

THE SEVEN AT FOX RUN LANDING

LOTS 1 THRU 39 INCLUSIVE, AND OUTLOTS 1 AND 2 BEING A REPLATTING OF PART OF LOT 118, AND ALL OF OUTLOT 1, FOX RUN LANDING, A SUBDIVISION LOCATED IN THE SW1/4 OF SECTION 15, AND PART OF THE EAST 1/2 OF THE SE1/4 OF SAID SECTION 16; ALL LOCATED IN TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA.

2006 MAY -2 PM 3: 27

INST # 026930 RECORDING FEE 150 AUDITOR FEE RMA FEE 1.00 ECOM. 1.00

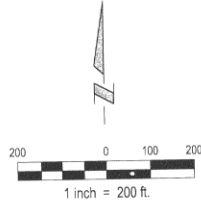
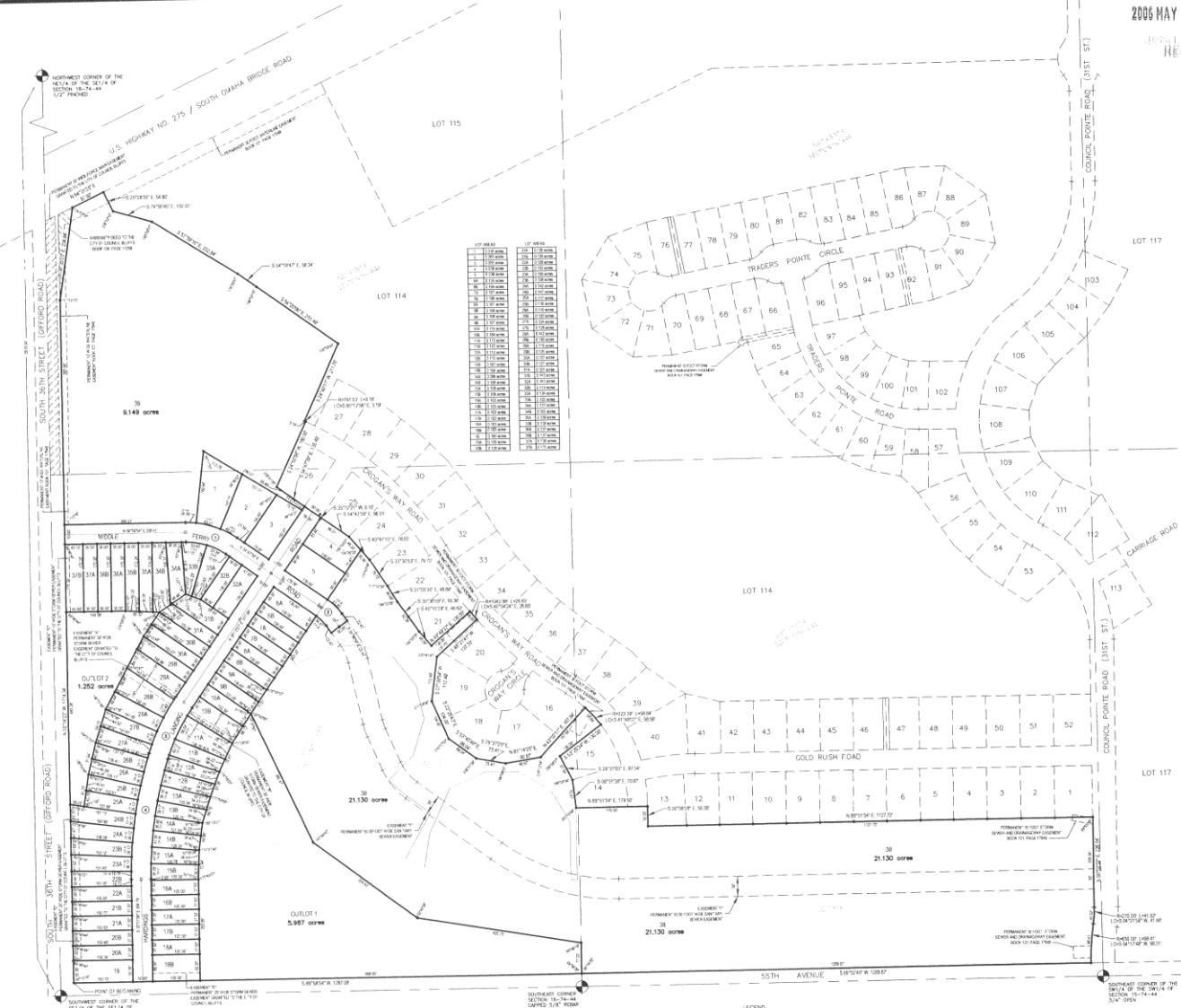


Table with columns for LOT AREA and LOT PERCENTAGE, listing areas for lots 70 through 113.

Table with columns for CURVE, CENTRAL ANGLE, CHORD, RADIUS, TANGENT, DELTA, LINE, SPANS, BEARING, and BEARING, containing data for curves 1 through 4 and lines 01 through 20.

- LEGEND: PINS FOUND, 5/8" X 30" REBAR WITH ALUMINUM CAP #13013, PINS SET, 5/8" X 30" REBAR WITH ALUMINUM CAP #13013, PINS SET, 1/4" X 1/4" STEEL, PLUG, PLAT DIMENSION, SURVEY DIMENSION, RECORDED, SECTION CORNER FOUND, CURVE CHORD DATA (SEE TABLE)

- NOTES: 1. ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED. 2. ALL LOT LINES ARE RADIAL TO CURVED STREETS UNLESS SHOWN AS (N.R.). 3. DIRECT VEHICULAR ACCESS WILL NOT BE ALLOWED TO SOUTH 38TH STREET OR TO 55TH AVENUE FROM ANY LOTS ABUTTING SAID STREETS. 4. A PERPETUAL EASEMENT 5 FEET IN WIDTH IS RESERVED ALONG THE SIDE, LOT LINES OF LOTS; AND 10 FEET IN WIDTH ALONG THE FRONT AND REAR LOT LINES OF ALL LOTS. SAID EASEMENTS ARE FOR UTILITY INSTALLATION AND MAINTENANCE AND FOR DRAINAGE, SAID DRAINAGE AREAS AND ANY INCLUDED DRAINAGE SYSTEMS ARE PRIVATE AND TO BE INSTALLED AND MAINTAINED BY THE OWNERS OF THE LOTS ADJOINING THEM. 5. ALL DIMENSIONS AND ANGLES SHOWN WITH PARENTHESES ARE FOR THE LOCATION OF EASEMENTS. 6. PERMANENT STORM SEWER AND DRAINAGEWAY EASEMENTS GRANTED TO THE HOME OWNERS ASSOCIATION LOCATED IN ALL OF OUTLOTS 1 AND 2. 7. ONLY ATTACHED SINGLE FAMILY RESIDENCES SHALL BE CONSTRUCTED ON LOTS 6A THRU 18B INCLUSIVE AND LOTS 20A THRU 37B INCLUSIVE.

SHEET 1 OF 8

Table with columns for Proj No., Date, Designed By, Drawn By, Checked By, Scale, and Sheet 1 of 8. Includes a Revisions section with a table for No., Date, and Description.

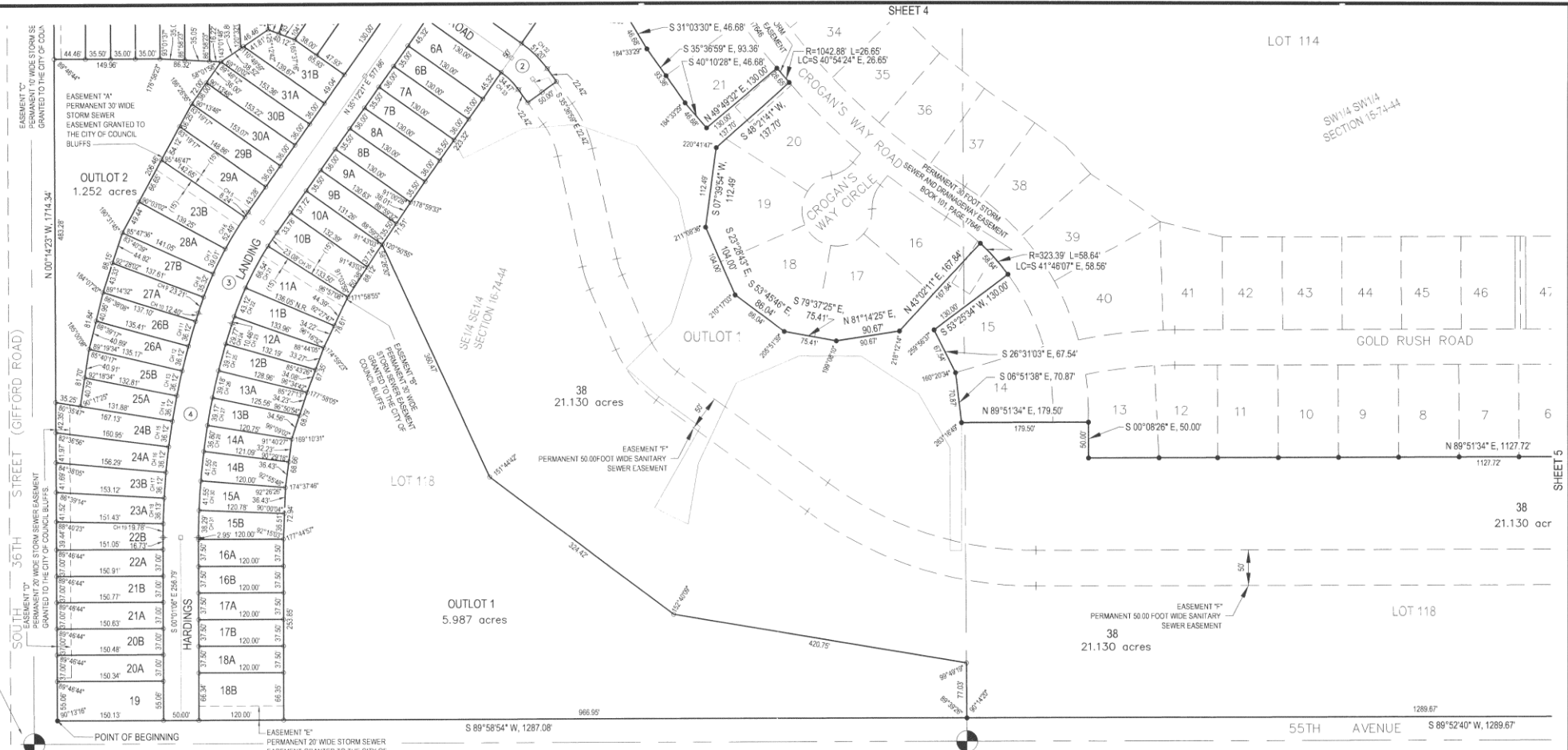
FINAL PLAT

THE SEVEN AT FOX RUN LANDING COUNCIL BLUFFS, IOWA

E&A CONSULTING GROUP, INC. ENGINEERING • PLANNING • FIELD SERVICES

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SW1/4 SW1/4 SECTION 16-74-44



POINT OF BEGINNING
SOUTHWEST CORNER OF THE SE1/4 OF THE SE1/4 OF SECTION 16-74-44 3/4" IRON

EASEMENT "C"
PERMANENT 20' WIDE STORM SEWER EASEMENT GRANTED TO THE CITY OF COUNCIL BLUFFS.

SOUTHEAST CORNER SECTION 16-74-44 CAPPED 5/8" REBAR

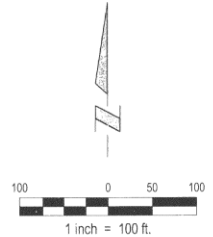
LEGEND

- PINS FOUND, 5/8" X 30" REBAR WITH ALUMINUM CAP #13373 (UNLESS OTHERWISE NOTED)
- PINS SET, 5/8" X 30" REBAR WITH ALUMINUM CAP #13373
- PINS SET, 5/8" STEEL PLUG
- (P) PLAT DIMENSION
- (S) SURVEY DIMENSION
- (R) RECORDED
- SECTION CORNER FOUND
- C(x) CURVE CHORD DATA (SEE TABLE)

CURVE	RADIUS	LENGTH	TANGENT	DELTA
1	200.00'	122.96'	63.49'	35°13'27"
2	127.97'	42.83'	21.62'	19°10'40"
3	500.00'	150.73'	75.94'	17°16'22"
4	1000.00'	313.31'	157.95'	17°57'06"

LINE	LENGTH	BEARING
CH 1	63.00	N75°08'03"W
CH 2	42.18	N67°56'25"W
CH 3	63.39	S81°14'40"E
CH 4	63.78	S63°37'57"E
CH 5	8.24	S34°45'23"W
CH 6	52.47	S31°26'33"W
CH 7	39.00	S26°26'57"W
CH 8	35.32	S22°23'35"W
CH 9	23.20	S19°11'57"W
CH 10	12.39	S17°35'12"W
CH 11	36.12	S16°13'51"W
CH 12	36.12	S14°12'42"W
CH 13	36.12	S12°11'33"W
CH 14	36.12	S10°10'24"W
CH 15	36.12	S08°09'16"W
CH 16	36.12	S06°08'07"W
CH 17	36.12	S04°06'58"W
CH 18	36.12	S02°05'49"W

LINE	LENGTH	BEARING
CH 19	19.78	S00°32'04"W
CH 20	23.08	S33°46'50"W
CH 21	66.49	S28°24'32"W
CH 22	43.10	S21°47'42"W
CH 23	10.46	S18°33'50"W
CH 24	29.77	S17°03'30"W
CH 25	39.17	S15°01'57"W
CH 26	38.17	S12°43'50"W
CH 27	39.17	S10°26'42"W
CH 28	36.80	S08°11'46"W
CH 29	41.55	S05°53'38"W
CH 30	41.55	S03°27'08"W
CH 31	38.28	S01°06'23"W
CH 32	50.96	S45°12'19"E
CH 33	34.31	S45°12'19"E
CH 34	26.83	S86°36'01"E



Proj No:	99049.08
Date:	11/09/2005
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Sheet 3 of 8	

Revisions	Date
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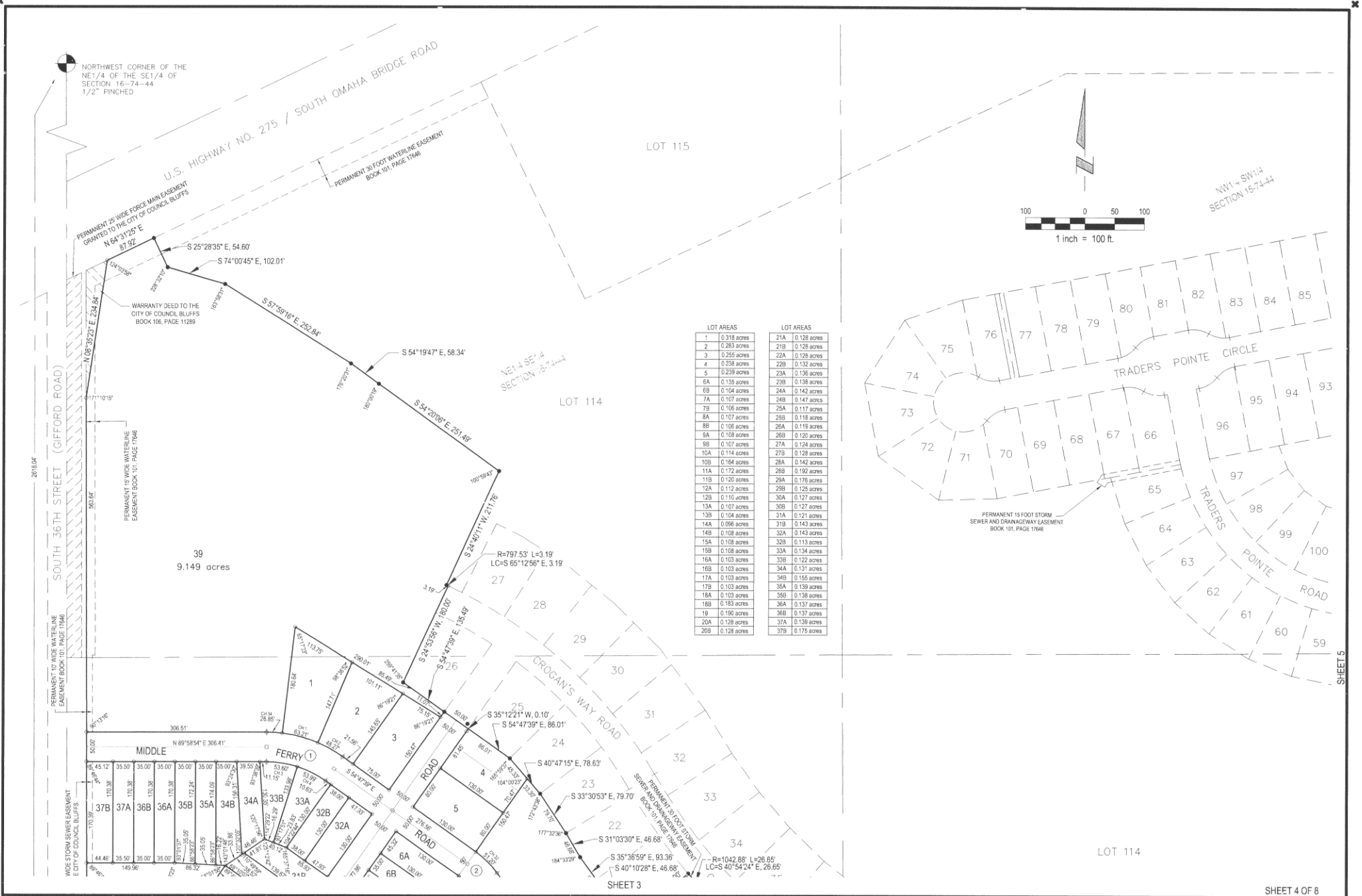
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LOT AREAS		LOT AREAS	
1	0.315 acres	21A	0.128 acres
2	0.263 acres	21B	0.128 acres
3	0.255 acres	22A	0.128 acres
4	0.238 acres	22B	0.132 acres
5	0.239 acres	23A	0.136 acres
6A	0.135 acres	23B	0.138 acres
6B	0.104 acres	24A	0.142 acres
7A	0.107 acres	24B	0.147 acres
7B	0.106 acres	25A	0.117 acres
8A	0.107 acres	25B	0.118 acres
8B	0.106 acres	26A	0.119 acres
9A	0.108 acres	26B	0.122 acres
9B	0.107 acres	27A	0.124 acres
10A	0.114 acres	27B	0.128 acres
10B	0.164 acres	28A	0.142 acres
11A	0.172 acres	28B	0.192 acres
11B	0.120 acres	29A	0.176 acres
12A	0.112 acres	29B	0.125 acres
12B	0.110 acres	30A	0.127 acres
13A	0.107 acres	30B	0.127 acres
13B	0.104 acres	31A	0.121 acres
14A	0.096 acres	31B	0.143 acres
14B	0.108 acres	32A	0.143 acres
15A	0.108 acres	32B	0.113 acres
15B	0.108 acres	33A	0.134 acres
16A	0.103 acres	33B	0.122 acres
16B	0.103 acres	34A	0.131 acres
17A	0.103 acres	34B	0.155 acres
17B	0.103 acres	35A	0.139 acres
18A	0.103 acres	35B	0.138 acres
18B	0.183 acres	36A	0.137 acres
19	0.190 acres	36B	0.137 acres
20A	0.128 acres	37A	0.139 acres
20B	0.128 acres	37B	0.175 acres

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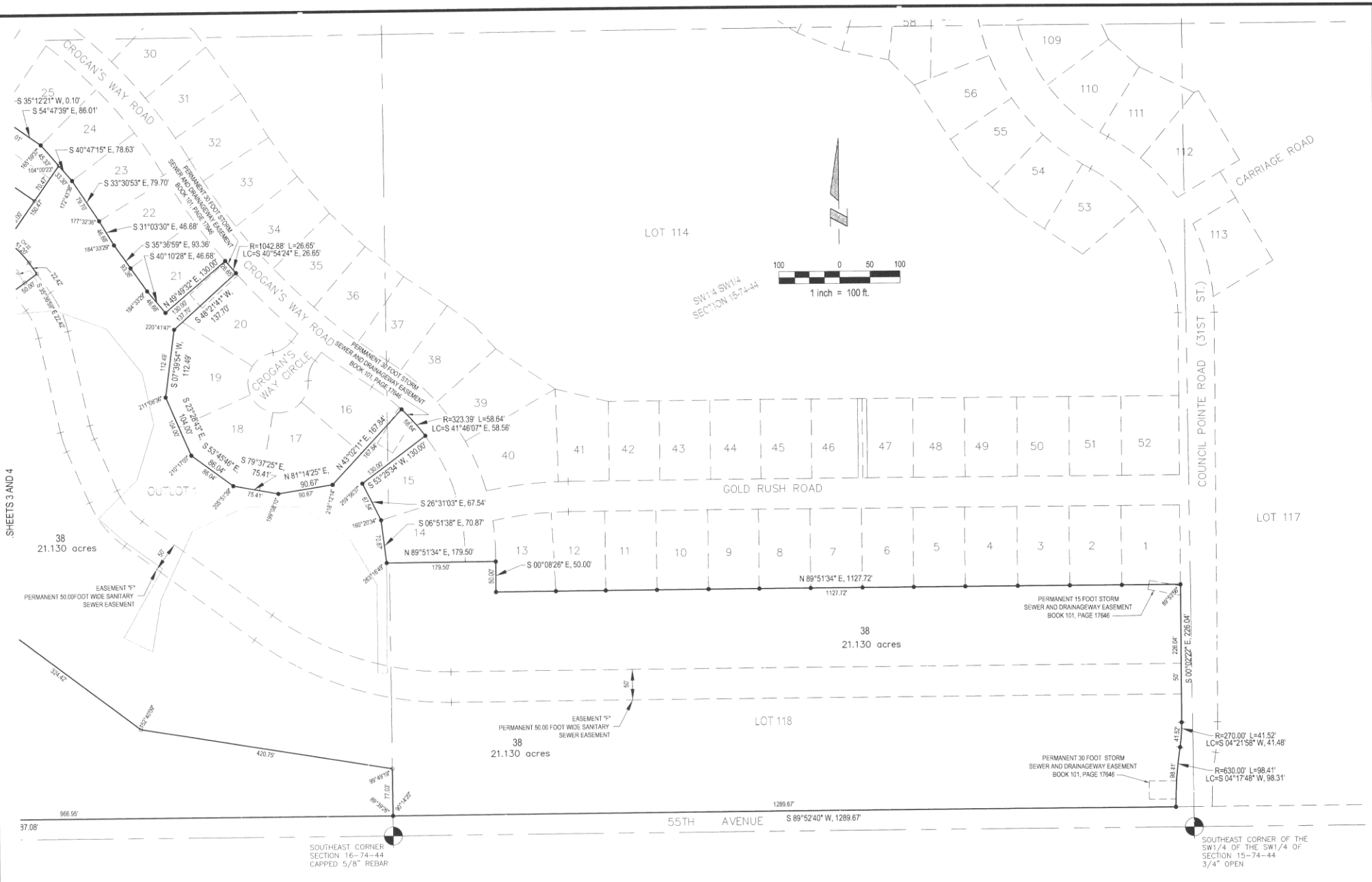
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SHEETS 3 AND 4



Proj No:	99049.08
Date:	11/09/2005
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Scale:	1" = 100'
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Revisions	
No	Date

FINAL PLAT

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SOUTHEAST CORNER SECTION 16-74-44 CAPPED 5/8" REBAR

LEGAL DESCRIPTION: EASEMENT "F"

A 50.00 FOOT WIDE SANITARY SEWER EASEMENT LOCATED IN LOT 38, THE SEVEN AT FOX RUN LANDING, A SUBDIVISION LOCATED IN THE SW1/4 OF SECTION 15, AND ALSO THE EAST 1/2 OF THE SE1/4 OF SECTION 16, ALL LOCATED IN TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SW1/4 OF SAID SW1/4 OF SECTION 15, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF THE SE1/4 OF SAID SW1/4 OF SECTION 15, THENCE N00°28'17"W (ASSUMED BEARING) ALONG THE EAST LINE OF SAID SW1/4 OF SECTION 15, SAID LINE ALSO BEING THE WEST LINE OF SAID SE1/4 OF THE SW1/4 OF SECTION 15, A DISTANCE OF 218.53 FEET; THENCE S89°31'43"W, A DISTANCE OF 17.91 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF COUNCIL POINTE ROAD (31ST STREET); SAID POINT ALSO BEING ON THE EAST LINE OF SAID LOT 38, THE SEVEN AT FOX RUN LANDING, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE S89°51'34"W, A DISTANCE OF 1202.64 FEET; THENCE NORTHWESTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 545.66 FEET, A DISTANCE OF 346.45 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N71°57'06"W, A DISTANCE OF 340.66 FEET; THENCE N53°45'46"W, A DISTANCE OF 264.71 FEET; THENCE NORTHWESTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 175.00 FEET, A DISTANCE OF 92.50 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N38°37'14"W, A DISTANCE OF 91.42 FEET; THENCE N23°26'43"W, A DISTANCE OF 92.42 FEET; THENCE NORTHWESTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 125.00 FEET, A DISTANCE OF 33.25 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N18°02'09"E, A DISTANCE OF 33.20 FEET; THENCE N12°35'36"W, A DISTANCE OF 169.02 FEET; THENCE NORTHWESTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 125.00 FEET, A DISTANCE OF 50.23 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N24°06'17"W, A DISTANCE OF 49.89 FEET; THENCE S35°36'59"E, A DISTANCE OF 37.86 FEET TO THE POINT OF INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF MIDDLE FERRY ROAD, AND THE EASTERLY RIGHT-OF-WAY LINE OF SAID MIDDLE FERRY ROAD; THENCE N54°23'01"E ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF MIDDLE FERRY ROAD, A DISTANCE OF 50.00 FEET TO THE POINT OF INTERSECTION OF SAID EASTERLY RIGHT-OF-WAY LINE OF MIDDLE FERRY ROAD, AND THE NORTHERLY RIGHT-OF-WAY LINE OF SAID MIDDLE FERRY ROAD; THENCE S35°36'59"E, A DISTANCE OF 37.86 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE RIGHT WITH A RADIUS OF 175.00 FEET, A DISTANCE OF 70.32 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S24°06'17"E, A DISTANCE OF 69.85 FEET; THENCE S12°35'36"E, A DISTANCE OF 159.02 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 125.00 FEET, A DISTANCE OF 23.75 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S18°02'09"E, A DISTANCE OF 23.71 FEET; THENCE S23°28'43"E, A DISTANCE OF 92.42 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 125.00 FEET, A DISTANCE OF 66.07 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S38°37'14"E, A DISTANCE OF 65.30 FEET; THENCE S53°45'46"E, A DISTANCE OF 264.71 FEET; THENCE EASTERLY ON A CURVE TO THE LEFT WITH A RADIUS OF 495.66 FEET, A DISTANCE OF 314.70 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S71°57'06"E, A DISTANCE OF 309.44 FEET; THENCE N89°51'34"W, A DISTANCE OF 1202.64 FEET TO A POINT ON SAID EAST LINE OF LOT 38, FOX RUN LANDING, SAID LINE ALSO BEING ON SAID WEST RIGHT-OF-WAY LINE OF COUNCIL POINTE ROAD; THENCE S00°02'22"E ALONG SAID EAST LINE OF LOT 38, THE SEVEN AT FOX RUN LANDING, SAID LINE ALSO BEING SAID WEST RIGHT-OF-WAY LINE OF COUNCIL POINTE ROAD, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

SAID 50.00 FOOT WIDE SANITARY SEWER EASEMENT CONTAINS AN AREA OF 112,762 SQUARE FEET OR 2.589 ACRES, MORE OR LESS.

COMMENCING POINT EASEMENT "F" SOUTHEAST CORNER OF THE SW1/4 OF THE SW1/4 OF SECTION 15-74-44 3/4" OPEN

Proj No:	99049.08
Date:	11/09/2005
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Scale:	1" = 100'
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Revisions	Date
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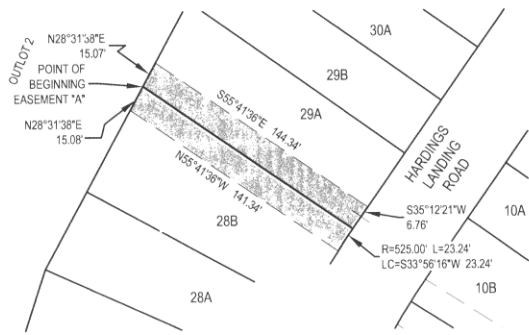
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EASEMENT "A"
SCALE 1" = 50'

LEGAL DESCRIPTION: EASEMENT "A"

A PERMANENT 30.00 FOOT WIDE STORM SEWER EASEMENT LOCATED IN LOTS 28B & 29A, THE SEVEN AT FOX RUN LANDING, A SUBDIVISION LOCATED IN THE SW1/4 OF SECTION 15, AND ALSO THE EAST 1/2 OF THE SE1/4 OF SECTION 16; ALL LOCATED IN TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 28B, THE SEVEN AT FOX RUN LANDING, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID LOT 29A, THE SEVEN AT FOX RUN LANDING, SAID POINT ALSO BEING THE EASTERLY LINE OF OUTLOT 2, SAID THE SEVEN AT FOX RUN LANDING; THENCE N28°31'38"E (ASSUMED BEARING) ALONG THE WESTERLY LINE OF SAID LOT 29A, THE SEVEN AT FOX RUN LANDING, A DISTANCE OF 15.07 FEET; THENCE S55°41'36"E, A DISTANCE OF 144.34 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 29A, THE SEVEN AT FOX RUN LANDING, SAID POINT ALSO BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF HARDINGS LANDING ROAD; THENCE S35°12'21"W ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF HARDINGS LANDING ROAD, SAID LINE ALSO BEING THE EASTERLY LINE OF SAID LOT 29A, THE SEVEN AT FOX RUN LANDING, A DISTANCE OF 6.76 FEET; THENCE SOUTHWESTERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF HARDINGS LANDING ROAD, SAID LINE ALSO BEING THE EASTERLY LINE OF SAID LOT 28B, THE SEVEN AT FOX RUN LANDING, SAID LINE ALSO BEING THE EASTERLY LINE OF SAID LOT 28B, THE SEVEN AT FOX RUN LANDING ON A CURVE TO THE LEFT WITH A RADIUS OF 525.00 FEET, A DISTANCE OF 23.24 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S33°56'16"W, A DISTANCE OF 23.24 FEET; THENCE N55°41'35"W, A DISTANCE OF 141.34 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 28B, THE SEVEN AT FOX RUN LANDING, SAID LINE ALSO BEING SAID EASTERLY LINE OF OUTLOT 2, THE SEVEN AT FOX RUN LANDING; THENCE N28°31'38"E ALONG SAID WESTERLY LINE OF LOT 28B, THE SEVEN AT FOX RUN LANDING, SAID LINE ALSO BEING SAID EASTERLY LINE OF OUTLOT 2, THE SEVEN AT FOX RUN LANDING, A DISTANCE OF 15.08 FEET TO THE POINT OF BEGINNING.

SAID PERMANENT 30.00 FOOT WIDE STORM SEWER EASEMENT CONTAINS AN AREA OF 4.281 SQUARE FEET OR 0.098 ACRES, MORE OR LESS.

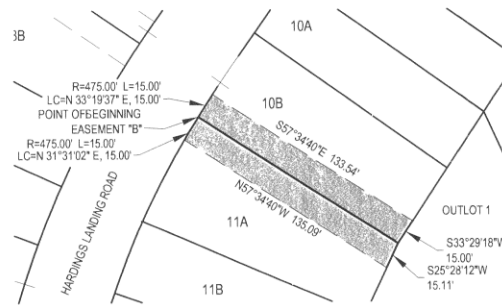
LEGAL DESCRIPTION: EASEMENT "B"

A PERMANENT 30.00 FOOT WIDE STORM SEWER EASEMENT LOCATED IN LOTS 10B AND 11A, THE SEVEN AT FOX RUN LANDING, A SUBDIVISION LOCATED IN THE SW1/4 OF SECTION 15, AND ALSO THE EAST 1/2 OF THE SE1/4 OF SECTION 16, ALL LOCATED IN TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 10B, THE SEVEN AT FOX RUN LANDING, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID LOT 11A, THE SEVEN AT FOX RUN LANDING, SAID POINT ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF HARDINGS LANDING ROAD; THENCE NORTHEASTERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF HARDINGS LANDING ROAD, SAID LINE ALSO BEING THE WESTERLY LINE OF SAID LOT 10B, THE SEVEN AT FOX RUN LANDING ON A CURVE TO THE RIGHT WITH A RADIUS OF 475.00 FEET, A DISTANCE OF 15.00 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N33°19'37"E (ASSUMED BEARING), A DISTANCE OF 15.00 FEET; THENCE S57°34'40"E, A DISTANCE OF 133.54 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 10B, THE SEVEN AT FOX RUN LANDING, SAID LINE ALSO BEING THE WESTERLY LINE OF OUTLOT 1, SAID THE SEVEN AT FOX RUN LANDING; THENCE S33°29'18"W ALONG SAID EASTERLY LINE OF LOT 10B, THE SEVEN AT FOX RUN LANDING, SAID LINE ALSO BEING SAID WESTERLY LINE OF OUTLOT 1, THE SEVEN AT FOX RUN LANDING, A DISTANCE OF 15.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 10B, THE SEVEN AT FOX RUN LANDING, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID LOT 11A, THE SEVEN AT FOX RUN LANDING; THENCE S25°28'12"W ALONG THE EASTERLY LINE OF SAID LOT 11A, THE SEVEN AT FOX RUN LANDING, SAID LINE ALSO BEING SAID WESTERLY LINE OF OUTLOT 1, THE SEVEN AT FOX RUN LANDING

A DISTANCE OF 15.11 FEET; THENCE N57°34'40"W, A DISTANCE OF 135.09 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 11A, THE SEVEN AT FOX RUN LANDING, SAID POINT ALSO BEING ON SAID EASTERLY RIGHT-OF-WAY LINE OF HARDINGS LANDING ROAD; THENCE NORTHEASTERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF HARDINGS LANDING ROAD, SAID LINE ALSO BEING THE WESTERLY LINE OF SAID LOT 11A, THE SEVEN AT FOX RUN LANDING ON A CURVE TO THE RIGHT WITH A RADIUS OF 475.00 FEET, A DISTANCE OF 15.00 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N31°31'02"E, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.

SAID PERMANENT 30.00 FOOT WIDE STORM SEWER EASEMENT CONTAINS AN AREA OF 4.018 SQUARE FEET OR 0.092 ACRES, MORE OR LESS.



EASEMENT "B"
SCALE 1" = 50'

Proj No:	99049.08
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Sheet 7 of 8	

Revisions	Date
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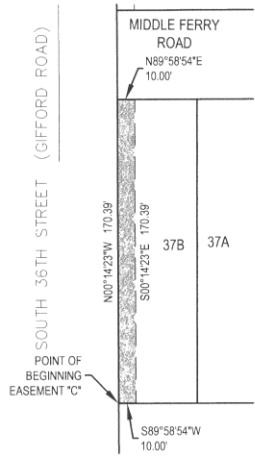
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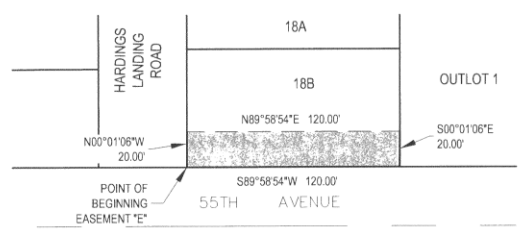


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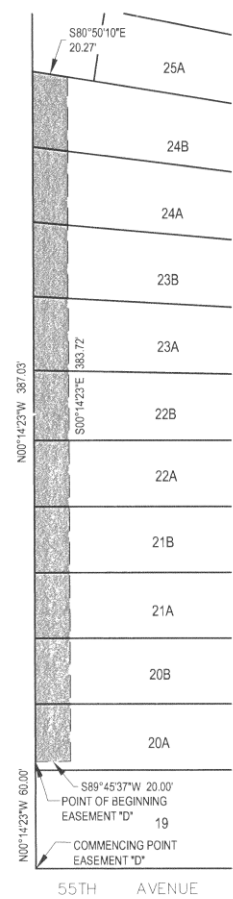
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EASEMENT "C"
SCALE 1" = 50'



EASEMENT "E"
SCALE 1" = 50'



EASEMENT "D"
SCALE 1" = 50'

LEGAL DESCRIPTION: EASEMENT "C"

A PERMANENT 10.00 FOOT WIDE STORM SEWER EASEMENT LOCATED IN LOT 37B, THE SEVEN AT FOX RUN LANDING, A SUBDIVISION LOCATED IN THE SW1/4 OF SECTION 15, AND ALSO THE EAST 1/2 OF THE SE1/4 OF SECTION 16; ALL LOCATED IN TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 37B, THE SEVEN AT FOX RUN LANDING, SAID POINT ALSO BEING THE NORTH WEST CORNER OF OUTLOT 2, SAID THE SEVEN AT FOX RUN LANDING, SAID POINT ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF SOUTH 36TH STREET; THENCE N00°14'23"W (ASSUMED BEARING) ALONG THE WEST LINE OF SAID LOT 37B, THE SEVEN AT FOX RUN LANDING, SAID LINE ALSO BEING SAID EAST RIGHT-OF-WAY LINE OF SOUTH 36TH STREET, A DISTANCE OF 170.39 FEET TO THE NORTHWEST CORNER OF SAID LOT 37B, THE SEVEN AT FOX RUN LANDING, SAID POINT ALSO BEING THE POINT OF INTERSECTION OF SAID EAST RIGHT-OF-WAY LINE OF SOUTH 36TH STREET, AND THE SOUTH RIGHT-OF-WAY LINE OF MIDDLE FERRY ROAD; THENCE N89°58'54"E ALONG THE NORTH LINE OF SAID LOT 37B, THE SEVEN AT FOX RUN LANDING, SAID LINE ALSO BEING SAID SOUTH RIGHT-OF-WAY LINE OF MIDDLE FERRY ROAD, A DISTANCE OF 10.00 FEET; THENCE S00°14'23"E, A DISTANCE OF 170.39 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 37B, THE SEVEN AT FOX RUN LANDING, SAID LINE ALSO BEING THE NORTH LINE OF SAID OUTLOT 2, THE SEVEN AT FOX RUN LANDING; THENCE S89°58'54"W ALONG SAID SOUTH LINE OF LOT 37B, THE SEVEN AT FOX RUN LANDING, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

SAID PERMANENT 10.00 FOOT WIDE STORM SEWER EASEMENT CONTAINS AN AREA OF 1,704 SQUARE FEET OR 0.039 ACRES, MORE OR LESS.

LEGAL DESCRIPTION: EASEMENT "D"

A PERMANENT 20.00 FOOT WIDE STORM SEWER EASEMENT LOCATED IN LOTS 20A THRU 24B INCLUSIVE, THE SEVENS AT FOX RUN LANDING, A SUBDIVISION LOCATED IN THE SW1/4 OF SECTION 15, AND ALSO THE EAST 1/2 OF THE SE1/4 OF SECTION 16; ALL LOCATED IN TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 19, THE SEVEN AT FOX RUN LANDING, SAID POINT ALSO BEING THE POINT OF INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF 55TH AVENUE, AND THE EAST RIGHT-OF-WAY LINE OF SOUTH 36TH STREET; THENCE N00°14'23"W (ASSUMED BEARING) ALONG THE WEST LINE OF SAID LOT 19, THE SEVEN AT FOX RUN LANDING, AND ALSO THE WEST LINE OF SAID LOT 20A, THE SEVEN AT FOX RUN LANDING, SAID LINE ALSO BEING SAID EAST RIGHT-OF-WAY LINE OF SOUTH 36TH STREET, A DISTANCE OF 80.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N00°14'23"W ALONG SAID WEST LINE OF SAID LOTS 20A THRU 24B INCLUSIVE, THE SEVEN AT FOX RUN LANDING, SAID LINE ALSO BEING SAID EAST RIGHT-OF-WAY LINE OF SOUTH 36TH STREET, A DISTANCE OF 387.03 FEET TO THE NORTHWEST CORNER OF SAID LOT 24B, THE SEVEN AT FOX RUN LANDING, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID OUTLOT 2, THE SEVEN AT FOX RUN LANDING; THENCE S80°50'10"E ALONG THE SOUTH LINE OF SAID OUTLOT 2, THE SEVEN AT FOX RUN LANDING, SAID LINE ALSO BEING THE NORTH LINE OF SAID LOT 24B, THE SEVEN AT FOX RUN LANDING, A DISTANCE OF 20.27 FEET; THENCE S00°14'23"E, A DISTANCE OF 383.72 FEET; THENCE S89°45'37"W, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

SAID PERMANENT 30.00 FOOT WIDE STORM SEWER EASEMENT CONTAINS AN AREA OF 7,708 SQUARE FEET OR 0.177 ACRES, MORE OR LESS.

LEGAL DESCRIPTION: EASEMENT "E"

A PERMANENT 20.00 FOOT WIDE STORM SEWER EASEMENT LOCATED IN LOT 18B, THE SEVEN AT FOX RUN LANDING, A SUBDIVISION LOCATED IN THE SW1/4 OF SECTION 15, AND ALSO THE EAST 1/2 OF THE SE1/4 OF SECTION 16; ALL LOCATED IN TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 18B, THE SEVEN AT FOX RUN LANDING, SAID POINT ALSO BEING THE POINT OF INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF 55TH AVENUE, AND THE EAST RIGHT-OF-WAY LINE OF HARDINGS LANDING ROAD; THENCE N00°01'06"W (ASSUMED BEARING) ALONG THE WEST LINE OF SAID LOT 18B, THE SEVEN AT FOX RUN LANDING, SAID LINE ALSO BEING THE EAST RIGHT-OF-WAY LINE OF HARDINGS LANDING ROAD, A DISTANCE OF 20.00 FEET; THENCE N89°58'54"E, A DISTANCE OF 120.00 FEET TO A POINT ON THE EAST LINE OF SAID LOT 18B, THE SEVEN AT FOX RUN LANDING, SAID POINT ALSO BEING ON THE WEST LINE OF OUTLOT 1, SAID THE SEVEN AT FOX RUN LANDING; THENCE S00°01'06"E ALONG SAID EAST LINE OF LOT 18B, THE SEVEN AT FOX RUN LANDING, SAID LINE ALSO BEING SAID WEST LINE OF OUTLOT 1, THE SEVEN AT FOX RUN LANDING, A DISTANCE OF 20.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 18B, THE SEVEN AT FOX RUN LANDING, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID OUTLOT 1, THE SEVEN AT FOX RUN LANDING, SAID POINT ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF 55TH AVENUE; THENCE S89°58'54"W ALONG THE SOUTH LINE OF SAID LOT 18B, THE SEVEN AT FOX RUN LANDING, SAID LINE ALSO BEING SAID NORTH RIGHT-OF-WAY LINE OF 55TH AVENUE, A DISTANCE OF 120.00 FEET TO THE POINT OF BEGINNING.

SAID PERMANENT 20.00 FOOT WIDE STORM SEWER EASEMENT CONTAINS AN AREA OF 2,400 SQUARE FEET OR 0.055 ACRES, MORE OR LESS.

Proj No:	99049.08
Date:	11/09/2005
Designed By:	MAA
Drawn By:	LDD/DAS
Checked By:	
Scale:	1" = 100'
Sheet 8 of 8	

Revisions	
(No)	Date

FINAL PLAT

THE SEVEN AT
FOX RUN LANDING
COUNCIL BLUFFS, IOWA



E&A CONSULTING GROUP, INC.
ENGINEERING • PLANNING • FIELD SERVICES

330 NORTH 117TH STREET OMAHA, NE 68154
PHONE: (402) 895-4700 FAX: (402) 895-3599
www.eacg.com

THIS LEGAL DESCRIPTION WAS CHANGED IN THE AUDITOR'S OFFICE, ALONG WITH THE ORIGINAL PLATTING,
WITH PERMISSION OF THE OFFICE OF DEBORAH PETERSEN P L C 5/4/2006

COMPARED

Recorder's Cover Sheet

ATTORNEY'S OPINION WITH RESPECT TO
THE SEVEN AT FOX RUN LANDING SUBDIVISION
COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA

Preparer Information: (Name, address and phone number)

Rick D. Crowl
Stuart Tinley Law Firm LLP
P. O. Box 398
Council Bluffs, Iowa 51502
Telephone: 712-322-4033

Taxpayer Information: (Name and complete address)

CB Real Estate Development, L.L.C.
ATTN: Glen Tiessen
c/o NP Dodge Real Estate
1730 Madison Avenue
Council Bluffs, Iowa 51503

Return Document To: (Name and complete address)

Deborah L. Petersen, P.L.C.
P. O. Box 893
Council Bluffs, Iowa 51502-0893

Grantors:

Fox Run Properties, L.C.

Entered for Recording
[Signature] MAY 2 2006
COUNTY AUDITOR

Grantees:

CB Real Estate Development, L.L.C.

Legal Description: See Page 4

Document or instrument number of previously recorded documents, if applicable:

COMPARED

Legal Description

The following described Real Estate situated in the
County of Pottawattamie and State of Iowa, to-wit:-

Being a replatting of all of Lot 118, and Outlot 1, Fox Run Landing, a subdivision located in the SW $\frac{1}{4}$ of Section 15; and also together with part of the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of said Section 15; and also together with part of the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of said Section 15; and also together with part of the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of said Section 16; all located in Township 74, Range 44, Pottawattamie County, Iowa, more particularly described as follows:

Beginning at the SW corner of said Lot 118, Fox Run Landing, said point also being the point of intersection of the north right-of-way line of 55th Avenue, and the east right-of-way line of South 36th Street; thence N 00° 14' 23" W (assumed bearing) along said east right-of-way line of South 36th Street, said line also being the west line of said Lot 118, Fox Run Landing, a distance of 1929.41 feet to the NW corner of said Lot 118, Fox Run Landing, said point also being the point of intersection of said east right-of-way line of South 36th Street, and the southerly right-of-way line of U.S. Highway No. 275; thence N 64° 31' 25" E along the northerly line of said Lot 118, Fox Run Landing, said line also being said southerly right-of-way line of U.S. Highway No. 275, a distance of 127.77 feet to the NW corner of said Lot 114, Fox Run Landing; thence S 25° 28' 35" E along said northerly line of Lot 118, Fox Run Landing, said line also being said southerly line of Lot 114, Fox Run Landing, a distance of 54.60 feet; thence S 74° 00' 45" E along said northerly line of Lot 118, Fox Run Landing, said line also being said southerly line of Lot 114, Fox Run Landing, a distance of 102.01 feet; thence S 57° 59' 16" E along said northerly line of Lot 118, Fox Run Landing, said line also being said southerly line of Lot 114, Fox Run Landing, a distance of 252.84 feet; thence S 54° 19' 47" ~~W~~^E along said northerly line of Lot 118, Fox Run Landing, said line also being said southerly line of Lot 114, Fox Run Landing, a distance of 58.34 feet; thence S 54° 20' 06" E along said northerly line of Lot 118, Fox Run Landing, said line also being said southerly line of Lot 114, Fox Run Landing, a distance of 251.49 feet; thence S 24° 40' 11" W along said northerly line of Lot 118, Fox Run Landing, said line also being said southerly line of Lot 114, Fox Run Landing, a distance of 211.76 feet; thence Southeasterly along said northerly line of Lot 118, Fox Run Landing, said line also being said southerly line of Lot 114, Fox Run Landing on a curve to the right with a radius 797.53 feet, a distance of 3.19 feet, said curve having a long chord which bears S 65° 12' 56" E, a distance of 3.19 feet to a point on the northerly right-of-way line of Crogan's Way Road; thence S 24° 53' 56" W along said northerly line of Lot 118, Fox Run Landing, said line also being the westerly right-of-way line of Crogan's Way Road, and also the westerly line of Lot 26, said Fox Run Landing, a distance of 180.00 feet to the SW corner of said Lot 26, Fox Run Landing; thence S 54° 47' 39" E along the southerly line of said Lot 26, Fox Run Landing, said line also being said northerly line of Lot 118, Fox Run Landing, a distance of 85.49 feet to the SE corner of said Lot 26, Fox Run Landing, said point also being on the westerly right-of-way line of Hardings Landing Road, thence N 35° 12' 21" E along the easterly line of said Lot 26, Fox Run Landing, said line also being said westerly right-of-way line of Hardings Landing Road, a distance of 139.55 feet to the NE corner of said

Lot 26, Fox Run Landing, said point also being the point of intersection of said westerly right-of-way line of Hardings Landing Road, and the southerly right-of-way line of said Crogan's Way Road; thence southeasterly along said southerly right-of-way line of Crogan's Way Road, said line also being the northerly right-of-way line of said Hardings Way Road on a curve to the right with a radius of 747.53 feet, a distance of 50.01 feet, said curve having a long chord which bears S 54° 47' 39" E, a distance of 50.00 feet to the NW corner of Lot 25, said Fox Run Landing, said point also being the point of intersection of said southerly right-of-way line of Crogan's Way Road, and the easterly right-of-way line of said Hardings Landing Road; thence S 35° 12' 21" W along the westerly line of said Lot 25, Fox Run Landing, said line also being said easterly right-of-way line of Hardings Landing Road, a distance of 139.64 feet to the SW corner of said Lot 25, Fox Run Landing, said point also being the NW corner of said Outlot 1, Fox Run Landing; thence S 54° 47' 39" E along the southerly line of said Lot 25, Fox Run Landing, said line also being the northerly line of said Outlot 1, Fox Run Landing, a distance of 86.01 feet to the SE corner of said Lot 25, Fox Run Landing, said point also being the SW corner of Lot 24, said Fox Run Landing; thence S 40° 47' 15" E along the southerly line of said Lot 24, Fox Run Landing, said line also being said northerly line of Outlot 1, Fox Run Landing, a distance of 78.63 feet to the SE corner of said Lot 24, Fox Run Landing, said point also being the SW corner of Lot 23, said Fox Run Landing; thence S 33° 30' 53" E along the Southerly line of said Lot 23, Fox Run Landing, said line also being said northerly line of Outlot 1, Fox Run Landing, a distance of 79.70 feet to the SE corner of said Lot 23, Fox Run Landing, said point also being the SW corner of Lot 22, said Fox Run Landing; thence S 31° 03' 30" E along the southerly line of said Lot 22, Fox Run Landing, said line also being said northerly line of Outlot 1, Fox Run Landing, a distance of 46.68 feet; thence S 35° 36' 59" E along said southerly line of Lot 22, Fox Run Landing, and also the southerly line of Lot 21, said Fox Run Landing, said line also being said northerly line of Outlot 1, Fox Run Landing, a distance of 93.36 feet; thence S 40° 10' 28" E along said southerly line of Lot 21, Fox Run Landing, said line also being said northerly line of Outlot 1, Fox Run Landing, a distance of 46.68 feet to the SE corner of said Lot 21, Fox Run Landing; thence N 49° 49' 32" E along the easterly line of said Lot 21, Fox Run Landing, said line also being said northerly line of Outlot 1, Fox Run Landing, a distance of 130.00 feet to the NE corner of said Lot 21, Fox Run Landing, said point also being on said southerly right-of-way line of Crogan's Way Road; thence southeasterly along said southerly right-of-way line of Crogan's Way Road, said line also being said northerly line of Outlot 1, Fox Run Landing on a curve to the left with a radius of 1042.88 feet, a distance of 26.65 feet, said curve having a long chord which bears S 40° 54' 24" E, a distance of 26.65 feet to the NW corner of Lot 20, said Fox Run Landing; thence S 48° 21' 41" W along the westerly line of said Lot 20, Fox Run Landing, and also the westerly line of Lot 19, said Fox Run Landing, said line also being said northerly line of Outlot 1, Fox Run Landing, a distance of 137.70 feet; thence S 07° 39' 54" W along said westerly line of Lot 19, Fox Run Landing, said line also being said northerly line of Outlot 1, Fox Run Landing, a distance of 112.49 feet; thence S 23° 28' 43" E along said westerly line of Lot 19, Fox Run Landing, and also the southerly line of Lot 18, said Fox Run Landing, said line also being said northerly line of Outlot 1, Fox Run Landing, a distance of 104.00 feet; thence S 53° 45' 46" E along said southerly line of Lot 18, Fox Run Landing, said line also being said

northerly line of Outlot 1, Fox Run Landing, a distance of 86.04 feet; thence S 79° 37' 25" E along said southerly line of Lot 18, Fox Run Landing, and also the southerly line of Lot 17, said Fox Run Landing, said line also being said northerly line of Outlot 1, Fox Run Landing, a distance of 75.41 feet; thence N 81° 14' 25" E along said southerly line of Lot 17, Fox Run Landing, said line also being said northerly line of Outlot 1, Fox Run Landing, a distance of 90.67 feet; thence N 43° 02' 11" E along said southerly line of Lot 17, Fox Run Landing, and also the easterly line of Lot 16, said Fox Run Landing, said line also being said northerly line of Outlot 1, Fox Run Landing, a distance of 167.84 feet to the NE corner of said Lot 16, Fox Run Landing, said point also being on said southerly right-of-way line of Crogan's Way Road; thence southeasterly along said southerly right-of-way line of Crogan's Way Road, said line also being said northerly line of Outlot 1, Fox Run Landing on a curve to the right with a radius of 323.39 feet, a distance of 58.64 feet, said curve having a long chord which bears S 41° 46' 07" E, a distance of 58.56 feet to the NE corner of Lot 15, said Fox Run Landing; thence S 53° 25' 34" W along the northerly line of said Lot 15, Fox Run Landing, said line also being said northerly line of Outlot 1, Fox Run Landing, a distance of 130.00 feet to the NW corner of said Lot 15, Fox Run Landing; thence S 26° 31' 03" E along the westerly line of said Lot 15, Fox Run Landing, said line also being said northerly line of Outlot 1, Fox Run Landing, a distance of 67.54 feet to the SW corner of said Lot 15, Fox Run Landing, said point also being the NW corner of Lot 14, said Fox Run Landing; thence S 06° 51' 38" E along the westerly line of said Lot 14, Fox Run Landing, said line also being said northerly line of Outlot 1, Fox Run Landing, a distance of 70.87 feet to the SW corner of said Lot 14, Fox Run Landing, said point also being the NE corner of said Outlot 1, Fox Run Landing, said point also being on said northerly line of Lot 118, Fox Run Landing; thence N 89° 51' 34" E along the south line of said Lot 14, Fox Run Landing, and also said southerly right-of-way line of Crogan's Way Road, said line also being said northerly line of Lot 118, Fox Run Landing, a distance of 179.50 feet to a point on the westerly line of Lot 13, said Fox Run Landing, said point also being the SE corner of said Crogan's Way Road right-of-way; thence S 00° 08' 26" E along said westerly line of Lot 13, Fox Run Landing, said line also being said northerly line of Lot 118, Fox Run Landing, a distance of 50.00 feet to the SW corner of said Lot 13, Fox Run Landing; thence N 89° 51' 34" E along the South line of said Lot 13, Fox Run Landing, and also the south line of Lots 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2, and 1, said Fox Run Landing, said line also being said northerly right-of-way line of Lot 118, Fox Run Landing, a distance of 1127.72 feet to the NE corner of said Lot 118, Fox Run Landing, said point also being the SE corner of said Lot 1, Fox Run Landing, said point also being on the westerly right-of-way line of Council Pointe Road; thence S 00° 02' 22" E along the easterly line of said Lot 118, Fox Run Landing, said line also being said westerly right-of-way line of Council Pointe Road, a distance of 226.04 feet; thence southerly along said easterly line of Lot 118, Fox Run Landing, said line also being said westerly right-of-way line of Council Pointe Road on a curve to the right with a radius of 270.00 feet, a distance of 41.52 feet, said curve having a long chord which bears S 04° 21' 58" W, a distance of 41.48 feet; thence southerly along said easterly line of Lot 118, Fox Run Landing, said line also being said westerly right-of-way line of Council Pointe Road on a curve to the left with a radius of 630.00 feet, a distance of 98.41 feet, said curve having a long chord which bears S 04° 17' 48" W, a distance

of 98.31 feet to the SE corner of said Lot 118, Fox Run Landing, said point also being the point of intersection of said westerly right-of-way line of Council Pointe Road, and said north right-of-way line of 55th Avenue; thence S 89° 52' 40" W along the south line of said Lot 118, Fox Run Landing, said line also being said north right-of-way line of 55th Avenue, a distance of 1289.67 feet; thence S 89° 58' 54" W along said south line of Lot 118, Fox Run Landing, said line also being said north right-of-way line of 55th Avenue, a distance of 1287.08 feet to the point of beginning.

Prepared by
And Return to: Deborah L. Petersen, P.L.C. 215 South Main St., P.O. Box 893 Council Bluffs, IA 51502-0893 (712) 328-8808
Individual's Name Street Address City, State Zip Code Phone
DEBORAH L. PETERSEN #8314

SPACE ABOVE THIS LINE
FOR RECORDER

MORTGAGE HOLDER'S STATEMENT

STATE OF IOWA, COUNTY OF POTTAWATTAMIE, ss:

I, CHRISTINE M. BLUM, being first duly sworn, on oath depose and state that I am the Vice President of MidStates Bank, the holder of a mortgage on the property described in the foregoing Certificate and Dedication of Plat of The Seven at Fox Run Landing in Council Bluffs, Pottawattamie County, Iowa, and the attached Plat. Said mortgage is dated the 31st day of March, 2005, and recorded on the 12th day of April, 2005, in Book 105 at Page 18975 of the records of Pottawattamie County, Iowa. I certify that the Plat is prepared with the free consent of MidStates Bank, I further certify that MidStates Bank agrees to release its mortgage on all areas conveyed to the City of Council Bluffs, Iowa or dedicated to the public upon approval of the Final Plat of The Seven at Fox Run Landing.

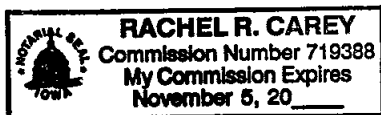
DATED this 28th day of April, 2006.

MIDSTATES BANK

By Christine M. Blum
CHRISTINE M. BLUM, Vice President

STATE OF Iowa, COUNTY OF Pottawattamie, ss:

On this 28th day of April, 2006, before me, the undersigned, a Notary Public in and for said county and state, personally appeared, CHRISTINE M. BLUM, to me personally known, who, being by me duly sworn, did say that she is the Vice President of MidStates Bank, executing the within and foregoing instrument, that no seal has been procured by the said corporation and that said instrument was signed on behalf of the said corporation by authority of its board of directors and the said Christine M. Blum acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it voluntarily executed.



Rachel R. Carey
NOTARY PUBLIC

Prepared by
And Return to: Deborah L. Petersen, P.L.C. 215 South Main St., P.O. Box 893 Council Bluffs, IA 51502-0893 (712) 328-8808
Individual's Name Street Address City, State Zip Code Phone

DEBORAH L. PETERSEN #8314

SPACE ABOVE THIS LINE
FOR RECORDER

MORTGAGE HOLDER'S STATEMENT

STATE OF IOWA, COUNTY OF POTTAWATTAMIE, ss:

I, MATT WALSH, being first duly sworn, on oath depose and state that I am the Vice President of Security National Bank, the holder of a mortgage on the property described in the foregoing Certificate and Dedication of Plat of The Seven at Fox Run Landing in Council Bluffs, Pottawattamie County, Iowa, and the attached Plat. Said mortgage is dated the 1st day of December, 2005, and recorded on the 13th day of December, 2005, in Book 106 at Page 11842 of the records of Pottawattamie County, Iowa. I certify that the Plat is prepared with the free consent of Security National Bank, I further certify that Security National Bank agrees to release its mortgage on all areas conveyed to the City of Council Bluffs, Iowa or dedicated to the public upon approval of the Final Plat of The Seven at Fox Run Landing.

DATED this 28 day of April, 2006.

SECURITY NATIONAL BANK

By *Matt Walsh*
MATT WALSH, Vice President

STATE OF Iowa, COUNTY OF Pottawattamie, ss:

On this 28th day of April, 2006, before me, the undersigned, a Notary Public in and for said county and state, personally appeared, MATT WALSH, to me personally known, who, being by me duly sworn, did say that he is the Vice President of Security National Bank, executing the within and foregoing instrument, that no seal has been procured by the said corporation and that said instrument was signed on behalf of the said corporation by authority of its board of directors and the said Matt Walsh acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it voluntarily executed.



Mary A. Smith
NOTARY PUBLIC

Prepared by
And Return to: Deborah L. Petersen, P.L.C. 215 South Main St., P.O. Box 893 Council Bluffs, IA 51502-0893 (712) 328-8808
Individual's Name Street Address City, State Zip Code Phone
DEBORAH L. PETERSEN #8314

SPACE ABOVE THIS LINE
FOR RECORDER

MORTGAGE HOLDER'S STATEMENT

STATE OF IOWA, COUNTY OF POTTAWATTAMIE, ss:

I, CHRISTINE M. BLUM, being first duly sworn, on oath depose and state that I am the Vice President of MidStates Bank, the holder of a mortgage on the property described in the foregoing Certificate and Dedication of Plat of The Seven at Fox Run Landing in Council Bluffs, Pottawattamie County, Iowa, and the attached Plat. Said mortgage is dated the 12th day of April, 2006, and recorded on the 27th day of April, 2006, in Book 106 at Page 20513 of the records of Pottawattamie County, Iowa. I certify that the Plat is prepared with the free consent of MidStates Bank, I further certify that MidStates Bank agrees to release its mortgage on all areas conveyed to the City of Council Bluffs, Iowa or dedicated to the public upon approval of the Final Plat of The Seven at Fox Run Landing.

DATED this 2nd day of May, 2006.

MIDSTATES BANK

By Christine M. Blum
CHRISTINE M. BLUM, Vice President

STATE OF IOWA, COUNTY OF POTTAWATTAMIE, ss:

On this 2nd day of May, 2006, before me, the undersigned, a Notary Public in and for said county and state, personally appeared, CHRISTINE M. BLUM, to me personally known, who, being by me duly sworn, did say that she is the Vice President of MidStates Bank, executing the within and foregoing instrument, that no seal has been procured by the said corporation and that said instrument was signed on behalf of the said corporation by authority of its board of directors and the said Christine M. Blum acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it voluntarily executed.



Rachel R. Carey
NOTARY PUBLIC

Prepared by
And Return to: Deborah L. Petersen, P.L.C. 215 South Main St., P.O. Box 893 Council Bluffs, IA 51502-0893 (712) 328-8808
Individual's Name Street Address City, State Zip Code Phone
DEBORAH L. PETERSEN #8314

SPACE ABOVE THIS LINE
FOR RECORDER

PARTIAL RELEASE OF REAL ESTATE MORTGAGE

The undersigned, the present owner of the mortgage hereinafter described, for valuable consideration, receipt of which is hereby acknowledged, do hereby acknowledge that the following described real estate situated in Pottawattamie County, Iowa, to wit:

The property dedicated to the City of Council Bluffs, Iowa, identified as Middle Ferry Road and Harding's Landing Road as identified on the Final Plat of the Seven at Fox Run Landing, Pottawattamie County, Council Bluffs, Iowa

is hereby released from the lien of the real estate mortgage, executed by CB Real Estate Development, L.L.C., dated the 31st day of March, 2005, recorded in the records of the Office of the Recorder of the County of Pottawattamie, State of Iowa, recorded on the 12th day of April, 2005, in Book 105 at Page 18975, specifically reserving and retaining the mortgage lien and all mortgage rights against all of the remaining property embraced in the mortgage above described.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural, and as masculine, feminine or neuter gender, according to the context.

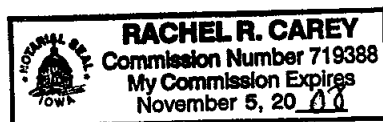
Dated this 25th day of April, 2006.

MIDSTATES BANK

By Christine M. Blum
CHRISTINE M. BLUM, Vice President

STATE OF Iowa, COUNTY OF Pottawattamie, ss:

On this 28th day of April, 2006, before me, the undersigned, a Notary Public in and for said county and state, personally appeared, CHRISTINE M. BLUM, to me personally known, who, being by me duly sworn, did say that she is the Vice President of MidStates Bank, executing the within and foregoing instrument, that no seal has been procured by the said corporation and that said instrument was signed on behalf of the said corporation by authority of its board of directors and the said Christine M. Blum acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it voluntarily executed.



Rachel R. Carey
NOTARY PUBLIC

Prepared by
And Return to: Deborah L. Petersen, P.L.C. 215 South Main St., P.O. Box 893 Council Bluffs, IA 51502-0893 (712) 328-8808
Individual's Name Street Address City, State Zip Code Phone
DEBORAH L. PETERSEN #8314

SPACE ABOVE THIS LINE
FOR RECORDER

PARTIAL RELEASE OF REAL ESTATE MORTGAGE

The undersigned, the present owner of the mortgage hereinafter described, for valuable consideration, receipt of which is hereby acknowledged, do hereby acknowledge that the following described real estate situated in Pottawattamie County, Iowa, to wit:

The property dedicated to the City of Council Bluffs, Iowa, identified as Middle Ferry Road and Harding's Landing Road as identified on the Final Plat of the Seven at Fox Run Landing, Pottawattamie County, Council Bluffs, Iowa

is hereby released from the lien of the real estate mortgage, executed by Western Iowa Land Development, L.L.C., dated the 1st day of December, 2005, recorded in the records of the Office of the Recorder of the County of Pottawattamie, State of Iowa, recorded on the 13th day of December, 2005, in Book 106 at Page 11842, specifically reserving and retaining the mortgage lien and all mortgage rights against all of the remaining property embraced in the mortgage above described.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural, and as masculine, feminine or neuter gender, according to the context.

Dated this 28 day of April, 2006.

SECURITY NATIONAL BANK

By 
MATT WALSH, Vice President

STATE OF Iowa, COUNTY OF Pottawattamie, ss:

On this 28th day of April, 2006, before me, the undersigned, a Notary Public in and for said county and state, personally appeared, MATT WALSH, to me personally known, who, being by me duly sworn, did say that he is the Vice President of Security National Bank, executing the within and foregoing instrument, that no seal has been procured by the said corporation and that said instrument was signed on behalf of the said corporation by authority of its board of directors and the said Matt Walsh acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it voluntarily executed.




NOTARY PUBLIC

Prepared by
And Return to: Deborah L. Petersen, P.L.C. 215 South Main St., P.O. Box 893 Council Bluffs, IA 51502-0893 (712) 328-8808
Individual's Name Street Address City, State Zip Code Phone
DEBORAH L. PETERSEN #8314

SPACE ABOVE THIS LINE
FOR RECORDER

PARTIAL RELEASE OF REAL ESTATE MORTGAGE

The undersigned, the present owner of the mortgage hereinafter described, for valuable consideration, receipt of which is hereby acknowledged, do hereby acknowledge that the following described real estate situated in Pottawattamie County, Iowa, to wit:

The property dedicated to the City of Council Bluffs, Iowa, identified as Middle Ferry Road and Harding's Landing Road as identified on the Final Plat of the Seven at Fox Run Landing, Pottawattamie County, Council Bluffs, Iowa

is hereby released from the lien of the real estate mortgage, executed by CB Real Estate Development, L.L.C., dated the 12th day of April, 2006, recorded in the records of the Office of the Recorder of the County of Pottawattamie, State of Iowa, recorded on the 27th day of April, 2006, in Book 106 at Page 20513, specifically reserving and retaining the mortgage lien and all mortgage rights against all of the remaining property embraced in the mortgage above described.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural, and as masculine, feminine or neuter gender, according to the context.

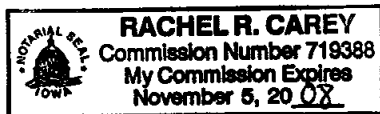
Dated this 2nd day of May, 2006.

MIDSTATES BANK

By Christine M. Blum
CHRISTINE M. BLUM, Vice President

STATE OF IOWA, COUNTY OF POTTAWATTAMIE, ss:

On this 2nd day of May, 2006, before me, the undersigned, a Notary Public in and for said county and state, personally appeared, CHRISTINE M. BLUM, to me personally known, who, being by me duly sworn, did say that she is the Vice President of MidStates Bank, executing the within and foregoing instrument, that no seal has been procured by the said corporation and that said instrument was signed on behalf of the said corporation by authority of its board of directors and the said Christine M. Blum acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it voluntarily executed.



Rachel R. Carey
NOTARY PUBLIC

CERTIFICATE AND RECEIPT

=====

STATE OF IOWA

} SS.

Pottawattamie County,

The undersigned, Acting City Clerk of the City of Council Bluffs, Iowa, hereby certifies that: Resolution 06-41 and Attachment "A" is as the same appears of record in this office.

Witness my hand and seal of Council Bluffs, Iowa,

this 1st day of May A.D. 2006



Marcia L. Warden
Acting City Clerk of the City of Council Bluffs

=====

COMPARED

017894

FILED FOR RECORD
POTTAWATTAMIE CO. IA

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

2006 MAR 15 AM 9:45

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. 06-41

A RESOLUTION granting final plat approval for a 70-lot residential subdivision to be known as The Seven at Fox Run Landing.

WHEREAS, CB Real Estate Development, LLC and Western Iowa Land Development, LLC, have applied for final plat approval of a 70-lot residential subdivision to be known as The Seven at Fox Run Landing; and

WHEREAS, the proposed subdivision is a replat of Lot 118 and Outlot 1, Fox Run Landing; and

WHEREAS, the final plat is generally consistent with the preliminary plan; however, Lot 39 was approved on the preliminary plan as 29 individual lots, and the developer does not wish to proceed with that platting at this time; and

29-1

WHEREAS, proposed Lots 6A through 37B and Outlot 2 are zoned R-2/Two Family Residential District. The remaining lots in the subdivision are zoned R-1/Single Family Residential District; and

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

WHEREAS, the Planning Commission concurs with the Community Development Department, and recommends approval of the final plat for a residential subdivision to be known as The Seven at Fox Run Landing, 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 (including the additions and deletions set forth in the staff report), shall be made on the final plat document prior to execution of the document.
2. Sidewalks, built to City standards, shall be installed prior to issuance of a Certificate of Occupancy for each house.
3. Receipt of a performance guarantee in the amount of \$442,314.25, prior to execution of the final plat.

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

That final plat approval for a residential subdivision to be known as The Seven at Fox Run Landing, as shown on Attachment "A", is hereby granted, subject to conditions 1-3 above; and

BE IT FURTHER RESOLVED

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

4E


RESOLUTION NO. 06-42

PAGE TWO

ADOPTED
AND February 13, 2006
APPROVED



THOMAS P. HANAFAN Mayor

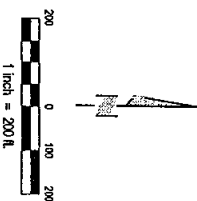
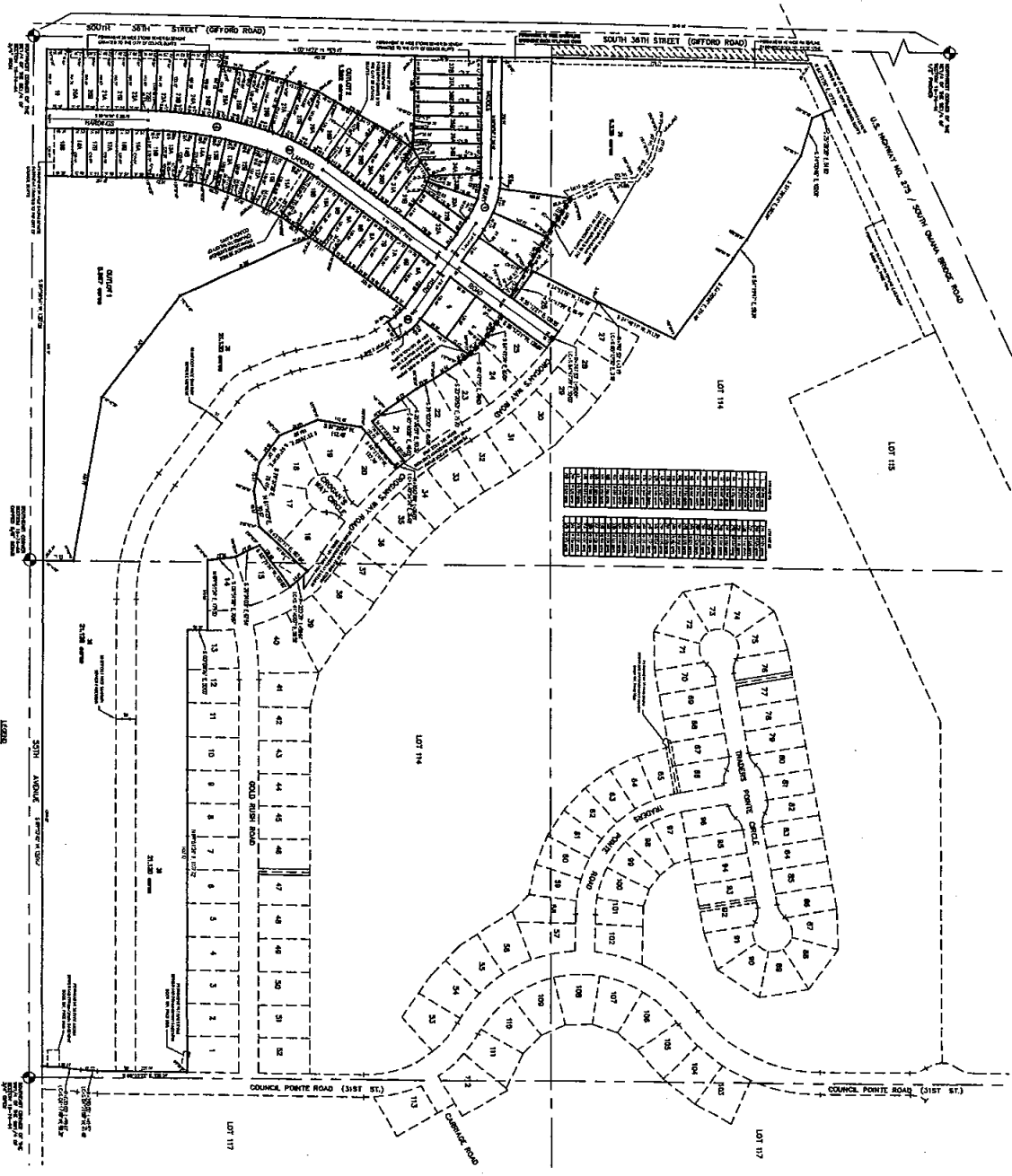
Attest: 

CHERYL PUNTENEY City Clerk

Planning Case No. SUB-05-028

THE SEVEN AT FOX RUN LANDING

LOTS 1 THRU 39 INCLUSIVE, AND OUTLOTS 1 AND 2
 BEING A REPLAT OF ALL OF LOT 114, AND OUTLOT 1, FOX RUN LANDING, A PART OF THE SEVEN AT FOX RUN LANDING, SECTION 12, AND ALSO TOGETHER WITH PART OF THE SOUTH 42 OF THE NORTH 42 OF THE NORTH OF SAID SECTION 15, AND ALSO TOGETHER WITH PART OF THE EAST 1/2 OF THE SEAM OF SAID SECTION 15, AND ALSO LOCATED IN TOWNSHIP 74 NORTH, RANGE 41 WEST OF THE 5TH P.M., POTIOWATTAMIE COUNTY, IOWA.



- NOTES:
1. ALL ANGLES ARE 90 UNLESS OTHERWISE NOTED
 2. ALL LOTS UNLESS OTHERWISE NOTED
 3. DIRECT VEHICULAR ACCESS WILL NOT BE ALLOWED TO SOUTH 56TH STREET OR TO 50TH AVENUE FROM ANY LOT'S ABUTTING SAID STREETS
 4. A PERPETUAL EASEMENT 12 FEET WIDE IS RESERVED ALONG THE SEAM OF LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39 AND 100 FEET WIDE EASEMENT FOR THE INSTALLATION AND MAINTENANCE OF FIBER OPTIC CABLES AND/OR OTHER UTILITIES AND FOR DRAINAGE SAID DRAINAGE AREAS MAY BE INCLUDED DRAINAGE SYSTEMS ARE PRIVATE AND TO BE INSTALLED AND MAINTAINED BY THE OWNERS OF THE LOTS ADJOINING THERE
 5. PROTECTIVE COVENANTS, CONDITIONS, AND RESTRICTIONS HAVE BEEN PREPARED FOR THE DEVELOPER AND WILL BE RECORDED WITH THE PRELIMINARY PLAT
 6. ALL DIMENSIONS AND ANGLES SHOWN WITH PARAGRAPHS ARE FOR THE LOCATION OF EASEMENTS
 7. PERMANENT STORAGE SEWERS AND DRAINAGE SYSTEMS EASEMENTS GRANTED TO THE HOME OWNERS ASSOCIATION LOCATED IN ALL OF OUTLOTS 1 AND 2

CASE# SUB-05-028

SHEET 1 OF 8



E&A CONSULTING GROUP, INC.
 ENGINEERS • PLANNERS • SURVEYORS

1301 O STREET
 OMAHA, NE 68137
 PHONE: (402) 885-4700
 FAX: (402) 885-5569

7139 SOUTH 207TH STREET, SUITE D
 LINCOLN, NE 68512
 PHONE: (402) 426-2711
 FAX: (402) 426-2718

Proj. No.	9904108
Date	1/10/2006
Designed By	MAA
Drawn By	UD/DMS
Checked By	
Scale	1" = 200'

Revisions	Date

FINAL PLAT

THE SEVEN AT
 FOX RUN LANDING
 COUNCIL BLUFFS, IOWA

PLAT-FINAL-000.dwg, Layout1-SHEET1, 1/10/2006 9:58:34 AM, Donalds

Preparer
Information Deborah L. Petersen, P.L.C. 215 South Main St., P.O. Box 893 Council Bluffs, IA 51502-0893 (712) 328-8808
Individual's Name Street Address City, State Zip Code Phone
DEBORAH L. PETERSEN #8314 **SPACE ABOVE THIS LINE
FOR RECORDER**

*DECLARATION OF RESTRICTIONS AND COVENANTS
FOR
THE SEVEN AT FOX RUN LANDING*

This Declaration is made this 3rd day of April, 2006, by CB Real Estate Development, L.L.C., hereinafter called "Developer".

ARTICLE I

STATEMENT OF INTENT

Developer owns the real estate commonly known as THE SEVEN AT FOX RUN LANDING, a subdivision in Council Bluffs, Pottawattamie County, Iowa, as more specifically identified in the Final Plat of THE SEVEN AT FOX RUN LANDING. Developer desires to provide for the preservation of values in the development of said facilities, 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. In connection with the maintenance of certain portions of said real estate, it is the intent and desire of Developer for Lot Owners in THE SEVEN AT FOX RUN LANDING to be members of the FOX RUN LANDING HOMEOWNERS ASSOCIATION, INC., a not-for-profit corporation, which Association has the powers of maintaining and administering the common properties and facilities and enforcing the covenants and restrictions and collecting and disbursing assessments and charges of FOX RUN LANDING, an adjacent subdivision.

THEREFORE, the Developer 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, successors and assigns, and which shall inure to the benefit of each owner thereof.

The Developer hereby adopts the *DECLARATION OF RESTRICTIONS AND COVENANTS FOR FOX RUN LANDING* which were dated October 12, 2000, and filed on October 16, 2000, in Book 101, Pages 17717 - 17736 of the records of Pottawattamie County, Iowa. Except as otherwise specifically provided herein, the *DECLARATION OF RESTRICTIONS AND COVENANTS OF FOX*

RUN LANDING as filed shall apply to the Lots in THE SEVEN AT FOX RUN LANDING.

ARTICLE II

SPECIFIC MODIFICATION TO DECLARATION OF RESTRICTIONS AND COVENANTS FOR FOX RUN LANDING

The following modifications are hereby made to *DECLARATION OF RESTRICTIONS AND COVENANTS FOR FOX RUN LANDING*:

ARTICLE III, Section 11 is modified to read as follows: No fences will be allowed on any Lot adjacent to the Golf Course, any lake or any Common Area. All other fences must be black wrought iron, vinyl coated black chain link or other approved material, and must be approved by the Developer pursuant to the requirements of this Article. Any pet containment fences shall be underground.

ARTICLE III, Section 20 is modified to require one (1) tree of at least 2" in diameter.

ARTICLE IV, Sections 13 - 20 are deleted and do not apply to THE SEVEN AT FOX RUN LANDING.

ARTICLE VI, Section 8 is deleted in its entirety. The remainder of ARTICLE VI shall apply to The Seven at Fox Run Landing, except as inconsistent with this Declaration. It is expressly acknowledged that the owners of Lots in The Seven at Fox Run Landing shall be members of the Fox Run Landing Homeowner's Association and shall pay dues and vote as other members. In addition, the Owners of Duplex Lots in The Seven at Fox Run Landing shall also be members of their own organization as noted below.

ARTICLE III

ADDITIONAL PROVISIONS FOR LOTS IN THE SEVEN AT FOX RUN LANDING

1. The construction plan review process described in Article III, Section 3 of the *DECLARATION OF RESTRICTIONS AND COVENANTS FOR FOX RUN LANDING* shall be limited to approval only by the Developer herein and shall include the Developer's right to review and approve plans only with a minimum square footage that is appropriate for the development of The Seven at Fox Run Landing.
2. The Lot Owners of Duplex Lots in The Seven at Fox Run Landing shall have cluster mailboxes as approved by the U.S. Post Office and as approved by the Developer. Other Lot Owners shall have mailboxes as approved by the U.S. Post Office and the Developer.
3. Each Lot Owner in The Seven at Fox Run Landing shall be responsible for obtaining their own insurance coverage on the exterior of the structure, including but not limited to the siding and roof. Additionally, each Lot Owner in The Seven at Fox Run Landing shall be responsible for all insurance on the interior of their structure and their personal property and fixtures in the structure. Nothing contained herein shall be construed to place any responsibility on the Homeowners Association to obtain or pay for any insurance of any kind on the structures located in The Seven at Fox Run Landing.

If any structure is damaged in any way, the Lot Owner shall have the obligation to make any and all required repairs, in accordance with these Covenants, in a timely manner, regardless of whether or not they have insurance coverage for such damage. If the damage is not repaired in a timely manner, upon reasonable notice to the Lot Owner, the Homeowners Association shall have the right and the responsibility to make the necessary repairs and to assess the same against the Lot Owner as additional dues. The assessment shall have the same effect as all other dues or assessments under the Covenants.

4. On the Lots in The Seven at Fox Run Landing, Exterior Maintenance shall include all roofs on the residences, all siding on the residences and all exterior paint on the residences. However, the charges for these items of maintenance shall be paid for only by The Seven at Fox Run Landing Homeowners Organization as described below.

The rate of assessment on the Lots in The Seven at Fox Run Landing may also include an additional assessment for any additional exterior maintenance and any other maintenance that the Owners of these Lots agree to provide.

ARTICLE IV

DUPLEX HOMES ORGANIZATION IN THE SEVEN AT FOX RUN LANDING

The Owners of Duplex Homes in The Seven at Fox Run Landing (hereinafter referred to as the Duplex Lots) shall also have one additional vote for each Lot for the sole purpose of determining issues related solely to the Duplexes. In this regard, the Owners of other Lots in Fox Run Landing shall not be entitled to vote. The Developer shall be entitled to sixty-two (62) votes for each Duplex Lot it owns. All other provisions of this Declaration, including those relating to assessments, shall also apply to the Owners of Duplex Lots. Further, all Duplex Lots shall be used only for owner-occupied residences.

The Owners of Duplex Lots and the Developer (so long as it owns any Duplex Lot) shall be entitled to vote in the determination of the following issues:


- a. The approval of a maintenance contract to provide all necessary minimum maintenance services to the Duplex Homes.
- b. The acquisition, construction, landscaping, improvement, equipment, maintenance, operation, repair, upkeep and replacement of the Common Facilities for the general use, benefit and enjoyment of the Duplex Lot Owners and the maintenance and repair of the improvements to the Lots as set forth herein. Common Facilities may include recreational facilities, playgrounds and parks; common sprinkler systems; dedicated and nondedicated roads, paths, ways and green areas; signs, fencing and entrances for the Duplex Lots; and any other common improvement or area which primarily benefits the Owners of Duplex Lots. The Common Facilities may be situated on property owned or leased by the Homeowners Association or on dedicated property or property subject to Easements accepted by and benefitting the Duplex Lot Owners.
- c. The promulgation, enactment, amendment and enforcement of rules and regulations relating to the use and enjoyment of any Common Facilities, provided

that such rules and regulations are uniformly applied to all Duplex Lot Owners. The rules and regulations may regulate, limit and restrict the use of the Common Facilities to Duplex Lot Owners, their families, their guests and others as determined by the Duplex Owners.

- d. The exercise, promotion, enhancement and protection of the privileges and interests of the Duplex Lot Owners; and the protection and maintenance of the residential nature of the Duplex Lots identified above.
- e. The exercise of all of the powers and responsibilities listed in Article VI of the *DECLARATION OF RESTRICTION AND COVENANTS FOR FOX RUN LANDING*, but only to the extent they affect only the Duplex Lot Owners or the Duplex Lots identified above.
- f. The creation and funding of an account in the Homeowners Association, including the determination of the amount of any monthly dues to be paid to said account in the Homeowners Association for the performance of the duties, obligations and responsibilities set forth herein, as well as the determination of any annual assessments for the services needed for the Duplex Lots and the Common Facilities in addition to any annual assessments for all Lot Owners. The funding shall also include funds sufficient to pay for services under the maintenance contract referred to above in subparagraph (a) of this paragraph. Any such dues or assessments shall be treated as assessments by the Homeowners Association and shall be governed by all provisions herein, including the lien provisions. The Homeowners Association shall maintain a separate account for the funds referred to herein, said funds to be collected and disbursed only upon vote by the Duplex Lot Owners.

The Homeowners Association, acting on majority vote of the Duplex Lot Owners shall be responsible for the enforcement of the provisions of this paragraph.

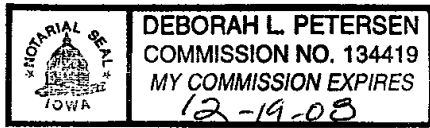
CB REAL ESTATE DEVELOPMENT, L.L.C.

By  _____
 GLEN TIESSEN, Member

STATE OF IOWA)
) ss:
 COUNTY OF POTTAWATTAMIE)

On this 3rd day of April, 2006, before me, a Notary Public in and for said County, personally appeared GLEN TIESSEN, to me personally known, who being by me duly sworn did say that he is a Member of CB REAL ESTATE 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 managers and the said Glen Tiessen acknowledged the execution of said instrument to be the voluntary act and deed of said Limited Liability Company by it voluntarily executed.



Deborah L. Petersen
NOTARY PUBLIC

WESTERN IOWA LAND DEVELOPMENT, L.L.C. hereby acknowledges that it is now the "Developer" under the DECLARATION OF RESTRICTION AND COVENANTS FOR FOX RUN LANDING Subdivision and agrees to the terms of this Declaration and to allow the Owners in THE SEVEN AT FOX RUN LANDING to join the Fox Run Landing Homeowner's Association as described herein.

WESTERN IOWA LAND
DEVELOPMENT, L.L.C.

By *John H. Jarkovich*
John H. Jarkovich (PRINT NAME)
Its Managing Member

STATE OF IOWA)
COUNTY OF POTTAWATTAMIE) ss.

On this 4th day of April, 2006, before me, a Notary Public in and for said county, personally appeared John H. Jarkovich, to me personally known, who being by me duly sworn did say that he is a Member of WESTERN IOWA LAND 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 managers and the said He acknowledged the execution of said instrument to be the voluntary act and deed of said Limited Liability Company by it voluntarily executed.

Mary J. Hughes
NOTARY PUBLIC



**ATTORNEY'S OPINION WITH RESPECT TO
THE SEVEN AT FOX RUN LANDING SUBDIVISION
COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA**

TO THE COUNTY RECORDER OF POTTAWATTAMIE COUNTY:

This abstract, covering the real estate described on the attachment marked "Legal Description", commences with the United States Government, with Entries #1 through #105, inclusive, being certified to March 27, 2006 at 8 o'clock a.m. by Abstract Guaranty Company, and with Entry #106 only, FILED AS SHOWN and NO SEARCH of any kind made at this date, May 2, 2006 at 8:00 a.m. by Abstract Guaranty Company. Said abstract is in one part containing 106 entries. From my examination I find:

Marketable title to the property under examination is held in part by CB Real Estate Development, L.L.C. is shown at Entries #72, #80, #81 and #82; and in part by Western Iowa Land Development, LLC shown at Entry #89. The Warranty Deed shown at Entry #72 is dated March 31, 2005 and recorded April 12, 2005 in Book 105, Page 18974 and re-recorded to correct legal description on May 4, 2005 in Book 105, Page 20491. The Warranty Deed shown at Entry #80 was dated July 20, 2005 and recorded August 1, 2005 in Book 106, Page 02132. The Parcel Split shown at Entry #81 was approved August 3, 2005 and recorded August 8, 2005 in Book 106, Page 02618. The Corrective Warranty Deed shown at Entry #82 was dated August 12, 2005 and recorded August 18, 2005 in Book 106, Page 03536. The Warranty Deed shown at Entry #89 was dated December 1, 2005 and recorded December 2, 2005 in Book 106, Page 11156 (The legal description was changed in the Auditor's Office - 12/5/2005).

There is an Open-End Mortgage (with future advance clause) shown at Entry #73 in the amount of \$975,000.00 from CB Real Estate Development, LLC, an Iowa Limited Liability Company, et al. to Midstates Bank N.A. dated March 31, 2005 and recorded April 12, 2005 in Book 105, Page 18975, Pottawattamie County, Iowa records.

There is a Mortgage shown at Entry #90 in the amount of \$1,800,000.00 from Western Iowa Land Development, L.L.C., an Iowa Limited Liability Company, to Security National Bank of Omaha, a National Banking Association, dated December 1, 2005 and recorded December 13, 2005 in Book 106, Page 11842, Pottawattamie County, Iowa records.

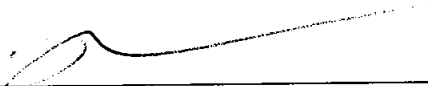
There is a lien search shown at Entry #101 on CB Real Estate Development, L.L.C., Western Iowa Land Development, LLC and Golf Real Estate Development, LLC and, except as stated herein, there are no liens shown against said entities.

Entry #104 states that General Taxes for the year 2004 and prior years are shown paid.

There is an Open-End Mortgage (with future advance clause) shown at Entry #106, in the amount of \$1,475,000.00 from CB Real Estate Development, LLC, an Iowa Limited Liability Company, et al to Midstates Bank N.A., dated April 12, 2005 and recorded April 27, 2005 in Book 106, Page 20513, Pottawattamie County, Iowa records.

This opinion is given solely for the purpose of re-platting the property under examination. This opinion contains only the information required in 354.11(3) 2002 Code of Iowa. This opinion should not be relied upon for any other purpose.

This opinion is expressed as of the 2nd day of May, 2006.



Rick D. Crowl, Attorney at Law
STUART TINLEY LAW FIRM LLP
P. O. Box 398
Council Bluffs, IA 51502-0398
Telephone No. (712) 322-4033