK 102 PG 45396

WE HEREBY OBJECTIVE  
DORCOR  
COMMUNITY  
APPROV  
CITY COUN  
APPROV



PETERS  
LAW FIRM,  
P.C.

December 4, 2001

DORCOR, Inc.  
c/o Deron A. Anliker  
Duggan, Shadwick & Doerr, P.C.  
11040 Oakmont  
Overland Park, KS 66210

Examined by  
Peters Law Firm, P.C.

Abstract Opinion #4239

233 PEARL STREET  
P.O. BOX 1078  
COUNCIL BLUFFS,  
IOWA 51602-1078  
712-328-3157  
FAX: 712-328-9092

GLENWOOD OFFICE  
10 NORTH WALNUT  
P.O. BOX 189  
GLENWOOD, IA 51634  
712-627-4877  
FAX: 712-627-3418

NEOLA OFFICE  
401 FRONT STREET  
P.O. BOX 282  
NEOLA, IA 51659  
712-485-2265

JAMES A. CAMPBELL  
DENNIS M. GRAY  
JAMES A. THOMAS  
LYLE W. DITMARS  
SCOTT H. PETERS\*  
JOHN M. McHALE\*  
JACOB J. PETERS\*  
LEO P. MARTIN\*  
SCOTT J. ROGERS  
JOHN E. HEISTERKAMP\*  
JOHN M. FRENCH\*  
MATTHEW G. WOODS  
JOHN C. RASMUSSEN\*  
DeSHAWNE BIRD-SELL\*  
JOHN D. KWAPNOSKI\*  
JENNIFER K. SEWELL

\* Also Admitted in NE

RE: Examination of Abstract  
Our File No. 23441 Entered for Taxation

To Whom It May Concern:

*Marilyn Jo Drake*

COUNTY AUDITOR

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:

A tract of land being a portion of the South 30 acres of the East Half of the Southeast Quarter of Section 33, Township 75, Range 43, and a portion of the Northeast Quarter of the Northeast Quarter of Section 4, Township 74, Range 43, Pottawattamie County, Iowa, and being more particularly described as follows:

Commencing at the Southwest Corner of the Northeast Quarter of the Northeast Quarter of Section 4, Township 74, Range 43; thence North 00° 14' 36" West (assumed bearing) along the West line of said Northeast Quarter of the Northeast Quarter a distance of 1104.59 feet to the Northwest Corner of said Northeast Quarter of the Northeast Quarter; thence North 00° 18' 12" East along the West line of the East Half of the Southeast Quarter of Section 33, Township 75, Range 43 a distance of 95.21 feet to the point of beginning; thence continuing North 00° 18' 12" East along said West line of the East Half of the Southeast Quarter, a distance of 899.49 feet; thence South 89° 46' 01" East, a distance of 1277.28 feet to a point on the West right-of-way line of State Orchard Road; thence South 00° 16' 58" West along said West right-of-way line, a distance of 991.79 feet; thence South 00° 11' 11" East continuing along said West right-of-way line, a distance of 65.73 feet; thence North 89° 43' 02" West, a distance of 145.54 feet; thence North 00° 16' 58" East, a distance of 32.91 feet; thence North 89° 43' 02" West, a distance of 175.00 feet; thence South 00° 16' 58" West, a distance of 134.00 feet; thence South 81° 53' 41" West, a distance of 186.12 feet; thence North 53° 07' 51" West, a distance of 160.04 feet; thence North 66° 41' 39" West, a distance of 75.38 feet; thence North 55° 09' 34" West, a distance of 51.03 feet; thence North 78° 08' 40" West, a distance of 233.29 feet; thence North 03° 51' 46" East, a distance of 41.49 feet; thence North 00° 16' 58" East, a distance of 64.00 feet; thence North 89° 43' 02" West, a distance of 175.00 feet; thence South 00° 16'

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58" West, a distance of 20.88 feet; thence North 89° 43' 02" West, a distance of 132.60 feet to the point of beginning.

The Abstract is in four parts. Part 1 contains entries numbered 1 through 105, last certified to September 16, 1999 at 8:00 a.m. Part 2 contains entries numbered 1 through 71 followed by entries numbered 30 through 75, both inclusive, last certified to September 16, 1999 at 8:00 a.m. Part 3, commencing September 16, 1999 at 8:00 a.m. contains entries numbered 1 through 28, both inclusive, last certified to August 4, 2000 at 8:00 a.m. Part 4, contains entries 1 through 18, both inclusive, last certified to December 18, 2001 at 2:00 P.m. by Abstract Guaranty Company, Title Division No. 8146. References to entry numbers in the abstract are to Part 4 of the abstract unless otherwise noted.

#### TITLE

We find title, subject to the exceptions listed below, to be in DORCOR, Inc. pursuant to a Warranty Deed dated November 6, 2001, and filed November 8, 2001 in Book 102, Page 33904 as disclosed at Entry No.6.

#### EXCEPTIONS

1. Entry No. 65 of Part 2 discloses an easement dated October 27, 1992, filed December 18, 1992, in Book 93, Page 18025, in favor of Midwest Power Systems Inc., an Iowa corporation, its successors and assigns over and across a ten foot by fifty foot easement for one pole along with anchors and associated downguides, which is described as follows: the south 10 feet of the west 50 feet of the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 4, Township 74, Range 43, Pottawattamie County, Iowa and an easement for the overhang of structures and conductors only on the west 25 feet of the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 4, Township 74, Range 43, and the west 25 feet of the south 30 acres of the E $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 33, Township 75, Range 43, all in Pottawattamie County, Iowa.

Entry No. 15 of Part 3 discloses a survey, recorded January 6, 2000 in Book 100, Page 32967, which provides a map of the location of this power line easement. You are referred to the survey and the plat to be recorded for details regarding the location of this easement over part of the property under examination.

2. Entry No. 1 of Part 3 discloses Resolution No. 99-285 of the City of Council Bluffs regarding voluntary annexation of the property under examination and Entry No. 26 of Part 3 discloses the voluntary annexation proceedings regarding the property under examination into the City of Council Bluffs dated May 22, 2000, recorded May 26, 2000 in Book 100, Page 53768 et seq. Those entries are incorporated into Part 4 of the abstract at Entry No. 2.

3. Entry No. 2 of Part 4 incorporates Entry No. 2 of Part 3 which discloses an amendment to the zoning map of the City of Council Bluffs, Iowa Ordinance No. 5470

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passed and approved September 13, 1999, and recorded September 30, 1999 in Book 100, Page 16272 to zone the property under examination R-1 single-family residential and R-3/low-density multi-family residential with a planned residential overlay.

4. Entry No. 5 discloses an easement agreement with the Council Bluffs City Waterworks regarding the installation and maintenance of water lines over and across the streets within Briarwood Subdivision Phase II dated August 31, 2001, filed September 6, 2001, in Book 100, Page 18051.

5. Entry No. 86 of Part 1 discloses a Statement and Notice reciting that on May 4, 1981, a Notice was recorded in Book 81, Page 16621, stating that certain real estate in Pottawattamie County, Iowa, may be subject to the soil conservation practice refund provided for in Chapter 467.7(16)-1981 Code. The Notice does not describe any real estate. You should consult the Soil Conservation District to determine if any soil conservation practice that you might modify on this property would be subject to a refund before taking any actions that would trigger the refund.

6. Entries No. 85 of Part 1 and No. 56 of Part 2 discloses Pottawattamie County Ordinance No. 81-6.

Entries No. 95 of Part 1 and No. 66 of Part 2 discloses Pottawattamie County Ordinance Nos. 88-6, 88-12, 88-15, 90-3, 4930, 90-5, 90-6, 90-7, 94-8, 94-9, 94-10, 94-11, 96-3, 96-4, and 98-2 and amendments to the Municipal Code.

Entries No. 96 of Part 1 and No. 67 of Part 2 discloses Pottawattamie County Ordinance No. 88-7.

Entries No. 97 of Part 1 and No. 68 of Part 2 discloses Pottawattamie County Ordinance No. 88-9.

Entries No. 98 of Part 1 and No. 69 of Part 2 discloses Pottawattamie County Ordinance No. 88-11 and two amendments to the wastewater ordinance.

Entries No. 99 of Part 1 and No. 70 of Part 2 discloses Pottawattamie County Ordinance No. 88-14.

Entries No. 101 of Part 1 and No. 71 of Part 2 discloses Pottawattamie County Ordinance No. 98-6.

Entries No. 100 of Part 1 discloses Pottawattamie County Ordinance No. 98-2.

Entry No. 7 discloses Pottawattamie County Zoning Ordinance No. 3967, amended to Ordinance No. 3968, and Council Bluffs Ordinances Nos. 4948, 5216, 5217, 5255, 5323, 5458, 5469, 5502, and changes to the Municipal Code of Council Bluffs.

Entry No. 8 discloses Council Bluffs Ordinance No. 4589.

Entry No. 9 discloses Council Bluffs Ordinance No. 4942.

Entry No. 10 discloses Council Bluffs Ordinance No. 5264.

Entry No. 11 discloses Council Bluffs Ordinance No. 5333.

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

7. Entry No. 13 discloses the following:  
WE DO NOT CERTIFY TO SPECIAL ASSESSMENTS AND/OR 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 FOR COLLECTION UNLESS THESE CHARGES HAVE BEEN ENTERED ON THE TAX RECORDS. WE WILL CONTINUE TO SHOW ALL THOSE WHICH ARE ON THE TAX RECORDS.

8. Entry No. 14 discloses 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."

9. Entry No. 16 discloses:  
"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."

10. Entry No. 17 discloses a lien search including liens in district and federal courts of Pottawattamie County as to the following persons, ONLY:-  
Ten years last past:- DORCOR, Inc.

11. Entry No. 18 discloses that the general taxes for the year 2000 and prior years are paid.  
P-003035,70005017

**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.

BK 102PG45400

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

BK102PG45401

December 4, 2001

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.

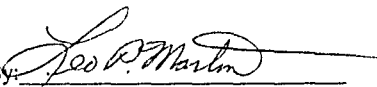
The Abstract does not mention whether any garbage assessments or sewer and water bills remain unpaid. We advise you that these assessments become a lien upon the property when certified to the County Treasurer's Office. If these services are provided to the property, you should contact the City Clerk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

\* \* \*

We will retain the Abstract pending further instructions. If you have questions, please contact me.

Sincerely,

PETERS LAW FIRM, P.C.

By:   
Leo P. Martin

LPM:gdf:ja  
G:\LPM\23441\l.tr\opinion 120401.wpd

BK 102 PG 45402





BW Investments, L.C.

By Jerry F. Duggan  
Jerry F. Duggan, Member

STATE OF IOWA                    )  
  ) ss.  
COUNTY OF POTTAWATTAMIE )

On this 18<sup>th</sup> day of December, 2001, before me appeared Jerry F. Duggan, to me personally known, who being by me duly sworn, did say that he is a Member of BW Investments, L.C., an Iowa limited liability company, and that the foregoing instrument was signed on behalf of said limited liability company by authority of its Members, and said Jerry F. Duggan acknowledged said instrument to be the free act and deed of said limited liability company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at my office the day and year last above written.

Leo P. Martin  
Notary Public

My commission expires:

8/29/2003



BK102PG45404

SUPPLEMENTARY DECLARATION  
OF  
EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS  
OF  
BRIARWOOD  
A SUBDIVISION IN  
THE CITY OF COUNCIL BLUFFS  
POTTAWATTAMIE COUNTY, IOWA

THIS SUPPLEMENTARY DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS ("Supplement") is made this 17<sup>th</sup> day of December, 2001, by DORCOR, INC., a Kansas corporation ("Developer").

**RECITALS:**

A. Developer is the assignee of BW Investments, L.C. under the Declaration (as defined below) with respect to the property attached hereto as **Exhibit A**, wherein Developer became the successor to BW Investments, L.C. with regard to that certain real property located in Briarwood, a subdivision in the City of Council Bluffs, Pottawattamie County, Iowa, according to the Plat thereof (the "**Second Plat**") recorded on December 18, 2001 in Book 102, Page 45387, in the office of the Recorder of Deeds for Pottawattamie County, Iowa, as more particularly described in **Exhibit A**.

B. Pursuant to paragraph 13.2 of the Declaration, the Developer desires to amend the Declaration of Easements, Covenants, Conditions, and Restrictions ("**Declaration**") dated August 23, 2000 and recorded on September 1, 2000 in Book 101, Page 10096, in the office of the Recorder of Deeds for Pottawattamie County, Iowa.

**NOW, THEREFORE**, in consideration of these mutual Agreements and other consideration, it is hereby agreed as follows:

1. That Developer assumes and agrees to perform any and all obligations pertaining to the rights, powers and easements of the Declaration binding BW Investments, L.C. only with respect to the property attached hereto as **Exhibit A**, and BW Investments, L.C. is hereby released and relieved from all liability only with respect to such obligations pertaining the property attached hereto as **Exhibit A** that accrue from and after the date of the recording of this Supplement.

BK 102PG 45405

CERTIFICATE AND RECEIPT

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STATE OF IOWA,

} ss.

Pottawattamie County,

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

hereby certifies that: Resolution 01-289 and Attachment "A" is a true and correct copy

as the same appears of record in this office.

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

18<sup>th</sup> day of December A.D. 2001

Olga Ramirez  
City Clerk of the City of Council Bluffs, Iowa

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BK102PG45406

RESOLUTION NO. 01-289

A RESOLUTION granting final plat approval for Briarwood Subdivision Phase 2, located on the west side of State Orchard Road, north of Greenview Road.

WHEREAS, DORCOR, Inc. has requested final plat approval for Phase 2 of Briarwood Subdivision, as shown on Attachment "A"; and

WHEREAS, the preliminary plan for Briarwood Subdivision was approved on August 23, 1999, by City Council Resolution No. 99-234. The final plat for Phase 1, which created 100 lots, was approved by Resolution No. 00-198 on August 14, 2000. On July 10, 2001, the Planning Commission extended the deadline for submitting an application for final plat approval for Phase 2 until August 23, 2002.

WHEREAS, the proposed subdivision is consistent with the 1994 Comprehensive Plan and the purpose and intent of the Subdivision and Zoning Ordinances;

WHEREAS, the appropriate city departments and utilities have reviewed the final plat with no adverse comments; and

WHEREAS, the Community Development Department recommends approval of the final plat for a subdivision to be known as Briarwood Phase 2, as shown on Attachment "A", subject to the following conditions:

1. Prior to executing the final plat, all required public improvements 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 all required public improvements not yet completed and/or certified and accepted by the Public Works Department.
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. The two sections of Garwin Circle shall have "East" or "West" added as appropriate.
3. All fire hydrants shall be active and accessible prior to any framing activity in the subdivision.
4. The developer shall provide the City with two sets of as-built construction drawings, testing results, and a two-year maintenance bond, upon acceptance of all required improvements.
5. Sidewalk shall be installed at no expense to the City, along the street frontage of each lot prior to issuance of a certificate of occupancy for each house. The applicant is not required to construct sidewalk along the State Orchard Road frontage.

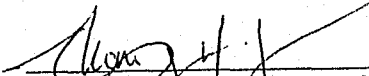
NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA:

That the final plat of for a subdivision to be known as Briarwood Phase 2, 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 authorized and directed to endorse the final plat.

ADOPTED  
AND November 19, 2001  
APPROVED

  
\_\_\_\_\_  
THOMAS P. HANAFAN Mayor

Attest:   
\_\_\_\_\_  
OLGA RAMIREZ City Clerk

Planning Case No. SUB-01-01-3

CASE #SUB-01-013

ATTACHMENT 'A'

BRIARWOOD SUBDIVISION PHASE 2

LOTS 101 THROUGH 201 INCLUSIVE  
A TRACT OF LAND BEING A PORTION OF THE SOUTH AND WEST QUARTERS OF SECTION 14, TOWNSHIP 36N, RANGE 10E, COUNTY OF WASHINGTON, MISSOURI, AND A PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 36N, RANGE 10E, COUNTY OF WASHINGTON, MISSOURI, CONTAINING MORE OR LESS THAN THE AREA THEREIN SHOWN.

LINE AND CURVE TABLES

Table with columns for Station, Curve Data, and Remarks. Includes data for various curves and stations along the subdivision boundaries.

STORM SEWER EASEMENT DETAILS



LEGAL DESCRIPTION:

UNIMPROVED PHASE 2 - LEGAL DESCRIPTION (8-11-2007)  
A TRACT OF LAND BEING A PORTION OF THE SOUTH AND WEST QUARTERS OF SECTION 14, TOWNSHIP 36N, RANGE 10E, COUNTY OF WASHINGTON, MISSOURI, AND A PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 36N, RANGE 10E, COUNTY OF WASHINGTON, MISSOURI, CONTAINING MORE OR LESS THAN THE AREA THEREIN SHOWN.

STANDARD UTILITY EASEMENTS:

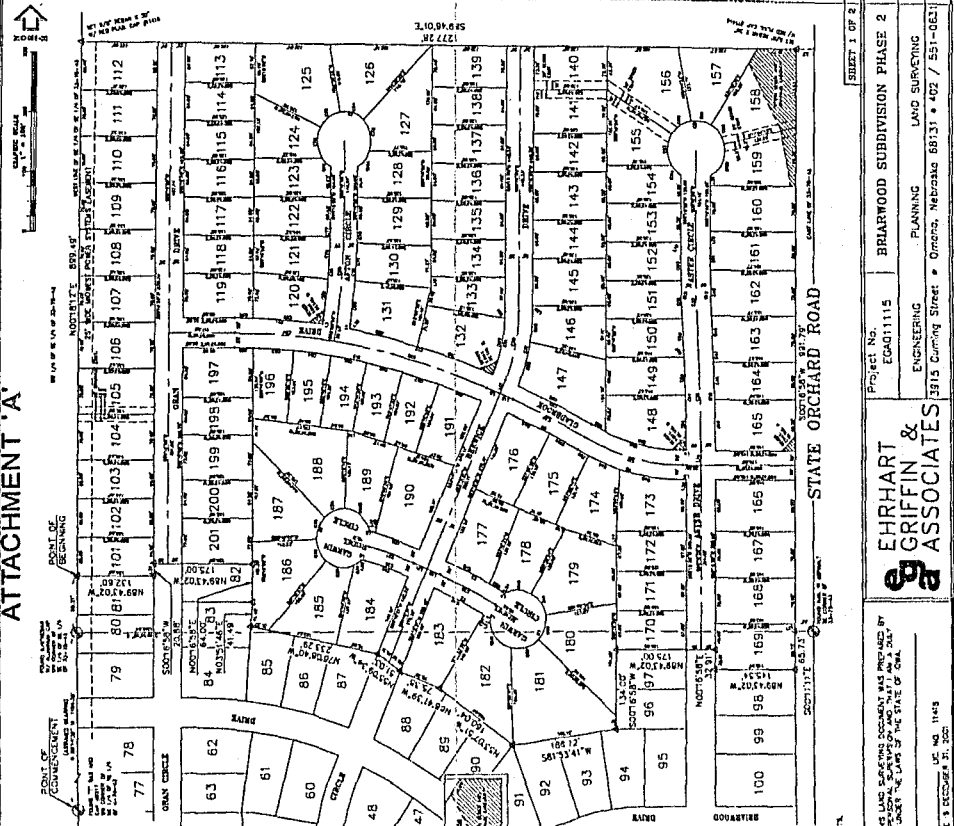
A PERSONAL EASEMENT IS GRANTED FOR THE BURIAL AND INTERMENT OF THE BONES OF THE DECEASED IN THE UNIMPROVED PHASE 2 TRACT OF LAND SHOWN ON THIS PLAN.

SURVEYOR'S NOTES:

- 1. ALL LINES ARE BASED TO CURVED TRUCK LINES UNLESS NOTED OTHERWISE.
2. DIMENSIONS SHOWN FROM A CURVE ARE TO THE POINTS OF TANGENCY UNLESS NOTED OTHERWISE.
3. ALL DIMENSIONS ARE TO THE CENTER OF ALL CIRCULAR LINES.

LEGEND:

- 1 - PROPERTY BOUNDARIES
2 - EASEMENTS
3 - CURVED TRUCK LINES
4 - RIGHT-OF-WAY LINES



Project No: EG001115
Project Name: BRIARWOOD SUBDIVISION PHASE 2
Engineer: EHRHART & GRIFFIN & ASSOCIATES
Planner: EHRHART & GRIFFIN & ASSOCIATES
Address: 3815 Curving Street, Omaha, Nebraska 68131

Project No. EGA011115

## DESCRIPTION & SKETCH

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A TRACT OF LAND BEING A PORTION OF THE SOUTH 30 ACRES OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN, AND A PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY; IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN; THENCE NORTH 00°14'36" WEST (ASSUMED BEARING) ALONG THE WEST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER A DISTANCE OF 1104.59 FEET TO THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE NORTH 00°18'12" EAST ALONG THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN A DISTANCE OF 95.21 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00°18'12" EAST ALONG SAID WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER, A DISTANCE OF 899.49 FEET; THENCE SOUTH 89°46'01" EAST, A DISTANCE OF 1277.28 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF STATE ORCHARD ROAD; THENCE SOUTH 00°16'58" WEST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 991.79 FEET; THENCE SOUTH 00°11'11" EAST CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 65.73 FEET; THENCE NORTH 89°43'02" WEST, A DISTANCE OF 145.54 FEET; THENCE NORTH 00°16'58" EAST, A DISTANCE OF 32.91 FEET; THENCE NORTH 89°43'02" WEST, A DISTANCE OF 175.00 FEET; THENCE SOUTH 00°16'58" WEST, A DISTANCE OF 134.00 FEET; THENCE SOUTH 81°53'41" WEST, A DISTANCE OF 186.12 FEET; THENCE NORTH 53°07'51" WEST, A DISTANCE OF 160.04 FEET; THENCE NORTH 66°41'39" WEST, A DISTANCE OF 75.38 FEET; THENCE NORTH 55°09'34" WEST, A DISTANCE OF 51.03 FEET; THENCE NORTH 78°08'40" WEST, A DISTANCE OF 233.29 FEET; THENCE NORTH 03°51'46" EAST, A DISTANCE OF 41.49 FEET; THENCE NORTH 00°16'58" EAST, A DISTANCE OF 64.00 FEET; THENCE NORTH 89°43'02" WEST, A DISTANCE OF 175.00 FEET; THENCE SOUTH 00°16'58" WEST, A DISTANCE OF 20.88 FEET; THENCE NORTH 89°43'02" WEST, A DISTANCE OF 132.60 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS 30.16 ACRES, MORE OR LESS.

Exhibit A

Date: 6/11/2001

BK 102PG45410