

SENT BY: Sullivan & Ward, P.C. ; 2-23-93 ; 2:03PM ;

15152443599

CCITT G3:# 3

CONSENT TO PLATTING

COUNTY OF Tackson

A STATE OF THE STA

come Now the undersigned, being first duly sworn under cath,
Applewood Partners, L.P. and
Applewood Partners, L.P. consent to the
platting of the property legally described on Exhibit "A" attached
hereto, which is being subdivided and platted as LAKESHORE ESTATES.

Applewood Partners, L.P. Ankeny Partners, L.P.

David L. Johnson, President of DLJ Enterprises, General Partner of Ankney Partners, L.P. and Applewood Partners, L.P.

on this day of the State of the undersigned, a Notary Public in and for the State of the Undersigned, a Notary Public in and for the State of the Undersigned, a Notary Public in and for the State of the Undersigned, personally appeared David L. Johnson, to me personally known, who, after first duly sworn on oath, did depose and state that he is the Exercical Public Enterprises, Inc., one of the general partners of Ankeny Partners, L.P. Missouri limited the general partners of Ankeny Partners, L.P. Missouri limited the partnerships and acknowledge that he executed the same on behalf of the partnerships authority of the partners; and he acknowledged the execution of said document to be the voluntary act and deed of the partnerships by it and by the partner voluntarily executed.

NOTARY MUBLIC IN AND FOR THE STATE OF JOHN MISSOUR

663A 6737PAGE 810

EXHIBIT "A"

That part of the Southwest 1/4 of the Southwest 1/4 of Section 18, Township 80 North, Range 23 West of the 5th P.M., now included in and forming a part of the City of Ankeny, Iowa, described as follows: Commencing at the Southwest corner of the Southwest 1/4 of said Section 18; thence N 00°11'05" W 281.30 feet along the West line of said Southwest 1/4 to the point of beginning; thence N 0°11'05" W 1037.55 feet to the Northwest corner of the Southwest 1/4 of the Southwest 1/4 of said Section 18; thence S 89°59'26" E 792.23 feet along the North line of the Southwest 1/4 of the Southwest 1/4 of said Section 18 to a point on the Westerly right of way line of U.S. Interstate Highway No. 35; thence S 1°27'24" W 248.54 feet along said right of way; thence S 6°55'37" W 251.04 feet along said right of way; thence S 16°21'04" W 561.82 feet along said right of way; thence S 89°56'16" W 594.13 feet to the point of beginning.

To be known as LAKESHORE ESTATES, an official Plat in the city of Ankeny, Polk county, Iowa.

603K 6737 PAGE 811

6.	· ·
	CONSENT TO PLATTING
	STATE OF MISSOURI) SS1 COUNTY OF JACKSON)
	COMES NOW the undersigned, being first duly sworn under oath and hereby states that The Missouri Bridge Bank, National Association, has an interest in the property legally described on Exhibit "A" attached hereto, by virtue of a Mortgage which has been filed in the office of the Polk County Recorder, and hereby consents to the platting of the property described on Exhibit "A"
	Clay M. Sublett Vice President Missouri Bridge Bank, National Association
	on this day of
3	Miscouri Bridge Bank Mand as his voluntary act and deed. Miscouri Bridge Bank Mand as his voluntary act and deed. Miscouri Bridge Bank Mand as his voluntary act and deed.
	GEORGIA A. JAMES Notary Public - Notary Seal STATE OF MISSOURI Platte County My Commission Expires: May 12, 1996

6737 MASE 812

Exhibit "A" LEGAL DESCRIPTION JA54558 IA

A TRACT OF LAND SITUATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 80, NORTH, RANGE 23, WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF ANKENY, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 8,
TOWNSHIP 80, RANGE 23; THENCE NORTH 00 DEGREES 11 MINUTES 05 SECONDS WEST
TOWNSHIP 80, RANGE 23; THENCE NORTH 00 DEGREES 11 MINUTES 05 SECONDS WEST
23 SAID WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 8 TOWNSHIP 80 RANGE
24 DISTANCE OF 958.85 FEET; THENCE SOUTH 89 DEGREES 48 MINUTES 55 SECONDS
25 SECONDS A DISTANCE OF 50.00 FEET TO THE TRUE FOINT OF BEGINNING; THENCE
26 CONTINUING SOUTH 89 DEGREES 59 MINUTES 26 SECONDS EAST A DISTANCE OF
27 SECONDS WEST A DISTANCE OF
28 SECONDS WEST A DISTANCE OF
28 SECONDS WEST THENCE NORTH 89 DEGREES 11 MINUTES 05 SECONDS EAST A
28 DISTANCE OF 335.00 FEET; THENCE SOUTH 00 DEGREES 11 MINUTES 05 SECONDS EAST
28 DISTANCE OF 39.50 FEET; THENCE SOUTH 89 DEGREES 48 MINUTES 55 SECONDS
29 A DISTANCE OF 96.96 FEET TO A POINT ON THE EXISTING WESTERLY RIGHT OF
20 SECONDS WEST ON SAID WESTERLY RIGHT OF WAY LINE A DISTANCE OF
20 MINUTES 24 SECONDS WEST ON SAID WESTERLY RIGHT OF WAY LINE A DISTANCE OF
21 SECONDS WEST ON SAID WESTERLY RIGHT OF WAY LINE A
20 DEGREES 21 MINUTES 04 SECONDS WEST ON SAID
21 SECONDS WEST ON SAID WESTERLY RIGHT OF WAY LINE A
21 DISTANCE OF 342.90 FEET; THENCE SOUTH 89 DEGREES 59 MINUTES 16 SECONDS
22 DISTANCE OF 70.14 FEET; THENCE SOUTH 89 DEGREES 56 MINUTES 16 SECONDS
23 DISTANCE OF 70.14 FEET; THENCE SOUTH 89 DEGREES 56 MINUTES 16 SECONDS
24 DISTANCE OF 113.50 FEET; THENCE SOUTH 89 DEGREES 56 MINUTES 16
25 SECONDS WEST A DISTANCE OF 113.50 FEET; THENCE SOUTH 89 DEGREES 56 MINUTES 16
25 SECONDS WEST A DISTANCE OF 113.50 FEET; THENCE SOUTH 89 DEGREES 56 MINUTES 16
25 SECONDS WEST A DISTANCE OF 113.50 FEET; THENCE SOUTH 89 DEGREES 56 MINUTES 16
25 SECONDS WEST A DISTANCE OF 130.00 FEET ENERGE SOUTH 89 DEGREES 56
26 MINUTES 16 SECONDS WEST A DISTANCE OF 130.00 FEET TO THE NERGE NORTH
27 SOUTHWEST QUARTER OF SECTION 18 TOWNSHIP 80, RANGE 23; THENCE NORTH
28 SOUTHWEST QUARTER OF SECTION 18 TOWNSHIP 80, RANGE 23; THENCE NORTH
29 DEGREES 11 MINUTES 05 SECONDS WEST ON A LINE 50.00 FEET EASTERLY O

86386737 PAGE 813

CONSENT TO PLATTING

STATE OF IOWA) SS COUNTY OF POLK)

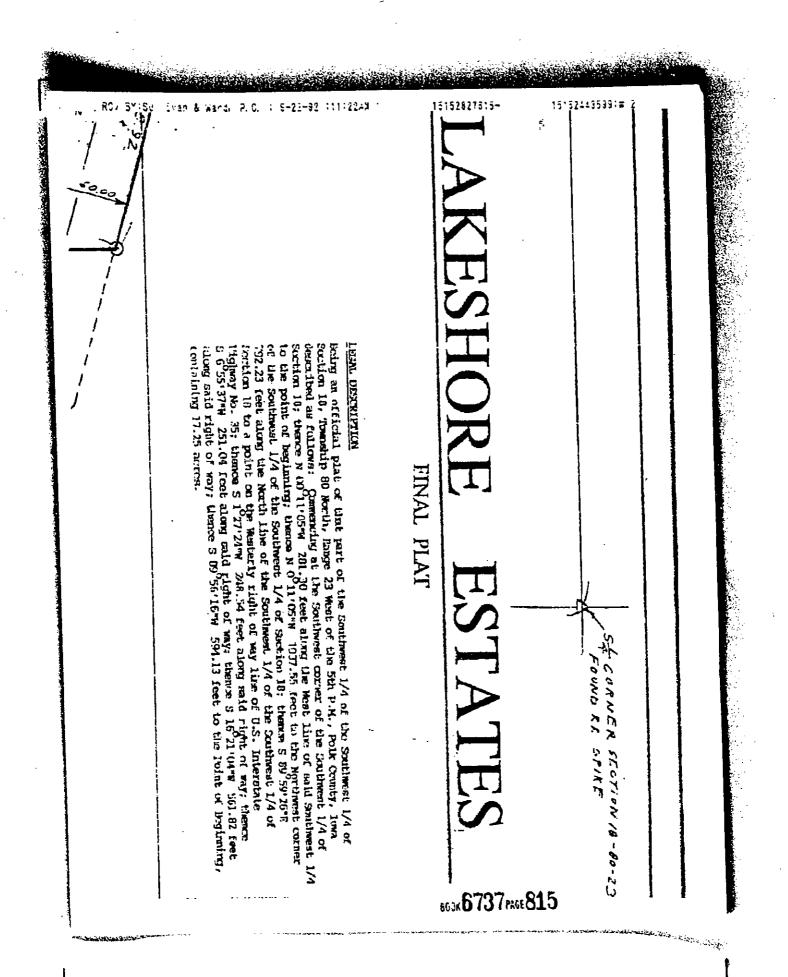
COMES NOW the undersigned, being first duly sworn under oath, and hereby states that Dean Godwin consents to the platting of the property legally described on Exhibit "A" attached hereto, which is being subdivided and platted as LAKESHORE ESTATES.

I further state that it is not intended that this Consent to Platting in any way affects or extinguishes any rights which Dean Godwin may have in the subject property by virtue of a Judgment entered in Polk County District Court on October 23, 1991 against Applewood Partners, L.P.

Dean Godwin

> NOTARY PUBDIC IN AND FOR THE STATE OF IOWA

> > 603K 6737 PAGE 814



SENT BY: Sullivan & Ward P.C. ; 3- 8-83 ;12:50PM ;

151524435004

CCITT 68:# 2

COMMENSE TO PLAT

STATE OF MISSOURI

COUNTY OF JACKSON

comes now the undersigned, being first duly sworn under oath and hereby states that First City Bank has an interest in the property legally described on Exhibit "A" attached hereto, by virtus of a Mortgage which has been filed in the office of the Polk County Recorder, and hereby consents to the platting of the property described on Exhibit "A" attached hereto, which is being subdivided and platted as LAKESHORE ESTATES.

First City Bank

Attest

Ineze R.

Min By CU?

HOTERY

SOUTH COM

In the State of Missouri, County of Jackson on this 8th day of March, 1992, before me, the undersigned, a notary public in and for said county and State, appeared Terry V. Smith, to me personally known, who being by me duly sworn, did say that he was Vice President of First City Bank, a corporation, that the seal affixed president of First City Bank, a corporation, that the seal affixed to said instrument is the corporate seal of said corporation and to said instrument was executed on behalf of said corporation by that said instrument was executed on behalf of said Terry V. Smith authority of its Board of Directors, and said Terry V. Smith acknowledged said instrument to be the free act and deed of said corporation. corporation.

Witness my hand and Notarial Seal subscribed and affixed in said County and State the day and year in this certificate written above.

Notary Public in and for the

State of Missouri

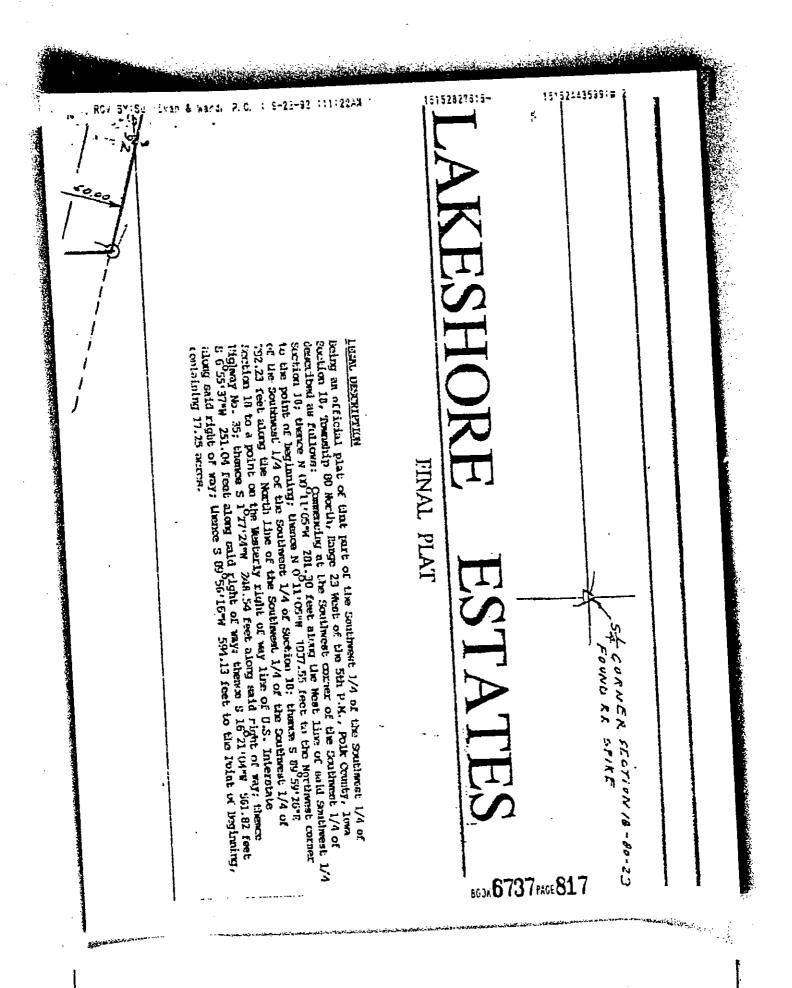
morch, 9, 1993

DORIA D. CURTIN Notary Public - State of Missour. Commissioned in Jackson Coun My commission expires 8-20 1993

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03-09-93 12:48PM P002 #28

BOOK 6737 PASE 816



RESOLUTION NO. 42-93

7.8.

RESOLUTION ACCEPTING FINAL PLAT, DEEDS TO STREETS FOR LAKESHORE ESTATES PLAT # 1.

WHEREAS, the Plan and Zoning Commission of the City of Ankeny, recommended approval of Lakeshore Estates #1 on the 31st day of WHEREAS, Iowa. October, 1989; and

WHEREAS, the Commission also recommended variations from the subdivision regulations of the City of Ankeny, Iowa, as follows: None;

WHEREAS, the attorney's title opinion, deed to streets, have been submitted and approved by the Community Development Director of the City of Ankeny, Iowa and

WHEREAS, conditional approval to the final plat was given November, 1989 pursuant to the terms of Resolution No. 188-189; and

WHEREAS, this Resolution is intended to and shall supersede and supplant Resolutions No. 188-89.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANKENY, IOWA, AS FOLLOWS:

- 1. That the final plat of Lakeshore Estates Plat #1 is hereby approved.
- 2. That the Deeds to Streets are hereby accepted.
- 3. That this Resolution supersedes and supplants Resolution No. 188-89, which is hereby repealed.

PASSED AND APPROVED this lot day of March, 19 93.

Goins, City

A commence of the site of the second second

818 BOOK 6737 PAGE 818

CERTIFICATION

We, Ollie J. Weigel, Mayor, and Johnn Goins, City Clerk, of the City of Ankeny, Iowa, do hereby certify that the foregoing resolution was adopted by the Council on the lat day of Touck, 1925.

Witness our hands and seal of the City of Ankeny, Iowa, this 57 day of March, 1923.

Ollie J. Weigel, Mayor

Johnn Goins, City Clerk

863K 6737 PAGE 819

LAW OFFICES SULLIVAN & WARD, P.C. BOI GRAND AVENUE - SUITE 3500 DES MOINES, 10WA 50309-2719 (515) 244-3500

JOHN T. WARD
MICHAEL P. JOYNT
LOUIS R. MCCKENEERG
RICHARD R. CHABOT
ROBERT M. HOLLIDAY
DENNIS L. PUCKETT
AMY CHRISTENSEN COUCH
MARK LANDA
JAMES G. SAWTELLE

FAX (515) 244-3599 February 25, 1993 WILLIAM W. SULLIVAN RETIRED

The Honorable Mayor and Members of the Ankeny City Council 211 S.W. Walnut Ankeny, Iowa 50021-3000

Lakeshore Estates Our File No. 15245

Ladies and Gentlemen:

We have examined the Abstract of Title, including Pencil Notes prepared by Iowa Title Company, to the following described real estate:

That part of the Southwest 1/4 of the Southwest 1/4 of Section 18, Township 80 North, Range 23 West of the 5th P.M., now included in and forming a part of the City of ankeny, Iowa, described as follows: included in and forming a part of the City of Ankeny, Iowa, described as follows: Commencing at the Southwest corner of the Southwest 1/4 of said Section 18; thence N 00°11'05" W 281.30 feet along the West line of said Southwest 1/4 to the point of beginning; thence N 0°11'05" W 1037.55 feet to the Northwest corner of the Southwest 1/4 of the Southwest 1/4 of said Section 18; thence S 89°59'26" E 792.23 feet along the North line of the Southwest 1/4 of the Southwest 1/4 of said Section 18 to a point on the Westerly right of way line of U.S. Interstate Highway No. 35; thence S 1°27'24" W 248.54 feet along said right of way; thence S 6°55'37" W 251.04 said right of way; thence S 6.55.37" W 251.04 feet along said right of way; thence S 6.55.37" W 251.04 feet along said right of way; thence S 16.21.04" W 561.82 feet along said right of way; thence S 89.56.16" W 594.13 feet to the way; point of beginning, to be known as Lakeshore

This preliminary title opinion, based upon that examination, is rendered for platting purposes only.

The Abstract has been certified as full and complete from the date of the Original Entry to December 11, 1989 at 9:00 A.M. Pencil Notes purport to update that from December 11, 1989 at 9:00

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Ankeny City Council February 25, 1993 Page Two

A.M. to February 19, 1993 at 7:00 A.M. At the latter date and time, I find title to this property to be vested in Ankeny Partners, L.P. as to the property to be platted as Lot 3, Applewood Partners, L.P. as to the property to be known as Lots 1 and 2, and in Dean Godwin as to the property to be known as Lot 1 pursuant to his option agreement, subject to the following observations and comments:

- 1. Entry No. 2 of the Continuation of Abstract No. 174358 shows a right of way permit to Northwestern Bell recorded in Book 6307, Page 47 affecting a portion of the subject property as shown by the attached drawing.
- 2. Entry No. 3 of the Continuation of Abstract No. 174358 shows a lease to Jetz Service Co., Inc. for 600 square feet for use as a laundry facility.
- 3. Entry Nos. 17 and 18 of Abstract No. 174358 show the condemnation of a 60' sanitary sewer easement lying within the subject property as shown on the attached survey.
- 4. We require a consent to plat properly executed by the Merchant's Bank as to the following: mortgage recorded in Book 6161 at Page 116; Land Acquisition development and construction loan recorded in Book 6181 Page 819. Modification and extensions recorded in Book 6181 Page 890, Book 6454 Page 380 and in Book 6533 Page 677.
- 5. Entry No. 8 of the Continuation of Abstract No. 174358 shows a certain Declaration of land Use Restrictive Covenants for Low-Income Housing Credits, which affect the examined parcel, a copy of which is attached for reference. You should assure yourself of the impact of that instrument on the parcel in questions prior to closing.
- 6. We require a consent to plat properly executed by First City Bank of Independence to its mortgage recorded in Book 5639 Page 324.
- 7. We require a consent to plat from Ankeny Partners, L.P. properly executed due to its claimed interest in a portion of the property to be known as Lot 3.
- 8. Prior to recording the final plat; we require the release of the following Mechanic's lien and dismissal with prejudices of the following proceedings:
 - A. Millard Lumber Inc. filed in Mechanic's Lien Book 23 Page 38.

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Book: 6737 Page: 809 Seq: 13

Ankeny City Council February 25, 1993 Page Three

- American Concrete filed in Mechanic's Lien Book 23 Page 45.
- Correll Contractors filed in Mechanic's Lien Book 23 Page c. 45.
- Nuckolls Concrete filed in Mechanic's Lien Book 23 Page D.
- Halstead Masonry filed in Mechanic's Lien Book 23 Page 47. (Prior to recording the final plat, we require the abstract to show the filing of December 7, 1992 with respect to this lien which extinguished this lien). E.
- American Concrete filed in Mechanic's Lien Book 23 Page
- CE 37-21918 G.
- CE 39-22978 H.
- CE 40-23044
- 10. Prior to recording the final plat, we require a satisfaction of judgment in CE35-20414 executed by Dean Godwin, Court costs paid, and a Consent to Plat to be executed by him.
- 11. The abstract shows a judgment entered in CL 91-54131 in favor of Lumberman's Wholesale Co and against Applewood Partners, L.P. Through garnishment proceedings, the judgment has been satisfied. An appeal has been perfected by Applewood. Since said Judgment has been satisfied, the undersigned requests waiver of a consent or a bond.
- All taxes for the current fiscal year (1991) should be 12. fully paid prior to recording the final plat.
- 13. You should be aware of the following items which relate to the subject property, which are not necessarily determinable from the Abstract of Title:
 - Zoning compliance;
 - Housing Codes compliance b.
 - Rights of parties in possession of the property; Claims of materialmen, suppliers, laborers, and contractors arising during the last ninety days;
 - d.
 - The boundaries of the property of any encroachments;

- f. Easements;
- g. Lease:
- The procuring of adequate insurance coverage.

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Ankeny City Council February 25, 1993 Page Four

*If you desire assistance in resolving any of the above matters, please feel free to contact us.

- 14. You should note that assessment liens are created by the filing of certain documents in the office of the County Treasurer.
- 15. You should be aware that certain activities that may result in environmental liability are not determinable from examining the Abstract of Title. Certain local, state and federal laws may require remedial and other action as well as impose civil and criminal liability. The violation of said laws could result in liens against the real estate related to certain activities.
- 16. Searches have been made against Applewood Partners, L.P. from December 11, 1989 at 9:06 A.M. to date hereof, and against DLJ Enterprises, Inc. for the past ten years to date hereof. Searches have been limited to Polk County, Iowa. Searches should be continued to the date and time of recording your interest, to obtain a complete examination of title. Prior to recording the Final Plat we require that searches be run against Ankeny Partners, L.P.

Very truly yours,

SULLIVAN & WARD, P.C.

Tris Hockenberg

LRH/hr

Enclosures

BOOK 6737 PAGE 823



The state of the s

MARY MALONEY TREASURER OF POLK COUNTY

111 COURT AVENUE **DES MOINES, IOWA 50309-2298**

VEHICLE DIVISION

CERTIFICATE OF TREASURER OF POLK COUNTY, IOWA

I, Mary Maloney, Treasurer of Polk County, having examined the records of my office, in accordance with the provisions of Section 409.9 of the Code of Iowa pertaining to real properties as specifically set forth in Exhibit "A" attached hereto and made a part hereof, to be hereinafter designated as: LAKESHORE ESTATES do hereby certify that same is free from all certified taxes, special assessments and special rates and charges. Nor are there any taxes due for Moneys and Credits, Bushels of Grain, Industrial Machinery, Data Processing Equipment, Utilities or Buildings on Leased Land against:

Ankeny Partners, L.P., Applewood Partners,

Who is the record title holder of said real estate.

رح : day of Dated at Des Moines, Iowa this 19<u>93</u>.

MARY MALONEY POLK COUNTY TREASURER

Subscribed and sworn to before me this 15

March ____, 19 <u>93</u>.

Notary Public in and for Polk County, Iowa

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EXHIBIT 'A'

That part of the Southwest 1/4 of the Southwest 1/4 of Section 18, Township 80 North, Range 23 West of the 5th P.M., now included in and forming a part of the City of Ankeny, Iowa, described as follows: Commencing at the Southwest corner of the Southwest 1/4 of said Section 18; thence N 00°11'05" W 281.30 feet along the West line of said Southwest 1/4 to the point of beginning; thence N 0°11'05" W 1037.55 feet to the Northwest corner of the Southwest 1/4 of the Southwest 1/4 of said Section 18; thence S 89°59'26" E 792.23 feet along the North line of the Southwest 1/4 of the Southwest 1/4 of said Section 18 to a point on the Westerly right of way line of U.S. Interstate Highway No. 35; thence S 1°27'24" W 248.54 feet along said right of way; thence S 6°55'37" W 251.04 feet along said right of way; thence S 89°56'16" W 594.13 feet to the point of beginning, to be known as Lakeshore.

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