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Tx:4048185

**2015-05487**

**RECORDER MARK BRANDENBURG  
POTTAWATTAMIE COUNTY, IA  
FILE TIME: 05/08/2015 1:54:36 PM  
REC: 35.00AUD: T TAX:  
RMA: 1.00ECM: 1.00**

R FEE \$ 35.00 RMA \$ 1.00  
A FEE \$ \_\_\_\_\_ ECOM \$ 7.00  
T TAX \$ \_\_\_\_\_

## 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:**

Western Iowa Land 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:**

## BILL OF SALE

For the consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, Western Iowa Land 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 either within a certain easement granted to the Buyer by the Seller, which easement is over, across and through the real estate situated in Pottawattamie County, Iowa, as described in the plat attached hereto as Exhibit 1 or the public rights-of-way identified in said plat

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.

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

[signature page follows]

Signed the month, day and year appearing opposite the signature block.

Dated:

5-4-15

Western Iowa Land Development, L.L.C.

By:

  
Robert P. McCarthy, Manager

922 North Walnut Street  
Avoca, Iowa 51521-0683  
Telephone: 712-343-2304

STATE OF IOWA

)

) ss

COUNTY OF POTTAWATTAMIE

)

This instrument was acknowledged before me on 5-4-15 by Robert P. McCarthy as manager of Western Iowa Land Development, L.L.C.

*Cheryl Overgaard*  
Notary Public in and for said State

(Seal)



PREPARED BY: MELVIN G. SAUNDERS, HOW ASSOCIATES, INC., 640 FIFTH AVENUE, COUNCIL BLUFFS, IOWA, 51502 (712) 323-0630

LOT	S.F.	ACRES
1	16,440 S.F.	0.377
2	12,720 S.F.	0.288
3	12,720 S.F.	0.288
4	15,560 S.F.	0.357
5	12,720 S.F.	0.288
6	12,720 S.F.	0.288
7	12,720 S.F.	0.288
8	12,720 S.F.	0.288
9	12,720 S.F.	0.288
10	12,720 S.F.	0.288
11	12,720 S.F.	0.288
12	12,720 S.F.	0.288
13	12,720 S.F.	0.288
14	12,720 S.F.	0.288
15	12,720 S.F.	0.288
16	12,720 S.F.	0.288
17	12,720 S.F.	0.288
18	12,720 S.F.	0.288
19	12,720 S.F.	0.288
20	12,720 S.F.	0.288
21	12,720 S.F.	0.288
22	12,720 S.F.	0.288
23	12,720 S.F.	0.288
24	12,720 S.F.	0.288
25	12,720 S.F.	0.288
26	12,720 S.F.	0.288
27	12,720 S.F.	0.288
28	12,720 S.F.	0.288
29	12,720 S.F.	0.288
30	12,720 S.F.	0.288
31	12,720 S.F.	0.288
32	12,720 S.F.	0.288
33	12,720 S.F.	0.288
34	12,720 S.F.	0.288
35	12,720 S.F.	0.288
36	12,720 S.F.	0.288
37	12,720 S.F.	0.288
38	12,720 S.F.	0.288
39	12,720 S.F.	0.288
40	12,720 S.F.	0.288
41	12,720 S.F.	0.288
42	12,720 S.F.	0.288
43	12,720 S.F.	0.288
44	12,720 S.F.	0.288
45	12,720 S.F.	0.288
46	12,720 S.F.	0.288
47	12,720 S.F.	0.288
48	12,720 S.F.	0.288
49	12,720 S.F.	0.288
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51	12,720 S.F.	0.288
52	12,720 S.F.	0.288
53	12,720 S.F.	0.288
54	12,720 S.F.	0.288
55	12,720 S.F.	0.288
56	12,720 S.F.	0.288
57	12,720 S.F.	0.288
58	12,720 S.F.	0.288
59	12,720 S.F.	0.288
60	12,720 S.F.	0.288
61	12,720 S.F.	0.288
62	12,720 S.F.	0.288
63	12,720 S.F.	0.288

**LEGAL DESCRIPTION:**  
 ALL OF LOT 38 OF THE SEVEN AT FOX RUN LANDING A SUBDIVISION...  
 AS SHOWN ON THE PLAT OF THE POTTAWATTAMIE COUNTY, IOWA, AS RECORDED IN BOOK 106, AT PAGE 209655.  
 SAID LOT CONTAINS AN AREA OF 21,150 ACRES, MORE OR LESS.

**PROPRIETOR'S STATEMENT:**  
 KNOWN ALL PERSONS BY THESE PRESENTS THAT 92 INVESTMENTS, LLC BEING THE SOLE OWNER OF THE PROPERTY DESCRIBED...  
 AS PART OF THIS PLATTING, 92 INVESTMENTS, LLC DOES HEREBY DEDICATE OUTLOTS 2 AND 3 TO THE EXISTING HOME OWNERS...  
 AS PART OF THIS PLATTING, 92 INVESTMENTS, LLC DOES HEREBY DEDICATE OUTLOT 1 TO A NEW HOME OWNERS ASSOCIATION TO BE FORMED BY CLUSTERED LOTS 17 THROUGH 32 INCLUSIVE, ADDITIONALLY, OWNERS OF LOTS 1 THROUGH 34 INCLUSIVE SHALL SUBSIDIVISION...  
 AS PART OF THIS PLATTING, 92 INVESTMENTS, LLC DOES HEREBY DEDICATE OUTLOTS 2 AND 3 TO THE EXISTING HOME OWNERS...  
 AS PART OF THIS PLATTING, 92 INVESTMENTS, LLC DOES HEREBY DEDICATE OUTLOT 1 TO A NEW HOME OWNERS ASSOCIATION TO BE FORMED BY CLUSTERED LOTS 17 THROUGH 32 INCLUSIVE, ADDITIONALLY, OWNERS OF LOTS 1 THROUGH 34 INCLUSIVE SHALL SUBSIDIVISION...  
 AS PART OF THIS PLATTING, 92 INVESTMENTS, LLC DOES HEREBY DEDICATE OUTLOTS 2 AND 3 TO THE EXISTING HOME OWNERS...  
 AS PART OF THIS PLATTING, 92 INVESTMENTS, LLC DOES HEREBY DEDICATE OUTLOT 1 TO A NEW HOME OWNERS ASSOCIATION TO BE FORMED BY CLUSTERED LOTS 17 THROUGH 32 INCLUSIVE, ADDITIONALLY, OWNERS OF LOTS 1 THROUGH 34 INCLUSIVE SHALL SUBSIDIVISION...

**PROPRIETOR'S STATEMENT:**  
 KNOWN ALL PERSONS BY THESE PRESENTS THAT 92 INVESTMENTS, LLC BEING THE SOLE OWNER OF THE PROPERTY DESCRIBED...  
 AS PART OF THIS PLATTING, 92 INVESTMENTS, LLC DOES HEREBY DEDICATE OUTLOTS 2 AND 3 TO THE EXISTING HOME OWNERS...  
 AS PART OF THIS PLATTING, 92 INVESTMENTS, LLC DOES HEREBY DEDICATE OUTLOT 1 TO A NEW HOME OWNERS ASSOCIATION TO BE FORMED BY CLUSTERED LOTS 17 THROUGH 32 INCLUSIVE, ADDITIONALLY, OWNERS OF LOTS 1 THROUGH 34 INCLUSIVE SHALL SUBSIDIVISION...  
 AS PART OF THIS PLATTING, 92 INVESTMENTS, LLC DOES HEREBY DEDICATE OUTLOTS 2 AND 3 TO THE EXISTING HOME OWNERS...  
 AS PART OF THIS PLATTING, 92 INVESTMENTS, LLC DOES HEREBY DEDICATE OUTLOT 1 TO A NEW HOME OWNERS ASSOCIATION TO BE FORMED BY CLUSTERED LOTS 17 THROUGH 32 INCLUSIVE, ADDITIONALLY, OWNERS OF LOTS 1 THROUGH 34 INCLUSIVE SHALL SUBSIDIVISION...

# FINAL PLAT OF FOX RUN LANDING - PHASE III

LOTS 1 THROUGH 63 INCLUSIVE  
 (WITH LOTS 17-32 CLUSTERED AS PERMITTED)  
 BEING A REPLAT OF LOT 38 OF "THE SEVEN AT FOX RUN LANDING"  
 IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA

**CITY OF COUNCIL**

APPROVED BY MAYOR: Mattew J. Walsh DATE: 10/2/2014

ATTESTED TO BY: \_\_\_\_\_ DATE: \_\_\_\_\_

CITY CLERK: MARCO L. WORDEN DATE: 10/2/2014

COMMUNITY DEVELOPMENT DIRECTOR: DONALD D. GROSS DATE: \_\_\_\_\_

**CERTIFICATE OF TREASURER OF POTTAWATTAMIE COUNTY, IOWA:**  
 I, THE TREASURER OF POTTAWATTAMIE COUNTY, IOWA, HEREBY CERTIFY THAT THE PROPERTY INCLUDED IN FOX RUN LANDING SUBDIVISION - PHASE III IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS.

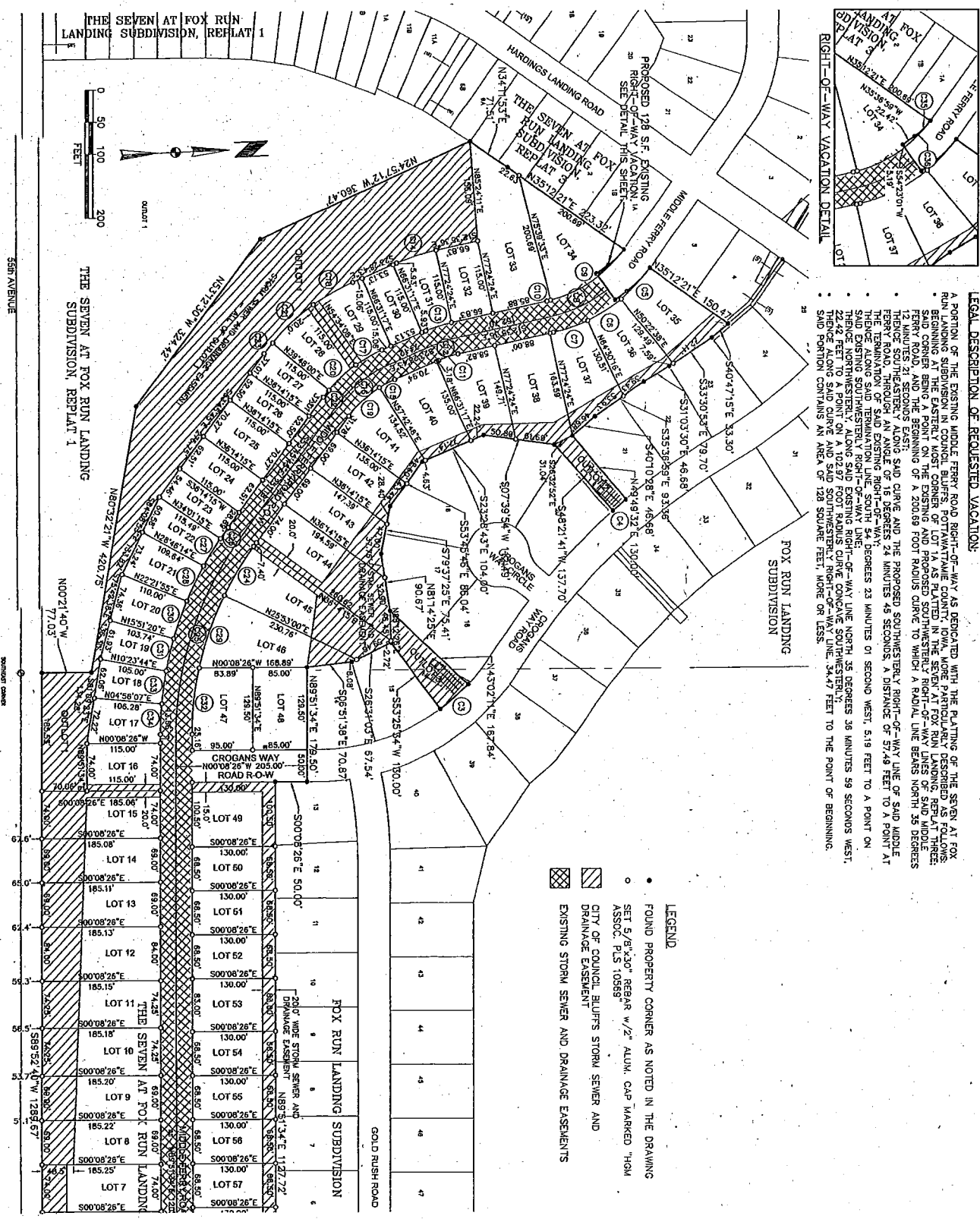
RESIDENT OF POTTAWATTAMIE COUNTY, IOWA: EVA A. VOSS DATE: \_\_\_\_\_

WE HEREBY CERTIFY THAT WE WILL MEET ALL EQUAL OPPORTUNITY AND FAIR MARKETING OBLIGATIONS CONSISTENT WITH FEDERAL, STATE AND LOCAL LAWS. WE HEREBY CERTIFY THAT THE FOLLOWING DOCUMENTS WILL BE RECORDED WITH THE POTTAWATTAMIE COUNTY RECORDER: CONTRACT/MEMORANDUM WITH THE PLATTING 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.  
 IN WITNESS WHEREOF, I DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF 92 INVESTMENTS, LLC'S PROPERTY AS CONTAINED HEREIN ON THIS 3rd DAY OF October, 2014.  
 BY: Robert P. McGarrity  
 ROBERT P. MCGARRITY  
 COUNTY OF POTTAWATTAMIE } SS.  
 STATE OF IOWA }  
 ON THIS 3rd DAY OF October, 2014, BEFORE ME A NOTARY PUBLIC IN AND FOR THE STATE OF IOWA, MELVIN G. SAUNDERS, BEING ONE OF THE MEMBERS OF 92 INVESTMENTS, LLC THAT NO SEAL HAS BEEN PROVIDED BY SAID LIMITED LIABILITY COMPANY, AND THAT SAID INSTRUMENT WAS SIGNED ON BEHALF OF SAID LIMITED LIABILITY COMPANY BY AUTHORITY OF ITS MEMBERS AND THE SAID ROBERT P. MCGARRITY HAS KNOWNLEDGED THE EXECUTION OF THE INSTRUMENT TO BE THE PRIVATE AND DEED OF SAID LIMITED LIABILITY COMPANY BY IT VOLUNTARILY EXECUTED.

**NOTARY PUBLIC IN AND FOR SAID STATE**  
 MY COMMISSION EXPIRES: 1-24-17

PROFESSIONAL LAND SURVEYOR  
 MELVIN G. SAUNDERS  
 10569  
 IOWA

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 PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.  
 LICENSE NUMBER: 10569 DATE: OCTOBER 2, 2014  
 MY LICENSE RENEVAL DATE IS DECEMBER 31, 2014.  
 PAGES OR SHEETS COVERED BY THIS SEAL: \_\_\_\_\_  
 SHEETS 1, 2, AND 3 OF 3.



**LEGAL DESCRIPTION OF REQUESTED VACATION:**

A PORTION OF THE EXISTING MIDDLE FERRY ROAD RIGHT-OF-WAY AS DESIGNATED WITH THE PLATTING OF THE SEVEN AT FOX RUN LANDING SUBDIVISION IN COUNCIL BLUFFS, IOWA, IS HEREBY REQUESTED TO BE SET BACK FROM THE POINT OF BEGINNING OF SAID ROAD TO A POINT ON THE EXISTING AND PROPOSED SOUTHWESTERLY RIGHT-OF-WAY LINES OF SAID MIDDLE FERRY ROAD, AND THE BEGINNING OF A 200.69 FOOT RADIIUS CURVE TO WHICH A RADIAL LINE BEARS NORTH 35 DEGREES 12 MINUTES 21 SECONDS EAST, SAID CURVE AND THE PROPOSED SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID MIDDLE FERRY ROAD BEING A PORTION OF THE EXISTING AND PROPOSED SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID MIDDLE FERRY ROAD. THE TERMINATION OF SAID EXISTING RIGHT-OF-WAY LINE OF SAID MIDDLE FERRY ROAD IS AT A POINT ON SAID EXISTING SOUTHWESTERLY RIGHT-OF-WAY LINE 22.42 FEET TO A POINT ON A 102.97 FOOT RADIIUS CURVE CONCAVE SOUTHWESTERLY, THEREAFTER SAID CURVE AND SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, 34.47 FEET TO THE POINT OF BEGINNING. SAID PORTION CONTAINS AN AREA OF 128 SQUARE FEET, MORE OR LESS.

- LEGEND**
- FOUND PROPERTY CORNER AS NOTED IN THE DRAWING
  - SET 5/8" X 30" REBAR W/ 2" ALUM. CAP MARKED "H&M ASSOC. PLUS 10089"
  - ▨ CITY OF COUNCIL BLUFFS STORM SEWER AND DRAINAGE EASEMENT
  - ▨ EXISTING STORM SEWER AND DRAINAGE EASEMENTS

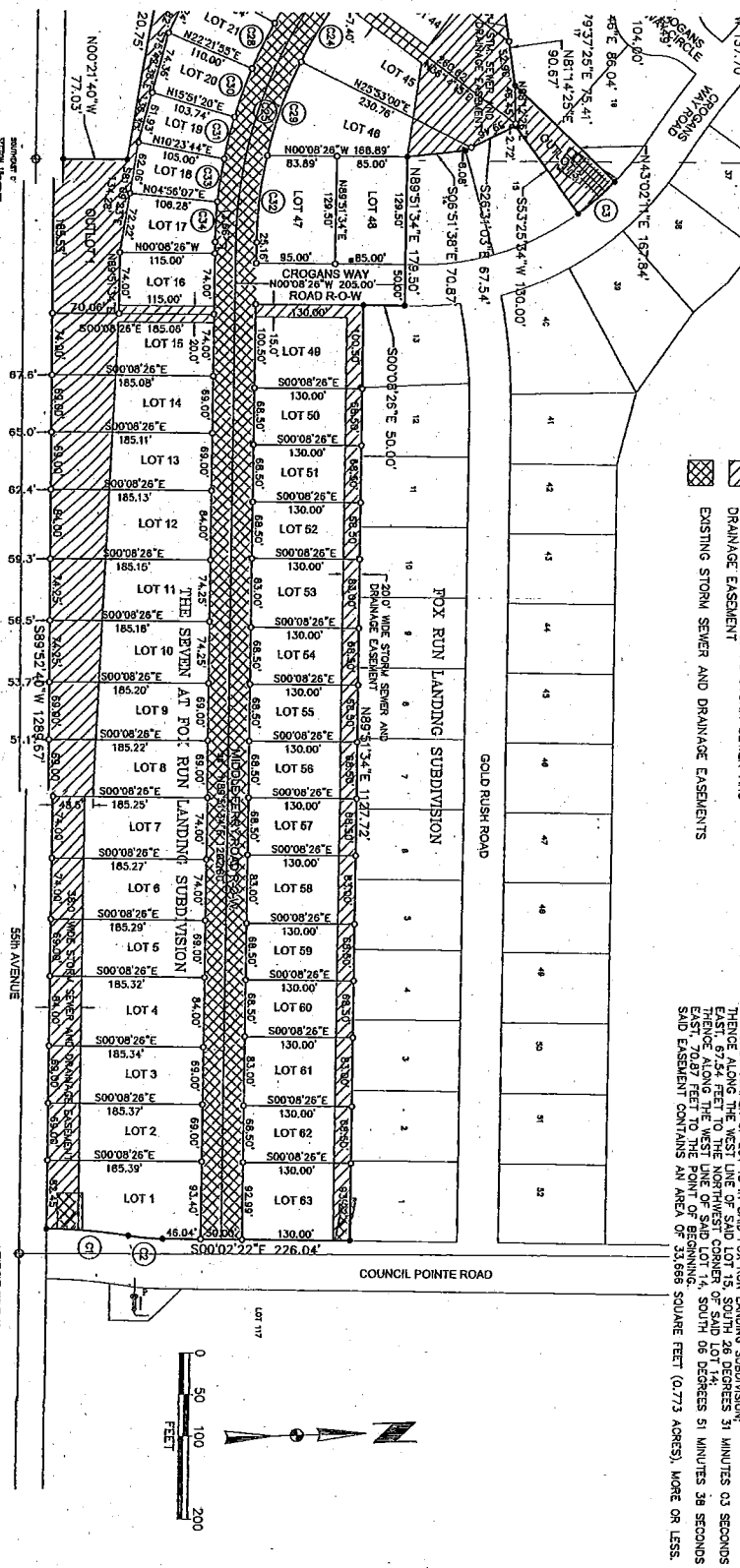
2 OF 3

**FOX RUN SUBDIVISION - PHASE III**  
A PROPOSED SUBDIVISION IN COUNCIL BLUFFS, IOWA  
92 INVESTMENTS L.L.C.  
P.O. BOX 683, AVOCA, IOWA 51521  
FINAL PLAT

BLS  
BLS  
MGS  
SEP 14  
2014

**hgm ASSOCIATES INC.**  
640 FIFTH AVENUE COUNCIL BLUFFS, IA  
PHONE: 712-323-0530

This drawing is being made available to the public for use on this project in accordance with the provisions of the Iowa Uniform Land Use Review Procedure Act. The user of this drawing warrants that the user is not a party to the project and that the user is not a party to the project and that the user is not a party to the project.



CURVE TABLE				
NO.	LENGTH	RADIUS	DELTA	CHORD
C1	98.41	630.00	008°57'01"	98.31
C2	41.82	270.00	008°48'41"	41.48
C3	58.64	321.39	010°23'22"	58.56
C4	26.85	104.88	001°27'51"	26.65
C5	66.38	230.69	014°07'38"	66.19
C6	61.81	230.69	014°07'38"	61.65
C7	56.45	230.69	012°54'09"	56.33
C8	100.37	225.69	023°28'55"	99.95
C9	141.70	200.69	040°27'12"	138.77
C10	61.2	200.69	001°45'51"	61.2
C11	33.25	175.00	010°53'07"	33.00
C12	38.00	200.00	010°53'07"	37.94

CURVE TABLE				
NO.	LENGTH	RADIUS	DELTA	CHORD
C13	42.25	225.00	010°53'07"	42.88
C14	64.59	340.00	010°53'07"	64.50
C15	26.90	175.00	008°48'30"	26.88
C16	105.21	200.00	030°17'03"	104.49
C17	46.84	225.00	011°57'09"	46.85
C18	70.83	340.00	011°57'09"	70.80
C19	55.98	175.00	021°28'33"	56.21
C20	58.00	225.00	014°46'08"	57.84
C21	87.64	340.00	014°46'08"	87.40
C22	13.99	225.00	003°33'45"	13.99
C23	21.14	340.00	003°33'45"	21.14
C24	89.57	495.66	010°21'14"	89.45

CURVE TABLE				
NO.	LENGTH	RADIUS	DELTA	CHORD
C25	330.57	620.66	036°22'41"	325.08
C26	21.11	545.66	002°13'00"	21.11
C27	50.00	545.66	003°15'01"	49.98
C28	61.00	545.66	006°24'19"	60.97
C29	120.00	495.66	013°52'17"	119.71
C30	62.00	545.66	006°30'26"	61.96
C31	92.00	545.66	005°27'38"	91.98
C32	105.13	495.66	012°09'10"	104.93
C33	92.00	545.66	005°27'37"	91.98
C34	48.34	545.66	005°04'33"	48.32
C35	34.47	102.97	019°10'40"	34.31
C36	57.49	200.69	016°24'45"	57.28

**LEGEND**

- FOUND PROPERTY CORNER AS NOTED IN THE DRAWING
- SET 5/8"x30" REBAR w/2" ALUM. CAP MARKED "HOM ASSOC. PLS 10569"
- CITY OF COUNCIL BLUFFS STORM SEWER AND DRAINAGE EASEMENT
- EXISTING STORM SEWER AND DRAINAGE EASEMENTS

**EASEMENT SUMMARY:**

- PERMANENT STORM SEWER AND DRAINAGE EASEMENTS -
  - ALL OF LOTS 1, 2, AND 3
  - A 36" WIDE STRIP ALONG THE SOUTH LINES OF LOTS 1 THRU 7
  - A 36" WIDE STRIP ALONG THE SOUTH LINES OF LOTS 8 THRU 15 AS SHOWN AND DIMENSIONS THEREON
  - A 10' WIDE STRIP ALONG THE WEST LINE OF LOT 15 AND THE EAST LINE OF LOT 16
  - A 10' WIDE STRIP ALONG THE WEST LINE OF LOT 28 AND THE SOUTHWEST LINE OF LOT 29
  - A 20' WIDE STRIP ALONG THE WEST LINE OF LOT 48
  - A 20' WIDE STRIP ALONG THE WEST LINES OF LOTS 49 THRU 63
  - AN IRREGULAR TRACT ALONG THE REAR LOT LINES OF LOTS 53 THRU 48 MORE PARTICULARLY DESCRIBED AS FOLLOWS:
    - BEGINNING AT THE SOUTHWEST CORNER OF LOT 14 IN THE FOX RUN LANDING SUBDIVISION, CITY OF COUNCIL BLUFFS, IOWA; WEST 142.55 FEET;
    - THENCE NORTH 53 DEGREES 45 MINUTES 46 SECONDS WEST 109.29 FEET;
    - THENCE NORTH 57 DEGREES 57 MINUTES 39 SECONDS WEST 113.29 FEET;
    - THENCE NORTH 59 DEGREES 18 SECONDS WEST 119.23 FEET;
    - THENCE NORTH 41 DEGREES 54 MINUTES 26 SECONDS WEST 198.23 FEET;
    - THENCE ALONG SAID EAST LINE NORTH 35 DEGREES 12 MINUTES 21 SECONDS EAST 28.49 FEET TO A POINT ON THE WEST LINE OF LOT 4 IN THE FOX RUN LANDING SUBDIVISION;
    - THENCE SOUTH ON THE SOUTHWEST BOUNDARY OF SAID FOX RUN LANDING SUBDIVISION; SOUTH 40 DEGREES 47 MINUTES 15 SECONDS EAST 78.70 FEET;
    - SOUTH 33 DEGREES 03 MINUTES 30 SECONDS EAST 46.68 FEET;
    - SOUTH 31 DEGREES 18 MINUTES 59 SECONDS EAST 43.36 FEET;
    - SOUTH 40 DEGREES 18 MINUTES 59 SECONDS EAST 43.36 FEET TO THE MOST SOUTHERLY CORNER OF LOT 21 IN SAID FOX RUN LANDING SUBDIVISION;
    - THENCE SOUTH ON THE WEST BOUNDARY OF SAID FOX RUN LANDING SUBDIVISION; SOUTH 07 DEGREES 39 MINUTES 49 SECONDS EAST 104.00 FEET;
    - SOUTH 23 DEGREES 28 MINUTES 43 SECONDS EAST 96.04 FEET;
    - SOUTH 53 DEGREES 45 MINUTES 46 SECONDS EAST 96.04 FEET;
    - NORTH 81 DEGREES 57 MINUTES 25 SECONDS EAST 75.41 FEET;
    - THENCE NORTH 88 DEGREES 12 MINUTES 26 SECONDS EAST 607.2 FEET TO THE MOST WESTERLY CORNER OF LOT 15 IN SAID FOX RUN LANDING SUBDIVISION;
    - THENCE ALONG THE WEST LINE OF SAID LOT 15 SOUTH 26 DEGREES 31 MINUTES 03 SECONDS EAST 70.87 FEET TO THE NORTHWEST CORNER OF SAID LOT 14;
    - THENCE ALONG THE WEST LINE OF SAID LOT 14 SOUTH 06 DEGREES 51 MINUTES 38 SECONDS EAST 70.87 FEET TO THE POINT OF BEGINNING.
- SAID EASEMENT CONTAINS AN AREA OF 33.888 SQUARE FEET (0.773 ACRES), MORE OR LESS.

Project no. 106014  
 sheet 3 OF 3

**FOX RUN SUBDIVISION - PHASE III**  
 A PROPOSED SUBDIVISION IN COUNCIL BLUFFS, IOWA  
 client: 92 INVESTMENTS L.L.C.  
 P.O. BOX 683, AVOCA, IOWA 51521  
**FINAL PLAT**

BLS  
 ELS  
 MGS  
 SEP 14  
 2014

**hgm**  
 ASSOCIATES, INC.  
 840 FIFTH AVENUE COUNCIL BLUFFS, IA  
 PHONE: 712-323-0530

This drawing is being made available for use on this project in accordance with the terms of the agreement for use of this drawing on the part of the client. The client shall be responsible for obtaining all necessary permits and approvals from the local authorities. The client shall be responsible for obtaining all necessary permits and approvals from the local authorities.