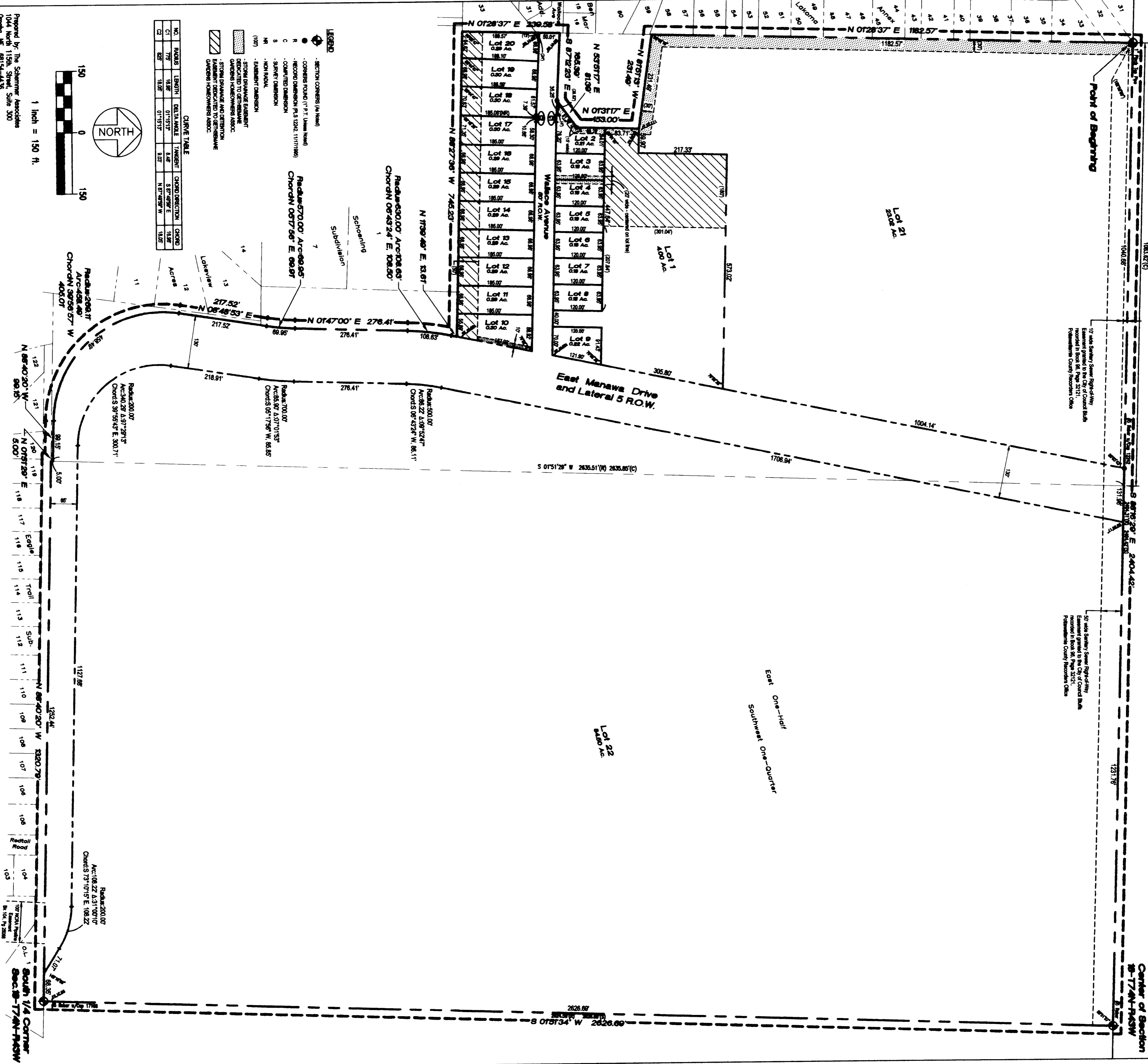


GETHESEMANE GARDENS

Part of the Southwest One-Quarter of Section 18,
Township 74 North, Range 43 West of the 5th. P.M.,
Pottawattamie County, Iowa
LOTS 1 THRU 22

West 1/4 Corner
Section 18-74N-R43W

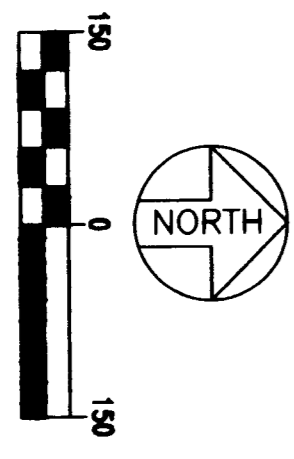
Center of Section
18-74N-R43W



- LEGEND**
- SECTION CORNER (As Mead)
 - CORNER FOUND (I.P.T. (Urban Mead))
 - R - RECORD DIMENSION (P.S. 12042, 11/17/1989)
 - C - COMPUTED DIMENSION
 - S - SURVEY DIMENSION
 - NI - NON ROAD
 - (1107) - EASEMENT DIMENSION
 - STIPPLED PATTERN - STIPPLED DIMENSION
 - SHADY PATTERN - DEDICATED TO GETHESEMANE GARDENS HOMEOWNERS ASSOC.
 - DIAGONAL PATTERN - EASEMENT DEDICATED TO GETHESEMANE GARDENS HOMEOWNERS ASSOC.

CHIRVE TABLE

NO.	RADIUS	LENGTH	DELTA ANGLE	TANGENT	CHORD DIRECTION	CHORD
CI	775	18.00'	01°15'15"	8.42'	S 87°48'59" E	18.00'
CI	825	18.00'	01°15'15"	9.25'	N 87°48'59" W	18.00'



JOB NO. 05458.001
SHEET 1 of 2

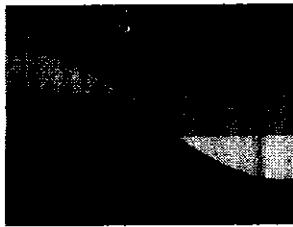
GETHESEMANE GARDENS
PART OF THE SOUTHWEST ONE-QUARTER
SECTION 18, 74N, R43W
POTTAWATTAMIE COUNTY, IOWA

SCHEMMER
ARCHITECTS | ENGINEERS | PLANNERS

DESIGNED BY: [Signature]
DRAWN BY: CIG
CHECKED BY: MWF
DATE: 03/31/08

Prepared by: The Schemmer Associates
1044 North 119th Street, Suite 300
Orange, IA 50854-4438
402.453.4800

COMPARED



CITY CLERK
(712) 328-4616

CERTIFICATION

I, Judith H. Ridgeley, City Clerk, City of Council Bluffs, Iowa do certify that the attached Resolution 08-04, is a true and correct copy of said Resolution 08-04, duly passed by City Council January 14, 2008, granting final plat approval for a 21-lot subdivision to be known as Gethsemane Gardens.

Judith H. Ridgeley
City Clerk



Sworn before me this 10th day of April, 2008 by Judith H. Ridgeley, City Clerk, City of Council Bluffs, Iowa.

Joan A. Gilman
Notary Public



My commission expires 10/22/08



RESOLUTION NO. 08-04

A RESOLUTION granting final plat approval for a 21-lot subdivision to be known as Gethsemane Gardens.

WHEREAS, the Community Development Department has received an application for final plat approval of a 21-lot subdivision to be known as Gethsemane Gardens, which will include 19 single family lots and one lot for the construction of Gethsemane Presbyterian Church. Lot 21 will not be further subdivided at this time; and

WHEREAS, the property was rezoned to R-1/Single Family Residential District subject to conveyance of a remnant parcel, shown as an outlot on the preliminary plan, to adjoining property owner; and

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

WHEREAS, the Community Development Department recommends approval of the final plat for Gethsemane Gardens Subdivision, as shown on Attachment "A", subject to the following conditions:

1. All technical corrections, including corrections to the legal description and all easement information required by the Community Development and/or Public Works Department shall be made on the final plat document prior to execution of the document.
2. All utilities must be installed underground.
3. The final plat shall not be executed until all conditions of the staff report are met, including the submission of private codes, covenants and restrictions.
4. Sidewalk shall be installed along the street frontage of all streets, prior to issuance of a Certificate of Occupancy for each house and/or structure, at no cost to the City. Sidewalk shall be installed west of Lot 2 with the subdivision improvements. The sidewalk shall be installed to connect with a future trail along East Manawa Drive.

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

Final plat for Gethsemane Gardens Subdivision, as shown on Attachment "A", is hereby approved, subject to the conditions set forth above; and

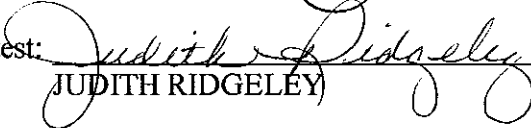
BE IT FURTHER RESOLVED

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

ADOPTED
AND
APPROVED January 14, 2008



THOMAS P. HANAFAN Mayor

Attest: 

JUDITH RIDGELEY City Clerk

Planning Case No. SUB-07-026

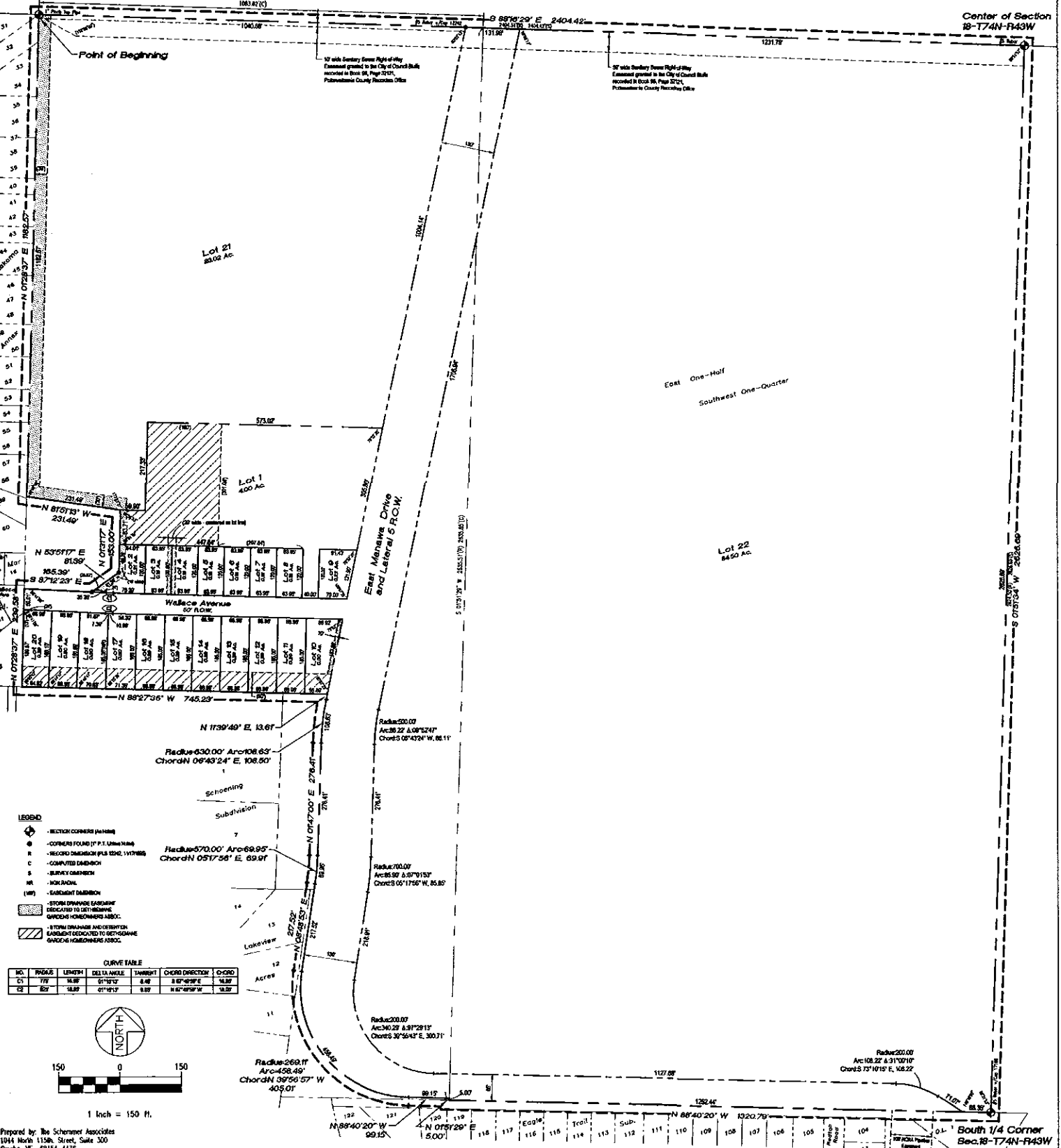
RECORDER'S OFFICE:

GETHSEMANE GARDENS

Part of the Southwest One-Quarter of Section 18,
Township 74 North, Range 43 West of the 5th. P.M.,
Pottawattamie County, Iowa
LOTS 1 THRU 22

West 1/4 Corner
Section 18-174N-R43W

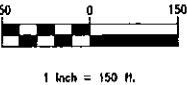
Center of Section
18-174N-R43W



- LEGEND**
- RECTIFIER CORNERS (existing)
 - CORNERS FOUND (P.T. Unknown)
 - RECORD SUBDIVISION (P.L. 1922, 1978)
 - COMPUTED DIMENSION
 - SURVEY CORNER
 - MONUMENTAL
 - EASEMENT DIMENSION
 - STORM DRAINAGE EASEMENT DEDICATED TO GETHSEMANE GARDENS HOMEOWNERS ASSOC.
 - STORM DRAINAGE AND DETERMINATION EASEMENT DEDICATED TO GETHSEMANE GARDENS HOMEOWNERS ASSOC.

CURVE TABLE

NO.	PIECE	LENGTH	DELTA ANGLE	TANGENT	CHORD DIRECTION	CHORD
C1	1/1	14.89	01°15'12"	4.48	S 87°49'58" E	14.89
C2	2/2	14.89	01°15'12"	4.48	N 87°49'58" W	14.89



Prepared by: The Schemmer Associates
1914 North 115th Street, Suite 300
Grimes, IA 50854-4436
402.493.4800

South 1/4 Corner
Sec. 18-174N-R43W

JOB NO: 05458.001	GETHSEMANE GARDENS PART OF THE SOUTHWEST ONE-QUARTER SECTION 18, T74N, R43W POTTAWATTAMIE COUNTY, IOWA	<h2 style="margin: 0;">SCHEMMER</h2> <p style="margin: 0;">ARCHITECTS ENGINEERS PLANNERS</p>	DESIGNED DRAWN: CJK CHECKED: MWF NOOK: CAMERON #1 DATE: 03/31/08	DATE: BY: APP: REVISED:
SHEET 1 of 2	FINAL PLAT			

GETHSEMANE GARDENS

Part of the Southwest One-Quarter of Section 18,
Township 74 North, Range 43 West of the 5th. P.M.,
Pottawattamie County, Iowa

LEGAL DESCRIPTION

PART OF THE SOUTHWEST ONE-QUARTER OF SECTION 18, TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5th P.M., POTTAWATTAMIE COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE WEST ONE-QUARTER CORNER OF SAID SECTION 18, THENCE SOUTH 88°18'00" EAST (ASSUMED BEARING) FOR 2404.42 FEET ALONG THE NORTH LINE OF SAID SOUTHWEST ONE-QUARTER; THENCE SOUTH 01°51'34" WEST FOR 2626.66 FEET ALONG THE EAST LINE OF SAID SOUTHWEST ONE-QUARTER, THENCE NORTH 88°40'20" WEST FOR 1320.79 FEET ALONG THE SOUTH LINE OF SAID SOUTHWEST ONE-QUARTER, ALSO BEING THE NORTH LINE OF EAGLE TRAIL SUBDIVISION, AS PLATTED AND RECORDED IN POTTAWATTAMIE COUNTY, IA; THENCE THE FOLLOWING EIGHT (8) COURSES ALONG THE SOUTH AND WEST LINES OF AN EASEMENT FOR ROAD AND STORM DRAINAGE IMPROVEMENTS RIGHT-OF-WAY FILED IN BOOK 38, PAGE 32148 IN THE POTTAWATTAMIE COUNTY RECORDERS OFFICE: (1) NORTH 01°51'20" EAST FOR 5.00 FEET (2) NORTH 88°40'20" WEST FOR 89.15 FEET (3) NORTH-WESTERLY ALONG A 200.11 FOOT RADIUS CURVE TO THE RIGHT FOR 458.49 FEET WITH A LONG CHORD BEARING NORTH 39°56'57" WEST FOR 405.01 FEET (4) NORTH 08°48'53" EAST FOR 217.52 FEET (5) NORTHEASTERLY ALONG 570.00 FOOT RADIUS CURVE TO THE LEFT FOR 68.95 FEET WITH A LONG CHORD BEARING NORTH 05°17'50" EAST FOR 68.91 FEET (6) NORTH 01°47'00" EAST FOR 278.41 FEET (7) NORTHEASTERLY ALONG A 630.00 FOOT RADIUS CURVE TO THE RIGHT FOR 108.63 FEET WITH A LONG CHORD BEARING NORTH 04°43'24" EAST FOR 108.60 FEET (8) NORTH 11°39'48" EAST FOR 13.81 FEET; THENCE NORTH 88°27'06" WEST FOR 746.23 FEET ALONG THE EASTERLY EXTENSION OF AND THE NORTH LINE OF SCHOENING SUBDIVISION, AS PLATTED AND RECORDED IN POTTAWATTAMIE COUNTY, IOWA; THENCE NORTH 01°28'37" EAST FOR 226.58 FEET ALONG THE EAST LINE OF BEN MAR ADDITION, AS PLATTED AND RECORDED IN POTTAWATTAMIE COUNTY, IOWA; THENCE THE FOLLOWING FOUR (4) COURSES ALONG THE BOUNDARY OF THE EXCEPTION TO THE PARCEL OF LAND DESCRIBED IN THE COURT OFFICER DEED FILED IN BOOK 105, PAGE 23688 IN THE POTTAWATTAMIE COUNTY RECORDERS OFFICE: (1) SOUTH 87°12'22" EAST FOR 165.39 FEET (2) NORTH 53°51'17" EAST FOR 81.38 FEET (3) NORTH 01°31'17" EAST FOR 153.00 FEET (4) NORTH 81°51'13" WEST FOR 231.49 FEET; THENCE NORTH 01°28'37" EAST FOR 1182.57 FEET ALONG THE WEST LINE OF SAID SOUTHWEST ONE-QUARTER, ALSO BEING EAST LINE OF LAKOMA ANNEX, AS PLATTED AND RECORDED IN POTTAWATTAMIE COUNTY, IOWA TO THE POINT OF BEGINNING. ABOVE DESCRIBED TRACT CONTAINS 127.04 ACRES, MORE OR LESS.

DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS THAT ARTHUR CAMENZIND, 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 22 AND PUBLIC STREET RIGHT-OF-WAY. SAID PROPERTY IS TO BE KNOWN AS GETHSEMANE GARDENS. ARTHUR CAMENZIND DOES HEREBY DEDICATE TO THE CITY OF COUNCIL BLUFFS, IOWA THE RIGHT-OF-WAY OF WALLACE AVENUE AND EAST MANAWA DRIVE (10.78 ACRES, MORE OR LESS). ARTHUR CAMENZIND DOES HEREBY DEDICATE TO THE CITY OF COUNCIL BLUFFS, IOWA ALL RIGHTS OF DIRECT ACCESS TO EAST MANAWA DRIVE FROM THE LOTS ADJOINING THEREON. ARTHUR CAMENZIND DOES HEREBY DEDICATE A PERPETUAL EASEMENT FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES, 5 FEET EACH SIDE OF ALL SIDE LOT LINES, 10 FEET IN WIDTH ALONG ALL FRONT LOT LINES AND 5 FEET IN WIDTH ALONG ALL REAR LOT LINES. ARTHUR CAMENZIND DOES HEREBY DEDICATE TO THE GETHSEMANE GARDENS HOMEOWNERS ASSOCIATION THE FOLLOWING EASEMENTS: A 30 FOOT WIDE STORM DRAINAGE EASEMENT ALONG THE WESTERLY LINE OF LOT 21, A 16 FOOT WIDE STORM DRAINAGE EASEMENT ALONG THE WESTERLY LINE OF LOTS 1 AND 2, A 20 FOOT WIDE STORM DRAINAGE EASEMENT CENTERED ON THE COMMON LINE BETWEEN LOTS 3 AND 4, A TRIANGULAR SHAPED STORM DRAINAGE EASEMENT AT THE NORTHWEST CORNER OF LOT 20, A 10 FOOT WIDE STORM DRAINAGE EASEMENT ALONG THE EASTERLY LINE OF LOT 10, A STORM DRAINAGE AND DETENTION EASEMENT ALONG THE WESTERLY PORTION OF LOT 1 AND A 50 FOOT WIDE STORM DRAINAGE AND DETENTION EASEMENT ALONG THE SOUTH LINE OF LOTS 10 THROUGH 20. THE DEDICATION OF THESE EASEMENT SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

EASEMENTS RUN WITH THE LAND: THIS EASEMENT SHALL BE DEEMED TO RUN WITH THE LAND AND SHALL BE BINDING ON ARTHUR R. CAMENZIND, HIS SUCCESSORS AND ASSIGNS.

ERECTOR OF STRUCTURES PROHIBITED: ARTHUR R. CAMENZIND, HIS SUCCESSORS OR ASSIGNS SHALL NOT ERECT ANY STRUCTURE OVER OR WITHIN THE EASEMENT AREA WITHOUT OBTAINING THE PRIOR WRITTEN CONSENT OF THE CITY ENGINEER.

CHANGE OF GRADE: ARTHUR R. CAMENZIND, HIS SUCCESSORS OR ASSIGNS SHALL NOT CHANGE THE GRADE, ELEVATION OR THE CONTOURS OF ANY PART OF THE EASEMENT AREA WITHOUT OBTAINING THE PRIOR WRITTEN CONSENT OF THE CITY ENGINEER.

RIGHT OF ACCESS: THE CITY SHALL HAVE THE RIGHT OF ACCESS TO THE EASEMENT AREA AND HAVE ALL RIGHTS OF INGRESS AND EGRESS REASONABLY NECESSARY FOR THE USE AND ENJOYMENT OF THE EASEMENT AREA HEREIN DESCRIBED.

REMOVAL AND REPLACEMENT: THE COST OF REMOVAL AND REPLACEMENT OF ANY UNAUTHORIZED IMPROVEMENT OR STRUCTURES WITHIN THE EASEMENT AREA, NECESSITATED BY THE EXERCISE OF THE RIGHTS UNDER THIS EASEMENT, SHALL BE BORNE BY ARTHUR R. CAMENZIND, HIS SUCCESSORS OR ASSIGNS.

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

DUTY TO REPAIR: GETHSEMANE GARDENS HOMEOWNER ASSOCIATION 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 GETHSEMANE GARDENS HOMEOWNER ASSOCIATION RIGHT OF ACCESS SHALL BE REPAIRED AT NO EXPENSE TO ARTHUR R. CAMENZIND, HIS SUCCESSORS OR ASSIGNS.

IN WITNESS WHEREOF, I DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF THE PROPERTY AS CONTAINED HEREIN.

ARTHUR R. CAMENZIND

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.

ACKNOWLEDGMENT OF NOTARY

STATE OF _____)

COUNTY OF _____)

ON THIS _____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, QUALIFIED AND COMMISSIONED IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED ARTHUR R. CAMENZIND, PERSONALLY KNOWN BY ME TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE DEDICATION AND HE DID ACKNOWLEDGE THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED.

NOTARY PUBLIC

DATE

CITY COUNCIL

APPROVED, CITY OF COUNCIL BLUFFS MAYOR

DATE

CITY CLERK

DATE

COMMUNITY DEVELOPMENT DIRECTOR

DATE

COUNTY TREASURERS CERTIFICATION

I HEREBY CERTIFY THAT THE PROPERTY INCLUDED IN GETHSEMANE GARDENS IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS.

POTTAWATTAMIE COUNTY TREASURER

DATE

NOTES

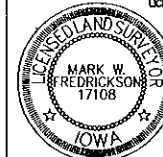
A BLANKET PIPELINE RIGHT-OF-WAY EASEMENT COVERS THE EAST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION 18, TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5th P.M., POTTAWATTAMIE COUNTY, AS DESCRIBED IN BOOK 872, PAGE 198 IN THE POTTAWATTAMIE COUNTY RECORDERS OFFICE.

ALL CORNERS OF ALL LOTS, ANGLE POINTS AND POINTS OF CURVATURE WILL BE SET WITH #6 REBAR WITH CAP STAMPED "PLS 17106" UNLESS NOTED.

ALL ANGLES ARE 90°00'00" UNLESS NOTED

SURVEYORS CERTIFICATION

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.



Mark W. Fredrickson 4-7-08
(SIGNATURE) (DATE)

PRINTED OR TYPED NAME: MARK W. FREDRICKSON

LICENSE NUMBER: 17108

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2009

PAGES OR SHEETS COVERED BY THIS SEAL: 2

Prepared by: The Schemmer Associates
104 North 115th Street, Suite 300
Owaska, IA 68154-4436
402.933.4800

JOB NO.	05458.001
SHEET	2 of 2
PROJECT	GETHSEMANE GARDENS PART OF THE SOUTHWEST ONE-QUARTER SECTION 18, T74N, R43W POTTAWATTAMIE COUNTY, IOWA
DATE	FINAL PLAT

SCHEMMER
ARCHITECTS | ENGINEERS | PLANNERS

BOOK CAMENZIND #1
DATE 03/31/08

DESIGNED	
DRAWN	CLD
CHECKED	MAW
BY	
DATE	
APP	
REVISIONS	

17 1/2 ACRES E. MANAWA

NEUHAUS LAW OFFICE

HOWARD L. NEUHAUS
Admitted in Nebraska, Iowa and Missouri

3934 North 90th Street
P. O. Box 34122
Omaha, Nebraska 68134

May 19, 2005

Arthur R. Camenzind
10406 State Street
Omaha, NE 68122

(402) 571-1196
Fax (402) 571-3729
Website: neuhauslawoffice.com

RE: Title Opinion: Pottawattamie County (Manawa) Farm

Dear Art:

I have today examined the Abstract of Title, consisting of two parts, from Abstract Guaranty Company, with "Part 1" relating to Lots 57 and 58, Lakoma Annex, consisting of 45 entries and last certified to April 29, 2005, and "Part 2" relating to the fractional part of the Southwest Quarter and the Southeast Quarter of Section 18, Township 74, Range 43, last certified to May 2, 2005. The real estate is described on Exhibit "A" attached hereto and by this reference made a part hereof.

From the examination, I am of the opinion that, as of the dates referenced above, marketable title to the real estate was in:

Myrthel P. Anderson and Treynor State Bank, Trustees of the
HARRY A. ANDERSON TRUST dated June 9, 1989, and
Myrthel P. Anderson, Executor of the Estate of Ethel P.
Anderson, Deceased.

SUBJECT TO THE FOLLOWING OBJECTIONS AND EXCEPTIONS:

Item No. 1. Entry No. 28 of Part 2 discloses an easement for Drainage District to Mosquito Creek Drainage District No. 22, Pottawattamie County, Iowa, over a strip of ground approximately 400 feet wide centered on Mosquito Creek in the Southeast Quarter of the subject property.

Item No. 2. Entry No. 30 of Part 2 discloses an easement to James H. Kinley Company for the construction, maintenance, operation and removal of a pipeline for transportation of petroleum products over a portion of the property approximately 6 feet from and parallel to the right of way line of Chicago, Burlington and Quincy Railroad.

Item No. 3. Entry No. 31 of Part 2 discloses an easement in favor of James H. Kinley Company for the construction, maintenance, operation and removal of a pipeline for the transportation of petroleum products over an area approximately 10 feet West of and parallel to the West right of way line of Interstate Highway I-29 for a distance of 44 feet North from the intersection of the West right of way line of said Interstate Highway I-29 and the North right of way line of the Chicago, Burlington and Quincy Railroad property, and

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Arthur R. Camenzind
May 19, 2005
Page Two

an area approximately 10 feet East of the East right of way line of Interstate Highway I-29 for a distance of 340 North from the intersection of the said East right of way line of Interstate Highway I-29 and the North right of way line of the Chicago, Burlington and Quincy Railroad property.

Item No. 4. Entries numbered 36 through 40 of Part 1 and 90 through 94 and 96 through 101 of Part 2 disclose various zoning ordinances that may affect the use and/or development of the subject property. You should familiarize yourself with the ordinances to determine whether any of the same affect your intended use of the subject property.

Item No. 5. Entry No. 95 of Part 2 is a statement and notice of the West Pottawattamie County Soil Conservation District has entered into agreements with land owners, which agreements place upon owners of agricultural land the obligation to maintain permanent soil conservation practices established with public cost-sharing money and failure to do so may result in an obligation to refund a portion of the public cost-sharing money used to establish the practices. The agreement to refund does not create a lien on the subject property, but is a charge personally against the owner of the land at the time of removal, alteration, or modification which gives rise to the need for a refund. These agreements are on file at the office of the West Pottawattamie County Soil Conservation District, and you should review these agreements.

Item No. 6. You should determine whether there are any persons other than the record title owners in possession of the premises, and if so determine the extent of their interests in the subject property.

Item No. 7. Entries numbered 76 through 89 of Part 2 disclose the probate proceeding of the Estate of Ethel P. Anderson. There is no record of payment of federal estate tax or a release of federal estate tax lien, and no record of payment or release of liens for state inheritance and income taxes. Unpaid federal or state taxes may constitute a lien upon the subject property, and a release of those liens or potential liens is required.

Item No. 8. Entry No. 44 of Part 1 and Entry No. 105 of Part 2 both disclose that general taxes for the year 2003 and prior years have been paid.

The Abstract of Title examined herein makes no certifications concerning judgments or bankruptcy proceedings in federal courts. If these matters are a concern, one should at least obtain certification from the seller or Clerk of the Court that no such proceedings are on file. If any such proceedings are on file, they should be certified and forwarded for examination to determine their effect upon the property under examination. However, at this time this examiner can give no opinion concerning the effect of any potential judgments or bankruptcy proceedings in federal court.

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Arthur R. Camenzind
May 19, 2005
Page Three

It is not possible to determine from the Abstract of Title whether there are wells on the real estate. You should inspect the property to determine whether there are any wells on the real estate. If there are wells on the real estate, you may want to determine the fitness of the water in each well for consumption or other uses.

It is not possible to determine from the Abstract of Title whether there are any solid or hazardous wastes stored or dumped on the real estate. You should inspect the real estate to determine whether any solid or hazardous wastes are present on the real estate. If you find solid or hazardous wastes present in any form, you should not accept a conveyance of the real estate unless and until you contact the Iowa Department of Water, Air and Waste Management and had the Department inspect the real estate and determine what liabilities and responsibilities you would have by reason of becoming the title holder of the real estate.

You are advised that under present federal and state laws, owners of real property can be held liable for toxic waste cleanup caused by current title holders or their predecessors in interest. You are further advised that state laws can impose financial burdens upon the owners of real property which contain hazardous wastes or materials and underground storage tanks. You should, therefore, make a careful inspection of the property to determine that such environmental contamination or conditions do not exist.

Special assessments for government services or improvements may be a lien on the property even though the assessments have not yet been certified to the County Treasurer.

Liens for unpaid labor and materials may be filed within 90 days from the furnishing of the last item of labor or material for improvements made to the property.

Subject to the foregoing exceptions and cautions, it is the opinion of this examiner that merchantable title to the subject real estate can be conveyed to you by the execution and delivery of a deed from the title owners as their interests appear.

Sincerely,



HOWARD L. NEUHAUS

HLN:dn
c: Gary R. Faust
attachment

174 ACRES
S. MANAWA

ABSTRACT OF TITLE

--to--

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

The SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of Section 18, Township 74, Range 43, EXCEPT

The right of way of the Kansas City & St. Joseph and the Chicago, Burlington
& Quincy Railroad Companies, and the right of way of the Mosquito Drainage
District,

AND EXCEPT

Commencing 4.95 chains South from the Northwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of
said Section 18, and running thence East 9.60 chains, thence South 7.32
chains, thence West 9.60 chains, thence North 7.32 chains to the place of
beginning,

AND EXCEPT

A tract of land in the SE $\frac{1}{4}$ of Section 18, Township 74, Range 43, more
particularly described as follows:- Beginning at a point of intersection of
the South line of Section 18, Township 74, Range 43, with the centerline of
Mosquito Creek as now established by the Corps of Engineers drawing L624-
L627/1-110 which point is approximately 2038 feet West of the SE corner of
said Section 13; thence West on Section line 498.91 feet; thence N 31° 15'
E, 1807.8 feet parallel to and 250 feet from the Mosquito Creek right of way
line; thence N 01° 03' E, 723.44 feet parallel to and 250 feet from the
Mosquito Creek West right of way line to a point 100 feet from the South
right of way line of the Burlington Railroad; thence N 44° 08' W, 452.73
feet on a line parallel to and 100 feet from the Southerly Burlington
Railroad right of way line to the North line of the SE $\frac{1}{4}$ of said Section 18;
thence East on the North line of the SE $\frac{1}{4}$ of said Section 18, 703.14 feet to
the centerline of the Mosquito Creek Channel; thence S 04° 15' E, 178.5 feet
along centerline of said channel; thence right on a two degree curve 365.0
feet; thence S 03° 03' W, 476.3 feet; thence right on an eight degree curve
351.3 feet; thence S 31° 09' W, 1409.5 feet to point of beginning;

AND EXCEPT

A tract of land in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18, Township 74, Range 43, more
particularly described as follows: Commencing at the Northwest corner of
said NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18; thence S 88° 47' E along the North line of the NE $\frac{1}{4}$
SE $\frac{1}{4}$ Section 18, 101.90 feet, to the center of Mosquito Creek; thence S 04°
15' E along center of Mosquito Creek, 178.50 feet; thence Southwesterly on
2865 foot radius curve along the centerline of Mosquito 62.31 feet to the
place of beginning; thence S 44° 09' E parallel and 140 feet Northerly of
the Burlington Railroad Northerly right of way line 292.15 feet to the
Easterly right of way line of Mosquito Creek; thence S 44° 09' E parallel
and 140 feet Northerly of Burlington Railroad Northerly right of way line,
386.14 feet; thence S 45° 51' W at right angles to the Burlington Railroad,
140.0 feet to the Northerly right of way line of said railroad; thence N 44°
09' W along the Northerly right of way line of said railroad, 250.0 feet to
the Easterly right of way line of Mosquito Creek; thence N 44° 09' W along
the Northerly right of way line of said railroad, 269.85 feet to the center



ABSTRACT GUARANTY COMPANY

Abstract of Title
Legal Description continued (page 2)

of Mosquito Creek; thence Northwesterly on a 2865 feet radius curve along the center of Mosquito Creek, 202.28 feet to the place of beginning;

AND EXCEPT

A tract of land located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, Township 74, Range 43, Pottawattamie County, Iowa, more fully described as follows: Commencing at the Southeast corner of said Section 18; thence S 89° 44' 04" W along the South line of said Section 18 a distance of 1573.21 feet to the point of beginning; thence continuing S 89° 44' 04" W along the South line of said Section 18 a distance of 242.14 feet to a point on the Easterly right of way line of Mosquito Creek Drainage District No. 22; thence N 31° 26' 27" E along said Easterly right of way line a distance of 317.26 feet; thence S 58° 33' 33" E a distance of 206.00 feet; thence S 31° 26' 27" W and parallel to said Easterly right of way line a distance of 190.00 feet to the point of beginning;

AND EXCEPT

A tract of land located in the SE $\frac{1}{4}$ of Section 18, Township 74, Range 43, Pottawattamie County, Iowa, more fully described as follows: Commencing at the Southeast corner of Section 18; thence S 89° 44' 04" W along the South line of said SE $\frac{1}{4}$ a distance of 187.21 feet to a point on the Westerly right of way line of Interstate No. 29, said point being 117.00 feet normal distance Westerly from the centerline median of said Interstate No. 29 and point of beginning; thence continuing S 89° 44' 04" W along the South line of said SE $\frac{1}{4}$ a distance of 1386.00 feet; thence N 31° 26' 27" E and parallel to the Easterly right of way line of Mosquito Creek Drainage Ditch No. 22 a distance of 190.00 feet; thence N 58° 33' 33" W a distance of 206.00 feet to a point on said Easterly right of way line; thence N 31° 26' 27" E along said Easterly right of way line a distance of 1206.24 feet; thence N 87° 06' 41" E along said Easterly right of way line a distance of 21.63 feet; thence N 0° 49' 40" E along said Easterly right of way line a distance of 550.61 feet to a point on the Southwesterly right of way line of the Chicago, Burlington and Quincy Railroad; thence S 44° 18' 10" E along said Southwesterly right of way line a distance of 1063.28 feet to a point on the Westerly right of way line of said Interstate No. 29, said point being 185.00 feet normal distance Westerly from the centerline median of said Interstate No. 29; thence S 0° 21' 30" W and parallel to said centerline median a distance of 538.63 feet along the Westerly right of way line of said Interstate No. 29 to a point 185.00 feet normal distance Westerly of said centerline median station 164+00.00; thence S 3° 13' 05" E along said Westerly right of way line a distance of 400.78 feet to a point 160.00 feet normal distance Westerly of said centerline median station 160+00; thence S 16° 14' 08" E along said Westerly right of way line a distance of 150.57 feet to point of beginning;

AND EXCEPT

A parcel of land located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ all in Section 18, Township 74, Range 43, Pottawattamie County, Iowa, described as follows: Commencing at the Southeast corner of said Section 18; thence N 00° 43' 55" E, along the East line of the SE $\frac{1}{4}$ of said Section 18, a distance of 2601.04 feet to the E $\frac{1}{4}$ corner of said Section 18; thence N 89° 39' 05" W, along the North line of said SE $\frac{1}{4}$ as established per court decree, Equity No. 32922,



Pottawattamie County Auditor's Certification of Subdivision Name Approval

MARILYN JO DRAKE
POTTAWATTAMIE COUNTY AUDITOR
AND ELECTION COMMISSIONER
227 S. 6th St, Room 243
P. O. BOX 649
COUNCIL BLUFFS, IOWA 51502-0649



Gary Herman, First Deputy - Elections
Paula Glade, First Deputy - Real Estate
Donna West, First Deputy - Tax and Finance
Phone (712) 328-5700
FAX (712) 328-4740

I, Marilyn Jo Drake, Auditor of Pottawattamie County, Iowa, or designee, do hereby certify that the subdivision name of the attached platting is unique within Pottawattamie County and is hereby approved.

Name of new subdivision:

GETHSEMANE GARDENS

Marilyn Jo Drake
Signed

4/14/08
Date