

COMPARED

020410

INST # _____

RECORDING FEE 25⁰⁰

AUDITOR FEE _____

RMA FEE 1.00 ECOM 1.00

FILED FOR RECORD
POTTAWATTAMIE CO. IA

2006 APR 25 AM 10:19

JOHN SCIORTING
RECORDER

BILL OF SALE

Recorder's Cover Sheet

Preparer Information: (Name, address and phone number)

Council Bluffs Water Works, P. O. Box 309, Council Bluffs, IA 51502, Phone 712.328.1006
Douglas P. Drummey, General Manager. Reviewed and approved by legal counsel for the Board of Water Works Trustees of the City of Council Bluffs, Iowa.

Taxpayer Information: (Name and complete address)

Council Bluffs Water Works, P. O. Box 309, Council Bluffs, IA 51502, Phone 712.328.1006
Douglas P. Drummey, General Manager.

*** Return Document To:** (Name and complete address)

Council Bluffs Water Works, P. O. Box 309, Council Bluffs, IA 51502, Phone 712.328.1006
Douglas P. Drummey, General Manager.

Grantors:

LC Development, L.L.C.

Grantees:

City of Council Bluffs, Iowa, for the use and benefit of The Board of Water Works Trustees of the City of Council Bluffs, Iowa

Legal Description: See next page.

Document or instrument number of previously recorded documents if applicable:

COMPARED

Prepared for Council Bluffs City Water Works, 2000 N. 25th St., P. O. Box 309, Council Bluffs, IA 51502, telephone (712) 328-1006 by Douglas P. Drummey, General Manager. Reviewed and approved by legal counsel for the Board of Water Works Trustees of the City of Council Bluffs, Iowa.

BILL OF SALE

(Exhibit 2)

For the consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, LC Development, L.L.C., an Iowa limited liability company (the "Seller"), does hereby sell, assign, transfer and set over unto the City of Council Bluffs, Iowa, for the use and benefit of The Board of Water Works Trustees of the City of Council Bluffs, Iowa (the "Buyer"), the following described personal property, to-wit:

all water lines and appurtenances thereto lying within a certain easement granted to the Buyer by the Seller, which easement is over, across and through the following described real estate situated in Pottawattamie County, Iowa, to wit:

See Exhibit 1 attached hereto

which personal property is currently in the possession of Seller.

The above named Buyer does hereby assent to becoming the owner of the above described property.

Seller hereby covenants with Buyer that Seller is the owner of said personal property, that Seller has good and lawful authority to sell, transfer, and assign the same and that the same is free and clear of all liens, security interests and encumbrances except as may be above stated; and Seller covenants to warrant and defend said personal property against the lawful claims of all persons except as may be above stated.

Exhibit 2

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

LOT 3 EXCEPT THE NORTH 10 ACRES THEREOF, OF AUDITOR'S SUBDIVISION OF THE SMOKESTACK OF SECTION 29 AND THAT PART OF LOT 3, AUDITOR'S SUBDIVISION OF THE WINDHEM 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, 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 I, NORTH 03 DEGREES 48 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 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 56 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 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.

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 HEREBY 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.

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.



MELVIN G. SAMPLES
 10560
 IOWA

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct supervision in accordance with the laws of the State of Iowa.

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

License Number: 10560
 Expires renewal date: 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 PLUNTENEY 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.

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.

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

1 OF 2

10/21/05

CHICORY RIDGE SUBDIVISION

project: LC DEVELOPMENT LLC, ED LEAZENBY, MIKE COLLINS
 17298 LAPWORTH LANE, CRESCENT, IOWA 51526
 sheet: FINAL PLAT

DEF _____
 SCH _____
 MCS _____
 AUG.05 _____
 date

hgm

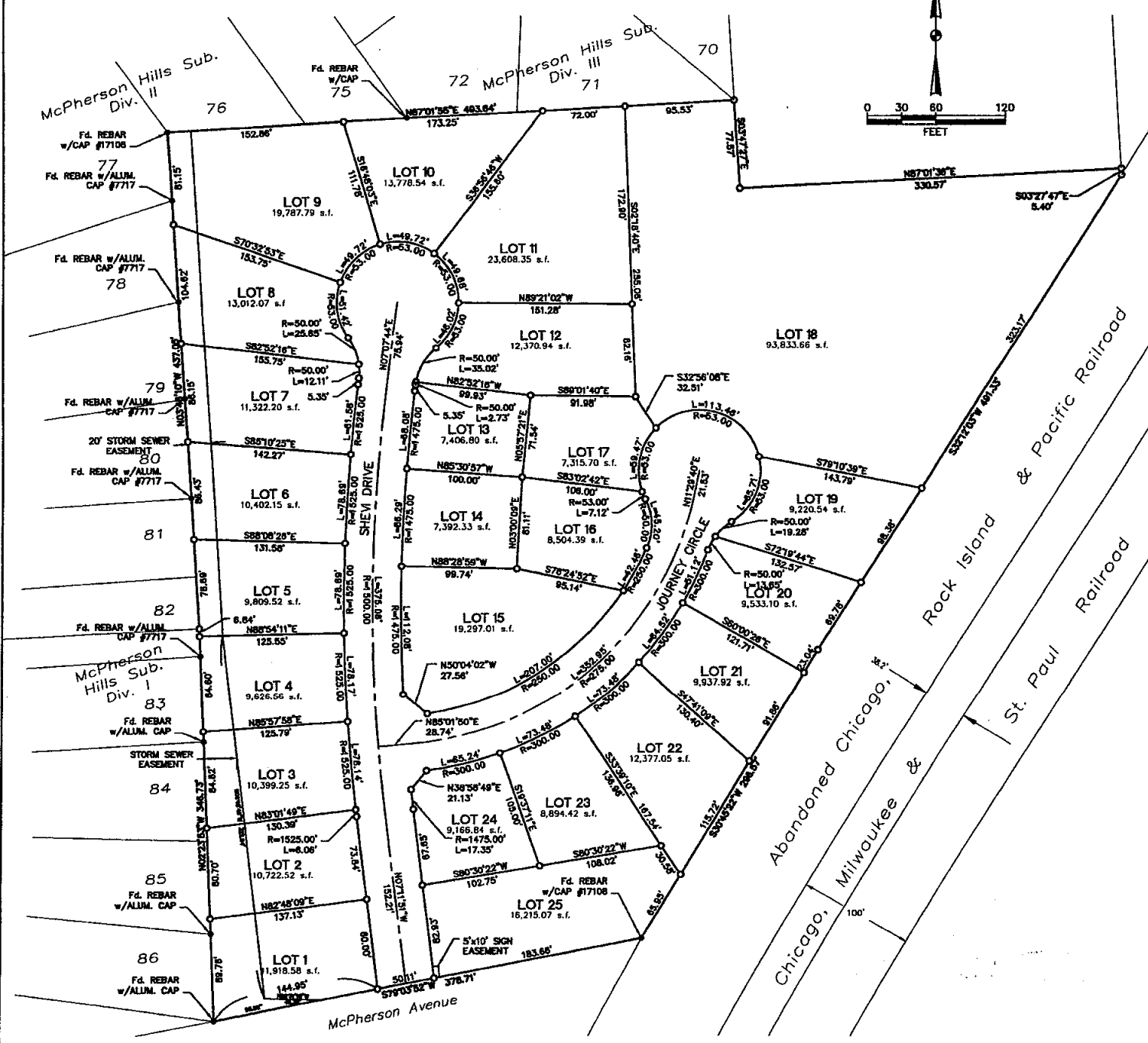
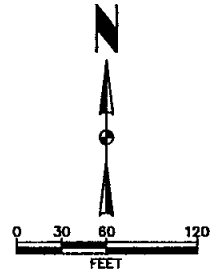
ASSOCIATES INC.

ENGINEERING ARCHITECTURE SURVEYING

council bluffs crested

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FINAL PLAT OF CHICORY RIDGE SUBDIVISION



2 OF 2
10215

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

DEF	_____
SCH	_____
MSS	_____
ALG'D'S	_____
DATE	_____
REVISION	_____

hgm
 ASSOCIATES INC.
 ENGINEERING ARCHITECTURE SURVEYING
 council bluffs omaha

We warrant to being made...
 for use in this project...
 conditions with these conditions...
 no, approval for production...
 within 30 days of the date...
 unless so stated on any one of...
 this drawing or any part hereof...
 used in connection with the...
 terms of the above agreement.