

FILED FOR RECORD
POTTAWATTAMIE COUNTY, IOWA

2005 DEC 20 AM 11:15

RECORDED

INST # 012600

RECORDING FEE 85.22

AUDITOR FEE -

RMA FEE 1.00 ECOM 1.00

Prepared by: Melvin G. Samples, HGM Associates, Inc., 640 Fifth Avenue, Council Bluffs, Iowa 51502 (712) 323-0530

Noted for Taxation

Melvin G. Samples COUNTY AUDITOR

FINAL PLAT OF CHICORY RIDGE SUBDIVISION

OWNERS/DEVELOPERS:

LC DEVELOPMENT LLC.
ED LEAZENBY, MIKE COLLINS
17298 LAPWORTH LANE
CRESCENT, IOWA 51526

DEDICATION:

KNOW ALL PERSONS BY THESE PRESENTS THAT LC DEVELOPMENT, L.L.C. BEING THE SOLE OWNER OF THE PROPERTY DESCRIBED WITHIN THE LEGAL DESCRIPTION AND EMBRACED WITHIN THIS PLAT, HAS CAUSED SAID PROPERTY TO BE SUBDIVIDED AS LOTS 1 THROUGH 25 AND PUBLIC STREET RIGHT-OF-WAY FOR SHEVI DRIVE AND JOURNEY CIRCLE. SAID PROPERTY TO BE KNOWN AS CHICORY RIDGE SUBDIVISION. SAID LC DEVELOPMENT, L.L.C. DOES HEREBY DEDICATE TO THE CITY OF COUNCIL BLUFFS, IOWA, THE RIGHT-OF-WAY FOR SHEVI DRIVE (0.84 ACRES; MORE OR LESS), AND JOURNEY CIRCLE (0.59 ACRES; MORE OR LESS) LC DEVELOPMENT, L.L.C. DOES HEREBY DEDICATE TO THE CITY OF COUNCIL BLUFFS, IOWA ALL RIGHTS OF DIRECT ACCESS TO McPHERSON AVENUE; LC DEVELOPMENT, L.L.C. DOES HEREBY DEDICATE TO THE CITY OF COUNCIL BLUFFS, IOWA A PERPETUAL STORM SEWER AND DRAINAGE EASEMENT ALONG THE BACK LOT LINE OF LOTS 1 THROUGH 9 AS SHOWN ON THE DRAWING. THE DEDICATION OF THESE EASEMENTS SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS.

EASEMENT RUNS WITH THE LAND: THIS EASEMENT SHALL BE DEEMED TO RUN WITH THE LAND AND SHALL BE BINDING ON LC DEVELOPMENT, L.L.C., ITS SUCCESSORS OR ASSIGNS. ERECTION OF STRUCTURES, PROHIBITED: LC DEVELOPMENT, L.L.C., OR ITS SUCCESSORS OR ASSIGNS SHALL NOT ERECT ANY STRUCTURE OVER NOR WITHIN THE EASEMENT AREA WITHOUT OBTAINING THE PRIOR WRITTEN CONSENT OF THE CITY ENGINEER.

CHANGE OF GRADE: LC DEVELOPMENT, L.L.C., OR ITS SUCCESSORS OR ASSIGNS SHALL NOT CHANGE THE GRADE, ELEVATION, NOR THE CONTOURS OF ANY PART OF THE EASEMENT AREA WITHOUT OBTAINING THE PRIOR WRITTEN CONSENT OF THE CITY ENGINEER.

RIGHT OF ACCESS: THE CITY 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 HEREIN DESCRIBED.

REMOVAL AND REPLACEMENT: THE COST OF REMOVAL AND REPLACEMENT OF ANY UNAUTHORIZED IMPROVEMENT OR STRUCTURES WITHIN THE EASEMENT AREA, NECESSITATED BY THE EXERCISE OF THE RIGHTS UNDER THIS EASEMENT, SHALL BE BORNE BY SAID LC DEVELOPMENT, L.L.C., OR ITS SUCCESSORS OR ASSIGNS.

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

DUTY TO REPAIR: CITY AGREES THAT ANY DRAIN TILE, DRIVE OR ACCESS WAY, FENCE, YARD, OR OTHER IMPROVEMENT OUTSIDE OF THE EASEMENT AREA WHICH MAY BE DAMAGED AS A RESULT OF ANY ENTRY MADE THROUGH AN EXERCISE OF THE CITY'S RIGHT OF ACCESS SHALL BE REPAIRED AT NO EXPENSE TO SAID LC DEVELOPMENT, L.L.C., OR ITS SUCCESSORS OR ASSIGNS.

LEGAL DESCRIPTION

LOT 3 EXCEPT THE NORTH 10 ACRES THEREOF, OF AUDITOR'S SUBDIVISION OF THE SW¼SE¼ OF SECTION 29 AND THAT PART OF LOT 3, AUDITOR'S SUBDIVISION OF THE NW¼NE¼ LYING NORTH OF HIGHWAY OF SECTION 32, ALL IN TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5th PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY, IOWA, SAID PARCEL BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 86 OF McPHERSON HILLS SUBDIVISION, IN THE CITY OF COUNCIL BLUFFS;

THENCE ALONG THE EAST LINE OF LOTS 86, 85, 84, .83 AND PART OF 82 IN SAID McPHERSON HILLS SUBDIVISION, NORTH 02 DEGREES 23 MINUTES 53 SECONDS WEST, 346.73 FEET;

THENCE ALONG EAST LINE OF LOTS 82, 81 AND 80 IN SAID McPHERSON SUBDIVISION, AND ALONG THE EAST LINE OF LOTS 79, 78 AND 77 IN McPHERSON HILLS SUBDIVISION, DIVISION II, NORTH 03 DEGREES 46 MINUTES 10 SECONDS WEST, 437.05 FEET TO THE SOUTHWEST CORNER OF LOT 76 IN SAID McPHERSON HILLS SUBDIVISION, DIVISION II;

THENCE THENCE ALONG THE SOUTH LOT LINE OF LOTS 76 AND 75 OF SAID McPHERSON HILLS SUBDIVISION, DIVISION II AND LOTS 72 AND 71 OF McPHERSON HILLS SUBDIVISION, DIVISION III, NORTH 87 DEGREES 01 MINUTE 55 SECONDS EAST, 493.64 FEET TO THE SOUTHEAST CORNER OF SAID LOT 71;

THENCE SOUTH 03 DEGREES 47 MINUTES 27 SECONDS EAST, 77.57 FEET;

THENCE NORTH 87 DEGREES 01 MINUTE 36 SECONDS EAST, 330.57 FEET;

THENCE SOUTH 03 DEGREES 27 MINUTES 47 SECONDS EAST, 5.40 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE ABANDONED CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD;

THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING 2 COURSES:

1. SOUTH 32 DEGREES 12 MINUTES 03 SECONDS WEST, 491.33 FEET;
2. SOUTH 30 DEGREES 45 MINUTES 22 SECONDS WEST, 296.57 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF McPHERSON AVENUE;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, SOUTH 79 DEGREES 03 MINUTES 52 SECONDS WEST, 378.71 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 10.06 ACRES MORE OR LESS INCLUDING RIGHT-OF-WAY FOR SHEVI DRIVE(0.84 ACRES) AND JOURNEY CIRCLE(0.59 ACRES), FOR A NET AREA OF 8.63 ACRES MORE OR LESS.

IN WITNESS WHEREOF, I DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF LC DEVELOPMENT, L.L.C.'S PROPERTY AS CONTAINED HEREIN ON THIS 6th DAY OF Oct, 2005.

CITY COUNCIL

APPROVED BY MAYOR: *Thomas P. Hanafan* THE HONORABLE THOMAS P. HANAFAN DATE 10-31-05

ATTESTED TO BY:

Cheryl Punteney CITY CLERK: CHERYL PUNTENEY DATE 10-31-05

Donald Gross COMMUNITY DEVELOPMENT DIRECTOR: DONALD GROSS DATE 10/31/05

CERTIFICATE OF TREASURER OF POTTAWATTAMIE COUNTY, IOWA

I, THE TREASURER OF POTTAWATTAMIE COUNTY, IOWA, HEREBY CERTIFY THAT THE PROPERTY INCLUDED IN CHICORY RIDGE SUBDIVISION, IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS.

Judy Ann Miller TREASURER OF POTTAWATTAMIE COUNTY, IOWA: JUDY ANN MILLER DATE 10-31-05

WE HEREBY CERTIFY THAT WE WILL MEET ALL EQUAL OPPORTUNITY AND FAIR MARKETING OBJECTIVES CONSISTENT WITH FEDERAL, STATE AND LOCAL GUIDELINES. WE HEREBY CERTIFY THAT THE FOLLOWING DOCUMENTS WILL BE RECORDED WITH THE POTTAWATTAMIE COUNTY RECORDER CONTEMPORANEOUSLY WITH THE FILING OF THE FINAL PLAT.

- ALL PRIVATE RESTRICTIONS AND/OR COVENANTS, IF ANY, WHICH WILL BE A PART OF THE SUBJECT DEVELOPMENT.
- CERTIFIED RESOLUTION OF EACH GOVERNING BODY APPROVING THE SUBDIVISION OR WAIVING THE RIGHT TO REVIEW.

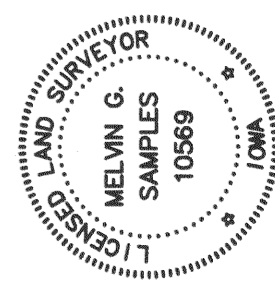
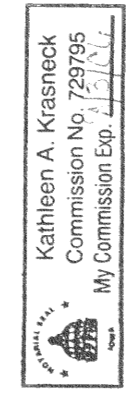
BY: *Ed Leazenby* ED LEAZENBY

BY: *Mike Collins* MIKE COLLINS

By: *Michael Elesh CEO* GATEWAY COMMUNITY BANK
STATE OF IOWA)
COUNTY OF POTTAWATTAMIE) SS.

ON THIS 6th DAY OF October, 2005, BEFORE ME A NOTARY PUBLIC IN AND FOR THE STATE OF IOWA, PERSONALLY APPEARED ED LEAZENBY AND MIKE COLLINS, TO ME PERSONALLY KNOWN, WHO BEING BY ME DULY SWORN, DID SAY THEY ARE THE OWNERS OF LC DEVELOPMENT, L.L.C., 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 MEMBERS AND THE SAID ED LEAZENBY AND MIKE COLLINS ACKNOWLEDGED THE EXECUTION OF THE INSTRUMENT TO BE THE VOLUNTARY ACT AND DEED OF SAID LIMITED LIABILITY COMPANY BY IT VOLUNTARILY EXECUTED.

Melvin G. Samples NOTARY PUBLIC IN AND FOR SAID STATE
MY COMMISSION EXPIRES 08/31/06



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

Melvin G. Samples MELVIN G. SAMPLES, P.L.S. DATE 10-31-05
License Number 10569
My license renewal date is December 31, 2008
Pages or sheets covered by this seal: _____
SHEET 1 OF 2 AND SHEET 2 OF 2

project no. 10215
sheet 1 OF 2

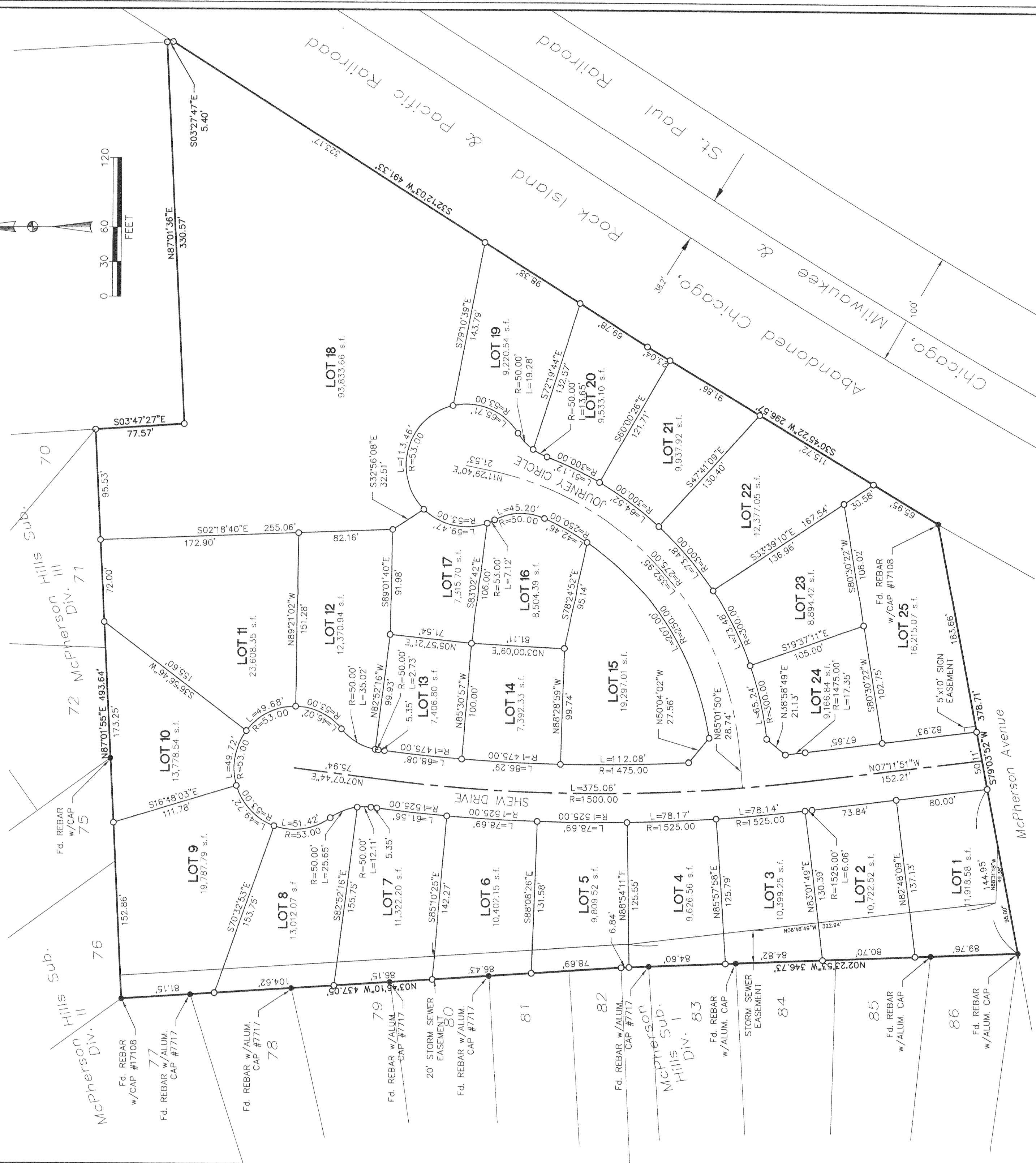
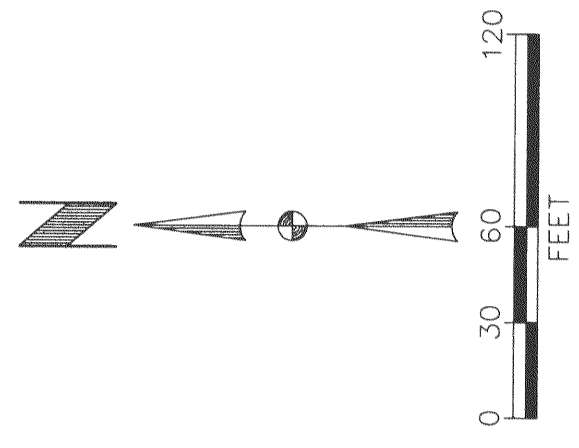
project CHICORY RIDGE SUBDIVISION
client LC DEVELOPMENT LLC, ED LEAZENBY, MIKE COLLINS
sheet FINAL PLAT

DEF drawn _____ date _____
SCH designed _____
MGS approved _____
AUG. '05 approved _____
date _____

hgm
ASSOCIATES INC.
ENGINEERING ARCHITECTURE SURVEYING
council bluffs omdaho

this drawing is being made available by hgm associates inc. for use on the project in accordance with hgm associates inc. terms. hgm associates inc. assumes no liability for any use of the drawing or any part thereof except in accordance with the terms of the above agreement.

FINAL PLAT OF CHICORY RIDGE SUBDIVISION



VARIANCE:
FRONT YARD SETBACKS ARE 15.00' ON
LOTS 19 THROUGH 22.

this drawing is being made available by hgm associates inc. for use on this project in accordance with hgm associates inc. services. hgm associates inc. assumes no liability for any use of this drawing or any part thereof except in accordance with the terms of the above agreement.

hgm
ASSOCIATES INC.
ENGINEERING ARCHITECTURE SURVEYING
council bluffs omaha

DEF	DATE	REVISION	DATE
drawn			
SCH			
designed			
MGS			
approved			
AUG_05			

CHICORY RIDGE SUBDIVISION
project
client LC DEVELOPMENT LLC, ED LEAZENBY, MIKE COLLINS
17298 LAPWORTH LANE, CRESCENT, IOWA 51526
sheet
FINAL PLAT

project no.
10215
sheet
2 OF 2

COMPARED

CERTIFICATE AND RECEIPT

=====

STATE OF IOWA

Pottawattamie County,

} ss.

The undersigned, Clerk of the City of Council Bluffs, Iowa, hereby certifies that Resolution 05-259 and Attachment "A" are as the same appears of record in this office.

Witness my hand and seal of the City of Council Bluffs, Iowa,

this 2th day of November A.D. 2005



Cheryl Puntney
City Clerk of the City of Council Bluffs, Iowa

=====

COMPARED

*To Record
& sign*

007684

INST # _____
RECORDING FEE 20.00
AUDITOR FEE _____
RMA FEE 1.00 ECOM 1.00

FILED FOR RECORD
POTTAWATTAMIE CO.

2005 OCT 13 AM 11:32

JOHN SCIORTINO
RECORDER

Prepared by: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, Iowa 51503 (712) 328-4620
Return to: City Clerk, 209 Pearl Street, Council Bluffs, Iowa 51503 (712) 328-4616

RESOLUTION NO. 05-259

A RESOLUTION granting final plat approval for a 25-lot residential subdivision to be known as Chicory Ridge Subdivision.

WHEREAS, LC Development, LLC, has applied for final plat approval for a 25-lot residential subdivision to be known as Chicory Ridge Subdivision; and

WHEREAS, the proposed development is located north of McPherson Avenue, east of McPherson Hills Subdivision; and

WHEREAS, the subject property is zoned R-1 and does not require a change in zoning classification to accommodate the proposed development; and

WHEREAS, the final plat has been reviewed by the appropriate city departments and utilities; and

WHEREAS, the Community Development Department recommends approval of the final plat for a residential subdivision to be known as Chicory Ridge Subdivision, as shown on Attachment "A", subject to the following conditions:

1. All technical corrections required by the Community Development Department and/or Public Works Department, shall be made on the final plat document prior to execution of the document.
2. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements.
3. Receipt of a performance guarantee agreement in an amount to be determined by the Public Works Department, prior to execution of the final plat.
4. Sidewalk shall be installed prior to issuance of a Certificate of Occupancy for each house, at no cost to the City.

151-1

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

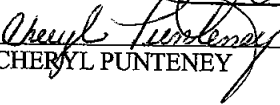
That the final plat for a residential subdivision to be known as Chicory Ridge Subdivision, as shown on Attachment "A", is hereby approved, subject to the conditions set forth above; and

BE IT FURTHER RESOLVED

That the Mayor and City Clerk are hereby authorized and directed to endorse the final plat.

ADOPTED
AND September 26, 2005
APPROVED


THOMAS P. HANAFAN Mayor

Attest: 
CHERYL PUNTENEY City Clerk

Planning Case No. SUB-05-018

FINAL PLAT OF CHICORY RIDGE SUBDIVISION

OWNERS/DEVELOPERS:
LC DEVELOPMENT LLC.
ED LEAZENBY, MIKE COLLINS
17298 LAPWORTH LANE
CRESCENT, IOWA 51526

Prepared by: Melvin G. Samples, HGM Associates, Inc., 640 Fifth Avenue, Council Bluffs, Iowa 51502 (712) 323-0530

LEGAL DESCRIPTION

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IN WITNESS WHEREOF, I DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF LC DEVELOPMENT, L.L.C.'S PROPERTY AS CONTAINED HEREIN ON THIS _____ DAY OF _____, 2005.

BY: _____
ED LEAZENBY

BY: _____
MIKE COLLINS

STATE OF IOWA }
COUNTY OF POTTAWATTAMIE } SS.

ON THIS _____ DAY OF _____, 2005, BEFORE ME A NOTARY PUBLIC IN AND FOR THE STATE OF IOWA, PERSONALLY APPEARED ED LEAZENBY AND MIKE COLLINS, TO ME PERSONALLY KNOWN, WHO BEING BY ME DULY SWORN, DID SAY THEY ARE THE OWNERS OF LC DEVELOPMENT, L.L.C., 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 MEMBERS AND THE SAID ED LEAZENBY AND MIKE COLLINS ACKNOWLEDGED THE EXECUTION OF THE INSTRUMENT TO BE THE VOLUNTARY ACT AND DEED OF SAID LIMITED LIABILITY COMPANY BY IT VOLUNTARILY EXECUTED.

NOTARY PUBLIC IN AND FOR SAID STATE
MY COMMISSION EXPIRES _____

NOTE:

A 5.00 FOOT WIDE PERMANENT EASEMENT ON EACH SIDE OF ALL SIDE LOT LINES, A 10.00 FOOT WIDE PERMANENT EASEMENT ALONG ALL FRONT LOT LINES, AND A 5.00 FOOT WIDE PERMANENT EASEMENT ALONG ALL REAR LOT LINES, ARE RESERVED FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES.

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

Melvin G. Samples 8-18-05
MELVIN G. SAMPLES, P.L.S. DATE

License Number: 10569
My license renewed date is December 31, 2008

Pages or sheets covered by this seal: SHEET 1 OF 2 AND SHEET 2 OF 2



CITY COUNCIL

APPROVED BY MAYOR: THE HONORABLE THOMAS P. HANAFAN DATE _____

ATTESTED TO BY: _____

CITY CLERK: CHERYL PUNTENEY DATE _____

COMMUNITY DEVELOPMENT DIRECTOR: DONALD GROSS DATE _____

CERTIFICATE OF TREASURER OF POTTAWATTAMIE COUNTY, IOWA

I, THE TREASURER OF POTTAWATTAMIE COUNTY, IOWA, HEREBY CERTIFY THAT THE PROPERTY INCLUDED IN CHICORY RIDGE SUBDIVISION, IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS.

Judy Ann Miller, Deputy Treas
TREASURER OF POTTAWATTAMIE COUNTY, IOWA: JUDY ANN MILLER DATE _____

WE HEREBY CERTIFY THAT WE WILL MEET ALL EQUAL OPPORTUNITY AND FAIR MARKETING OBJECTIVES CONSISTENT WITH FEDERAL, STATE AND LOCAL GUIDELINES. WE HEREBY CERTIFY THAT THE FOLLOWING DOCUMENTS WILL BE RECORDED WITH THE POTTAWATTAMIE COUNTY RECORDER CONTEMPORANEOUSLY WITH THE FILING OF THE FINAL PLAT:

- ALL PRIVATE RESTRICTIONS AND/OR COVENANTS, IF ANY, WHICH WILL BE A PART OF THE SUBJECT DEVELOPMENT.
- CERTIFIED RESOLUTION OF EACH GOVERNING BODY APPROVING THE SUBDIVISION OR WAIVING THE RIGHT TO REVIEW.

ATTACHMENT A

project **CHICORY RIDGE SUBDIVISION**

client **LC DEVELOPMENT LLC, ED LEAZENBY, MIKE COLLINS**
17298 LAPWORTH LANE, CRESCENT, IOWA 51526

sheet **FINAL PLAT**

DEF: _____

SCH: _____

MGS: _____

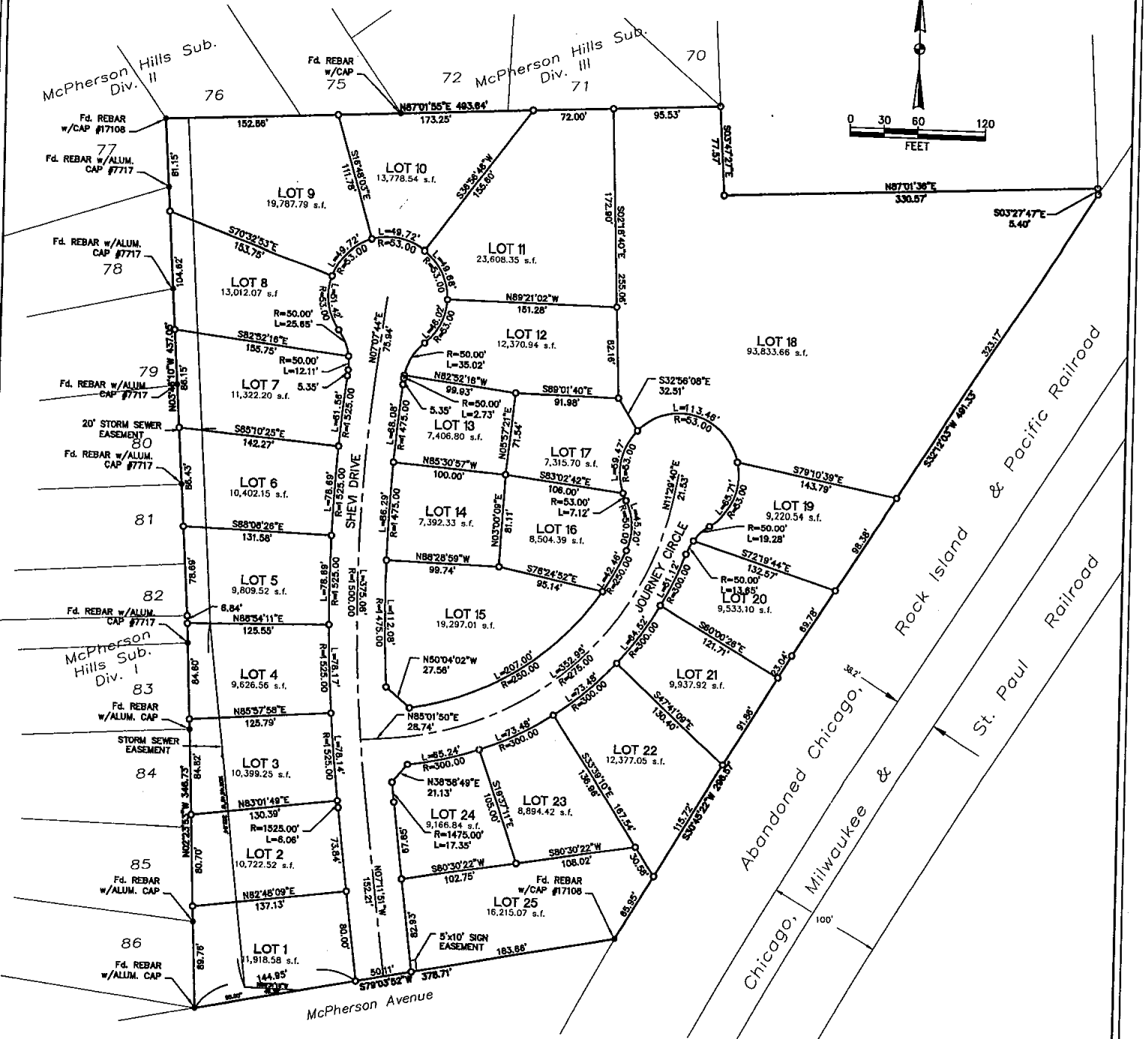
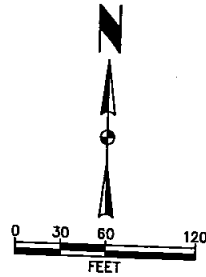
AUG '05: _____

hgm
ASSOCIATES INC.
ENGINEERING ARCHITECTURE SURVEYING
council bluffs omaha

This drawing is being made available by legal attachment to the case on this project in accordance with the provisions of the agreement for professional services. Any modification to this drawing or any part thereof must be made in accordance with the terms of the above agreement.

1 OF 2
10215

FINAL PLAT OF CHICORY RIDGE SUBDIVISION



2 OF 2
10215

CHICORY RIDGE SUBDIVISION
 LC DEVELOPMENT LLC, ED LEAZENBY, MIKE COLLINS
 17298 LAMPWORTH LANE, CRESCENT, IOWA 51526
FINAL PLAT

DEF
 SCH
 MGS
 AUG '05

hgm
 ASSOCIATES INC.
 ENGINEERING ARCHITECTURE SURVEYING
 council bluffs omaha

This drawing is being made available by legal requirement. It is for use in the project to which it applies and is not to be used for any other purpose without the written consent of the engineer. The engineer is not responsible for any errors or omissions in this drawing or any part thereof except to the extent of the data furnished.

ATTORNEY'S OPINION
Recorder's Cover Sheet

Preparer Information:

Rick D. Crowl, 310 West Kanesville Blvd., Second Floor, Council Bluffs, Iowa 51503, (712) 322-4033

Taxpayer Information:

LC DEVELOPMENT, L.C.
17298 Lapworth Lane
Crescent, Iowa 51526

Return Address

Rick D. Crowl (Stuart Tinley Law Firm)
P. O. Box 398
Council Bluffs, Iowa 51502-0398

Grantors:

Grantees:

Legal Description: See Page 2

Document or instrument number if applicable: ***Document Number TE***

**ATTORNEY'S OPINION WITH RESPECT TO
CHICORY RIDGE SUBDIVISION**

TO THE COUNTY RECORDER OF POTTAWATTAMIE COUNTY:

I have examined the abstract of title in ONE part covering real estate more particularly described on the attached Legal Description.

Marketable title to the property is held by LC Development, L.C., an Iowa Limited Liability Company, shown at Entry #129.

There is a mortgage at Entry #124 in the amount of \$430,000.00 from Edward Leazenby and Michael Collins and Jodi Leazenby to Gateway Community Bank dated January 14, 2005 and recorded January 20, 2005 in Book 105 at Page 13419, Pottawattamie County, Iowa records.

There is a mortgage at Entry #125 in the amount of \$220,000.00 from Edward Leazenby and Michael Collins and Jodi Leazenby to Gateway Community Bank dated July 25, 2005 and recorded September 7, 2005 in Book 106 at Page 4868, Pottawattamie County, Iowa records.

Entry #128 shows:

Parcel No. 35-,43-8494 (Lot 3 NW NE exc. N156') – 2004 County Taxes: \$3,764.00 – First Half Unpaid and Delinquent – Second Half Unpaid.


Parcel No. 35-,43-8494-2 (N 156' Lot 3 NW NE) – 2004 County Taxes: \$510.00 – First Half Unpaid and Delinquent – Second Half Unpaid.

Parcel No. 35-,38-8495 (SW SE) – 2004 County Taxes: \$5,078.00 – First Half Unpaid and Delinquent – Second Half Unpaid.

No certification is made as to Special Assessments except those certified to the office of the County Treasurer.

This opinion is given solely for the purpose of platting the property under examination. This opinion contains only the information required in 354.11(3) 2005 Code of Iowa. This opinion should not be relied upon for any other purpose.

This opinion is expressed as of the 13th day of December, 2005.



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LEGAL DESCRIPTION

LOT 3 EXCEPT THE NORTH 10 ACRES THEREOF, OF AUDITOR'S SUBDIVISION OF THE SW $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 29 AND THAT PART OF LOT 3, AUDITOR'S SUBDIVISION OF THE NW $\frac{1}{4}$ NE $\frac{1}{4}$ LYING NORTH OF HIGHWAY OF SECTION 32, ALL IN TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5th PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY, IOWA. SAID PARCEL BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 88 OF McPHERSON HILLS SUBDIVISION, IN THE CITY OF COUNCIL BLUFFS;

THENCE ALONG THE EAST LINE OF LOTS 88, 85, 84, 83 AND PART OF 82 IN SAID McPHERSON HILLS SUBDIVISION, NORTH 02 DEGREES 23 MINUTES 53 SECONDS WEST, 348.73 FEET;

THENCE ALONG EAST LINE OF LOTS 82, 81 AND 80 IN SAID McPHERSON SUBDIVISION, AND ALONG THE EAST LINE OF LOTS 79, 78 AND 77 IN McPHERSON HILLS SUBDIVISION, DIVISION II, NORTH 03 DEGREES 48 MINUTES 10 SECONDS WEST, 437.05 FEET TO THE SOUTHWEST CORNER OF LOT 78 IN SAID McPHERSON HILLS SUBDIVISION, DIVISION II;

THENCE THENCE ALONG THE SOUTH LOT LINE OF LOTS 78 AND 75 OF SAID McPHERSON HILLS SUBDIVISION, DIVISION II AND LOTS 72 AND 71 OF McPHERSON HILLS SUBDIVISION, DIVISION III, NORTH 87 DEGREES 01 MINUTE 55 SECONDS EAST, 493.84 FEET TO THE SOUTHEAST CORNER OF SAID LOT 71;

THENCE SOUTH 03 DEGREES 47 MINUTES 27 SECONDS EAST, 77.57 FEET;

THENCE NORTH 87 DEGREES 01 MINUTE 38 SECONDS EAST, 330.57 FEET;

THENCE SOUTH 03 DEGREES 27 MINUTES 47 SECONDS EAST, 5.40 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE ABANDONED CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD;

THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING 2 COURSES:

1. SOUTH 32 DEGREES 12 MINUTES 03 SECONDS WEST, 491.33 FEET;
2. SOUTH 30 DEGREES 45 MINUTES 22 SECONDS WEST, 296.57 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF McPHERSON AVENUE;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, SOUTH 78 DEGREES 03 MINUTES 52 SECONDS WEST, 378.71 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 10.08 ACRES MORE OR LESS INCLUDING RIGHT-OF-WAY FOR SHEVI DRIVE(0.84 ACRES) AND JOURNEY CIRCLE(0.59 ACRES), FOR A NET AREA OF 8.83 ACRES MORE OR LESS.

DECLARATION OF RESTRICTIONS AND COVENANTS CHICORY RIDGE

This Declaration is made this 20 day of Dec., 2005 by Edward Leazenby & Michael Collins, hereinafter called Declarant.

Article I Statement of Intent

Declarant owns the real estate commonly known as Chicory Ridge in the City of Council Bluffs, Pottawattamie County, Iowa. Declarant desires to provide for the preservation of values in the development of said subdivision, and therefore desires to subject said real estate to covenants, restrictions, easements, charges and liens hereinafter set forth which are for the benefit of said property.

Therefore, the Declarant hereby declares that the subject real estate be held, sold, conveyed and occupied subject to the covenants, restrictions, easements, charges and liens hereinafter set forth, which shall run with the real property and be binding on all parties having any right, title, or interest in the described properties or any part thereof, their heirs, their successors, and assigns, and which shall inure to the benefit of each owner thereof.

Article II Definition

For the purpose of these restrictions, the following words shall be defined as follows:

1. "The properties" shall mean and refer to lots 1-17 and 19-24 in Chicory Ridge as surveyed, platted, and recorded in the City of Council Bluffs, Pottawattamie County, Iowa.
2. "Lot" shall mean and refer to any platted lot shown upon any recorded subdivision map of the properties.
3. "Residence" shall mean and refer to any portion of the building situated upon the properties designed and intended for use and occupancy as a residence by a single family.
4. "Lot Owner" shall mean and refer to the record owner, including contract purchasers, whether one or more persons or entities, of the fee simple title, to any lot situated upon the properties. The foregoing does not include persons or entities that hold an interest in any lot merely as security for the performance of an obligation, unless such person or entity has acquired title pursuant to foreclosure or upon a proceeding instead of foreclosure.
5. "Front Property Line" shall mean the property line of any lot abutting the right-of-way of any street.
6. "Out Building" shall mean an enclosed, covered, structure or other structure not directly attached to the residence to which it is appurtenant.
7. "Declarant" shall mean and refer to the person signing this instrument, his successors, and assigns.
8. "Exterior Structure" shall mean any structure erected or maintained on Lot other than the main residential structure or any structural component thereof.

Article III Property Subject To This Declaration

1. The real property which is and shall be held, transferred, sold, conveyed, and occupied, subject to this Declaration as of the date of this Declaration is that property specifically identified as Lots 1-17 and 19-24 in Chicory Ridge, a subdivision as surveyed, platted, and recorded in the City of Council Bluffs, Pottawattamie County, Iowa, which the following exception as listed under paragraph 2 below.

2. The covenants and restrictions contained in this Declaration shall not apply to structures existing as of the date of this Declaration with respect to restrictions and covenants pertaining to dwelling size, building material requirements, exterior structures, and set backlines. All replacement or repair of any portion of an existing structure for any reason shall be of the same material as the original structure. If not, such repair or replacement must be consistent with the covenants and restrictions imposed under this Declaration.

Article IV

Section 1 – Use of Land

None of the Lots may be improved, used or occupied for other than single-family private residential purposes, and no duplex, flat or apartment house, although intended for residential purposes may be erected thereon. No Lot shall be further subdivided. No residential building which has previously been at another location shall be moved onto the Lot. No trailer, outbuilding or exterior structure erected on any Lot shall at any time be used for human habitation.

Section 2 – Set Back Lines

No part of any residence, except as hereinafter provided, may be erected or maintained on any of the Lots nearer to the front property line than 25 feet, nor nearer to the side Lot line than 5 feet unless variance granted and approved by the City of Council Bluffs, Iowa.

Section 3 – Dwelling Size

A. Residences will be required to have the following minimum square footage, to wit:

1. One story residences: 1300 square feet of finished living area will be required on ground level.
2. One and one half story residences: 1600 square feet of finished living area will be required above the basement level, with at least 1000 square feet of finished living area required on the first floor.
3. Two-story residences: 1600 square feet of finished living area will be required above basement level, with at least 1000 square feet of finished living area required on the first floor.
4. Bi-level and split level and split entry residences: 1600 square feet of finished living area will be required with at least 1000 square feet of finished living area required on the first floor.

B. The phrase "finished living area" as used in this section shall include in all cases areas on the first and second floor of the residence enclosed and furnished for all-year occupancy computed on outside measurement of the residence. The term shall not include any area in any basement, garage, porch, or attic finished or unfinished. No residence erected on any Lot shall be more than two stories in height.

C. Each residence shall include at least an attached two-car garage.

Section 4

A. Each individual Lot Owner is to take all steps necessary to reasonably and adequately regulate the drainage from their Lot and to control unreasonable and undesirable erosion.

B. No boat, camping trailer, auto-drawn trailer of any kind, mobile home, truck, motorcycle, van, aircraft, grading or excavation equipment, or any other, portable vehicle shall be stored, repaired, or routinely parked on the streets of the subdivision as shown by the plat. Each Lot Owner shall provide off-street parking to adequately meet his or her needs and, in any event, off-street parking for two automobiles, shall be provided in addition to the attached two-car garage space.

Section 5

A. **Building Material Requirements.** Shingles need to be Heritage style or better and approved by developer. Exterior walls of all buildings, structures, and appurtenances thereto shall be made of brick, stucco, wood shingles, concrete siding, wood siding, wood paneling, glass blocks, vinyl siding, steel siding, or any combination thereof with at least 20% of the front side to be brick or stone. This shall include, but not be limited to, exterior foundation walls. No exposed foundation on front of home.

B. **Utilities.** All sewage lines on each Lot shall comply with the applicable state and local ordinances and regulations.

Section 6

A. No residence or exterior structure shall ever be placed, erected, or used for business, professional, trade, or commercial purposes on any Lot, provided, however that this restriction shall not prevent a Lot Owner from maintaining an office area in his or her residence as long as it does not require daily traffic or become a nuisance to neighboring Lot Owners.

B. No noxious or offensive activity shall be carried on with respect to any Lot, nor shall any trash, ashes, or other refuse be thrown, placed or dumped upon any Lot, nor shall any trash, ashes or other refuse accumulate or remain on any Lot, nor shall anything be done which may be or become an annoyance or a nuisance to the neighborhood, including but not limited to mechanical work on automotive or other equipment of any kind. Each Lot Owner shall properly maintain his or her Lot in a neat, clean and orderly fashion. All residences and exterior structures shall be kept and maintained in good condition and repair at all times.

C. No incinerator or trash burner shall be allowed on any Lot, no fuel tank shall be permitted to remain outside of any residence, and except on pick-up day, no garbage or trash shall be permitted outside of any dwelling unless within an area that is fully screened from view from any adjoining street or Lot as shown on the plat.

D. No Lot Owner shall use, suffer or permit any person or persons in any manner whatsoever, to use owner's Lot for any purpose in violation of the laws and regulations of the United States, the State of Iowa, or the ordinances and regulations of Pottawattamie County, Iowa, or any other lawful authority. No Lot Owner shall use, suffer or permit any person or persons in any manner whatsoever, to use owner's Lot for any purpose which will constitute an unreasonable and improper invasion upon the quiet use and enjoyment (to include playing loud music) of any other Lot Owner's property.

Section 7

A. All Lots, whether occupied or unoccupied, and any improvements placed thereon shall be maintained in such manner as to prevent their becoming unsightly, unsanitary or a hazard to health.

B. No vehicles, including but not limited to: trailers, buses, campers, motor homes, recreational vehicles, boats, trucks, or commercial vehicles or any similar apparatus shall be parked on the street.

C. No television, radio citizens' band, short wave or other antenna, solar panel, wind-driven electrical generating system, sun energy system, or other unsightly projection shall be attached to the exterior of any residence or erected in any yard.

D. Dogs and other pets shall be confined to their owners Lot. No dogs or pets shall be allowed to run at large.

E. Each Lot Owner shall keep drainage ditches, culverts, and swales located on his or her Lot free and unobstructed and in good repair and shall provide for the installation of such culverts upon his or her Lot as may be reasonably required for proper drainage.

Section 8

A. Chain link fences will be permitted behind the 25' setback area and are to be maintained and free of noxious weeds and grass.

B. All pools shall be fenced. All pools and hot tubs shall be kept clean and maintained in an operable condition. All exterior hot tubs not located on a deck or porch shall be enclosed.

Section 9

A. No animal of any kind shall be raised, bred or kept on any Lot except that up to two exterior animals which would be considered household pets such as two dogs or two cats or a combination thereof. Residents may have interior pets which will not be included in the exterior animal limit. All of the above may be kept as long as they are in compliance with the City of Council Bluffs and the Pottawattamie County, Iowa Zoning Ordinances. Under no circumstances are any poultry, including but not limited to chickens, ducks, geese, exotic birds or turkeys, donkeys, reptiles, mules or members of the swine family, to be raised, bred or kept on any lot. There shall also be no large animals kept on the Lot such as horses and cows and other similar animals.

Section 10 – Signs

A. No signs, advertisements, billboards, or advertising structures of any kind may be erected or maintained on any Lot provided, however that not more than one advertising board on each Lot or tract which shall not be more than seven square feet in size and may be used for the sole exclusive purpose of advertising for sale or lease the Lot or tract upon which it is erected. Declarant reserves the right to install and maintain any entrance/identification signs for the property on Lots 1-17 and 19-24.

Section 11 – Landscaping, Lawns and Trees

A. The owner of each Lot shall keep the lawn uniformly mowed and clipped and shall properly maintain and replace all trees and landscaping. Noxious weeds and plants shall be kept reasonably mowed and dead or unsightly growth shall be removed from all improved Lots.

Section 12 – Soil Erosion and Sediment Control Easement

A. Prior to any land disturbing activity, as defined in Section 161.64 (3) Code of Iowa, on any Lot, the lot owner shall cause a soil erosion and sediment control plan to be prepared in accordance with the technical standards and specifications of the District Soil Conservationist. When necessary the lot owner shall submit the plan to the Soil Conservation District for approval, as provided in Chapter 161A, Code of

Iowa. The Lot owner shall be liable for the successful implementation and completion of the said plan. This covenant shall constitute an easement that runs with the land and shall bind the Lot owner and his, her or their successors and assigns. This easement may be enforced as provided in Article V, Section 4 and/or under the provisions of Chapter 161A, Code of Iowa.

The purchaser of any Lot in this subdivision shall become the sole responsible permittee for said Lot with respect to compliance with all terms, provisions and requirements of the General Permit for the said Lot and shall protect, defend, indemnify, and hold Declarant harmless from any claims, liabilities, fines, penalties, clean up costs and/or attorney fees resulting from any alleged violation thereof after the date of sale of the Lot. The purchaser agrees to sign all documents necessary to show the assumption of the responsibility. The covenants and provisions of this document shall survive closing.

Article V General Provisions

Section 1 – Duration

These covenants and restrictions contained in this Declaration shall run with the land, and shall be binding for an initial term of twenty years from the date these Declarations are recorded, after which time they shall be automatically extended for successive periods of ten years each by any Lot Owner filing for record in the Pottawattamie County Recorder's Office an Affidavit of Renewal.

Section 2 – Notices

Any notices required to be sent to any member or Lot Owner under the provisions of this Declaration shall be deemed to have been properly sent when mailed, postage prepaid, to the last known address of the Lot Owner.

Section 3 – Enforcement

Enforcement of these covenants and restrictions shall be by any proceeding at law or in equity against any person or persons violating or attempting to violate any covenant or restriction, either to restrain violation or to recover damages or both and against the land to enforce any lien created by these covenants, and failure by any Lot Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Section 4 – Severability

If one of these covenants or restrictions is held invalid by a judgment or court order, this shall in no way effect any other provision which shall remain in full force and effect.

Section 5 – Amendment

By unanimous written consent of all of the Lot Owners of the properties within the subdivision as then constituted, evidenced by a Declaration duly executed and acknowledged by such Lot Owners and recorded in the Office of the Recorder of City of Council Bluffs and Pottawattamie County, Iowa, this instrument may be modified and amended.

Section 6 – Grantee’s Acceptance


Each grantee or purchaser of any Lot shall by acceptance of a deed conveying title thereto, or the execution of a contract for the purchase thereof, accepts such deed or contract subject to each and all of the provisions of this Declaration of Restrictions and Covenants. By such acceptance, such grantee or purchaser shall for himself or herself, and for his or her devisees, personal representatives, grantees, successors and assigns, lessees and lessors, covenants, consents and agrees to and with this Declaration and grantee or purchaser of each other Lot to keep, observe, comply with and perform the covenants, conditions and restrictions contained in this Declaration.

By *Edward G. Leazenby*
Edward G. Leazenby, Declarant

By *Michael L. Collins*
Michael L. Collins, Declarant

STATE OF IOWA)

COUNTY OF POTTAWATTAMIE)


12/28/07
Karen Yeager

On this 20 day of December, 2005, before me, Michael Collins, personally appeared Edward Leazenby or Michael Collins, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.