

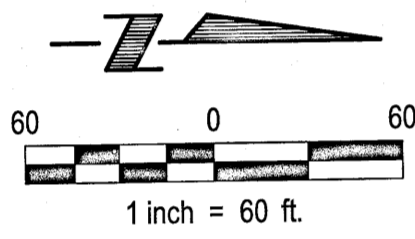
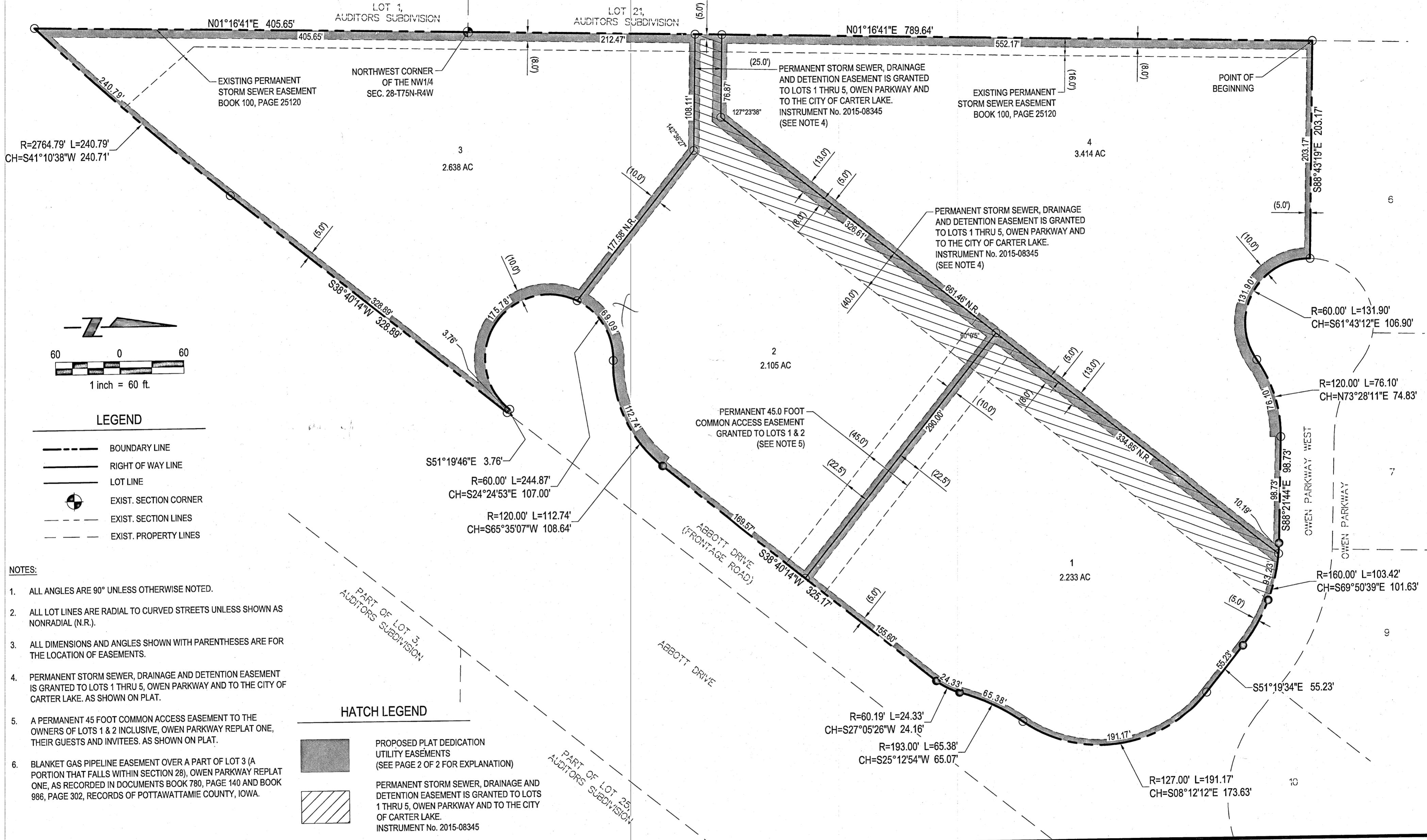
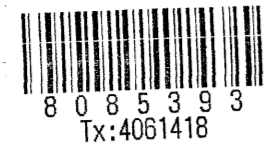
2016-07780  
 RECORDER MARK BRANDENBURG  
 POTTAWATTAMIE COUNTY, IA  
 FILE TIME: 06/13/2016 2:18:02 PM  
 REC: 70.00AUD: T TAX:  
 RMA: 1.00ECM: 1.00

# OWEN PARKWAY REPLAT ONE

LOTS 1 THRU 4 INCLUSIVE

BEING A REPLAT OF LOTS 1 THROUGH 5, OWEN PARKWAY, A SUBDIVISION LOCATED IN PART OF THE SW1/4 OF THE SW1/4 OF SECTION 21, TOWNSHIP 75 NORTH, RANGE 44 WEST OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA.

R FEE \$ 70.00 RMA \$ 1.00  
 A FEE \$ \_\_\_\_\_ ECOM \$ 1.00  
 T TAX \$ \_\_\_\_\_



- LEGEND**
- BOUNDARY LINE
  - RIGHT OF WAY LINE
  - LOT LINE
  - EXIST. SECTION CORNER
  - EXIST. SECTION LINES
  - EXIST. PROPERTY LINES

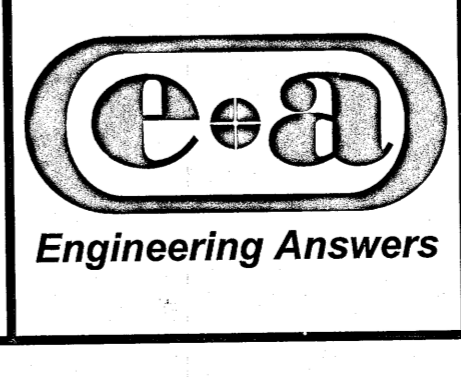
- NOTES:**
1. ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED.
  2. ALL LOT LINES ARE RADIAL TO CURVED STREETS UNLESS SHOWN AS NONRADIAL (N.R.).
  3. ALL DIMENSIONS AND ANGLES SHOWN WITH PARENTHESES ARE FOR THE LOCATION OF EASEMENTS.
  4. PERMANENT STORM SEWER, DRAINAGE AND DETENTION EASEMENT IS GRANTED TO LOTS 1 THRU 5, OWEN PARKWAY AND TO THE CITY OF CARTER LAKE. AS SHOWN ON PLAT.
  5. A PERMANENT 45 FOOT COMMON ACCESS EASEMENT TO THE OWNERS OF LOTS 1 & 2 INCLUSIVE, OWEN PARKWAY REPLAT ONE, THEIR GUESTS AND INVITEES. AS SHOWN ON PLAT.
  6. BLANKET GAS PIPELINE EASEMENT OVER A PART OF LOT 3 (A PORTION THAT FALLS WITHIN SECTION 29), OWEN PARKWAY REPLAT ONE, AS RECORDED IN DOCUMENTS BOOK 780, PAGE 140 AND BOOK 986, PAGE 302, RECORDS OF POTTAWATTAMIE COUNTY, IOWA.

- HATCH LEGEND**
- PROPOSED PLAT DEDICATION UTILITY EASEMENTS (SEE PAGE 2 OF 2 FOR EXPLANATION)
  - PERMANENT STORM SEWER, DRAINAGE AND DETENTION EASEMENT IS GRANTED TO LOTS 1 THRU 5, OWEN PARKWAY AND TO THE CITY OF CARTER LAKE. INSTRUMENT No. 2015-08345

Proj No: P2015.070.003	Revisions	
Date: 10/01/2015	No.	Date
Designed By: JRS	Date	Description
Drawn By:		
Scale: 1" = 60'		
Sheet: 1 of 2		

PLAT

OWEN PARKWAY REPLAT ONE  
 POTTAWATTAMIE COUNTY, IOWA



**E & A CONSULTING GROUP, INC.**  
 Engineering • Planning • Environmental & Field Services

10909 Mill Valley Road, Suite 100 Omaha, NE 68154  
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# OWEN PARKWAY REPLAT ONE

LOTS 1 THRU 4 INCLUSIVE

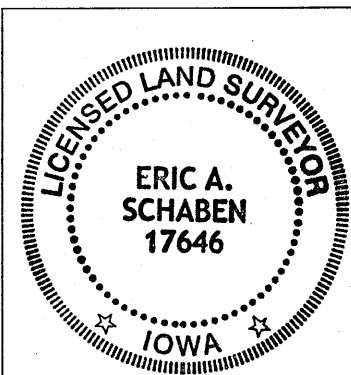
BEING A REPLAT OF LOTS 1 THROUGH 5, OWEN PARKWAY, A SUBDIVISION LOCATED IN PART OF THE SW1/4 OF THE SW1/4 OF SECTION 21, TOWNSHIP 75 NORTH, RANGE 44 WEST OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA.

### SURVEYORS CERTIFICATION

I HEREBY CERTIFY THAT I HAVE MADE A GROUND SURVEY OF THE SUBDIVISION DESCRIBED HEREIN AND THAT PERMANENT MONUMENTS HAVE BEEN FOUND OR SET AT ALL CORNERS OF SAID BOUNDARY AND THAT PERMANENT MARKERS WILL BE SET AT ALL LOTS, STREETS AND ANGLE POINTS WITHIN SAID OWEN PARKWAY REPLAT ONE (LOTS NUMBERED ON SHOWN), BEING A REPLAT OF LOTS 1 THROUGH 5, OWEN PARKWAY, A SUBDIVISION LOCATED IN PART OF THE SW1/4 OF THE SW1/4 OF SECTION 21, AND TOGETHER WITH THE NW1/4 OF THE NW1/4 OF SECTION 28; ALL LOCATED IN TOWNSHIP 75 NORTH, RANGE 44 WEST OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA, PARTICULARLY DESCRIBED AS FOLLOWING:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 5, OWEN PARKWAY, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 6, SAID OWEN PARKWAY; THENCE S88°43'19"E (ASSUMED BEARING) ALONG THE NORTH LINE OF SAID LOT 5, OWEN PARKWAY, SAID LINE ALSO BEING THE SOUTH LINE OF SAID LOT 6, OWEN PARKWAY, A DISTANCE OF 203.17 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF OWEN PARKWAY WEST; THENCE ALONG THE NORTHERLY LINE OF SAID LOTS 4 & 5, OWEN PARKWAY, SAID LINE ALSO BEING SAID SOUTHERLY RIGHT-OF-WAY LINE OF OWEN PARKWAY WEST ON THE FOLLOWING FIVE (5) COURSES: (1) THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 60.00 FEET, A DISTANCE OF 131.90 FEET, SAID CURVE ALSO HAVING A LONG CHORD WHICH BEARS S61°43'12"E, A DISTANCE OF 106.90 FEET; (2) THENCE NORTHEASTERLY ON A RESERVE CURVE TO THE RIGHT WITH A RADIUS OF 120.00 FEET, A DISTANCE OF 76.10 FEET, SAID CURVE ALSO HAVING A LONG CHORD WHICH BEARS N73°28'11"E, A DISTANCE OF 74.83 FEET; (3) THENCE S88°21'44"E, A DISTANCE OF 98.73 FEET; (4) THENCE SOUTHEASTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 160.00 FEET, A DISTANCE OF 103.42 FEET, SAID CURVE ALSO HAVING A LONG CHORD WHICH BEARS S69°50'39"E, A DISTANCE OF 101.63 FEET; (5) THENCE S51°19'34"E, A DISTANCE OF 55.23 FEET; THENCE ALONG THE EASTERLY LINE OF SAID LOTS 2 THROUGH 4, OWEN PARKWAY, SAID LINE ALSO BEING THE WESTERLY RIGHT-OF-WAY LINE OF ABBOTT DRIVE (FRONTAGE ROAD) ON THE FOLLOWING FOUR (4) COURSES: (1) THENCE SOUTHEASTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 127.00 FEET, A DISTANCE OF 191.17 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S08°12'12"E, A DISTANCE OF 173.63 FEET; (2) THENCE SOUTHWESTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 193.00 FEET, A DISTANCE OF 65.38 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S25°12'54"W, A DISTANCE OF 65.07 FEET; (3) THENCE SOUTHWESTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 60.19 FEET, A DISTANCE OF 24.33 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S27°05'26"W, A DISTANCE OF 24.16 FEET; (4) THENCE S38°40'14"W, A DISTANCE OF 325.17 FEET; (5) THENCE SOUTHWESTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 120.00 FEET, A DISTANCE OF 112.74 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S65°35'07"W, A DISTANCE OF 108.64 FEET; THENCE ALONG SAID NORTHERLY LINE OF LOT 1, OWEN PARKWAY, SAID LINE ALSO BEING SAID SOUTHERLY RIGHT-OF-WAY OF ABBOTT DRIVE (FRONTAGE ROAD) ON THE FOLLOWING TWO (2) COURSES: (1) THENCE SOUTHEASTERLY ON CURVE TO THE LEFT WITH A RADIUS OF 60.00 FEET, A DISTANCE OF 175.78 FEET, SAID CURVE ALSO HAVING A LONG CHORD WHICH BEARS S57°24'10"E, A DISTANCE OF 119.33 FEET; (2) THENCE S51°19'46"E, A DISTANCE OF 3.76 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 1, OWEN PARKWAY, SAID POINT ALSO BEING A POINT ON SAID WESTERLY RIGHT-OF-WAY LINE OF ABBOTT DRIVE; THENCE ALONG SAID EASTERLY LINE OF LOT 1, OWEN PARKWAY, SAID LINE ALONG BEING SAID WESTERLY RIGHT-OF-WAY LINE OF ABBOTT DRIVE ON THE FOLLOWING TWO (2) COURSES: (1) THENCE S38°40'14"W, A DISTANCE OF 328.89 FEET; (2) THENCE SOUTHWESTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 2764.79 FEET, A DISTANCE OF 240.79 FEET, SAID CURVE ALSO HAVING A LONG CHORD WHICH BEARS S41°10'38"W, A DISTANCE OF 240.71 FEET TO THE SOUTHERLY MOST CORNER OF SAID LOT 1, OWEN PARKWAY, SAID POINT ALSO BEING A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF ABBOTT DRIVE; THENCE N01°16'41"E ALONG THE WEST LINE OF SAID LOT 1, OWEN PARKWAY, A DISTANCE OF 405.65 FEET TO THE NORTHWEST CORNER OF SAID NW1/4 OF SECTION 28, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID SW1/4 OF SECTION 21; THENCE N01°16'41"E CONTINUING ALONG THE WEST LINE OF SAID LOTS 1 & 5, OWEN PARKWAY, A DISTANCE OF 789.64 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS AN AREA 452,598 SQUARE FEET OR 10.390 ACRES, MORE OR LESS.



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly Registered Land Surveyor under the laws of the State of Iowa.

Signature: Eric A. Schaben Date: Oct 7, 2015  
ERIC A. SCHABEN

License Number: 17646 My License renewal date is December 31, 2016.  
Pages or sheets covered by this seal: ONE

### DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, OMA LODGING, LLC, A NEBRASKA LIMITED LIABILITY COMPANY AND RFO, L.L.C., A KANSAS LIMITED LIABILITY COMPANY, OWNERS OF THE PROPERTY DESCRIBED IN THE CERTIFICATION OF SURVEY AND EMBRACED WITHIN THE PLAT, HAVE CAUSED SAID LAND TO BE SUBDIVIDED INTO LOTS AND STREETS TO BE NUMBERED AND NAMED AS SHOWN, SAID SUBDIVISION TO BE HEREAFTER KNOWN AS OWEN PARKWAY REPLAT ONE (LOTS TO BE NUMBERED AS SHOWN), AND WE DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF OUR PROPERTY AS SHOWN ON THE PLAT, AND WE DO HEREBY DEDICATE TO THE PUBLIC FOR PUBLIC USE THE STREETS, AVENUES AND CIRCLES, AND WE DO HEREBY GRANT EASEMENTS AS SHOWN ON THIS PLAT, WE DO FURTHER GRANT A PERPETUAL EASEMENT TO THE OMAHA PUBLIC POWER DISTRICT, CENTURYLINK COMMUNICATIONS AND ANY COMPANY WHICH HAS BEEN GRANTED A FRANCHISE TO PROVIDE A CABLE TELEVISION SYSTEM IN THE AREA TO BE SUBDIVIDED, THEIR SUCCESSORS AND ASSIGNS, TO ERECT, OPERATE, MAINTAIN, REPAIR AND RENEW POLES, WIRES, CABLES, CONDUITS AND OTHER RELATED FACILITIES, AND TO EXTEND THEREON WIRES OR CABLES FOR THE CARRYING AND TRANSMISSION OF ELECTRIC CURRENT FOR LIGHT, HEAT AND POWER AND FOR THE TRANSMISSION OF SIGNALS AND SOUNDS OF ALL KINDS INCLUDING SIGNALS PROVIDED BY A CABLE TELEVISION SYSTEM, AND THE RECEPTION ON, OVER, THROUGH, UNDER AND ACROSS A FIVE-FOOT (5) WIDE STRIP OF LAND ABUTTING ALL FRONT AND SIDE BOUNDARY LOT LINES; AN EIGHT-FOOT (8) WIDE STRIP OF LAND ABUTTING THE REAR BOUNDARY LINES OF ALL INTERIOR LOTS; AND A SIXTEEN-FOOT (16) WIDE STRIP OF LAND ABUTTING THE REAR BOUNDARY LINES OF ALL EXTERIOR LOTS. THE TERM EXTERIOR LOTS IS HEREIN DEFINED AS THOSE LOTS FORMING THE OUTER PERIMETER OF THE ABOVE-DESCRIBED ADDITION. SAID SIXTEEN-FOOT (16) WIDE EASEMENT WILL BE REDUCED TO AN EIGHT-FOOT (8) WIDE STRIP WHEN THE ADJACENT LAND IS SURVEYED, PLATTED AND RECORDED AND WE DO FURTHER GRANT A PERPETUAL EASEMENT TO METROPOLITAN UTILITIES DISTRICT, THEIR SUCCESSORS AND ASSIGNS, TO ERECT, INSTALL, OPERATE, MAINTAIN, REPAIR AND RENEW PIPELINES, HYDRANTS AND OTHER RELATED FACILITIES, AND TO EXTEND THEREON PIPES FOR THE TRANSMISSION OF GAS AND WATER ON, THROUGH, UNDER AND ACROSS A TEN-FOOT (10) WIDE STRIP OF LAND ABUTTING ALL CUL-DE-SAC STREETS. NO PERMANENT BUILDINGS OR RETAINING WALLS SHALL BE PLACED IN THE SAID EASEMENT WAYS, BUT THE SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS HEREIN GRANTED.

OMA LODGING, LLC, A NEBRASKA LIMITED LIABILITY COMPANY  
&  
RFO, L.L.C., A KANSAS LIMITED LIABILITY COMPANY

Mike Works  
MIKE WORKS, MEMBER  
OMA LODGING, LLC  
DATE 6-7-16

John Klimpel  
JOHN KLIMPEL, MEMBER  
OMA LODGING, LLC  
DATE 6-7-16

Richard F. Owen  
RICHARD F. OWEN, MANAGER  
RFO, L.L.C.  
DATE 6/6/16

### APPROVAL OF CARTER LAKE CITY COUNCIL

THIS PLAT OF OWEN PARKWAY REPLAT ONE (LOTS NUMBERED AS SHOWN) WAS APPROVED BY THE CITY COUNCIL OF CARTER LAKE.

Arnold Whitt  
MAYOR  
DATE 6-9-16  
Jackie Stender  
ATTEST  
CITY CLERK

### COUNTY TREASURER'S CERTIFICATE

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

Lee A. Voss  
COUNTY TREASURER  
DATE 6/10/16

### APPROVAL OF CARTER LAKE CITY PLANNING BOARD

THIS PLAT OF OWEN PARKWAY REPLAT ONE (LOTS NUMBERED AS SHOWN) WAS APPROVED BY THE CITY PLANNING BOARD.

Tom Podgaj  
CHAIRMAN OF CITY PLANNING BOARD  
DATE 6-9-16

### LIEN HOLDER CONSENT AND SUBORDINATION

THE UNDERSIGNED, HOLDER OF THAT CERTAIN LIEN AGAINST THE REAL PROPERTY DESCRIBED IN THE PLAT KNOWN AS OWEN PARKWAY REPLAT ONE (HEREINAFTER "PLAT"), SAID LIEN BEING RECORDED IN THE RECORDS OF POTTAWATTAMIE COUNTY, IOWA AS INSTRUMENT NO. 2015-08344 (HEREINAFTER "LIEN"), DOES HEREBY CONSENT TO THE DEDICATION OF AND SUBORDINATE THE LIEN TO ANY UTILITY (SEWER, WATER, ELECTRIC, CABLE TV, TELEPHONE, NATURAL GAS) EASEMENTS OR STREETS, OR ROADS, PEDESTRIAN EASEMENTS, AND ACCESS EASEMENTS AND RELINQUISHMENTS OF ACCESS, DEDICATED TO THE PUBLIC, ALL AS SHOWN ON THE PLAT, BUT NOT OTHERWISE. THE UNDERSIGNED CONFIRMS THAT THEY ARE HOLDER OF THE LIEN AND HAVE NOT ASSIGNED THE LIEN TO ANY OTHER PERSON.

RFO, L.L.C., A KANSAS LIMITED LIABILITY COMPANY

Richard F. Owen 6/6/16  
RICHARD F. OWEN, MANAGER DATE

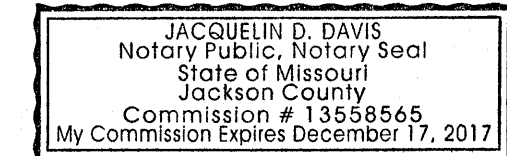
### ACKNOWLEDGEMENT OF NOTARY

STATE OF MISSOURI )  
COUNTY OF JACKSON )

ON THIS 6th DAY OF JUNE, 2016, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY CAME RICHARD F. OWEN, MANAGER FOR RFO, L.L.C., A KANSAS LIMITED LIABILITY COMPANY, WHO IS PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE DEDICATION ON THIS PLAT AND ACKNOWLEDGED THE SAME TO BE HIS VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

Jacqueline D. Davis  
NOTARY PUBLIC



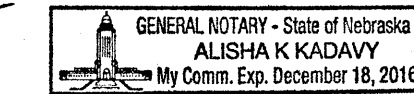
### ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA )  
COUNTY OF LANCASTER )

ON THIS 8th DAY OF June, 2016, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY CAME MIKE WORKS, MEMBER FOR OMA LODGING, LLC, A NEBRASKA LIMITED LIABILITY COMPANY, WHO IS PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE DEDICATION ON THIS PLAT AND ACKNOWLEDGED THE SAME TO BE HIS VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

John Klimpel  
NOTARY PUBLIC



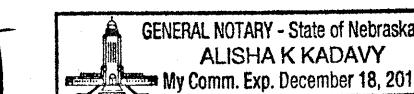
### ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA )  
COUNTY OF LANCASTER )

ON THIS 8th DAY OF June, 2016, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY CAME JOHN KLIMPEL, MEMBER FOR OMA LODGING, LLC, A NEBRASKA LIMITED LIABILITY COMPANY, WHO IS PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE DEDICATION ON THIS PLAT AND ACKNOWLEDGED THE SAME TO BE HIS VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

John Klimpel  
NOTARY PUBLIC

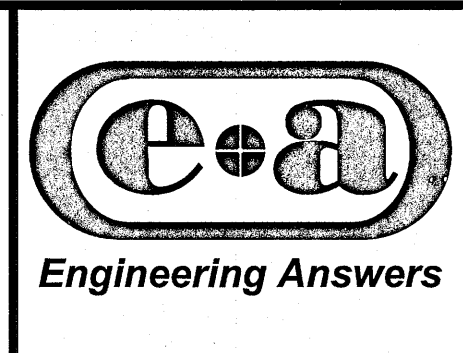


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Date:	10/01/2015
Designed By:	JRS
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Scale:	NO SCALE
Sheet:	2 of 2

Revisions	
No	Description

PLAT

OWEN PARKWAY REPLAT ONE  
POTTAWATTAMIE COUNTY, IOWA



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# OWEN PARKWAY REPLAT ONE

LOTS 1 THRU 4 INCLUSIVE

BEING A REPLAT OF LOTS 1 THROUGH 5, OWEN PARKWAY, A SUBDIVISION LOCATED IN PART OF THE SW1/4 OF THE SW1/4 OF SECTION 21, TOWNSHIP 75 NORTH, RANGE 44 WEST OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA.

**LIEN HOLDER CONSENT AND SUBORDINATION**

THE UNDERSIGNED, HOLDER OF THAT CERTAIN LIEN AGAINST THE REAL PROPERTY DESCRIBED IN THE PLAT KNOWN AS OWEN PARKWAY REPLAT ONE (HEREINAFTER "PLAT"), SAID LIEN BEING RECORDED IN THE RECORDS OF POTTAWATTAMIE COUNTY, IOWA AS INSTRUMENT NO. 2015-13874 (HEREINAFTER "LIEN"), DOES HEREBY CONSENT TO THE DEDICATION OF AND SUBORDINATE THE LIEN TO ANY UTILITY (SEWER, WATER, ELECTRIC, CABLE TV, TELEPHONE, NATURAL GAS) EASEMENTS OR STREETS, OR ROADS, PEDESTRIAN EASEMENTS, AND ACCESS EASEMENTS AND RELINQUISHMENTS OF ACCESS, DEDICATED TO THE PUBLIC, ALL AS SHOWN ON THE PLAT, BUT NOT OTHERWISE. THE UNDERSIGNED CONFIRMS THAT THEY ARE HOLDER OF THE LIEN AND HAVE NOT ASSIGNED THE LIEN TO ANY OTHER PERSON.

GREAT WESTERN BANK

*[Signature]* 6/10/16  
 GEOFF ROWND, V.P. BUSINESS BANKER DATE

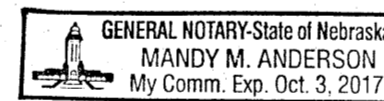
**ACKNOWLEDGEMENT OF NOTARY**

STATE OF NEBRASKA )  
 COUNTY OF LANCASTER )

ON THIS 10 DAY OF June, 2016, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY CAME GEOFF ROWND, V.P. BUSINESS BANKER FOR GREAT WESTERN BANK, WHO IS PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE DEDICATION ON THIS PLAT AND ACKNOWLEDGED THE SAME TO BE HIS VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

*[Signature]*  
 MANDY M. ANDERSON  
 NOTARY PUBLIC

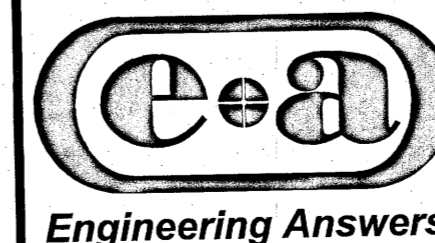


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PLAT

OWEN PARKWAY REPLAT ONE  
 POTTAWATTAMIE COUNTY, IOWA



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# SMITH PETERSON LAW FIRM, LLP

PARTNERS  
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\*JOSEPH D. THORNTON  
ASSOCIATES  
\*MARVIN O. KIECKHAFFER  
RICK C. KIMBLE  
\*JACOB C. LANGEVELD

EST. 1908  
THE SAWYER BUILDING  
133 WEST BROADWAY  
P.O. BOX 249  
COUNCIL BLUFFS, IOWA 51502-0249  
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RAYMOND A. SMITH (1892-1977)  
JOHN LEROY PETERSON (1894-1969)  
HAROLD T. BECKMAN (1921-2013)

RETIRED  
RICHARD A. HEININGER

\*LICENSED IN IOWA AND NEBRASKA

May 16, 2016

Pottawattamie County Recorder  
Pottawattamie County Courthouse  
227 S. 6<sup>th</sup> Street  
Council Bluffs, IA 51501

RE: Abstract Opinion/Owen Parking Replat One

We have examined abstract of title to:

OWEN PARKWAY REPLAT ONE - Being a Replat of Lots 1 through 5, Owen Parkway, a Subdivision located in part of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 21, and together with the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 28, all located in Township 75 North, Range 44 West of the 5<sup>th</sup> P.M., Pottawattamie County, Iowa, described as follows:

Beginning at the Northwest Corner of said Lot 5, Owen Parkway, said point also being the Southwest Corner of Lot 6, said Owen Parkway, thence S 88° 43' 19" E (Assumed Bearing) along the North line of said Lot 5, Owen Parkway, said line also being the South line of said Lot 6, Owen Parkway, a distance of 203.17 feet to a point on the Southerly right-of-way line of Owen Parkway West; thence along the Northerly line of said Lots 4 & 5, Owen Parkway, said line also being said Southerly right-of-way line of Owen Parkway West on the following five (5) courses: (1) thence Southeasterly on a curve to the left with a radius of 60.00 feet, a distance of 131.90 feet, said curve also having a long chord which bears S 61° 43' 12" E, a distance of 106.90 feet; (2) thence Northeasterly on a reserve curve to the right with a radius of 120.00 feet, a distance of 76.10 feet, said curve also having a long chord which bears N 73° 28' 11" E, a distance of 74.83 feet; (3) thence S 88° 21' 44" E, a distance of 98.73 feet; (4) thence Southeasterly on a curve to the right with a radius of 160.00 feet, a distance of 103.42 feet, said curve also having a long chord which bears S 69° 50' 39" E, a distance of 101.63 feet; (5) thence S 51° 19' 34" E, a

distance of 55.23 feet; thence along the Easterly line of said Lots 2 through 4, Owen Parkway, said line also being the Westerly right-of-way line of Abbott Drive (Frontage Road) on the following four (4) courses: (1) thence Southeasterly on a curve to the right with a radius of 127.00 feet, a distance of 191.17 feet, said curve having a long chord which bears S 08° 12' 12" E, a distance of 173.63 feet; (2) thence Southwesterly on a curve to the left with a radius of 193.00 feet, a distance of 65.38 feet, said curve having a long chord which bears S 25° 12' 54" W, a distance of 65.07 feet; (3) thence Southwesterly on a curve to the right with a radius of 60.19 feet, a distance of 24.33 feet, said curve having a long chord which bears S 27° 05' 26" W, a distance of 24.16 feet; (4) thence S 38° 40' 14" W, a distance of 325.17 feet; (5) thence Southwesterly on a curve to the right with a radius of 120.00 feet, a distance of 112.74 feet, said curve having a long chord which bears S 65° 35' 07" W, a distance of 108.64 feet; thence along said Northerly line of Lot 1, Owen Parkway, said line also being said Southerly right-of-way of Abbott Drive (Frontage Road) on the following two (2) courses: (1) thence Southeasterly on curve to the left with a radius of 60.00 feet, a distance of 175.78 feet, said curve also having a long chord which bears S 57° 24' 10" E, a distance of 119.33 feet; (2) thence S 51° 19' 46" E, a distance of 3.76 feet to a point on the Easterly line of said Lot 1, Owen Parkway, said point also being a point on said Westerly right-of-way line of Abbott Drive; thence along said Easterly line of Lot 1, Owen Parkway, said line also being said Westerly right-of-way line of Abbott Drive on the following two (2) courses: (1) thence S 38° 40' 14" W, a distance of 328.89 feet; (2) thence Southwesterly on a curve to the right with a radius of 2764.79 feet, a distance of 240.79 feet, said curve also having a long chord which bears S 41° 10' 38" W, a distance of 240.71 feet to the Southerly most corner of said Lot 1, Owen Parkway, said point also being a point on the Westerly right-of-way line of Abbott Drive; thence N 01° 16' 41" E along the West line of said Lot 1, Owen Parkway, a distance of 405.65 feet to the Northwest Corner of said NW¼ of Section 28, said point also being the Southwest Corner of said SW¼ of Section 21; thence N 01° 16' 41" E continuing along the West line of said Lots 1 & 5, Owen Parkway, a distance of 789.64 feet to the Point of Beginning.

The abstract was last certified to by Abstract Guaranty Company/Clear Title & Abstract, LLC consisting of 64 consecutively numbered entries and extending from June 3, 1959, at 8:00 o'clock A.M. and November 17, 1967, at 8:00 o'clock A.M. to May 2, 2016, at 8:00 o'clock A.M.

We have conducted our examination under the provisions of the Iowa Marketable Title Act. We find marketable title at the time of last certification of the abstract as shown by the abstract to be in RFO, L.L.C., a Kansas limited liability company, as to Parcel E described in the Warranty Deed filed in Book 2015 at Page 8342 shown at Entry #49 (part Lot 1 in Owen Parkway) to be replatted as Lot 3 in Owen Parkway Replat One and Parcel F described in the Warranty Deed filed in Book 2015 at Page 8340 shown at Entry #47 (part Lots 1 and 5 in Owen Parkway) to be replatted as Lot 4 in Owen Parkway Replat One; and in OMA LODGING, LLC, a Nebraska limited liability company as to the remaining property under examination, Parcel C as described in the Warranty Deed filed in Book 2015 at Page 8338 shown at Entry #45 (part Lots 1 and 5 in Owen Parkway), Parcel D as described in the Warranty Deed filed in Book 2015 at Page 8338 shown at Entry #45 (part Lot 5 in Owen Parkway), and all of Lots 2, 3 and 4 in Owen Parkway (also described as Parcels 1 and 2 in the Warranty Deed filed in Book 2015 at Page 5047 shown at Entry #37), to be replatted as Lots 1 and 2 in Owen Parkway Replat One; subject only to the following:

1. At Entry #63 the general taxes for the second half of 2014 are shown unpaid, first half and prior years are shown paid; for Parcel #754421352001 (Lot 5) and Parcel #754421352005 (Lot 1). The general taxes for the year 2014 and prior years are shown paid for parcels #754421352002 (Lot 4), #754421352003 (Lot 3) and #754421352004. Parcels #754421352008, #754421352009, #754421352010, and #754421352011 for the new lots to be platted as Owen Replat One are shown split and not assessed for 2014. We assume that the reference to the general taxes for 2014 is a reference to the fiscal year 2014-2015 taxes due and payable in fiscal 2015-2016.
2. At Entry #60 the abstractor makes the notation that it is no longer possible to 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 those charges have been entered on the tax books. You are hereby advised that there may be additional fees due which have not been entered on the tax books.
3. At Entry #61 the abstractor makes the notation that they do not certify to assessments for buildings on leased land or assessments for machinery and equipment, as the County Treasurer indexes those assessments in such a manner as it is impossible to determine whether there are any which would attach to the real estate.
4. At Entry #59 a lien search was shown for OMA Lodging, LLC; Richard F. Owen Companies, LLC; RFO, LLC; Central Plains Steel Company; and Owen Industries, Inc.; for ten years last past to May 2, 2016, at 8:00 o'clock A.M.

5. At Entry #55 the abstractor makes a notation that the property under examination is controlled by the City of Carter Lake Zoning Ordinance. You should check with the Zoning Administrator to determine the present use and to determine if your intended use of the property qualifies under the existing zoning classification. We advise you that zoning and building codes may govern your ability to rebuild, remodel, add other buildings or change the use of the property under examination. You should satisfy yourself that your intended use and future needs of the property under examination qualify under the zoning and building codes and classifications.
6. At Entries #56, #57, and #58, the abstractor makes a notation that the property under examination is controlled by several ordinances adopted by Pottawattamie County. These ordinances control the zoning of the property, water wells on the property, hazardous waste that may be on the property, sanitary waste disposal and other areas. You should check with the Zoning Administrator to determine the present use of the property, as these ordinances may govern your ability to build, rebuild, remodel, add other buildings, drill wells, as well as other uses you may make of the property.
7. At Entry #29 is shown the plat Owen Parkway, filed July 16, 1984 in Book 85 at Page 1155, which reserves easements as shown on the plat and grants a perpetual easement to the Omaha Public Power District, Northwestern Bell Telephone Company and Peoples Natural Gas Company, their successors and assigns, for utilities over a five-foot-wide strip of land abutting all front and side boundary lot lines and an eight-foot-wide strip of land adjoining the rear boundary lines of all exterior lots, and prohibits the construction of permanent buildings, trees retaining walls or loose rock walls on said easement ways.
8. At Entry #30 is shown a Declaration of Restrictive Covenants, dated January 14, 1988, and filed March 18, 1988, in Book 88 at Page 19490, for all lots in Owen Parkway. At Entry #31 is shown a First Amendment to Declaration of Restrictive Covenants, dated April 21, 1988, and filed May 10, 1988, in Book 88 at Page 23819.
9. At Entry #39 is shown a Mortgage from OMA Lodging, LLC, a Nebraska limited liability company, to RFO, L.L.C., a Kansas limited liability company, in the amount of \$538,921.60 dated April 28, 2015. The mortgage was filed for record May 1, 2015, and recorded in Book 2015, Page 5049. The mortgage is secured by Parcel 2 (part of Lot 3 and all of Lot 4 in Owen Parkway), which is a portion of the property to be replatted as Lot 1 in Owen Parkway Replat One.
10. At Entry #51 is shown a Mortgage from OMA Lodging, LLC, a Nebraska limited liability company, to RFO, L.L.C., a Kansas limited liability company, in the amount of \$58,428.00 dated June 25, 2015. The mortgage was filed for record

July 1, 2015, and recorded in Book 2015, Page 8344. The Mortgage is secured by the portion of the property under examination known as Parcels C and D (parts of Lots 1 and 5 in Owen Parkway), which is a portion of the property to be replatted as Lots 1 and 2 in Owen Parkway Replat One.

11. At Entry #52 is shown a Construction Mortgage from OMA Lodging, LLC, a Nebraska limited liability company, to Great Western Bank, in the amount of \$6,581,000.00 dated October 20, 2015. The mortgage was filed for record October 21, 2015, and recorded in Book 2015, Page 13874. The Mortgage is secured by the portion of the property under examination known as Parcel 1 (all of Lot 2 and part of Lot 3 in Owen Parkway), which is a portion of the property to be replatted as Lot 2 in Owen Parkway Replat One, and secures loans and future advances up to \$6,581,000.00, plus interest.
12. At Entry #53 is shown an Assignment of Rents from OMA Lodging, LLC, a Nebraska limited liability company, to Great Western Bank, dated October 20, 2015, and filed October 21, 2015, in Book 2015 at Page 13875, as further security for payment of the Note secured by the Mortgage shown at Entry #52 above.
13. At Entry #54 is shown a UCC Financing Statement from OMA Lodging, LLC, a Nebraska limited liability company, to Great Western Bank, filed October 21, 2015, in Book 2015 at Page 13876, secured by all buildings, improvements, fixtures, personal property, rents, leases, etc. located on the portion of the property under examination known as "Parcel 1" (all of Lot 2 and part of Lot 3 in Owen Parkway), which is a portion of the property to be replatted as Lot 2 in Owen Parkway Replat One.
14. At Entry #9 is shown an Easement to Great Lakes Pipeline Co., dated August 14, 1931, and filed September 16, 1931, in Book 780 at Page 140 over a portion of the NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  of Section 28-75-44. At Entry #10 said Easement was partially assigned to National Coop Refinery Assn. by a Partial Assignment, dated May 19, 1948, and filed May 26, 1948, in Book 986 at Page 302.
15. At Entry #14 is shown Access Permit #4-207 from the Iowa State Highway Commission to Paxton & Vierling Steel Co., dated September 28, 1967, and filed October 16, 1967, in Book 1448 at Page 113 for industrial entrances for access to Primary Road #165 (Abbott Drive).
16. At Entry #15 is shown Entrance Permit #4-456 from Iowa State Highway Commission to Paxton-Vierling Steel Company, acknowledged June 13, 1972, and filed July 6, 1972, in Book 72 at Page 9965 for an entrance for access to Primary Road #165 (Abbott Drive).



17. At Entry #21 is shown a Contract by and between the Iowa Department of Transportation and Owen Land and Cattle Company (n/k/a Owen Land Co.), dated Mach 21, 1979, and filed in Book 79 at Page 18566, for temporary and permanent easements for Primary Road #165 (Abbott Drive) access and right-of-way.
18. At Entry #22 is shown a Warranty Deed from Owen Land Co. to the State of Iowa, dated May 22, 1979, and filed June 4, 1979, in Book 79 at Page 23400 which conveyed land in the SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Section 21 and in the NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  of Section 28-75-44 for Primary Road 165 (Abbott Drive) right-of-way and granted additional easements for highway purposes.
19. At Entry #33 is shown a Warranty Deed from Owen Industries, Inc. to Central Plains Steel Co., dated January 1, 1999, and filed November 19, 1999, in Book 100 at Page 25120. Said Deed conveyed the property under examination and other land, subject to the benefits and burdens of an Agreement with Ho-Chunk, Inc., a Winnebago tribal corporation, which was buying Lots 11 and 12 in Owen Parkway, recorded in Book 97 at Page 11464 (shown at Entry #32). Said Agreement provided that the property under examination, and other land, shall not be used for hotel purposes.
20. At Entry #35 is shown a Property Line Adjustment Application, filed April 21, 2015, in Book 2015 at Page 4561 which confirms the City of Carter Lake approved the property split of Lots 2, 3 and 4 in Owen Parkway into Parcels 1 and 2. At Entry #36 is shown a Consent and Ratification of the Parcel Split filed May 1, 2015, in Book 2015 at Page 5046 by RFO L.L.C., f/k/a Richard F. Owen Properties, L.L.C.
21. At Entry #42 is shown a Drainage Easement by and between RFO, L.L.C. ("RFO") and OMA Lodging, LLC ("OMA"), dated June 25, 2015, and filed July 1, 2015, in Book 2015 at Page 8345, in which OMA grants an easement to RFO over portions of Lots 1 and 5 in Owen Parkway for drainage purposes, which property will be conveyed by RFO to OMA pursuant to a Purchase and Sale Agreement.
22. At Entry #43 is shown a Property Line Adjustment Application, filed June 23, 2015, in Book 2015 at Page 7899 which confirms the City of Carter Lake approved a property split in which portions of Lots 1 and 5 in Owen Parkway will be combined with adjacent properties in Lots 2, 3 and 4 in Owen Parkway (and replatted as Lots 1 and 2 in Owen Parkway Replat One). At Entry #44 is shown a Consent and Ratification of the Parcel Split filed July 6, 2015, in Book 2015 at Page 8507 by RFO L.L.C., f/k/a Richard F. Owen Properties, L.L.C.

23. At Entry #62 is shown a reference to the Mechanics' Notice and Lien Registry and a statement by the abstractor that a search as of May 2, 2016, was made of the Mechanics' Notice and Lien Registry maintained by the Iowa Secretary of State. Recent legislation which became effective January 1, 2013, changed the location for the filing of mechanics liens from the County Clerk's Office to a central filing location in the Secretary of State's Office. The search made by the abstractor found no mechanic's liens indexed against the real property under examination as of that date. No search was made for the filing of notices of commencement of work by general contractors and for the filing of pre lien notices by subcontractors (which filings do not create a lien against the real property under examination but merely preserve the right of those parties to file a lien in the future if they are not paid for their services).
24. Your attention is called to the fact that you should investigate certain matters not shown by the abstract, including the boundaries of the property, whether there is anyone other than record titleholders in possession of all or part of the property having any claims against the property, whether the property meets building codes and fire codes and has smoke detectors, whether there are public improvements in process or recently made in the vicinity for which special assessments might later be made, whether there has been any construction or improvement within the last 90 days for which Mechanic's Liens might later be filed, whether there are restrictions or controls by governmental authorities on usage of the property or on access to public streets or highways whether or not there is access to the property, and any rights acquired by adverse possession by fences, driveways, etc., which might be indicated upon inspection or survey of the premises.
25. You should determine whether any solid wastes, hazardous substances, pollutants, above or below ground storage tanks, drainage wells, water wells, landfill sites or other environmentally regulated conditions exist on the property. Such conditions are not ordinarily shown in the abstract, but they may result in injunctions, fines, required cleanup, or other remedial actions under federal, state or local laws. These laws may impose liens against the property and personal liability against the owner, even though the owner did nothing to create the condition, and acquired the property without knowing about it. You should carefully inspect the property or have an environmental assessment completed by a professional. If you are uncertain about what are hazardous materials you should contact the Environmental Protection Agency or the Iowa Department of Natural Resources.
26. At Entry #64 your attention is called to the fact that the abstractor's certificate specifically excludes a search of the records for bankruptcies since all bankruptcies are now filed in the Bankruptcy Clerk's Office. You should contact

the Bankruptcy Clerk to determine if any bankruptcies have been filed since a bankruptcy may affect the title to the real estate.

27. The abstract does not mention whether there are any garbage assessments or sewer and water bills remaining unpaid. We advise you that these bills become a lien upon the property when certified to the County Treasurer's Office. You should check with the City Clerk or water company to determine if there are any such assessments that are unpaid. Your check should be done as close to the time of closing your transaction as possible. If any of these items remain unpaid, then they should be paid prior to the time of closing or sufficient assets should be retained to insure that those items are in fact paid.
28. You are cautioned that Iowa has a fence law which determines your rights and obligations regarding the maintenance of boundary fences. You should determine by asking the neighbors if there are any fencing agreements that are not of record which affect the line and boundary fences. Your investigation should be done before closing the transaction and if there are any agreements, you should be made aware of the terms and conditions of those agreements and you should check with the seller to see if those are in fact the terms and conditions of the fencing agreements. It is always advisable to have any fencing agreement in written form and recorded.
29. If the property under examination contains a private water well, you should determine whether the water has been tested and whether the capacity of the well has been checked. The abstract does not disclose these items, however, you would be well advised to make sure that the water supply is capable of meeting your needs and that the water is potable.
30. You should determine the suitability of the investment or the suitability of the property for your proposed use. We make no recommendation, representation, or opinion concerning specific investment advice or for any suitability of the property for any particular use.
31. Please take notice that the abstract may not contain information concerning a Private Sewage Disposal System. Under Iowa law the deed conveying the property to the purchaser must be accompanied by a Ground Water Hazard Statement. Part of said statement deals with the sewage disposal system, if any, located on the property. If a private sewage disposal system is located on the property it may need to be inspected prior to the transfer of title to the property. If the system fails the inspection the transfer of the property will be stopped until the sewage system is replaced or repaired. The status of said sewage system will only be shown in the abstract that we are examining if a previous conveyance of the property included a recorded statement regarding the Private Sewage Disposal System. You are cautioned to ask the seller for a draft of the Ground

Page 9  
May 16, 2016

Water Hazard Statement and any Private Sewage Disposal System exemptions  
or inspections prior to closing this transaction.

We retain abstract of title.

Very truly yours,

A handwritten signature in black ink, appearing to read "Steven H. Krohn", written in a cursive style.

STEVEN H. KROHN  
J:\011416\@AO OMA Lodging.sej.docx

Direct e-mail: [shkrohn@smithpeterson.com](mailto:shkrohn@smithpeterson.com)

RESOLUTION NO. 67-2015

WHEREAS, the owners of Owen Parkway have submitted a proposed preliminary plat of Owen Parkway Replat One in the City of Carter Lake; and

WHEREAS, on August 10, 2015 the Planning Board met and considered the proposed preliminary plat of the Owen Parkway Replat One; and

WHEREAS, at that meeting the Planning Board recommended preliminary plat approval; and

WHEREAS, the owners of Owen Parkway have requested preliminary plat approval from the City Council of the City of Carter Lake;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Carter Lake, Iowa:

That we do hereby approve the Preliminary Plat of Owen Parkway Replat One, as prepared by E & A Consulting Group, Inc. and submitted by the Owners of Owen Parkway on this 17th day of August, 2015.

Passed and approved this 31st day of August 2015.

  
Gerald Waltrip, Mayor

ATTEST:

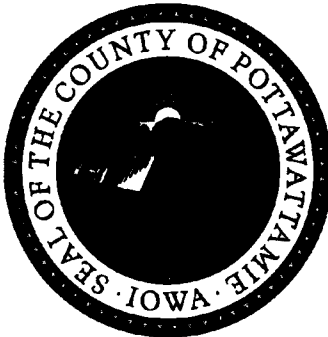
  
Doreen Mowery, City Clerk





# Pottawattamie County Auditor's Certification Of Subdivision Name Approval

MARILYN JO DRAKE  
POTTAWATTAMIE COUNTY AUDITOR  
AND ELECTION COMMISSIONER  
P. O. BOX 649  
COUNCIL BLUFFS, IOWA 51502-0649



Kristi Everett, First Deputy - Elections  
Joan Miller, First Deputy - Real Estate  
Rebecca Belt, First Deputy - Tax and  
Finance  
Phone (712) 328-5700  
FAX (712) 328-4740

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

Name of new subdivision:

**OWEN PARKWAY REPLAT ONE**

*Joan P. Miller* Deputy of Real Estate  
Signed \_\_\_\_\_ Date *6/13/16*