

TUSCANY PLAT 1

Altoona, Iowa

12850-126-155



MCCLURE ENGINEERING COMPANY
M E C results, e o m
 8101 Birchwood Court, Suite D
 Johnston, Iowa 50131
 515.664.1220
 Fax 515.664.2370

1740 Livingston Lane
 North Liberty, Iowa 52517
 319.624.0500
 Fax 319.624.9995

McClure Engineering Company, Inc. is a professional engineering firm and is not responsible for the accuracy of the information contained herein. The information contained herein is for informational purposes only and should not be used for any other purpose without the written consent of McClure Engineering Company.

GRAFFORD ENGINEERING & SURVEYING, INC.
 402 210 NW 11th Street, Ames, IA 50010



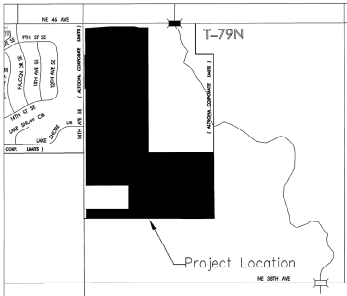
I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A FULLY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

DANIEL L. GRAFFORD, PE, LS
 IOWA LICENSE NO. 0812

DATE: 2/10/08
 MY LICENSE RENEWAL DATE IS 12/31/2009

Tuscany Plat 1
 Altoona, Iowa
 228035
 August 9, 2007
 March 10, 2008
 June 17, 2008
 July 1, 2009

OWNER: CWR
 CHECKED BY: CAS
 DRAWN BY: BWA
 FIELD BOOK NO.:
 SHEET: 01 / 05



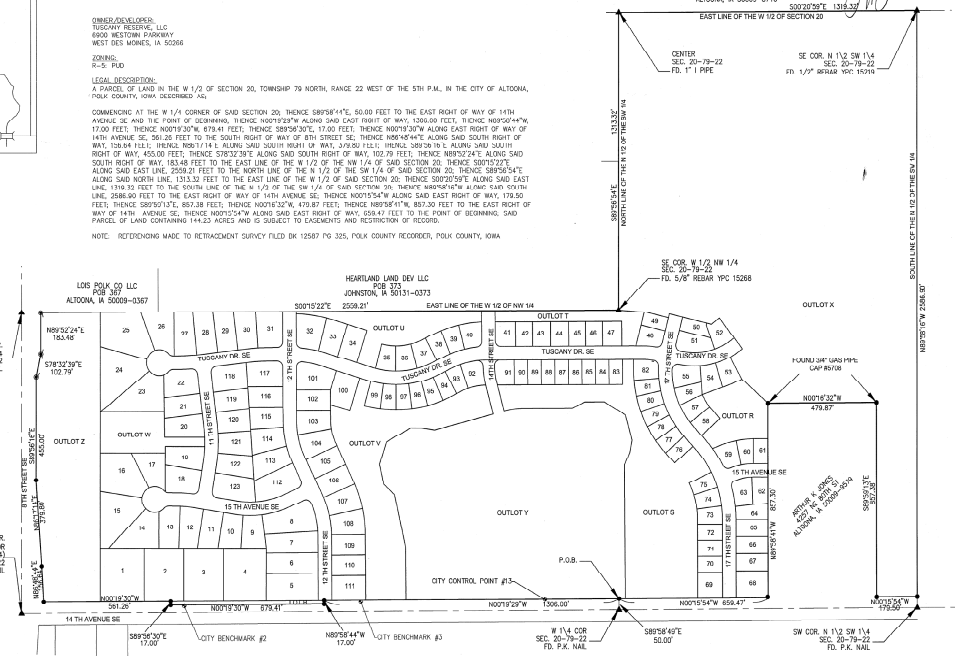
VICINITY SKETCH
 NO SCALE

- LEGEND**
- SETBACKS
 - - - EASEMENTS
 - PROPERTY LINES
 - PLAT BOUNDARY
- DATE SURVEYED: APRIL 24, 2008
- CORNERS FOUND:
- ▲ SECTION COR. (AS NOTED)
 - 1/2" REBAR YPC #15219
 - RRR RAIL
- CORNERS SET:
- 1/2" REBAR & YPC #8812
 - (R) - RECORD DISTANCE
- MOE - MINIMUM OPENING ELEVATION
 MBFE - MINIMUM BASEMENT ELEVATION
 SWFE - SURFACE WATER FLOW ELEVATION
 PVE - PUBLIC UTILITY EASEMENT
 EACE - EASEMENT
- 100' LOT ADDRESSES

RELAT. 1 - JOHN ALMAN PLUD
 FRONT GARAGE SETBACK - 25 FEET
 FRONT PORCH SETBACK - 15 FEET
 SIDE SETBACK - 5 FEET
 REAR SETBACK - 10 FEET
 MINIMUM LOT AREA - 6,000 SQ FEET
 MINIMUM LOT WIDTH - 60 FEET

SPLIT BENCHMARKS:
 CITY CONTROL POINT #13 - 950.99
 BENCHMARK #2 - 945.85 - RR SPIKE 4TH P.P. SOUTH OF 8TH ST.
 BENCHMARK #3 - 941.97 - RR SPIKE 11TH P.P. NORTH OF LINCOLN DR.

CURVE OF CLOSURE BETTER THAN 1/10,000



12850-126-155 FOR COUNTY IN A COUNTY THAT HAS ATTACHED THAT STATE HAS BEEN APPROVED AS BEING VALID IN POLK COUNTY AND THE LAND HAS BEEN CORRECTED AS NOTED IN THE FILED RECORDS.

GRADUATED SURVEYOR
 DANIEL L. GRAFFORD
 IOWA LICENSE NO. 0812

SECTION 20, TOWNSHIP 79 NORTH, RANGE 22 WEST OF THE 5TH P.M. IN THE CITY OF ALTOONA, POLK COUNTY, IOWA (SECTION 20)

COMMENCING AT THE W 1/4 CORNER OF SAID SECTION 20, THENCE S89°58'14"E, 50.00 FEET TO THE EAST RIGHT OF WAY OF 14TH AVENUE SE AND THE POINT OF BEGINNING, THENCE N00°13'21"W ALONG SAID EAST RIGHT OF WAY, 100.00 FEET, THENCE N89°02'44"W, 17.00 FEET, THENCE N00°10'30"W, 878.44 FEET, THENCE S89°58'14"E, 17.00 FEET, THENCE N00°10'30"W ALONG EAST RIGHT OF WAY OF 14TH AVENUE SE, 561.20 FEET TO THE SOUTH RIGHT OF WAY OF 8TH STREET SE, THENCE N89°04'46"E ALONG SAID SOUTH RIGHT OF WAY, 1034.84 FEET, THENCE N00°11'16"E ALONG SAID SOUTH RIGHT OF WAY, 378.50 FEET, THENCE S89°20'16"E ALONG SAID SOUTH RIGHT OF WAY, 450.00 FEET, THENCE S78°32'39"E ALONG SAID SOUTH RIGHT OF WAY, 102.70 FEET, THENCE N89°02'44"E ALONG SAID SOUTH RIGHT OF WAY, 83.48 FEET TO THE EAST LINE OF THE W 1/2 OF THE NW 1/4 OF SAID SECTION 20, THENCE S00°23'22"E ALONG SAID EAST LINE, 2589.21 FEET TO THE NORTH LINE OF THE N 1/2 OF THE SW 1/4 OF SAID SECTION 20, THENCE S89°54'54"E ALONG SAID NORTH LINE, 153.30 FEET TO THE EAST LINE OF THE W 1/2 OF SAID SECTION 20, THENCE S00°23'22"E ALONG SAID EAST LINE, 134.30 FEET TO THE SOUTH LINE OF THE N 1/2 OF THE SW 1/4 OF SAID SECTION 20, THENCE S89°54'54"E ALONG SAID SOUTH LINE, 288.00 FEET TO THE EAST RIGHT OF WAY OF 14TH AVENUE SE, THENCE N00°10'30"W ALONG SAID EAST RIGHT OF WAY, 170.50 FEET, THENCE S89°57'14"E, 867.38 FEET, THENCE N00°13'21"W, 475.87 FEET, THENCE N89°04'46"E, 802.30 FEET TO THE EAST RIGHT OF WAY OF 14TH AVENUE SE, THENCE N00°12'24"W ALONG SAID EAST RIGHT OF WAY, 954.47 FEET TO THE POINT OF BEGINNING. SAID PARCEL OF LAND CONTAINS 144.23 ACRES AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

NOTE: REFERENCING MADE TO RETRACEMENT SURVEY FILED BK 12587 PD 325, POLK COUNTY RECORDS, POLK COUNTY, IOWA

SECTION 20, TOWNSHIP 79 NORTH, RANGE 22 WEST OF THE 5TH P.M. IN THE CITY OF ALTOONA, POLK COUNTY, IOWA (SECTION 20)

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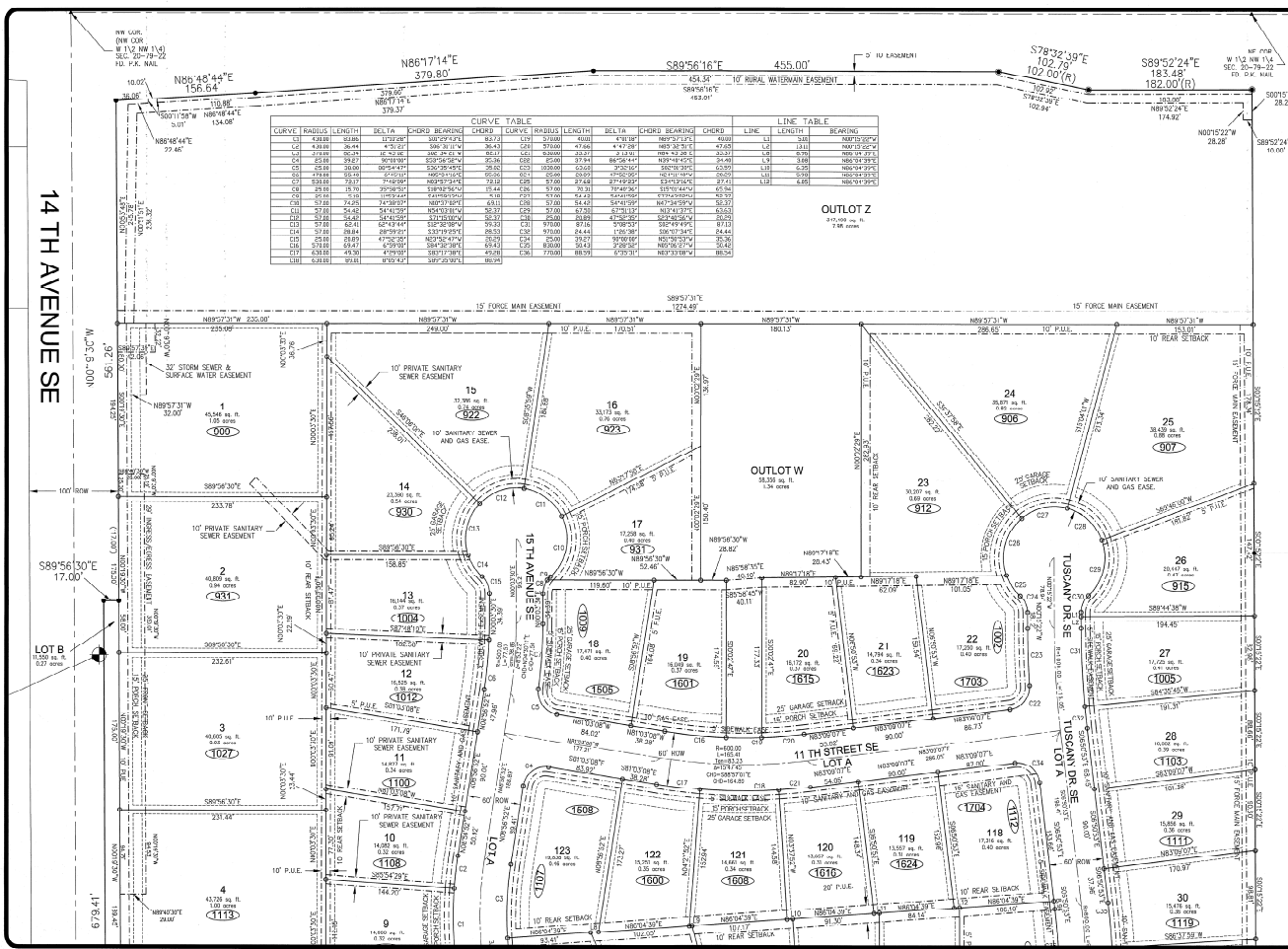
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Vertical File Name: \\s01\proj\105\105100000\105100000.dwg Plot Name: 105100000_105100000.dwg



M C CLURE
ENGINEERING COMPANY

M C results.com
705 First Avenue North
Fort Dodge, Iowa, 50501
505-794-1100
505-794-1102
Fax 505-794-4225

8101 Broadway Court, Suite D
Johanna, Iowa 50331
515-944-1229
fax 515-944-3370

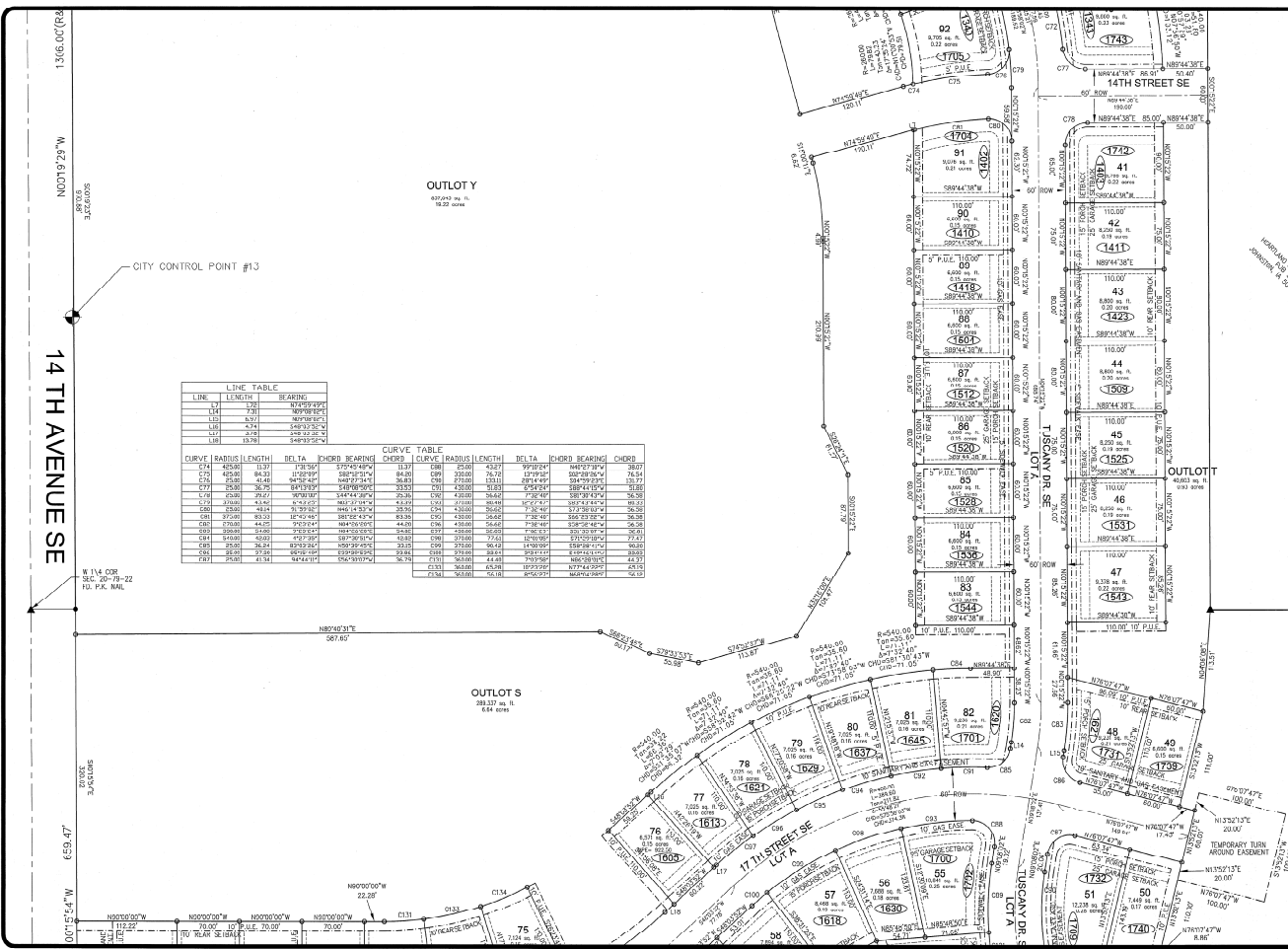
1740 Lingner Lane
North Liberty, Iowa 50427
319-250-9900
fax 319-626-9995

Iuscany Plat 1
Attn: Iowa
22605
August 2, 2007

REVISIONS
March 10, 2008
June 17, 2008
July 1, 2008

DESIGNED BY: RWA
DRAWN BY: CAS
CHECKED BY: RWA
FIELD BOOK

DRAWING NO. FP 02 / 05
SHEET NO.



RETURN TO:
When Recorded, Return to:
Chet A. Mellema
Hubbell Realty Company
6900 Westown Parkway
West Des Moines, IA 50266

Prepared By: Chet A. Mellema, Hubbell Realty Company, 6900 Westown Parkway, West Des Moines, Iowa 50266-2520 (515) 280-2042

SPACE ABOVE THIS LINE FOR RECORDER

OWNER'S CERTIFICATE

KNOW ALL PERSONS BY THESE PRESENTS: That **Tuscany Reserve, LLC**, an Iowa limited liability company, owns the property legally described on Exhibit "A" attached hereto and incorporated herein by this reference (hereinafter the "Property").

The undersigned property owner has caused the Property described above to be subdivided into lots to be known as "**Tuscany Plat 1**". The undersigned further acknowledges and certifies that the subdivision of said **Tuscany Plat 1** is with its consent and in accordance with its desires.

Tuscany Reserve, LLC does hereby dedicate the following easements as more particularly shown on the final plat of **Tuscany Plat 1**, which depiction on said final plat shall control over any conflicting description set forth below, all of which easements are subject to the concurrent easements for all or part of said easement areas as shown on the final plat of **Tuscany Plat 1**:

- (A) Tuscany Reserve, LLC does hereby dedicate to the City of Altoona, Iowa, the following perpetual easements:

Gas Easement

A ten foot (10') strip of land to be used for Gas Easement located in the Northern 10 feet, parallel and adjacent to the Northern line of Lots 50-51, 55-59, 63-68, and 101-117, 119-123, the Southern 10 feet, parallel and adjacent to the Southern line of Lots 15, 16, 18-22, 24, 25, 31, 48, 49, 69-82, and 112-117, the Eastern 10 feet, parallel and adjacent to the Eastern line of Lots 8-14, 22, 23, 53-55, 62, 63, 83-101, and 118, the Western 10 feet, parallel and adjacent to the Western line of Lots 1-4, 18, 26-48, 51, 52, 59-61, and 123 all in

the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1.

Public Utility Easement

1. A ten foot (10') strip of land to be used for Public Utility Easement located in the Northern 10 feet, parallel and adjacent to the Northern line of Lots 5- 8, 15, 16, 18- 22, 24, 25, 32, 48-51, 55-59, 63-82, and 101-117, 119-123, the Southern 10 feet , parallel and adjacent to the Southern line of Lots 15, 16, 18-22, 24, 25, 31, 48,-51, 55-58, 64-82, and 101-123, the Eastern 10 feet, parallel and adjacent to the Eastern line of Lots 1-4, 8-14, 16, 17, 22, 23, 25-47, 50, 52-55, 59-63, 83-101, 117, and 118, the Western 10 feet , parallel and adjacent to the Western line of Lots 1-4, 9-15, 18, 23, 26-48, 51-54, 59-61, 83-100, and 123 all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1;
2. A fifteen foot (15') strip of land to be used for Public Utility Easement located in the Northern 15 feet, parallel and adjacent to the Northern line of Lot 118 in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1;
3. A ten foot (10') strip of land to be used for Public Utility Easement located in Outlot W described as: Beginning at the Northeast corner of Lot 19, thence N85°58'35"E, 40.10 feet to the Northwest corner of Lot 20; thence S00°02'47"E along the West line of said Lot 20, 10.00 feet; thence S85°58'45"W, 40.11 feet to the East line of said Lot 19, thence N00°02'47"W along said East line, 10.00 feet to the Point of Beginning; all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1;
4. A strip of land to be used for Public Utility Easement located in Outlot U described as: Beginning at the Southeast corner of Lot 34, thence S17°23'20"W, 10.00 feet; thence N72°38'31"W, 139.99 feet; thence S17°23'06"W, 57.04 feet; thence Southwesterly along a 360 foot radius curve concave Easterly, 14.13 feet (chord bearing S16°15'39"W, 14.13 feet); thence S75°40'08"E, 100.00 feet; thence S16°38'28"W, 5.01 feet to the Northeast corner of Lot 35; thence N75°40'08"W along the North line of Lot 35, 110.00 feet to the West line of Outlot U; thence Northeasterly along the said West line along a 370 foot radius curve concave Easterly, 19.72 feet (chord bearing N15°51'29"E, 19.72 feet); thence N17°23'06"E along said West line, 67.04 feet to the Southwest corner of Lot 34, thence S72°38'31"E along the South line of Lot 34, 149.99 feet to the Point of Beginning; all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1;
5. A ten foot (10') strip of land to be used for Public Utility Easement located in Outlot V described as: Beginning at the Northeast corner of Lot 99, thence Northeasterly along the East line of Outlot V along a 430 foot radius curve concave Easterly, 17.09 feet (chord bearing N16°14'48"E, 17.09 feet); thence N17°23'06"E, 33.76 feet to the Southeast corner of Lot 100; thence N72°36'54"W along the South line of said Lot 100, 10.00 feet; thence S17°23'06"W, 33.76 feet; thence Southwesterly along a 440 foot radius curve concave

Easterly, 17.48 feet to the North line of Lot 99; thence $S74^{\circ}53'31''E$ along said North line, 10.00 feet to the Point of Beginning; all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1;

6. A five foot (5') strip of land to be used for Public Utility Easement located in the Northern 5 feet, parallel and adjacent to the Northern line of Lots 17, 26, 33, 35, 85, 89, and 99 the Eastern 5 feet, parallel and adjacent to the Eastern line of Lots 20, 71, 74, 80, and 113 the Western 5 feet, parallel and adjacent to the Western line of Lots 7, 19, 68, 69, 101, and 117 the Southern 5 feet, parallel and adjacent to the Southern line of Lots 52, 53, 61, 62, 92, 95, and 100 all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, more particularly shown on said Tuscany Plat 1;
7. A ten foot (10') strip of land to be used for Public Utility Easement located in Outlot T described as: Beginning at the Southeast corner of Lot 47, thence $S00^{\circ}15'22''E$, 10.00 feet, thence $S89^{\circ}44'38''W$, 100.00 feet; thence $S00^{\circ}15'22''E$, 54.18 feet to the North line of Lot 48; thence $N76^{\circ}07'47''W$ along said North line, 10.31 feet to the West line of Outlot T, thence $N00^{\circ}15'22''W$, 61.66 feet to the Southeast corner of Lot 47; thence $N89^{\circ}44'38''E$ along the South line of Lot 47, 110.00 feet to the Point of Beginning, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1;
8. A ten foot (10') strip of land to be used for Public Utility Easement located in Outlot S described as: Beginning at the Southwest corner of Lot 83, thence $S00^{\circ}15'22''E$, 10.00 feet, thence $N89^{\circ}44'38''E$, 100.00 feet; thence $S00^{\circ}15'22''E$, 38.62 feet to the North line of Lot 82; thence $N89^{\circ}44'38''E$ along said North line, 10.00 feet to the Northeast corner of Lot 82; thence $N00^{\circ}15'22''W$ along the East line of Outlot S, 48.62 feet to the Southeast corner of Lot 83; thence $S89^{\circ}44'38''W$ along the South line of Lot 83, 110.00 feet to the Point of Beginning, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1;
9. A ten foot (10') strip of land to be used for Public Utility Easement located in Outlot S described as: Beginning at the Northwest corner of Lot 76, thence $S48^{\circ}03'52''W$, 10.00 feet, thence $S41^{\circ}56'08''E$, 100.00 feet; thence Southwesterly along a 460 foot radius curve concave Northwesterly, 114.76 feet (chord bearing $S55^{\circ}12'41''W$, 114.46 feet); thence $N26^{\circ}23'45''W$, 100.00 feet; thence Southwesterly along a 360 foot radius curve concave Northwesterly, 10.00 feet (chord bearing $S62^{\circ}48'30''W$, 10.00 feet); to the Northeast corner of Lot 75; thence $S26^{\circ}23'45''E$ along the East line of Lot 75, 110.00 feet to the South line of Outlot S; thence Northeasterly along said South line along a 470 foot radius curve concave Northwesterly, 127.47 feet (chord bearing $N55^{\circ}50'04''E$, 127.08 feet); thence $N48^{\circ}03'52''E$ along said South line, 13.78 feet to the Southwest corner of Lot 76; thence $N41^{\circ}56'08''W$ along the West line of Lot 76, 110.00 feet to the Point of Beginning, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1.
10. A ten foot (10') strip of land to be used for Public Utility Easement located in Outlot R described as: Beginning at the Southwest corner of Lot 58, thence $S48^{\circ}03'52''W$, 10.00 feet,

thence $N41^{\circ}56'08''W$, 100.00 feet; thence $S48^{\circ}03'52''W$, 14.77 feet; thence Southwesterly along a 540 foot radius curve concave Northwesterly, 27.20 feet to the East line of Lot 59 (chord bearing $S50^{\circ}56'53''W$, 54.33 feet); thence $N21^{\circ}08'33''W$ along said East line, 10.36 feet to the North line of Outlot R; thence Northeasterly along said North line on a 530 foot radius curve concave Northwesterly, 50.66 feet (chord bearing $N50^{\circ}48'10''E$, 50.64 feet); thence $N48^{\circ}03'52''E$ along said North line, 24.77 feet to the Westerly corner of Lot 58, thence $S41^{\circ}56'08''E$ along said Westerly line, 110.00 feet to the Point of Beginning, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1.

Sanitary Sewer Easement

1. A ten foot (10') strip of land to be used for Sanitary Sewer Easement located in the Southern 10 feet, parallel and adjacent to the Southern line of Lots 5-8, 15, 16, 24, 25, 48, 49, 69-82, and 112-117, the Western 10 feet, parallel and adjacent to the Western line of Lots 17, 26-48, 51, and 52, the Northern 10 feet, parallel and adjacent to the Northern line of Lots 119-123, the Eastern 10 feet, parallel and adjacent to the Eastern line of Lots 8-14, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1;
2. A thirty foot (30') strip of land to be used for Sanitary Sewer Easement located in Outlot U described as: Beginning at the Northwest corner of Lot 35; thence Northeasterly along the West line of said Outlot U on a 370 foot radius curve concave Easterly, 19.72 feet (chord bearing $N15^{\circ}51'29''E$, 19.72 feet); thence $N17^{\circ}23'06''E$ along the West line of said Outlot U, 10.37 feet; thence $S75^{\circ}38'12''E$, 111.85 feet; thence $S65^{\circ}18'05''E$, 151.61 feet to the East line of Outlot U; thence $S00^{\circ}15'22''E$ along said East line; 33.09 feet; thence $N65^{\circ}18'05''W$, 162.86 feet to the Northeast corner of Lot 35; thence $N75^{\circ}40'08''W$ along the North line of Lot 35, 110.0 feet to the Point of Beginning; all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1; and
3. A fifteen foot (15') strip of land to be used for Sanitary Sewer Easement located in the Northern 15 feet, parallel and adjacent to the Northern line of Lot 118, in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1.

Sanitary Sewer Force Main Easement

1. A fifteen foot (15') strip of land to be used for Sanitary Sewer Force Main Easement located in the Eastern 15 feet, parallel and adjacent to the Eastern line of Lots 25-31, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1;
2. A fifteen foot (15') strip of land to be used for Sanitary Sewer Force Main Easement located in Outlot U and described as: Beginning at the Northeast corner of said Outlot U, thence $S00^{\circ}15'22''E$ along the East line of said Outlot U, 402.88 feet; thence $N72^{\circ}44'57''W$, 15.73 feet; thence $N00^{\circ}15'22''W$, 370.68 feet; thence Northeasterly along East line of said Lot 32

on a 680 foot radius curve concave Westerly, 52.50 feet (chord bearing N04°29'04"E, 52.49 feet) to the Northwest corner of said Outlot U; thence N89°44'38"E along North line of said Outlot U, 10.66 feet to the Point of Beginning; all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1;

3. A fifteen foot (15') strip of land to be used for Sanitary Force Main Easement located in the Southern 15 feet, parallel and adjacent to the Southern line of Outlot Z, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1; and
4. A five foot (5') strip of land to be used for Sanitary Force Main Easement located in the Eastern 5 feet, parallel and adjacent to the Eastern line of Lot 32, all in the Official Plat of Tuscany Plat 1, now including in and forming a part of the City of Altoona, Polk County, Iowa, more particularly shown on said Tuscany Plat 1.

Storm Sewer Easement

1. A fifteen (15.0') strip of land to be used for Storm Sewer Easement located in the Southwestern 7.5 feet, parallel and adjacent to the Southwestern line of Lot 105 and the Northeastern 7.5 feet, parallel and adjacent to the Northeastern line of Lot 106, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1; and
2. A fifteen (15.0') strip of land to be used for Storm Sewer Easement located in the Western 10.00 feet, parallel and adjacent to the Western line of Lots 62 and 63 and the Eastern 5.00 feet, parallel and adjacent to the Eastern line of Lot 64, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1.

Surface Water Flowage Easement

1. A fifteen (15.0') strip of land to be used for Surface Water Flow Easement located in the South 15 feet, parallel and adjacent to the South line of Lots 62, 64-68 all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1;
2. A fifteen (15.0') strip of land to be used for Surface Water Flow Easement located in the Southern 7.5 feet, parallel and adjacent to the Southern line of Lots 4 and 9 and the Northern 7.5 feet, parallel and adjacent to the Northern line of Lots 5-8, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1; and
3. A thirty two foot (32') strip of land to be used for Surface Water Flowage Easement located parallel and adjacent to the Western line of Lot 1, described as follows: Beginning at the Northwestern corner of Lot 1, thence S89°57'31"E along the North line of Lot 1, 32.00 feet; thence S00°19'30"E, 80.00 feet; thence N89°57'31"W, 32.00 feet to the West line of Lot 1,

thence $N00^{\circ}19'30''W$ along said West line 80.00 feet to the Point of Beginning, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1.

Sidewalk Easement

A five foot (5.0') strip of land to be used for Sidewalk Easement located in the Southern 5.00 feet, parallel and adjacent to the Southern line of Lots 5-8, 15, 16, 18-22, 24, 25, 48, 49, and 112-117, and the Northern 5.00 feet, parallel and adjacent to the Northern line of Lots 101-111 and 118-123, the Eastern 5.00 feet parallel and adjacent to the Eastern line of Lots 8-14, 22, 23, 53-55, 82-101, 117, 118, the Western 5.00 feet, parallel and adjacent to the Western line of Lots 17, 18, 26-48, 51, 52, 112 and 123, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1.

- (B) Tuscany Reserve, LLC does hereby dedicate to the Tuscany Owners Association the following perpetual easements:

Ingress/Egress Easement

1. A twenty nine foot (29') strip of land to be used for Ingress/Egress Easement located in the Western 29 feet, parallel and adjacent to the Western line of Lots 2 and 3, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1;
2. A twenty nine foot (29') strip of land to be used for Ingress/Egress Easement located parallel and adjacent to the Western line of Lot 1, described as follows: Beginning at the Southwestern corner of Lot 1, thence $S89^{\circ}56'30''E$ along the South line of Lot 1, 29.00 feet; thence $N00^{\circ}19'30''W$, 25.19 feet; thence $S89^{\circ}40'30''W$, 29.00 feet to the West line of Lot 1, thence $S00^{\circ}19'30''E$ along said West line 25.00 feet to the Point of Beginning, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1; and
3. A twenty nine foot (29') strip of land to be used for Ingress/Egress Easement located parallel and adjacent to the Western line of Lot 4, described as follows: Beginning at the Northwestern corner of Lot 4, thence $S89^{\circ}56'30''E$ along the North line of Lot 4, 29.00 feet; thence $S00^{\circ}19'30''E$, 94.53 feet; thence $S89^{\circ}40'30''W$, 29.00 feet to the West line of Lot 4, thence $N00^{\circ}19'30''W$ along said West line 94.73 feet to the Point of Beginning, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1.

Sign and Landscape Easement

A forty foot (40') strip of land to be used for Sign and Landscape Easement located in the Western 40 feet, parallel and adjacent to the Western line of Lots 5, 68, 69, and 111, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1.

Rural Watermain Easement

1. A ten foot (10') strip of land to be used for Rural Water Easement located in Outlot Z, described as follows: Commencing at the Southwest corner of Outlot Z, thence S89°57'31"E along the South line of Outlot Z, 8.30 feet to the Point of Beginning; thence N00°53'48"E, 245.78 feet; thence N86°48'44"E, 22.46; thence N00°11'58"E, 5.01 feet to the South Right of Way line of 8th Street Southeast, thence N86°48'44"E along said South line, 10.02 feet; thence S00°11'58"W, 5.01 feet; thence N86°48'44"E, 110.88 feet; thence N86°17'14"E, 379.66 feet; thence S89°56'16"E, 454.34 feet; thence S78°32'39"E, 102.92 feet; thence N89°52'24"E, 183.88 feet to the East line of said Outlot Z; thence S00°15'22"E along said East line, 28.28 feet; thence S89°52'24"W, 10.00 feet; thence N00°15'22"W, 18.28 feet; thence S89°52'24"W, 174.92 feet; thence N78°31'54"W, 102.94 feet; thence N89°56'16"W, 453.01 feet; thence S86°17'14"W, 379.37 feet; thence S86°48'44"W, 134.08 feet; thence S00°51'51"W, 236.32 feet to the South line of said Outlot Z, thence N89°57'31"W, 10.14 feet to the Point of Beginning, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1; and
2. A strip of land to be used for Rural Water Easement located in Lot 1, described as follows: Commencing at the Northwest corner of Lot 1, thence S89°57'31"E along the North line of said Lot 1, 42.06 feet; thence S00°19'30"E, 32.22 feet; thence N89°57'31"W, 42.06 feet to the West line of said Lot 1, thence N00°19'30"W along said West line, 32.22 feet to the Point of Beginning, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1.

Private Sanitary Sewer Easement

1. A ten foot (10.0') strip of land to be used for Private Sanitary Sewer Easement located in the Southern 5.00 feet, parallel and adjacent to the Southern line of Lot 10 and the Northern 5.00 feet, parallel and adjacent to the Northern line of Lot 9, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1; and
2. A ten foot (10.0') strip of land to be used for Private Sanitary Sewer Easement located in the Southern 5.00 feet, parallel and adjacent to the Southern line of Lot 11 and the Northern 5.00 feet parallel, and adjacent to the Northern line of Lot 10, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1; and
3. A ten foot (10.0') strip of land to be used for Private Sanitary Sewer Easement located in the Southern 5.00 feet, parallel and adjacent to the Southern line of Lot 13 and the Northern 5.00 feet parallel, and adjacent to the Northern line of Lot 12, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1; and

- 4. A ten foot (10.0') strip of land to be used for Private Sanitary Sewer Easement located in the Eastern 10.00 feet, parallel and adjacent to the Eastern line of Lot 2, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1; and
- 5. A ten foot (10.0') strip of land to be used for Private Sanitary Sewer Easement located in Lots 1, 2, 13, and 14, described as Beginning at the Northeast corner of Lot 13, thence Northwesterly along a 57 foot radius curve concave Easterly, 5.21 feet (chord bearing N16°12'37"W, 5.21 feet); thence N89°56'30"W, 155.32 feet; thence N44°56'32"W, 115.19 feet; thence S45°03'28"W, 10.00 feet; thence S44°56'32"E, 119.38 feet; thence N89°59'21"E, 162.79 feet; thence Northwesterly along a 57 foot radius curve concave Easterly, 5.20 feet (chord bearing N21°26'32"W, 5.21 feet) to the Point of Beginning; all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1.

All of the foregoing being in Tuscany Plat 1, an Official Plat, now included in and forming a part of the City of Altoona, Polk County, Iowa.

Dated this 2nd day of July, 2008.

TUSCANY RESERVE, LLC, Owner & Grantor
By: **Hubbell Realty Company, Managing Member**

By: *Dan Dutcher*
Dan Dutcher, Vice President

By: *Jennifer L. Drake*
Jennifer L. Drake, Assistant Secretary

STATE OF IOWA, COUNTY OF DALLAS) ss:

This instrument was acknowledged before me on July 2, 2008 by Dan Dutcher and Jennifer L. Drake as a Vice President and an Assistant Secretary, respectively, of Hubbell Realty Company, an Iowa corporation and the Managing Member of **Tuscany Reserve, LLC**, an Iowa limited liability company.



Kristina Ashby
Notary Public in and for said State

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Exhibit "A"

Legal Description

A PARCEL OF LAND IN THE W 1/2 OF SECTION 20, TOWNSHIP 79 NORTH, RANGE 22 WEST OF THE 5TH P.M., IN THE CITY OF ALTOONA, POLK COUNTY, IOWA DESCRIBED AS;

COMMENCING AT THE W 1/4 CORNER OF SAID SECTION 20; THENCE S89°58'44"E, 50.00 FEET TO THE EAST RIGHT OF WAY OF 14TH AVENUE SE AND THE POINT OF BEGINNING; THENCE N00°19'29"W ALONG SAID EAST RIGHT OF WAY, 1306.00 FEET; THENCE N89°58'44"W, 17.00 FEET; THENCE N00°19'30"W, 679.41 FEET; THENCE S89°56'30"E, 17.00 FEET; THENCE N00°19'30"W ALONG EAST RIGHT OF WAY OF 14TH AVENUE SE, 561.26 FEET TO THE SOUTH RIGHT OF WAY OF 8TH STREET SE; THENCE N86°48'44"E ALONG SAID SOUTH RIGHT OF WAY, 156.64 FEET; THENCE N86°17'14"E ALONG SAID SOUTH RIGHT OF WAY, 379.80 FEET; THENCE S89°56'16"E ALONG SAID SOUTH RIGHT OF WAY, 455.00 FEET; THENCE S78°32'39"E ALONG SAID SOUTH RIGHT OF WAY, 102.79 FEET; THENCE N89°52'24"E ALONG SAID SOUTH RIGHT OF WAY, 183.48 FEET TO THE EAST LINE OF THE W 1/2 OF THE NW 1/4 OF SAID SECTION 20; THENCE S00°15'22"E ALONG SAID EAST LINE, 2559.21 FEET TO THE NORTH LINE OF THE N 1/2 OF THE SW 1/4 OF SAID SECTION 20; THENCE S89°56'54"E ALONG SAID NORTH LINE, 1313.32 FEET TO THE EAST LINE OF THE W 1/2 OF SAID SECTION 20; THENCE S00°20'59"E ALONG SAID EAST LINE, 1319.32 FEET TO THE SOUTH LINE OF THE N 1/2 OF THE SW 1/4 OF SAID SECTION 20; THENCE N89°58'16"W ALONG SAID SOUTH LINE, 2586.90 FEET TO THE EAST RIGHT OF WAY OF 14TH AVENUE SE; THENCE N00°15'54"W ALONG SAID EAST RIGHT OF WAY, 179.50 FEET; THENCE S89°59'13"E, 857.38 FEET; THENCE N00°16'32"W, 479.87 FEET; THENCE N89°58'41"W, 857.30 FEET TO THE EAST RIGHT OF WAY OF 14TH AVENUE SE; THENCE N00°15'54"W ALONG SAID EAST RIGHT OF WAY, 659.47 FEET TO THE POINT OF BEGINNING; SAID PARCEL OF LAND CONTAINING 144.23 ACRES AND IS SUBJECT TO EASEMENTS AND RESTRICTION OF RECORD.

When Recorded, Return to:

Chet A. Mellema
Hubbell Realty Company
6900 Westown Parkway
West Des Moines, IA 50266

Prepared By: Chet A. Mellema, Hubbell Realty Company, 6900 Westown Parkway, West Des Moines, Iowa 50266-2520
(515) 280-2042

SPACE ABOVE THIS LINE FOR RECORDER

**MORTGAGEE'S CONSENT TO THE FINAL PLAT OF
TUSCANY PLAT 1**

KNOW ALL MEN BY THESE PRESENTS: that, **First American Bank ("FAB")** is the present owner of the Mortgagee's interest in that certain Mortgage, granted by Hubbell Properties II, L.C. (Series Altman), a series of a multi-series Iowa limited liability company, as Mortgagor, to FAB, as Mortgagee, September 29, 2006, and filed for record in the Office of the Recorder of Polk County, Iowa on October 2, 2006 and recorded in Book 11882 at Page 95, subsequently assigned by Mortgagor to Tuscany Reserve, LLC by an Assignment and Assumption of Note and Mortgage dated October 31, 2007, and filed for record in the Office of the Recorder of Polk County, Iowa on November 1, 2007 in Book 12433 at Page 28, subsequently modified by that certain First Amendment to Promissory Note and Mortgage by and between FAB and Tuscany Reserve, LLC dated October 31, 2007, and filed for record in the Office of the Recorder of Polk County, Iowa on November 1, 2007 in Book 12433 at Page 33, and for which there appears a Partial Release of Mortgage from FAB dated October 31, 2007, and filed for record in the Office of the Recorder of Polk County, Iowa on November 1, 2007 in Book 12434 at Page 767 (collectively the "Mortgage"), which Mortgage creates a lien on, among other property, portions of the real property legally described on Exhibit "A", attached hereto and incorporated herein by this reference, which Property is to be platted into a subdivision to be known as "Tuscany Plat 1", an Official Plat, now included in and forming a part of the City of Altoona, Polk County, Iowa. FAB hereby acknowledges that the subdivision of the Property into lots in a plat to be known as **Tuscany Plat 1** is with its consent and in accordance with its desire.

Dated this 18th day of June, 2008.

FIRST AMERICAN BANK, Mortgagee

Exhibit "A"

Legal Description

A PARCEL OF LAND IN THE W 1/2 OF SECTION 20, TOWNSHIP 79 NORTH, RANGE 22 WEST OF THE 5TH P.M., IN THE CITY OF ALTOONA, POLK COUNTY, IOWA DESCRIBED AS;

COMMENCING AT THE W 1/4 CORNER OF SAID SECTION 20; THENCE S89°58'44"E, 50.00 FEET TO THE EAST RIGHT OF WAY OF 14TH AVENUE SE AND THE POINT OF BEGINNING; THENCE N00°19'29"W ALONG SAID EAST RIGHT OF WAY, 1306.00 FEET; THENCE N89°58'44"W, 17.00 FEET; THENCE N00°19'30"W, 679.41 FEET; THENCE S89°56'30"E, 17.00 FEET; THENCE N00°19'30"W ALONG EAST RIGHT OF WAY OF 14TH AVENUE SE, 561.26 FEET TO THE SOUTH RIGHT OF WAY OF 8TH STREET SE; THENCE N86°48'44"E ALONG SAID SOUTH RIGHT OF WAY, 156.64 FEET; THENCE N86°17'14"E ALONG SAID SOUTH RIGHT OF WAY, 379.80 FEET; THENCE S89°56'16"E ALONG SAID SOUTH RIGHT OF WAY, 455.00 FEET; THENCE S78°32'39"E ALONG SAID SOUTH RIGHT OF WAY, 102.79 FEET; THENCE N89°52'24"E ALONG SAID SOUTH RIGHT OF WAY, 183.48 FEET TO THE EAST LINE OF THE W 1/2 OF THE NW 1/4 OF SAID SECTION 20; THENCE S00°15'22"E ALONG SAID EAST LINE, 2559.21 FEET TO THE NORTH LINE OF THE N 1/2 OF THE SW 1/4 OF SAID SECTION 20; THENCE S89°56'54"E ALONG SAID NORTH LINE, 1313.32 FEET TO THE EAST LINE OF THE W 1/2 OF SAID SECTION 20; THENCE S00°20'59"E ALONG SAID EAST LINE, 1319.32 FEET TO THE SOUTH LINE OF THE N 1/2 OF THE SW 1/4 OF SAID SECTION 20; THENCE N89°58'16"W ALONG SAID SOUTH LINE, 2586.90 FEET TO THE EAST RIGHT OF WAY OF 14TH AVENUE SE; THENCE N00°15'54"W ALONG SAID EAST RIGHT OF WAY, 179.50 FEET; THENCE S89°59'13"E, 857.38 FEET; THENCE N00°16'32"W, 479.87 FEET; THENCE N89°58'41"W, 857.30 FEET TO THE EAST RIGHT OF WAY OF 14TH AVENUE SE; THENCE N00°15'54"W ALONG SAID EAST RIGHT OF WAY, 659.47 FEET TO THE POINT OF BEGINNING; SAID PARCEL OF LAND CONTAINING 144.23 ACRES AND IS SUBJECT TO EASEMENTS AND RESTRICTION OF RECORD.

When Recorded, Return to:
Chet A. Mellema
Hubbell Realty Company
6900 Westown Parkway
West Des Moines, IA 50266

Prepared By: Chet A. Mellema, Hubbell Realty Company, 6900 Westown Parkway, West Des Moines, Iowa 50266-2520
(515) 280-2042

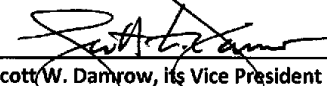
SPACE ABOVE THIS LINE FOR RECORDER

**MORTGAGEE'S CONSENT TO THE FINAL PLAT OF
TUSCANY PLAT 1**

KNOW ALL MEN BY THESE PRESENTS: that, **First National Bank of Omaha** ("FNBO") is the present owner of the Mortgagee's interest in that certain Mortgage, Security Agreement and Assignment of Rents, granted by Tuscany Reserve, LLC, an Iowa limited liability company, as Mortgagor, to FNBO, as Mortgagee, October 31, 2007, and filed for record in the Office of the Recorder for Polk County, Iowa on November 1, 2007, in Book 12433 at Page 36 (the "Mortgage"), which Mortgage creates a lien on, among other property, portions of the real property legally described on Exhibit "A", attached hereto and incorporated herein by this reference, which Property is to be platted into a subdivision to be known as "**Tuscany Plat 1**", an Official Plat, now included in and forming a part of the City of Altoona, Polk County, Iowa. FNBO hereby acknowledges that the subdivision of the Property into lots in a plat to be known as **Tuscany Plat 1** is with its consent and in accordance with its desire.

Dated this 19th day of June, 2008.

FIRST NATIONAL BANK OF OMAHA

By: 
Scott W. Damrow, its Vice President

STATE OF NEBRASKA)
) SS.
COUNTY OF DOUGLAS)

On this 19 day of June, 2008, before me the undersigned, a Notary Public in and for the State of Nebraska, personally appeared Scott W. Damrow, to me personally known, who, being by me duly sworn, did say that he/she is the Vice President of **FIRST NATIONAL BANK OF OMAHA**, executing the within and foregoing instrument; that the instrument was signed on behalf of said bank corporation by authority of its Board of Directors; and said Scott W. Damrow, its Vice President, as such officer, acknowledged the execution of the instrument to be the voluntary act and deed of the corporation, by it and by him/her voluntarily executed.



Pamela M. Waite
Notary Public in and for said State

\\Hrcarc01\src\hr\legal\SHARE\Tuscany Reserve\Plat 1\Mortgagee's Consent (First National Bank of Omaha).doc

Exhibit "A"

Legal Description

A PARCEL OF LAND IN THE W 1/2 OF SECTION 20, TOWNSHIP 79 NORTH, RANGE 22 WEST OF THE 5TH P.M., IN THE CITY OF ALTOONA, POLK COUNTY, IOWA DESCRIBED AS;

COMMENCING AT THE W 1/4 CORNER OF SAID SECTION 20; THENCE S89°58'44"E, 50.00 FEET TO THE EAST RIGHT OF WAY OF 14TH AVENUE SE AND THE POINT OF BEGINNING; THENCE N00°19'29"W ALONG SAID EAST RIGHT OF WAY, 1306.00 FEET; THENCE N89°58'44"W, 17.00 FEET; THENCE N00°19'30"W, 679.41 FEET; THENCE S89°56'30"E, 17.00 FEET; THENCE N00°19'30"W ALONG EAST RIGHT OF WAY OF 14TH AVENUE SE, 561.26 FEET TO THE SOUTH RIGHT OF WAY OF 8TH STREET SE; THENCE N86°48'44"E ALONG SAID SOUTH RIGHT OF WAY, 156.64 FEET; THENCE N86°17'14"E ALONG SAID SOUTH RIGHT OF WAY, 379.80 FEET; THENCE S89°56'16"E ALONG SAID SOUTH RIGHT OF WAY, 455.00 FEET; THENCE S78°32'39"E ALONG SAID SOUTH RIGHT OF WAY, 102.79 FEET; THENCE N89°52'24"E ALONG SAID SOUTH RIGHT OF WAY, 183.48 FEET TO THE EAST LINE OF THE W 1/2 OF THE NW 1/4 OF SAID SECTION 20; THENCE S00°15'22"E ALONG SAID EAST LINE, 2559.21 FEET TO THE NORTH LINE OF THE N 1/2 OF THE SW 1/4 OF SAID SECTION 20; THENCE S89°56'54"E ALONG SAID NORTH LINE, 1313.32 FEET TO THE EAST LINE OF THE W 1/2 OF SAID SECTION 20; THENCE S00°20'59"E ALONG SAID EAST LINE, 1319.32 FEET TO THE SOUTH LINE OF THE N 1/2 OF THE SW 1/4 OF SAID SECTION 20; THENCE N89°58'16"W ALONG SAID SOUTH LINE, 2586.90 FEET TO THE EAST RIGHT OF WAY OF 14TH AVENUE SE; THENCE N00°15'54"W ALONG SAID EAST RIGHT OF WAY, 179.50 FEET; THENCE S89°59'13"E, 857.38 FEET; THENCE N00°16'32"W, 479.87 FEET; THENCE N89°58'41"W, 857.30 FEET TO THE EAST RIGHT OF WAY OF 14TH AVENUE SE; THENCE N00°15'54"W ALONG SAID EAST RIGHT OF WAY, 659.47 FEET TO THE POINT OF BEGINNING; SAID PARCEL OF LAND CONTAINING 144.23 ACRES AND IS SUBJECT TO EASEMENTS AND RESTRICTION OF RECORD.



RESOLUTION # 10-6-2008# *02*

RESOLUTION APPROVING THE FINAL PLAT FOR "TUSCANY PLAT 1"

WHEREAS, the City of Altoona has received a request for re-approval of the above referenced final plat; and

WHEREAS, the Altoona City Council has reviewed said final plat and found it to be in true order.

THEREFORE, BE IT RESOLVED BY THE ALTOONA CITY COUNCIL to re-approve the request for said final plat.

PASSED THIS 6TH DAY OF OCTOBER, 2008

Timothy Burget
TIMOTHY BURGET, MAYOR

ATTEST:
Randy Pierce
RANDY PIERCE, CITY CLERK

COUNCIL MEMBER *Riding* INTRODUCED AND MOVED FOR THE THE ADOPTION OF RESOLUTION 10-6-2008# *02*. SECONDED BY *Warren*

VOTE:

	AYES	NAYS	ABSENT
CONKLING	_____	_____	_____✓
NOLIN	_____✓	_____	_____
RIDING	_____✓	_____	_____
SLOAN	_____✓	_____	_____
WARREN	_____✓	_____	_____

NYEMASTER GOODE

NYEMASTER, GOODE, WEST, HANSELL & O'BRIEN, P.C.
ATTORNEYS & COUNSELORS AT LAW

James B. West Edgar F. Hansell R. Craig Shives Keith E. Luchte Robert A. VanOrsdel Richard J. Sapp G. R. Neumann Gregory P. Page Randall G. Horstmann Jay Eaton Bradford L. Austin Sara J. Sersland Hayward L. Draper Michael W. Thrall Mark C. Dickinson Gregory B. Wilcox	John F. Lorenzen Rod Kubat Steven J. Roy Frank B. Harty James C. Wine Bruce W. Baker Thomas W. Foley Steven H. Lytle Terry C. Hancock Anthony A. Longnecker Joseph A. Quinn Wade H. Schut Mark D. Aljets G. Thomas Sullivan Thomas H. Walton Willard L. Boyd III	Jeffrey W. Courter Halhe E. Still-Caris David W. Benson Brian J. Humke Paula S. Dierenfeld Coreen K. Sweeney Antonio Colacino Jill M. Stevenson Angel A. West Angela L. Watson Cook Mary E. Funk Randall D. Armentrout Thomas M. Cunningham Denise M. Mendt Robert D. Andeweg Debra L. Hulet	Mark A. Schulteis John T. Clendenin Neal K. Westin Stephanie L. Maret Jordan B. Hansell Cory R. Harris Stephanie G. Techau Patrick B. White Brad C. Epperly Scott A. Sundstrom Angela C. Brick Benjamin P. Roach Victoria A. Feilmeyer Hannah M. Rogers Kathleen K. Law Jason L. Giles	Mitchell R. Kunert Kristina M. Stanger Brian D. Torresi Michael J. Dayton Anna W. Mundy Bridget C. Shapansky Patricia A. Scalton Matthew R. Eslick Sarah J. Hastings Andrew M. Graap Christian P. Walk Vidhya K. Reddy	OF COUNSEL Samuel G. O'Brien L. R. Voigts Gerald J. Newbrough Carlton T. King Drew R. Tillotson Frank B. Comfort Russell E. Schrage Roger J. Ferris Luther L. Hill, Jr. Keri K. Farrell-Kolb Ray Nyemaster (1914-1995) D.J. Goode (1907-2002)
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December 2, 2008

The City of Altoona, Iowa
407 8th Street SE
Altoona, Iowa 50009

And

Tuscany Reserve, LLC
c/o Hubbell Realty Company
6900 Westown Parkway
West Des Moines, Iowa 50266

RE: A parcel of land being part of the West Half of Section 20, Township 79 North, Range 22 West of the 5th P.M., now included in and forming a part of the City of Altoona, Polk County, Iowa, more particularly described on Exhibit "A" attached hereto.

t/b/k/a Tuscany Plat 1

We have examined the abstract of title to the above-described real property last continued as **Abstract No. 570984** by Iowa Title Company, down to November 25, 2008, at 6:00 A.M. We find merchantable title to said property as shown by said abstract to be in

Tuscany Reserve, LLC

Antonio Colacino

Direct Number: (515) 283-8171 • Facsimile: (515) 283-8018 • E-Mail: acolacino@nyemaster.com
700 Walnut, Suite 1600 • Des Moines, IA 50309-3899 • (515) 283-3100

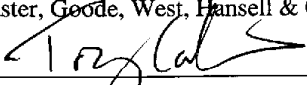
With offices in Des Moines and Ames

www.nyemaster.com

The City of Altoona, Iowa
Tuscany Reserve, LLC
December 2, 2008
Page 2

subject to the Special Exceptions and Standard Exceptions noted on the attached schedules.

Nyemaster, Goode, West, Hansell & O'Brien, P.C.

By: 
Antonio Colacino
Iowa Title Guaranty No. 2534

AC/lam

The City of Altoona, Iowa
Tuscany Reserve, LLC
December 2, 2008
Page 3

SPECIAL EXCEPTIONS

1. Real estate taxes for fiscal year 2007/2008 and all prior years show paid in full.
2. Searches for personal liens are shown against the current titleholder and relevant prior titleholders and show clear.
3. At Entry No. 59 of Abstract No. 570984 appears a Mortgage securing the amount of \$2,478,750.00 from Hubbell Properties II, L.C. (Series Altman) to First American Bank, dated September 29, 2006, filed October 2, 2006 and recorded in Book 11882 at Page 95 of the Polk County Records.

At Entry No. 60 of Abstract No. 570984 appears an Assignment and Assumption of Note and Mortgage by and between Hubbell Properties II, L.C. (Series Altman) and Tuscany Reserve, LLC, dated October 31, 2007, filed November 1, 2007 and recorded in Book 12433 at Page 28 of the Polk County Records. This document evidences the assumption of this Note and Mortgage by Tuscany Reserve, LLC and consent by the Bank.

At Entry No. 61 of Abstract No. 570984 appears First Amendment to Promissory Note and Mortgage by and between Tuscany Reserve, LLC and First American Bank, dated October 31, 2007, filed November 1, 2007 and recorded in Book 12433 at Page 33 of the Polk County Records. This First Amendment provides for a release of a portion of the property subject to the original Mortgage.

At Entry No. 62 of Abstract No. 570984 appears a Partial Release of Mortgage from First American Bank, dated October 31, 2007, filed November 2, 2007 and recorded in Book 12434 at Page 767 of the Polk County Records. This Partial Release operates to release approximately 92.01 acres from the lien of the Mortgage, being the northerly and westerly portion of the property.

The balance of the property is subject to this Mortgage and this mortgagee must consent to the new plat.

4. At Entry No. 66 of Abstract No. 570984 appears a Mortgage, Security Agreement and Assignment of Rents by Tuscany Reserve, LLC for the benefit of First National Bank of Omaha, dated October 31, 2007, filed November 1, 2007 and recorded in Book 12433 at Page 36 of the Polk County Records. This Mortgage appears to cover the 92.01 acre parcel which was released from the Mortgage noted at Paragraph 3 above. **This mortgagee must also consent to the new plat.**

The City of Altoona, Iowa
Tuscany Reserve, LLC
December 2, 2008
Page 4

5. At Entry No. 63 of Abstract No. 570984 appears a Restrictive Covenant from Hubbell Properties II, L.C. filed August 13, 2007 and recorded in Book 12327 at Page 991 of the Polk County Records. This Restrictive Covenant pertains to the development of a 7.98 acre parcel which appears to be the northerly most portion of the subject property, and does restrict uses on the property as therein provided. You may wish to make further inquiry.

6. At Entry No. 64 of Abstract No. 570984 appears a Development Agreement by and between Hubbell Properties II, LLC (Series Altman) and Heartland Land Development, LLC, which apparently owns property lying east of and adjacent to the property under examination. This Development Agreement was dated October 17, 2007 filed November 1, 2007 and recorded in Book 12433 at Page 16 of the Polk County Records. You may wish to make further inquiry of the document of record regarding the agreed terms thereof.

7. At Entry No. 67 of Abstract No. 570984 appears a Retracement Survey of the captioned property, filed March 20, 2008 and recorded in Book 12587 at Page 325 of the Polk County Records. This Retracement Survey uses certain calls and dimensions that vary in several minor ways from the description used as the caption of the abstract. The Retracement Survey is noted for your information. It appears that if the legal description used as the caption to the abstract is correct, the Retracement Survey is in error in these minor respects and should be corrected by further filing or by appropriate affidavit of the surveyor.

8. At Entry No. 52 of Abstract No. 570984 the abstractor reports that the property which includes that under examination has been annexed to the City of Altoona by proceedings filed April 28, 2006 and recorded in Book 11669 at Page 620 of the Polk County Records. The property would be subject to the zoning ordinances of the City of Altoona, Iowa. Proper classification thereunder may be ascertained by consulting at the Office of Community Development for the City of Altoona, Iowa.

9. The abstract reflects a number of easements for highways and roads. These highways and roads all appear to be adjacent to the property under examination and would provide access thereto. They are noted as follows:

a. At Entry No. 3 of the abstract appears an Easement for Public Highway to the State of Iowa, dated August 19, 1949, filed August 24, 1949 and filed in Book 2275 at Page 560 of the Polk County Records. This roadway is along the north side of the property.

b. At Entry No. 4 of the abstract appears an Easement for Public Highway to the State of Iowa, dated November 20, 1951, filed December 12, 1951 and recorded in Book 2467 at Page 233 of the Polk County Records. This easement is also along the north side of the property.

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c. At Entry No. 7 of the abstract appears an Easement for Public Highway to Polk County, dated December 9, 1968, filed January 31, 1969 and recorded in Book 4008 at Page 284 of the Polk County Records. This easement is along the west side of the property.

d. At Entry No. 8 of the abstract appears an Easement for Public Highway to Polk County, dated April 10, 1969, filed April 10, 1969 and recorded in Book 4023 at Page 105 of the Polk County Records. This easement was re-filed July 25, 1969 and recorded in Book 4062 at Page 359 of the Polk County Records. This easement is also along the west side of the property.

e. At Entry No. 33 of the abstract appears an easement for highway to Polk County, Iowa, dated February 14, 1969 filed April 11, 1969 and recorded in Book 4023 at Page 155 of the Polk County Records. This easement is also along the west side of the property.

10. The abstract reflects several water line easements. They are noted as follows:

a. At Entry No. 10 of Abstract No. 570984 appears an Easement Agreement with Southeast Polk Rural Water District, dated December 6, 1982, filed December 9, 1982 and recorded in Book 5211 at Page 366 of the Polk County Records. This Easement crosses the West Half of the Northwest Quarter of Section 20, and shall be 32-feet in width, the center line of which shall be the water pipeline as constructed.

b. At Entry No. 40 of Abstract No. 570984 appears another easement to Southeast Polk Rural Water District dated September 9, 1982, filed October 14, 1982 and recorded in Book 5199 at Page 771 of the Polk County Records. This easement crosses the South Half of the North Half of the Southwest Quarter of Section 20.

You may wish to make further inquiry to determine the location of the water line across the subject property.

11. At Entry No. 44 of Abstract No. 570984 appears a Fence Agreement filed by Ricky Northway and Regina Northway, dated November 15, 1983, filed November 2, 1988 and recorded in Book 5983 at Page 409 of the Polk County Records. In this filing, the parties agree to maintain the fence which borders on the South and East boundaries of the property legally described as the North 480-feet of the West 907.5 –feet of the South Half of the North Half of the Southwest Quarter of Section 20. You may wish to make further inquiry to determine the status of any fencing around such property, which lies adjacent to the property under examination, and determine the responsibilities for maintaining such fences.

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STANDARD EXCEPTIONS

Parties in possession, if other than the titleholder(s), may have rights of which you must take notice not appearing in the abstract.

Easements, or claims of easements, may exist which are not shown of record and do not appear in the abstract.

Licns may exist for labor and materials furnished in the improvement of the property for a period of ninety days after the furnishing thereof without being placed of record so as to show in the abstract.

Special assessments may subsequently be filed of record against the property: i) for municipal services rendered prior to closing, and ii) by virtue of a resolution of necessity having been adopted by the taxing authority where the property is located but not certified to the County Treasurer.

No survey has been furnished. An accurate survey may show encroachments, overlappings or shortages not shown in the abstract. You must satisfy yourself as to the boundaries of the property and as to the location of any improvements thereon.

The abstract of title does not disclose the existence of environmental deficiencies such as underground storage tanks, wells, solid waste, hazardous wastes, asbestos or radon gas. Liability for removal and remediation may be imposed by virtue of ownership of the property even though one may not have been responsible for deficiency.

Judgment and other searches must show clear subsequent to the date of recording of your new plat. The abstract should be continued in final certified, typewritten form through the filing of the plat.

Exhibit "A"

Legal Description

A PARCEL OF LAND IN THE W 1/2 OF SECTION 20, TOWNSHIP 79 NORTH, RANGE 22 WEST OF THE 5TH P.M., IN THE CITY OF ALTOONA, POLK COUNTY, IOWA DESCRIBED AS;

COMMENCING AT THE W 1/4 CORNER OF SAID SECTION 20; THENCE S89°58'44"E, 50.00 FEET TO THE EAST RIGHT OF WAY OF 14TH AVENUE SE AND THE POINT OF BEGINNING; THENCE N00°19'29"W ALONG SAID EAST RIGHT OF WAY, 1306.00 FEET; THENCE N89°58'44"W, 17.00 FEET; THENCE N00°19'30"W, 679.41 FEET; THENCE S89°56'30"E, 17.00 FEET; THENCE N00°19'30"W ALONG EAST RIGHT OF WAY OF 14TH AVENUE SE, 561.26 FEET TO THE SOUTH RIGHT OF WAY OF 8TH STREET SE; THENCE N86°48'44"E ALONG SAID SOUTH RIGHT OF WAY, 156.64 FEET; THENCE N86°17'14"E ALONG SAID SOUTH RIGHT OF WAY, 379.80 FEET; THENCE S89°56'16"E ALONG SAID SOUTH RIGHT OF WAY, 455.00 FEET; THENCE S78°32'39"E ALONG SAID SOUTH RIGHT OF WAY, 102.79 FEET; THENCE N89°52'24"E ALONG SAID SOUTH RIGHT OF WAY, 183.48 FEET TO THE EAST LINE OF THE W 1/2 OF THE NW 1/4 OF SAID SECTION 20; THENCE S00°15'22"E ALONG SAID EAST LINE, 2559.21 FEET TO THE NORTH LINE OF THE N 1/2 OF THE SW 1/4 OF SAID SECTION 20; THENCE S89°56'54"E ALONG SAID NORTH LINE, 1313.32 FEET TO THE EAST LINE OF THE W 1/2 OF SAID SECTION 20; THENCE S00°20'59"E ALONG SAID EAST LINE, 1319.32 FEET TO THE SOUTH LINE OF THE N 1/2 OF THE SW 1/4 OF SAID SECTION 20; THENCE N89°58'16"W ALONG SAID SOUTH LINE, 2586.90 FEET TO THE EAST RIGHT OF WAY OF 14TH AVENUE SE; THENCE N00°15'54"W ALONG SAID EAST RIGHT OF WAY, 179.50 FEET; THENCE S89°59'13"E, 857.38 FEET; THENCE N00°16'32"W, 479.87 FEET; THENCE N89°58'41"W, 857.30 FEET TO THE EAST RIGHT OF WAY OF 14TH AVENUE SE; THENCE N00°15'54"W ALONG SAID EAST RIGHT OF WAY, 659.47 FEET TO THE POINT OF BEGINNING; SAID PARCEL OF LAND CONTAINING 144.23 ACRES AND IS SUBJECT TO EASEMENTS AND RESTRICTION OF RECORD.

Exhibit "A"

Legal Description

A PARCEL OF LAND IN THE W 1/2 OF SECTION 20, TOWNSHIP 79 NORTH, RANGE 22 WEST OF THE 5TH P.M., IN THE CITY OF ALTOONA, POLK COUNTY, IOWA DESCRIBED AS;

COMMENCING AT THE W 1/4 CORNER OF SAID SECTION 20; THENCE S89°58'44"E, 50.00 FEET TO THE EAST RIGHT OF WAY OF 14TH AVENUE SE AND THE POINT OF BEGINNING; THENCE N00°19'29"W ALONG SAID EAST RIGHT OF WAY, 1306.00 FEET; THENCE N89°58'44"W, 17.00 FEET; THENCE N00°19'30"W, 679.41 FEET; THENCE S89°56'30"E, 17.00 FEET; THENCE N00°19'30"W ALONG EAST RIGHT OF WAY OF 14TH AVENUE SE, 561.26 FEET TO THE SOUTH RIGHT OF WAY OF 8TH STREET SE; THENCE N86°48'44"E ALONG SAID SOUTH RIGHT OF WAY, 156.64 FEET; THENCE N86°17'14"E ALONG SAID SOUTH RIGHT OF WAY, 379.80 FEET; THENCE S89°56'16"E ALONG SAID SOUTH RIGHT OF WAY, 455.00 FEET; THENCE S78°32'39"E ALONG SAID SOUTH RIGHT OF WAY, 102.79 FEET; THENCE N89°52'24"E ALONG SAID SOUTH RIGHT OF WAY, 183.48 FEET TO THE EAST LINE OF THE W 1/2 OF THE NW 1/4 OF SAID SECTION 20; THENCE S00°15'22"E ALONG SAID EAST LINE, 2559.21 FEET TO THE NORTH LINE OF THE N 1/2 OF THE SW 1/4 OF SAID SECTION 20; THENCE S89°56'54"E ALONG SAID NORTH LINE, 1313.32 FEET TO THE EAST LINE OF THE W 1/2 OF SAID SECTION 20; THENCE S00°20'59"E ALONG SAID EAST LINE, 1319.32 FEET TO THE SOUTH LINE OF THE N 1/2 OF THE SW 1/4 OF SAID SECTION 20; THENCE N89°58'16"W ALONG SAID SOUTH LINE, 2586.90 FEET TO THE EAST RIGHT OF WAY OF 14TH AVENUE SE; THENCE N00°15'54"W ALONG SAID EAST RIGHT OF WAY, 179.50 FEET; THENCE S89°59'13"E, 857.38 FEET; THENCE N00°16'32"W, 479.87 FEET; THENCE N89°58'41"W, 857.30 FEET TO THE EAST RIGHT OF WAY OF 14TH AVENUE SE; THENCE N00°15'54"W ALONG SAID EAST RIGHT OF WAY, 659.47 FEET TO THE POINT OF BEGINNING; SAID PARCEL OF LAND CONTAINING 144.23 ACRES AND IS SUBJECT TO EASEMENTS AND RESTRICTION OF RECORD.