

10/11/2011
C.R.



Doc ID: 025010610024 Type: GEN
Kind: EASEMENT
Recorded: 08/11/2011 at 11:29:02 AM
Fee Amt: \$122.00 Page 1 of 24
Revenue Tax: \$0.00
Polk County Iowa
JULIE M. HAGGERTY RECORDER
File# 2012-00010899

BK 13937 PG 800-823

Stacey C. Rogers AT0010765

Preparer Information: Stacey C. Rogers, 210 N.E. Delaware Avenue, Suite 200, Ankeny, Iowa 50021; (515) 964-8777
After Filing Return To: Stacey C. Rogers, 210 N.E. Delaware Avenue, Suite 200, Ankeny, Iowa 50021

RETURN TO:

**STORM WATER DETENTION, CONSERVATION
AND WETLANDS MITIGATION EASEMENT**

KNOW ALL PERSONS BY THESE PRESENTS that the undersigned property owner (hereinafter called "Grantor"), for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby convey unto the **MEADOW VISTA PARKSIDE, L.L.C.**, an Iowa Limited Liability Company (hereinafter called "Meadow Vista"), a perpetual easement and right-of-way under, over, on, through, across and within the following described real estate:

A PART OF PARCEL 'F' AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 8388, PAGE 600 IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN THE CITY OF ALTOONA, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 23; THENCE SOUTH 00°10'46" WEST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER OF SECTION 23, A DISTANCE OF 837.73 FEET; THENCE NORTH 89°49'14" WEST, 100.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°10'46" WEST, 376.05 FEET; THENCE NORTH 90°00'00" WEST, 94.09 FEET; THENCE NORTH 55°52'22" WEST, 53.44 FEET; THENCE NORTH 16°55'34" EAST, 175.00 FEET; THENCE NORTH 00°10'46" EAST, 178.92 FEET; THENCE SOUTH 89°49'14" EAST, 88.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.88 ACRES (38,173 SQUARE FEET).

All as shown on the attached Exhibit "A" (hereinafter called "Easement Area"), for the constructing, reconstructing, repairing, replacing, enlarging, inspecting and maintaining free and unobstructed storm water detention, an open space conservation area, and a wetlands mitigation area under, over, on, through, across and within said Easement Area.

This Easement shall be subject to the following terms and conditions:

1. **ERECTION AND PLACEMENT OF STRUCTURES, OBSTRUCTIONS, PLANTINGS OR MATERIALS PROHIBITED.** Grantor and its grantees, assigns and transferees shall not erect any fence or other structure under, over, on, through, across or within the Easement Area without obtaining the prior written consent of Meadow Vista, nor shall Grantor cause or permit any obstruction, planting or material to be placed under, over, on, through across or within the Easement Area without first obtaining the prior written consent of Meadow Vista.
2. **MANIPULATION OF VEGETATION PROHIBITED.** Any manipulation of vegetation including cutting, planting, harvesting, clearing, manicuring, eradication or other management of any vegetation including trees, agricultural crops, or other plants is prohibited unless in conformity with the approved wetlands mitigation plan.

The prohibitions in this paragraph are subject to the following exceptions:

- a. Tree pruning shall be allowed provided that not more than twenty five percent (25%) of any living branches or limbs are removed from any one (1) tree.
 - b. Vegetation may be removed, cut and otherwise managed to control insects and disease, to prevent personal injury and property damage, to comply with state or federal law, when incidental to a change of grade or other activities as provided in Paragraph 3, below, or when incidental to the initial construction or periodic maintenance of the storm water detention pond and wetlands area.
 - c. Otherwise prohibited activity shall be allowed if the actions are taken pursuant to a comprehensive improvement or maintenance plan developed by a professional landscape architect or engineer and approved by the Iowa Department of Natural Resources, except that no plant material may be planted unless it is native to the State of Iowa, and trees in excess of six (6) inches in diameter may be removed only if they present a danger or a nuisance to the Lot Owner or the general public and if such danger cannot be eliminated by pruning less than twenty five percent (25%) of the branches, limbs or trunk.
3. **CHANGE OF GRADE, EXCAVATION PROHIBITED.** Grantor and its grantees, assigns and transferees shall not change the grade, elevation or contour of any part of the Easement Area without obtaining the prior written consent of Meadow Vista. Meadow Vista shall have the right to restore any changes in grade, elevation or contour without prior written consent of the Grantor, its grantees, assigns or transferees. Additionally, the excavation or removal of soil, sand, gravel, rock, or peat, except as may be required in the course of other activities expressly permitted herein, including such activities incidental to the initial construction or periodic maintenance of the storm water detention pond, shall be prohibited without the prior written consent of the Meadow Vista. In no case shall mining of oil, gas, or other minerals be permitted.

4. **OTHER USES PROHIBITED.** Dumping or storage of refuse on the Easement Area is strictly prohibited. Any other use of the property which would, in the Grantee's opinion, reasonably interfere with the Easement Area's status as a predominantly natural, open space area, including but not limited to commercial recreational or industrial use and/or posting of signs (except the temporary posting of signs designed to provide notice of prohibited uses of or limited rights of access to the Easement Area) is prohibited.
5. **RIGHT OF ACCESS.** Meadow Vista shall have the right of access to the Easement Area and have all rights of ingress and egress reasonably necessary for the use and enjoyment of the Easement Area from property adjacent thereto as herein described, including but not limited to, the right to remove any unauthorized fences, structures, obstruction, planting or material placed or erected under, over, on, through, across or within the Easement Area.
6. **MAINTENANCE.** Grantor shall not be responsible for any maintenance of the land located within the Easement Area whatsoever and that responsibility shall be conveyed to Meadow Vista, its grantees, assigns or transferees. The Grantor may, however, perform such maintenance should it determine in its sole discretion such maintenance is needed, but only after notice to Meadow Vista and an opportunity for Meadow Vista to respond.
7. **PROPERTY TO BE RESTORED.** Meadow Vista shall restore the Easement Area after exercising its rights hereunder, provided, however, that Meadow Vista's duty of restoration shall be limited to grading and replacing grass, sod or any other ground cover (but not including any structures, trees or shrubs) as required in its wetlands mitigation plan. The Grantor shall not be responsible for any construction, reconstruction, replacement, repair or maintenance of any improvements located within the Easement Area.
8. **LIABILITY.** Except as may be caused by the negligent acts or omissions of Meadow Vista, its employees, agents or its representatives, Meadow Vista shall not be liable for injury or property damage occurring in or to the Easement Area, the property abutting said Easement Area, nor for property damage to any improvements or obstructions thereon resulting from Meadow Vista's exercise of this Easement. Grantor agrees to indemnify and hold Meadow Vista, its employees, agents and representatives harmless against any loss, damage, injury or any claim or lawsuit for loss, damage or injury arising out of or resulting from the negligent or intentional acts or omissions of Grantor or its employees, agents or representatives.
9. **EASEMENT BENEFIT.** This Easement shall be for the benefit of Lots 1-60, Meadow Vista South, an official plat in the City of Altoona, Polk County, Iowa, and for the benefit of Meadow Vista, its successors and assigns, and its permittees and licensees.
10. **EASEMENT RUNS WITH LAND.** This Easement shall be deemed perpetual and to run with the land and shall be binding on Grantor and on Grantor's heirs, successors and assigns.

11. CONSENT AND SUBORDINATION OF MORTGAGE HOLDER. Valley Bank is the holder of an Open End Real Estate Mortgage dated July 6, 2004 and filed on July 6, 2004 in the office of the Polk County Recorder at Book 10628, Page 862. By signing this Agreement, Valley Bank, its successors and assigns consents to the terms of this easement agreement and hereby subordinates its interest in the Easement Area to the interest of Meadow Vista and its successors and assigns.

Grantor does HEREBY COVENANT with Meadow Vista that (i) Grantor holds said real estate described in this Easement by title in fee simple; (ii) that Grantor has good and lawful authority to convey the same; and (iii) said Grantor covenants to WARRANT AND DEFEND the said premises against the claims of all persons whomsoever.

Signed this 5th day of July, 2011.

Grantor:
Altoona Development, L.L.C.
an Iowa Limited Liability Company

By: Ed Skinner
Ed Skinner, Manager

Grantee:
MEADOW VISTA PARKSIDE, LLC
an Iowa limited liability company

By: MV Meadow Vista Parkside LLC
an Ohio limited liability company

Its: Member

By: Miller-Valentine Apartments III LLC
an Ohio limited liability company

Its: Sole Member

By: David R. Lette
Print Name: DAVID R. Lette
Title: Authorized Signer

By: Jack H. Goodwin
Print Name: JACK H. GOODWIN
Title: Authorized Signer

Content Approved by: ABR
Signature Block Approved by: [Signature]

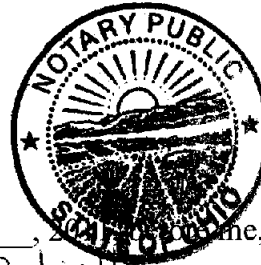
STATE OF IOWA)
) ss:
COUNTY OF POLK)

On this 5th day of July, 2011, before me, a Notary Public in and for the said State, personally appeared Ed Skinner, to me personally known, who being by me duly sworn did say that he is the Manager of said limited liability company, that no seal has been procured by the said limited liability company and that said instrument was signed on behalf of the said limited liability company by authority of its managers and the said Manager acknowledged the execution of said instrument to be the voluntary act and deed of said limited liability company by it voluntarily executed.



[Signature]
Notary Public in and for said State

STATE OF Ohio)
) ss:
COUNTY OF Warren)



BRENDA D. JACQUES
Notary Public, State of Ohio
My Commission Expires
March 31, 2014

On this 19th day of July, 2011, before me, a Notary Public in and for the said State, personally appeared David R. Liette and Jack H. Goodwin, to me personally known, who being by me duly sworn did say that they are the Authorized Signers of Miller-Valentine Apartments III, L.L.C., an Ohio Limited Liability Company, that Miller-Valentine Apartments III, L.L.C. is the Sole Member of MV Meadow Vista Parkside L.L.C., an Ohio Limited Liability Company, that MV Meadow Vista Parkside L.L.C. is a Member of **MEADOW VISTA PARKSIDE, LLC**, an Iowa Limited Liability Company, that no seal has been procured by any of the said limited liability companies and that this instrument was signed on behalf of the said limited liability companies by authority of their members and managers and the said limited liability company acknowledged the execution of said instrument to be the voluntary act and deed of said limited liability company by it and by them voluntarily executed.

[Signature]
Notary Public in and for said State

RETURN TO: CIVIL DESIGN ADVANTAGE, 3405 SE CROSSROADS DRIVE, SUITE G, GRIMES, IA, 50111, PH: 369-4400 FAX: 369-4410

EASEMENT PLAT

OWNER

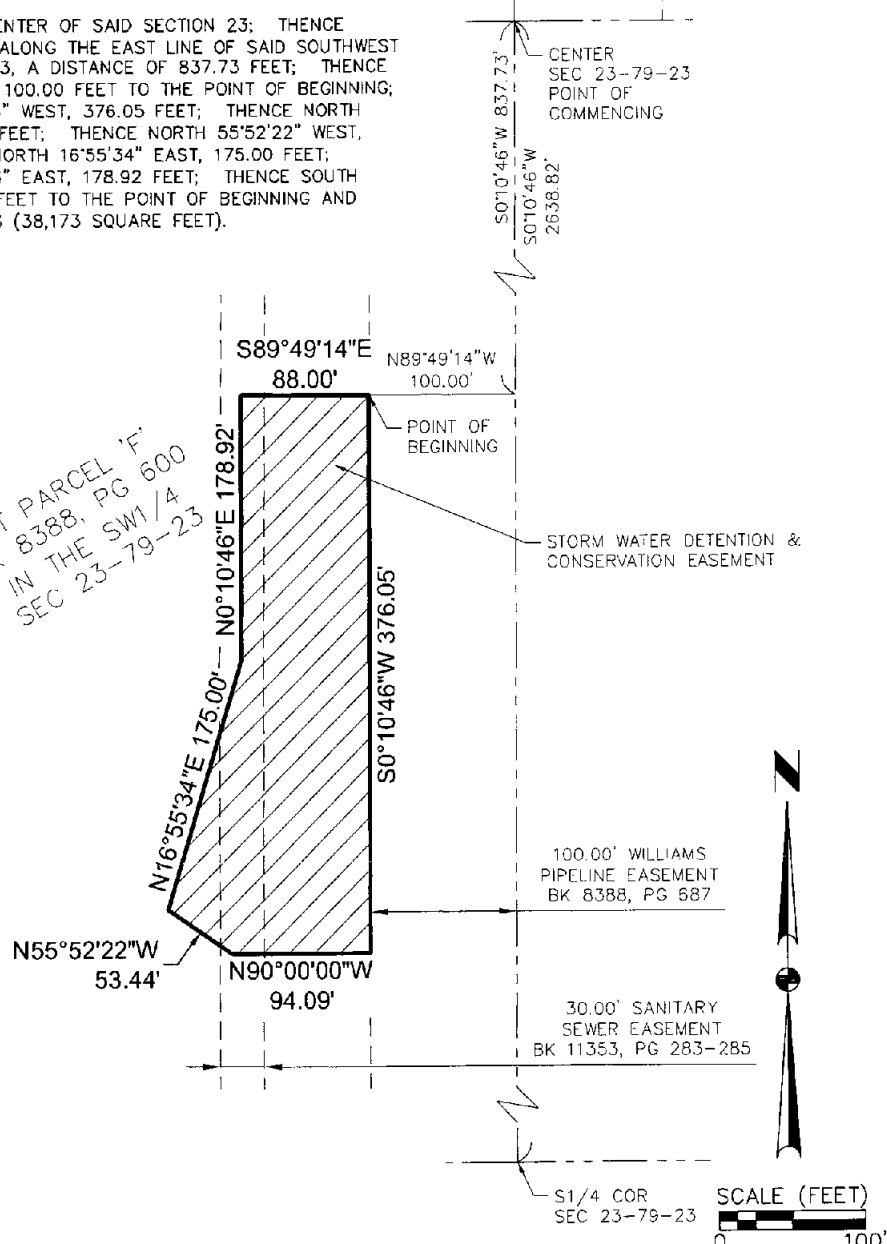
ALTOONA DEVELOPMENT LLC
 204 8TH STREET SE
 ALTOONA, IOWA 50009

STORM WATER DETENTION & CONSERVATION EASEMENT DESCRIPTION:

A PART OF PARCEL 'F' AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 8388, PAGE 600 IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN THE CITY OF ALTOONA, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 23; THENCE SOUTH 00°10'46" WEST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER OF SECTION 23, A DISTANCE OF 837.73 FEET; THENCE NORTH 89°49'14" WEST, 100.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°10'46" WEST, 376.05 FEET; THENCE NORTH 90°00'00" WEST, 94.09 FEET; THENCE NORTH 55°52'22" WEST, 53.44 FEET; THENCE NORTH 16°55'34" EAST, 175.00 FEET; THENCE NORTH 00°10'46" EAST, 178.92 FEET; THENCE SOUTH 89°49'14" EAST, 88.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.88 ACRES (38,173 SQUARE FEET).

PT PARCEL 'F'
 BK 8388, PG 600
 IN THE SW 1/4
 SEC 23-79-23



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, ROCK ISLAND DISTRICT
PO BOX 2004 CLOCK TOWER BUILDING
ROCK ISLAND, ILLINOIS 61204-2004

April 6, 2011

Operations Division

SUBJECT: CEMVR-OD-P-2011-373

Mr. Brian McGeady
Meadow Vista Parkside, LLC
9349 Waterstone Blvd.
Cincinnati, Ohio 45249

Dear Mr. McGeady:

Our office reviewed your Nationwide Permit 29 Pre-Construction Notification for the Meadow Vista Parkside Residential Development, prepared by Civil and Environmental Consultants, received on March 11, 2011 in Section 23, Township 79 North, Range 23 West, Polk County, Iowa.

Based on your application, approximately 0.41 acres of jurisdictional wetland and 199 feet of intermittent stream will be impacted by this project. We have reviewed your stream and mitigation proposal and concur with your plans to create at least 0.52 acres of wetland on-site, preserve an additional 0.17 acres, avoid 198 linear feet of stream and deed restrict the wetland mitigation area. The party responsible for the wetland mitigation will be Mr. Brian McGeady of Meadow Vista Parkside, LLC.

Your project is covered under Nationwide Permit No 29, as published in the enclosed Fact Sheet No. 6 (IA) provided you meet the permit conditions for the nationwide permits which are also included in the Fact Sheet. The Corps finds that the issuance of this permit will have "no effect" on historic properties listed on or eligible for listing on, the National Register of Historic Places (NRHP). The Corps has also made a determination of no effect on federally threatened and endangered species or critical habitat. The Iowa Department of Natural Resources (IADNR) has also issued Section 401 Water Quality Certification for this nationwide permit. The decision regarding this action is based on information found in the administrative record, which documents the District's decision-making process, the basis for the decision, and the final decision. This determination is subject to the following special conditions:

Special Conditions:

1. All aspects of the wetland mitigation plan in Attachment E of the March 11, 2011 pre-construction notification are considered part of this permit and should be considered special conditions.
2. You are encouraged to conduct your construction activities during a period of low flow.
3. You are required to remove all excess fill material to an upland, non-wetland site, to seed all disturbed areas with native grasses, and to implement appropriate erosion control measures to insure that sediments are not introduced into waters of the United States during construction of this project.

4. For restoration of temporary wetland impacts, we require the top 6-12 inches of the trench shall be backfilled with topsoil from the trench. The trench can not be constructed or backfilled in such a manner as to drain waters of the U.S. (including wetlands). (e.g., backfilling with extensive gravel layers to create a French drain effect). The site will need to then be restored to original ground contours and re-seeded to native vegetation. Reseeding of a wetland mix will help increase the diversity of the wetland.
5. All construction debris shall be disposed of on land in such a manner that it cannot enter a waterway or wetland. Construction equipment, activities, and materials shall be kept out of the water to the maximum extent possible. Equipment for handling and conveying materials during construction shall be operated to prevent dumping or spilling the material into water bodies, streams or wetlands except as approved herein. Care shall be taken to prevent any petroleum products, chemicals, or other deleterious materials from entering water bodies, streams or wetlands. The debris will be properly disposed of in an upland, non-wetland location.
6. Clearing of vegetation, including trees located in or immediately adjacent to waters of the state, shall be limited to that which is absolutely necessary for construction of the project. All vegetative clearing material shall be removed to an upland, non-wetland disposal site.
7. Riprap shall consist of clean native fieldstone, clean quarry run rock or clean broken concrete. If broken concrete is used all reinforcement material shall be completely removed from it; if removal is not possible, said reinforcement material shall be cut flush with the flat surface of the concrete. It shall be the applicant's responsibility to maintain the riprap such that any reinforcement material that becomes exposed in the future is removed. The concrete pieces shall be appropriately graded and no piece shall be larger than 3 feet across the longest flat surface. No asphalt or petroleum based material shall be used as or included in riprap material.
8. You are required to construct the mitigation site prior to or concurrently with the construction of your project. Drawings/photographs/location map of the constructed mitigation site will be submitted to the District Engineer (DE) within 30 days of completing construction and planting of the mitigation site. The drawings must include details of any structures built at the mitigation site, a list of species planted, the location of all plantings, cross-sectional drawings of any fill or excavation and the boundaries of the mitigation site;
9. The reports must include photos taken at established photo points, a list of dominant plant species, the average percent cover for each dominant species, the success rate of plantings, an assessment of wetland hydrology (defined as inundation of two feet or less and/or saturation within 12 inches of the surface for at least five percent of the growing season), an assessment of any structures (i.e. weirs, dikes, etc.), and details of any corrective actions taken or needed;

10. You are required to submit wetland mitigation monitoring reports on an annual basis for a minimum period of five years. Monitoring reports will be submitted to this office by October 31 of each year. If after 3 years, the site does not exhibit wetland characteristics (as defined by the Corps Delineation Manual), you will be required to submit a remediation plan or plans to construct a new site;
11. Monitoring must begin the first full growing season after the construction and planting of the wetland mitigation site and must occur during the growing season;

12. Monitoring Report Outline

a. Project Overview (1 page)

- (1) Corps Permit Number.
- (2) Name and contact information of permittee and consultant.
- (3) Name of party responsible for conducting the monitoring and the date(s) the inspection was conducted.
- (4) A summary paragraph defining the purpose of the approved project, acreage and type of aquatic resources impacted, and mitigation acreage and type of aquatic resources authorized to compensate for the aquatic impacts.
- (5) Written description on the location and any identifiable landmarks of the compensatory mitigation project including information to locate the site perimeter(s).
- (6) Directions to the mitigation site.
- (7) Dates compensatory mitigation commenced and/or was completed.
- (8) A brief statement on whether the performance standards are being met.
- (9) Dates of any recent corrective or maintenance activities conducted since the previous report submission.
- (10) Specific recommendations for any additional corrective or remedial actions.

b. Requirements (1 page)

List the monitoring requirements and performance standards, as specified in the approved mitigation plan and special conditions of the permit, and evaluate whether the compensatory mitigation project site is successfully achieving the approved performance standards or trending towards success. A table is one option for comparing the performance standards to the conditions and status of the developing mitigation site.

c. Summary Data (maximum of 4 pages)

Summary data must be provided to substantiate the success and/or potential challenges associated with the compensatory mitigation project. Photo documentation

may be provided to support the findings and recommendations referenced in the monitoring report and to assist the project manager (PM) in assessing whether the compensatory mitigation project is successful for the monitoring period. Submitted photos must fit on a standard 8 ½ x 11" piece of paper, dated, and clearly labeled with the direction from which the photo was taken. The photo sites must also be identified on the appropriate maps.

d. Maps (maximum of 3 pages)

Maps must be provided to show the location of the compensatory mitigation site relative to other landscape features, habitat types, locations of photographic reference points, transects, sampling data points, and/or other features pertinent to the mitigation plan. In addition, the submitted maps must clearly delineate the mitigation site perimeter(s), which will assist the PM with locating the mitigation area(s) during subsequent site inspections. Each map or diagram must fit on a standard 8 ½ x 11" piece of paper and include a legend and the location of any photos submitted for review.

e. Conclusions (1 page)

A general statement must be included describing the conditions of the compensatory mitigation project. If performance standards are not being met, a brief explanation of the difficulties and potential remedial actions proposed by the permittee, including a timetable, must be provided. The District Engineer will ultimately determine if the mitigation site is successful for a given monitoring period.

13. Nationwide Permit General Condition No. 12 of the attached Federal Register states Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date.
14. Any unaffected portions of the stream channel, ponds, and wetlands must be protected during grading and construction activities. The jurisdictional wetlands and stream channels may not be graded or used as staging areas, temporary crossings, temporary fill sites, etc. without prior authorization from the Corps of Engineers.
15. To increase the diversity of native herbaceous wetland plants at the mitigation site, a minimum of 10 different wetland species shall be seeded into the wetland at a rate of 20 lbs. of pure live seed per acre. Native plant plugs may also be used in conjunction or in substitution of seed.
16. Non-native plants and aggressive native cultivars such as switch grass shall not be used in the seed mixes, and invasive species such as reed canary grass, purple loosestrife, brome grass, crown vetch, bird's-foot trefoil, and white and yellow sweet clovers will be controlled;
17. Any land use conversion within the wetland mitigation area which may interfere with or be detrimental to the functions and values of these aquatic resources, is prohibited;
18. The permittee will perform any corrective measures deemed necessary by the DE to insure the success of the mitigation site;

19. The wetland areas shall not be farmed or grazed, nor shall the pond be used as a water source for livestock during the five-year monitoring period. If the reclamation site is to be used as pasture, the pond and wetland areas must be fenced to prevent livestock access;
20. You are required to record this letter, project plans and any restrictive covenant or conservation easement with the Registrar of Deeds, County Recorder, or other appropriate official charged with the responsibility for maintaining records of title to, or interest in, real property, and you must provide proof of recording to the Corps prior to the commencement of construction;
21. To protect the wetlands that will be preserved or enhanced, you must mark the project site clearly so that equipment operators do not inadvertently fill or displace additional wetlands.

This verification is valid until March 19, 2012, unless the nationwide permit is modified, reissued or revoked. It is your responsibility to remain informed of changes to the nationwide permit program. We will issue a public notice announcing any changes if and when they occur. Furthermore, if you commence or are under contract to commence this activity before the date the nationwide permit is modified or revoked, you will have twelve months from this date to complete your activity under the present terms and conditions of this nationwide permit.

Although an individual Department of the Army permit will not be required for this project, this does not eliminate the requirement that you must still acquire other applicable federal, state, and local permits. If you have not already coordinated your project with the IADNR, please contact Mr. Kelly Stone in writing or telephone 515/281-8693 to determine if a floodplain development permit is required for your project. You should also contact The IADNR Sovereign Lands Division in writing or telephone 515/281-8967 to determine if a sovereign lands construction permit is required or if this project may adversely impact Iowa threatened or endangered species or their habitat.

You are required to complete and return the enclosed "Completed Work Certification" form upon completion of your project in accordance with General Condition No. 26 of the nationwide permits.

This letter contains an approved jurisdictional determination for the subject site. If you object to this jurisdictional determination, you may request an administrative appeal under Corps regulations found at 33 CFR Part 331. Enclosed is a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this approved jurisdictional determination, you must submit a completed RFA form to the Mississippi Valley Division Office at the following address:

Mr. James B. Wiseman, Jr.
Administrative Appeals Officer
U.S. Army Corps of Engineers
Mississippi Valley Division
ATTN: CEMVD-PD-KM
Post Office Box 80
Vicksburg, Mississippi 39181-0080

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by June 6, 2011.

It is not necessary to submit an RFA form to the Division Office if you do not object to the approved jurisdictional determination contained in this letter.

The Rock Island District Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete the attached postcard and return it or go to our Customer Service Survey found on our web site at <http://per2.nwp.usace.army.mil/survey.html>. (Be sure to select "Rock Island District" under the area entitled: Which Corps office did you deal with?)

Should you have any questions, please contact me by letter, or telephone at 309/794-5859.

Sincerely,



Albert J. Frohlich
Project Manager
Regulatory Branch

When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit are still in existence at the time the property is transferred, the terms and conditions, will continue to be binding on the new owner(s), of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

Transferee

Date

Enclosures

Copy Furnished: (w/o enclosures)

Ms. Christine Schwake (3)
Iowa Department of Natural Resources
Water Quality Section
Wallace State Office Building
Des Moines, Iowa 50319-0034

Ms. Maggie Vuturo Bosiljevac
Civil and Environmental Consultants
4274 Glendale Milford Road
Cincinnati, Ohio 45242

COMPLETED WORK CERTIFICATION

Permit Number: CEMVR-OD-P-2011-373

Name of Permittee: Meadow Vista Parkside, LLC

Date of Issuance: 4/6/2011

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

U.S. Army Engineer District,
Rock Island
ATTN: Regulatory Branch
Clock Tower Building
Post Office Box 2004
Rock Island, Illinois 61204-2004

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit, you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above reference permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

AF

June 13, 2011

U.S. Army Corps of Engineers, Rock Island District
 ATTN: Al Frohlich, Regulatory Branch
 Clock Tower Building
 1500 Rock Island Dr
 Rock Island, Illinois 61201

Dear Al:

Subject: Revised Mitigation Plan Drawings
 Meadow Vista Parkside Residential Development
 Rutherford Drive SW
 Altoona, Polk County, Iowa
 CEC Project No. 101-742
 Corps PN CEMVR-OD-P-2011-373

On behalf of Meadow Vista Parkside, LLC (MVP), Civil & Environmental Consultants, Inc. (CEC) hereby submits revised mitigation plan drawings for the Meadow Vista Parkside residential development property (the Site; Corps PN CEMVR-OD-P-2011-373). As discussed in an email dated June 6, 2011, alterations to the wetland mitigation areas at the Site were made as a result of comments received from the City of Altoona. The detention basin/wetland mitigation area located in the southeastern portion of the Site was altered to allow the city employees to access sewer manholes located adjacent to the detention basin. As such, the detention basin was reconfigured to accommodate the City's requirements.

The alteration did not impact the total wetland mitigation acreage that was outlined in the Nationwide Permit (NWP) 29 Pre-Construction Notification (PCN) submitted to your office on March 9, 2011. In the NWP 29 PCN, MVP proposed to create 0.52 acres of wetlands, which included 0.38 acres within the detention basin/mitigation area and 0.14 acres adjacent to an existing on-site wetland. As a result of the change in the detention basin/mitigation area, the total acreage of wetland creation has not changed, but the wetland mitigation acreage associated with the detention basin has been reduced to 0.35 acres and the wetland mitigation acreage associated with the existing on-site wetland has been increased to 0.17 acres.

Civil & Environmental Consultants, Inc.

Cincinnati 4274 Glendale Milford Road
 Cincinnati, Ohio 45242
 Ph: 513/985-0226 / Fax: 513/985-0228
 Toll Free 800/759-5614
 E-mail cincinnati@cecinc.com
 Corporate Web Site <http://www.cecinc.com>

Pittsburgh	800/365-2324	Export	800/899-3610
Chicago	887/963-6026	Indianapolis	877/746-0749
Cleveland	866/507-2324	Nashville	800/763-2326
Columbus	888/598-6808	St. Louis	866/250-3679
Detroit	866/380-2324		

Mr. Al Frohlich, Rock Island District USACE
CEC Project No. 101-742
Page 2
June 13, 2011



As you requested, the mitigation plan drawings have been revised to reflect these changes. A copy of the revised mitigation plan drawings is included as an attachment. Please do not hesitate to call us at (513) 985-0226 if you have questions or need any additional information.

Respectfully submitted,

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

Maggie Vuturo Bosiljevac
Project Manager

James E. Zentmeyer
Principal

Attachments: Revised Mitigation Plan Drawings

cc: Mr. Tom Rowe, Meadow Vista Parkside, LLC

JOINT APPLICATION FORM

ITEMS 1 AND 2 FOR AGENCY USE

1. Application Number	2. Date Received
-----------------------	------------------

3. and 4. (SEE SPECIAL INSTRUCTIONS) NAME, MAILING ADDRESS AND TELEPHONE NUMBERS

3a. Applicant Meadow Vista Parkside, LLC c/o Brian McGeady 9349 Waterstone Blvd Cincinnati, OH 45249 Business (513) 588-1257 Home ()	3b. Applicant Business () Home ()	3c. Applicant Business () Home ()
4a. Authorized Agent (if any) Maggie Vuturo Bosiljevac Civil & Environmental Consultants 4274 Glendale Milford Rd Cincinnati, OH 45242 Phone (513) 985-0226	4b. Authorized Agent (if any) Phone ()	4c. Authorized Agent (if any) Phone ()

5. PROJECT DESCRIPTION AND REMARKS:

The proposed project consists of the construction of 59 single-family detached rental homes and associated infrastructure. Construction activities at the site will result in the placement of fill materials in approximately 199 feet of intermittent stream and 0.41-acre of palustrine emergent wetland. Please reference the attached cover letter for additional information.

6. IMMEDIATE AND ADJOINING PROPERTY OWNERS:
Please see attached Table 1.

7. PROJECT LOCATION					
STREET, ROAD, OR OTHER DESCRIPTIVE LOCATION East of Rutherford Court SW	LEGAL DESCR.	QUARTER SW	SECTION 23	TOWNSHIP 79N	RANGE 23W
IN OR NEAR CITY OR TOWN Altoona	WATERWAY Unnamed tributary to Little Fourmile Creek				RIVER MILE
COUNTY Polk	STATE IA	ZIP CODE 50009			

8. Date activity is proposed to commence	Date activity is expected to be completed
9. Is any portion of the activity for which authorization is sought now complete? <input type="radio"/> Yes <input checked="" type="radio"/> No	If answer is "YES" give reasons in the Project Description and Remarks section.
Month and Year the activity was completed	Indicate the existing work on drawings.

10. List all approvals or certification and denials received from other Federal, interstate, state, or local agencies for structures, construction, discharges or other activities described in this application.

Issuing Agency	Type of Approval	Identification No.	Date of Application	Date of Approval	Date of Denial
Please see attached.					

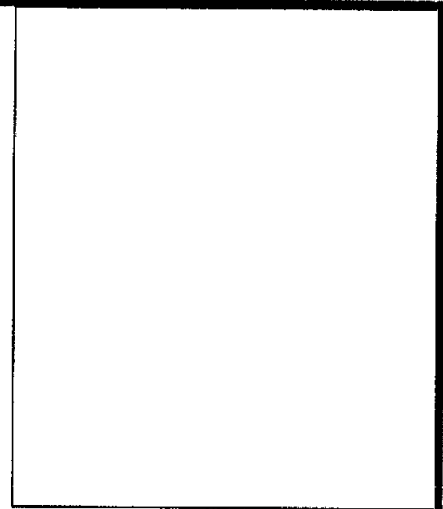
11. CONSENT TO ENTER PROPERTY LISTED IN PART 7 ABOVE IS HEREBY GRANTED. Yes No

12. APPLICATION VERIFICATION (SEE SPECIAL INSTRUCTIONS)
Application is hereby made for the activities described herein. I certify that I am familiar with the information contained in the application, and that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities.

Signature of Applicant or Authorized Agent AUTHORIZED AGENT	Date 3-8-11
Signature of Applicant or Authorized Agent	Date
Signature of Applicant or Authorized Agent	Date

- | | | | |
|--|--|---|--|
| <input checked="" type="checkbox"/> Corps of Engineers
Sept. 1987 | <input checked="" type="checkbox"/> Iowa Dep't of Natural Resources
ATTN: Floodplain Permits Section
DNR FORM 36 | <input checked="" type="checkbox"/> Iowa Dep't of Natural Resources
ATTN: Sovereign Lands
DNR FORM 36 | <input checked="" type="checkbox"/> Applicant's Copy |
|--|--|---|--|

SEE INSTRUCTIONS FOR ADDRESS



VICINITY MAP

Please see the following figures:

- Figure 1 - Site Location Map
- Figure 2 - Site Plan
- Figure 3 - Jurisdictional Waters Delineation Map

LIST OF ADJACENT PROPERTY OWNERS

PROJECT DESCRIPTION

Placement of fill in wetland and stream;
residential development

LOCATION:

Unnamed tributary to Little Fourmile Creek
in Altoona, Iowa

NO.	NAME	ADDRESS
1.	Loveland Properties Iowa, LLC	9290 W Dodge Rd, Ste 203, Omaha, NE 68114
2.	Premier Property, LLC	204 8th St SE, PO BOX 367, Altoona, IA 50009
3.	Altoona Development, LLC	204 8th St SE, Altoona, IA 50009
4.	See attached Appendix A - Figure 1	

Table 1
Federal & State Approvals and Certifications
Meadow Vista Parkside Project
Polk County, Iowa

Issuing Agency	Type of Approval	ID#	Date Applied	Date Approved	Date Denied
USFWS	Federal T&E ¹	NA ²	11/19/2010	12/22/2010	NA ²
IDNR	State T&E	NA ²	10/19/2010	10/27/2010	NA ²
SHPO	Section 106	R&C #101277073	12/16/2010	12/21/2010	NA ²
IDNR	NPDES ³	NA ²	Not Submitted	NA ²	NA ²
IDED	FONSI ⁴	NA ²	Not Submitted	NA ²	NA ²

¹ T&E = Threatened & Endangered

² NA = Not Applicable

³ NPDES = National Pollutant Discharge Elimination System

⁴ FONSI = Findings of No Significant Impact

