

FILED

NOV 14 1995

TREASURER'S OFFICE

CERTIFICATE OF TREASURER OF POTTAWATTAMIE COUNTY, IOWA:

I, JUDY ANN MILLER, TREASURER OF POTTAWATTAMIE COUNTY, IOWA, HEREBY CERTIFY THAT THE LAND INCLUDED IN HEARTLAND HEIGHTS FIRST ADDITION, PHASE II, IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS.

DATED THIS 14th DAY OF November, 1995

Judy Ann Miller, by Kathleen Sharold
JUDY ANN MILLER, TREASURER OF POTTAWATTAMIE COUNTY, IOWA

STATE OF IOWA

COUNTY OF POTTAWATTAMIE

ON THIS 7th DAY OF December, 1995, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DONALD F. COATS, TO ME KNOWN TO BE THE IDENTICAL PERSON NAMED IN AND WHO EXECUTED THE FOREGOING STATEMENTS ACKNOWLEDGED THAT HE EXECUTED THE SAME AS HIS VOLUNTARY ACT AND DEED.

Deborah L. Petersen
NOTARY PUBLIC



APPROVED BY:

Donald F. Coats
DIRECTOR, COMMUNITY DEVELOPMENT DEPT.

11-15-95
DATE

CITY COUNCIL:

Thomas P. Gonsky
APPROVED BY THE MAYOR

11-21-95
DATE

ATTESTED TO BY:

Olga Guller
CITY CLERK

11-21-95
DATE

STATE OF IOWA, Pottawattamie County
Filed for record the 12 day of Dec
1995 at 2 o'clock AM and recorded
in book 96, page 16377

RECORDING FEE \$ 105.00
RMA FEE \$ 1.00

John Scintino Recorder
By George Fanning Deputy

7115 ✓

SHEET 1 OF 2

ROGERS SURVEYING		
25 ROLLING HILLS COUNCIL BLUFFS, IOWA		
SCALE:	APPROVED BY:	DRAWN BY: J.A.T.
DATE: 11-13-95		REVISED:
TITLE: FINAL PLAT OF HEARTLAND HEIGHTS FIRST ADDITION, PHASE II		
CLIENT: BCD CORPORATION DONALD F. COATS, PRESIDENT		DRAWING NUMBER 105095

96-16377

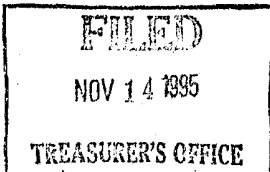
OC-40940

1-21

WEST QUARTER IN
POTTAWATTAMIE

89°11'30" WEST,
R AND ALONG THE
OF 602.10 FEET TO THE
OF BEGINNING; THENCE
THE NORTHWEST
N, COUNCIL BLUFFS, IOWA,
HEIGHTS FIRST ADDITION,
F SAID HEARTLAND
SOUTH 17°27'17" WEST
5 FEET; THENCE SOUTH
CE OF 184.00 FEET;
RNER OF LOT 23 OF
E SOUTH LINE OF SAID
ALONG THE SOUTH LINE
FEET TO THE SOUTHWEST
" EAST, ALONG THE WEST
ORTHWESTERLY CORNER OF
NG THE WEST LINE OF
BEGINNING. SAID PARCEL
ORD.

R NORTH 89°11'30"



COMPARED

NOTE:

A PERPETUAL EASEMENT OF 5 ALONG SIDE AND REAR LOT
LINES OR 10 FEET WHERE SHOWN SHALL BE RESERVED FOR THE
INSTALLATION AND MAINTENANCE OF PUBLIC AND PRIVATE UTILITIES,
AND FOR DRAINAGE PURPOSES. SAID DRAINAGE AREAS AND ANY
DRAINAGE SYSTEMS TO BE MAINTAINED BY LOT OWNERS.

I HEREBY CERTIFY THAT THE FOLLOWING DOCUMENTS WILL BE
RECORDED WITH THE POTTAWATTAMIE COUNTY RECORDER
CONTEMPORANEOUS 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.

I HEREBY CERTIFY THAT BCD CORPORATION WILL MEET ALL EQUAL
OPPORTUNITY AND FAIR MARKETING OBJECTIVES CONSISTENT
WITH FEDERAL, STATE, AND LOCAL GUIDELINES.

Donald F. Coats
DONALD F. COATS, PRESIDENT
BCD CORPORATION
301 WEST BROADWAY
COUNCIL BLUFFS, IOWA 51503
PH. (712) 328-1575

12-7-95

DATE

CERTIFICATE OF TREASURER OF POTTAWATTAMIE COUNTY, IOWA:

I, JUDY ANN MILLER, TREASURER OF POTTAWATTAMIE COUNTY,
IOWA, HEREBY CERTIFY THAT THE LAND INCLUDED IN HEARTLAND
HEIGHTS FIRST ADDITION, PHASE II, IS FREE FROM CERTIFIED
TAXES AND CERTIFIED SPECIAL ASSESSMENTS.

DATED THIS 14th DAY OF November, 1995

Judy Ann Miller, Treasurer
JUDY ANN MILLER, TREASURER OF POTTAWATTAMIE COUNTY, IOWA

STATE OF IOWA

COUNTY OF POTTAWATTAMIE

ON THIS 7th DAY OF December, 1995, BEFORE ME,
THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID
COUNTY AND STATE, PERSONALLY APPEARED DONALD F.
COATS, TO ME KNOWN TO BE THE IDENTICAL PERSON
NAMED IN AND WHO EXECUTED THE FOREGOING STATEMENTS
ACKNOWLEDGED THAT HE EXECUTED THE SAME AS HIS
VOLUNTARY ACT AND DEED.

Deborah L. Petersen
NOTARY PUBLIC



APPROVED BY:

Donald F. Coats

DEVELOPMENT DEPT.

DATE

11-15-95

Donna
OR

DATE

11-2

COMPARED

FINAL PLAT OF
HEIGHTS FIRST ADDITION
PHASE II

OWNER AND DEVELOPER
BCD CORPORATION
DONALD F. COATS, PRESIDENT
301 WEST BROADWAY
COUNCIL BLUFFS, IOWA 51503

96-16379

BEST QUARTER IN
POTTAWATTAMIE

89°11'30" WEST,
AND ALONG THE
OF 602.10 FEET TO THE
OF BEGINNING; THENCE
HE NORTHWEST
COUNCIL BLUFFS, IOWA,
HEIGHTS FIRST ADDITION,
SAID HEARTLAND
OUTH 17°27'17" WEST
FEET; THENCE SOUTH
E OF 184.00 FEET;
RNER OF LOT 23 OF
SOUTH LINE OF SAID
ALONG THE SOUTH LINE
FEET TO THE SOUTHWEST
EAST, ALONG THE WEST
ORTHWESTERLY CORNER OF
VG THE WEST LINE OF
BEGINNING. SAID PARCEL
ORD.

NORTH 89°11'30"

NOTE:

A PERPETUAL EASEMENT OF 5 ALONG SIDE AND REAR LOT
LINES OR 10 FEET WHERE SHOWN SHALL BE RESERVED FOR THE
INSTALLATION AND MAINTENANCE OF PUBLIC AND PRIVATE UTILITIES,
AND FOR DRAINAGE PURPOSES. SAID DRAINAGE AREAS AND ANY
DRAINAGE SYSTEMS TO BE MAINTAINED BY LOT OWNERS.

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CONTEMPORANEOUS 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.

I HEREBY CERTIFY THAT BCD CORPORATION WILL MEET ALL EQUAL
OPPORTUNITY AND FAIR MARKETING OBJECTIVES CONSISTENT
WITH FEDERAL, STATE, AND LOCAL GUIDELINES.

Donald F. Coats
DONALD F. COATS, PRESIDENT
BCD CORPORATION
301 WEST BROADWAY
COUNCIL BLUFFS, IOWA 51503
PH. (712) 328-1575

12-7-95

DATE

FILED

NOV 14 1995

TREASURER'S OFFICE

CERTIFICATE OF TREASURER OF POTTAWATTAMIE COUNTY, IOWA:

I, JUDY ANN MILLER, TREASURER OF POTTAWATTAMIE COUNTY,
IOWA, HEREBY CERTIFY THAT THE LAND INCLUDED IN HEARTLAND
HEIGHTS FIRST ADDITION, PHASE II, IS FREE FROM CERTIFIED
TAXES AND CERTIFIED SPECIAL ASSESSMENTS.

DATED THIS 14th DAY OF November, 1995

Judy Ann Miller
JUDY ANN MILLER, TREASURER OF POTTAWATTAMIE COUNTY, IOWA

STATE OF IOWA

COUNTY OF POTTAWATTAMIE

ON THIS 7th DAY OF December, 1995, BEFORE ME,
THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID
PERSONALLY APPEARED DONALD F.
TO BE THE IDENTICAL PERSON
EXECUTED THE FOREGOING STATEMENTS
HE EXECUTED THE SAME AS HIS
DEED.

SS

12 1995

96-16378

FILED

NOV 14 1995

TREASURER'S OFFICE

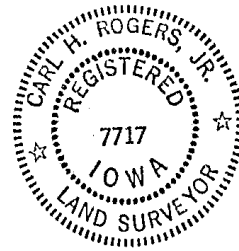
LAND SURVEYOR'S CERTIFICATE:

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

SIGNATURE: Carl H. Rogers, Jr.
CARL H. ROGERS, JR.

DATE: NOVEMBER 13, 1995 REG. NO. 7717

MY REGISTRATION RENEWAL DATE IS DECEMBER 31, 1996



DEDICATION:

KNOW ALL PEOPLE OF THESE PRESENTS: THAT BCD CORPORATION, PRESIDENT: DONALD F. COATS, BEING THE SOLE OWNER AND PROPRIETOR OF THE LAND DESCRIBED IN THE LEGAL DESCRIPTION AND EMBRACED WITHIN THIS PLAT HAS CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND TO BE KNOWN AS HEARTLAND HEIGHTS FIRST ADDITION, PHASE II, LOTS 31 THRU 58 INCLUSIVE, AND I HEREBY RATIFY AND APPROVE OF ITS PROPERTY AS SHOWN ON THIS PLAT AND LORI LANE RIGHT-OF-WAY IS DEDICATED TO THE CITY OF COUNCIL BLUFFS, IOWA. THE TWO PERMANENT STORM SEWER EASEMENTS BETWEEN LOTS 40 AND 41, AND BETWEEN LOTS 54 AND 55 ARE DEDICATED TO THE CITY OF COUNCIL BLUFFS, IOWA FOR INGRESS AND EGRESS TO INSTALL AND MAINTAIN STORM SEWERS AND APPURTENANCES.

IN WITNESS WHEREOF I DO HEREUNTO SET MY HAND THIS 14th DAY OF December, 1995.

Donald F. Coats
DONALD F. COATS, PRESIDENT, BCD CORPORATION

COMPARED

FINAL PLAT
HEARTLAND HEIGHTS
PHASE II

OWNER AND DEVELOPER
BCD CORPORATION
DONALD F. COATS, PRESIDENT
301 WEST BROADWAY
COUNCIL BLUFFS, IOWA

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER IN SECTION 6, TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY, COUNCIL BLUFFS, IOWA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 6; THENCE NORTH 89°11'30" WEST, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER AND ALONG THE NORTH LINE OF MEADOW ACRES 8TH ADDITION, COUNCIL BLUFFS, IOWA, A DISTANCE OF 602.10 FEET TO THE NORTHWEST CORNER OF LOT 19 OF SAID MEADOW ACRES 8TH ADDITION, AND POINT OF BEGINNING; THENCE NORTH 88°50'19" WEST, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER AND ALONG THE SOUTH LINE OF OUTLOT 1 OF TIMBERCREST 5TH ADDITION, COUNCIL BLUFFS, IOWA, A DISTANCE OF 219.89 FEET TO THE NORTHEAST CORNER OF LOT 8 OF HEARTLAND HEIGHTS FIRST ADDITION, COUNCIL BLUFFS, IOWA; THENCE SOUTHERLY, ALONG THE EASTERLY LINE OF SAID HEARTLAND HEIGHTS FIRST ADDITION, PHASE I, THE FOLLOWING FIVE COURSES AND DISTANCES: SOUTH 17°27'17" WEST A DISTANCE OF 164.22 FEET; THENCE SOUTH 10°47'00" WEST A DISTANCE OF 142.85 FEET; THENCE SOUTH 00°43'19" WEST A DISTANCE OF 399.91 FEET; THENCE SOUTH 09°11'56" WEST A DISTANCE OF 184.00 FEET; THENCE SOUTH 02°29'44" EAST A DISTANCE OF 233.11 FEET TO THE SOUTHEAST CORNER OF LOT 23 OF SAID HEARTLAND HEIGHTS FIRST ADDITION, PHASE I, SAID POINT ALSO BEING ON THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE NORTH 89°38'17" EAST, ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER, A DISTANCE OF 306.22 FEET TO THE SOUTHWEST CORNER OF LOT 33 OF SAID MEADOW ACRES 8TH ADDITION; THENCE NORTH 00°42'21" EAST, ALONG THE WEST LINE OF SAID MEADOW ACRES 8TH ADDITION, A DISTANCE OF 908.49 FEET TO THE NORTHWESTERLY CORNER OF LOT 20 OF SAID MEADOW ACRES 8TH ADDITION; THENCE NORTH 00°47'46" EAST, ALONG THE WEST LINE OF SAID MEADOW ACRES 8TH ADDITION, A DISTANCE OF 196.60 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 7.384 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS OF RECORD.

NOTE: THE NORTH LINE OF SAID MEADOW ACRES 8TH ADDITION IS ASSUMED TO BEAR NORTH 89°11'30" WEST FOR THIS DESCRIPTION.

96-16381

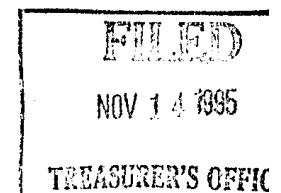
LAND SURVEYOR'S CERTIFICATE:

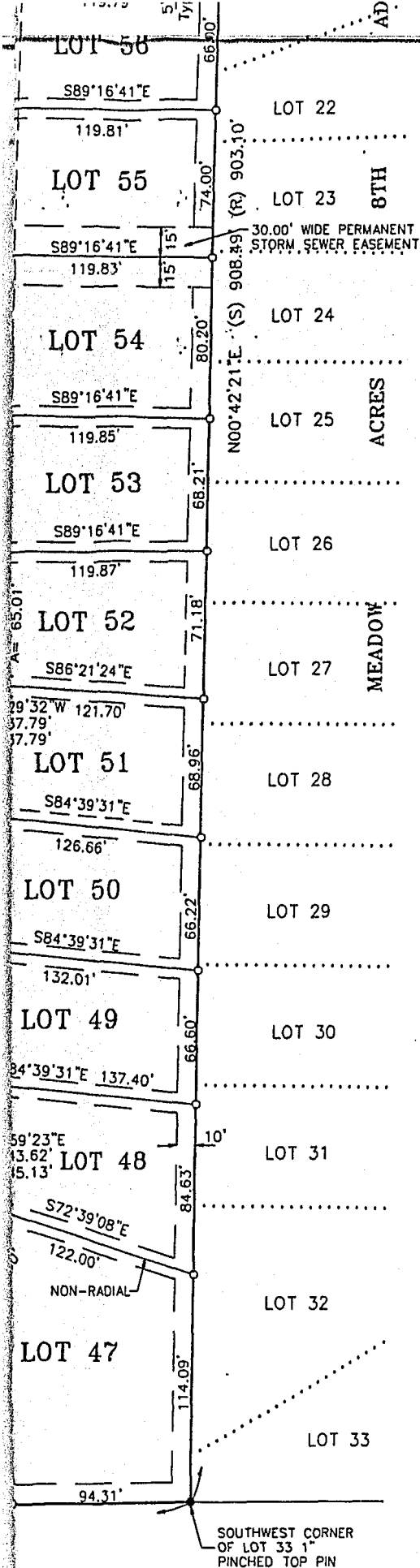
I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

SIGNATURE: Carl H. Rogers, Jr.
CARL H. ROGERS, JR.

DATE: NOVEMBER 13, 1995 REG. NO. 7717

MY REGISTRATION RENEWAL DATE IS DECEMBER 31, 1996





CURVE #	TANGENT	CENTRAL ANGLE	RADIUS	ARC LENGTH	CHORD LENGTH
1	50.42'	04°37'10"	1250.00'	100.78'	100.76'
2	145.20'	110°23'27"	100.93'	194.46'	165.76'

CURVE DATA				
CURVE #	CHORD BEARING	CHORD LENGTH	RADIUS	ARC LENGTH
3	S29°26'09"W	20.41'	25.00'	21.03'
4	S18°45'11"E	20.41'	25.00'	21.03'

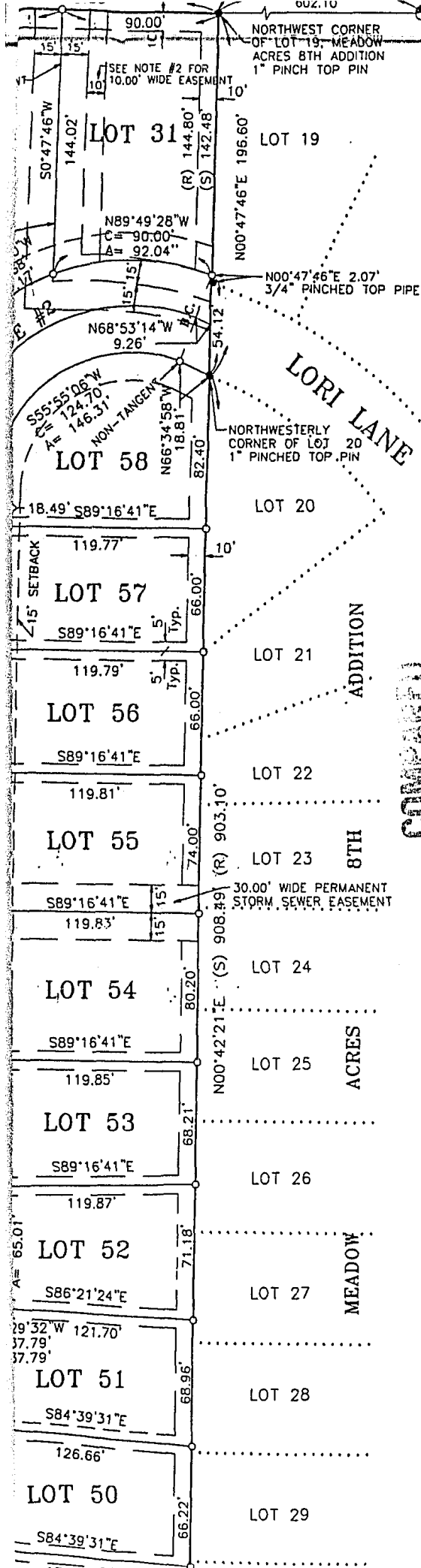
NOTES:

1. 30.00' WIDE EASEMENT TO COUNCIL BLUFFS WATER WORKS. BOOK 76, PAGE 88 IN POTTAWATTAMIE COUNTY RECORDER'S OFFICE.
2. 10.00' WIDE EASEMENT TO TIMBERCREST VENTURE, LTD. & TO THE CITY OF COUNCIL BLUFFS, IOWA FOR SANITARY SEWER. BOOK 77, PAGE 13028 IN POTTAWATTAMIE COUNTY RECORDER'S OFFICE; AND ALSO 10.00' WIDE EASEMENT TO PEOPLES NATURAL GAS COMPANY. BOOK 79, PAGE 20337 IN POTTAWATTAMIE COUNTY RECORDER'S OFFICE.

SHEET 2 OF 2

ROGERS SURVEYING
25 ROLLING HILLS COUNCIL BLUFFS, IOWA

SCALE: 1" = 60'	APPROVED BY:	DRAWN BY: J.A.T.
DATE: 11-13-95		REVISED:
<p style="text-align: center;">FINAL PLAT OF</p> <p>TITLE: HEARTLAND HEIGHTS FIRST ADDITION, PHASE II</p>		
CLIENT: BCD CORPORATION DONALD F. COATS, PRESIDENT		DRAWING NUMBER 105095



LEGEND:

- E.C. -END CURVE
- B.C. -BEGIN CURVE
- P.R.C. -POINT OF REVERSE CURVE
- C -CHORD LENGTH
- A -ARC LENGTH
- -SET 5/8" REBAR W/ CAP #7717
- -FOUND PIN AS NOTED
- ⊙ -FOUND 5/8" REBAR W/CAP #7717
- ⊕ -FOUND CONCRETE MONUMENT WITH 3/8" REBAR IN TOP
- (R) -RECORDED AS
- (S) -SURVEYED AS

CENTERLINE CURVE DATA					
CURVE #	TANGENT	CENTRAL ANGLE	RADIUS	ARC LENGTH	CHORD LENGTH
1	50.42'	04°37'10"	1250.00'	100.78'	100.76'
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COMPARED



- E.C. -END CURVE
B.C. -BEGIN CURVE
P.R.C. -POINT OF REVERSE CURVE
C -CHORD LENGTH
A -ARC LENGTH
o -SET 5/8" REBAR W/ CAP #7717
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o -FOUND 5/8" REBAR W/CAP #7717
⊙ -FOUND CONCRETE MONUMENT
WITH 3/8" REBAR IN TOP
(R) -RECORDED AS
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2. 10.00' WIDE EASEMENT TO TIMBERCREST VENTURE, LTD. & TO THE CITY OF COUNCIL BLUFFS, IOWA FOR SANITARY SEWER. BOOK 77, PAGE 13028 IN POTTAWATTAMIE COUNTY RECORDER'S OFFICE; AND ALSO 10.00' WIDE EASEMENT TO PEOPLES NATURAL GAS COMPANY. BOOK 79, PAGE 20337 IN POTTAWATTAMIE COUNTY RECORDER'S OFFICE.

PC-1000

LOT 4

ADDITION

T74N, R43W

LOT 30

FIRST

LOT 29

HEIGHTS

LOT 28

30.00' WIDE PERMANENT
STORM SEWER EASEMENT

HEARTLAND

LOT 27

LOT 26

LOT 25

LOT 24

LOT 23

LOT 36

LOT 37

LOT 38

LOT 39

LOT 40

LOT 41

LOT 42

LOT 43

LOT 44

LOT 45

LOT 46

LOT 56

LOT 55

LOT 54

LOT 53

LOT 52

LOT 51

LOT 50

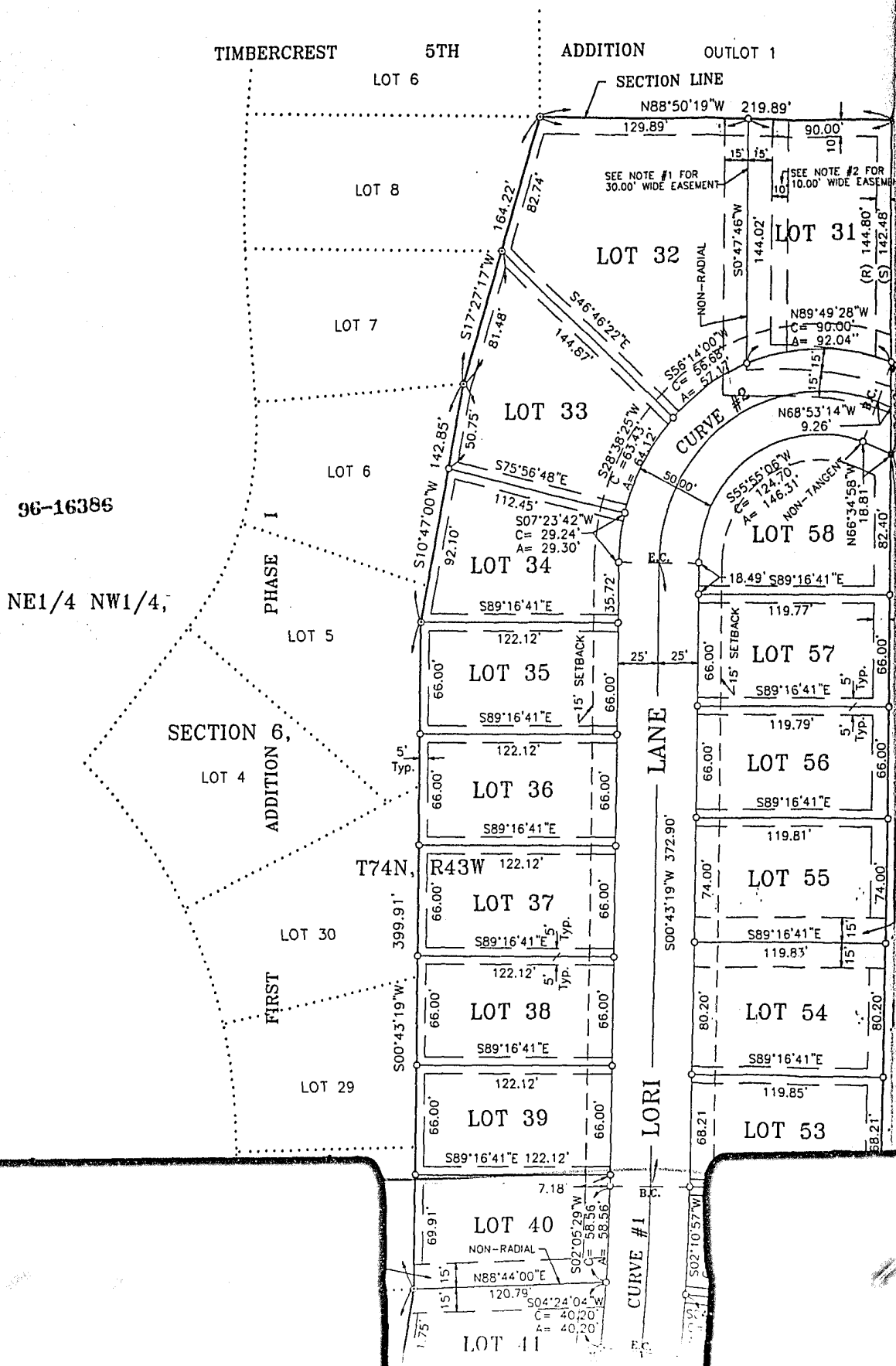
LOT 49

LOT 48

LOT 47

1/4 1/4 SECTION LINE

OWNER AND DEVELOPER
BCD CORPORATION
DONALD F. COATS, PRESIDENT
301 WEST BROADWAY
COUNCIL BLUFFS, IOWA 51501




COMPARED

MORTGAGE HOLDER'S STATEMENT

STATE OF IOWA)
) ss.
COUNTY OF POTTAWATTAMIE)

I, G. R. Tracy, being first duly sworn, on oath depose and state that I am the Senior Vice President of FirstTier Bank, N.A., the holder of a mortgage on the property described in the foregoing Certificate and Dedication of Plat of Heartland Heights First Addition in Council Bluffs, Pottawattamie County, Iowa, and the attached Plat. Said mortgage is dated November 10, 1995, and recorded on November 15, 1995, in Book 96 at Page 13729 of the records of Pottawattamie County, Iowa. I certify that the Plat is prepared with the free consent of FirstTier Bank, N.A. I further certify that FirstTier Bank, N.A. 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 Heartland Heights First Addition.

DATED this 30th day of November, 1995.



G. R. TRACY,
Senior Vice President
FirstTier Bank, N.A.

STATE OF IOWA)
) ss:
COUNTY OF POTTAWATTAMIE)

On this 30th day of November, 1995, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared, G. R. TRACY, to me personally known, who, being by me duly sworn, did say that he is the Senior Vice President of FirstTier Bank, N.A., executing the within and foregoing instrument, that the seal affixed hereto is the seal of the corporation; that said instrument was signed on behalf of said corporation by authority of its Board of Directors; and that the said G. R. TRACY, as Senior Vice President acknowledged the execution of said instrument to be the voluntary act and deed of said corporation; by it and by him voluntarily executed.



NOTARY PUBLIC



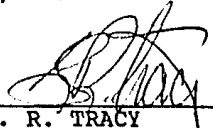
COMP-18

MORTGAGE HOLDER'S STATEMENT

STATE OF IOWA)
) ss.
COUNTY OF POTTAWATTAMIE)

I, G. R. Tracy, being first duly sworn, on oath depose and state that I am the Senior Vice President of FirstTier Bank, N.A. f/k/a First National Bank of Council Bluffs, the holder of a mortgage on the property described in the foregoing Certificate and Dedication of Plat of Heartland Heights First Addition in Council Bluffs, Pottawattamie County, Iowa, and the attached Plat. Said mortgage is dated January 6, 1995, and recorded on January 16, 1995, in Book 95 at Page 17278 of the records of Pottawattamie County, Iowa. I certify that the Plat is prepared with the free consent of FirstTier Bank, N.A. I further certify that FirstTier Bank, N.A. 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 Heartland Heights First Addition.

DATED this 14th day of November, 1995.



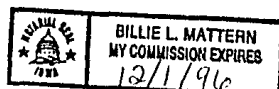
G. R. TRACY
Senior Vice President
FirstTier Bank, N.A.

STATE OF IOWA)
) ss:
COUNTY OF POTTAWATTAMIE)

On this 14th day of November, 1995, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared, G. R. TRACY, to me personally known, who, being by me duly sworn, did say that he is the Senior Vice President of FirstTier Bank, N.A., executing the within and foregoing instrument, that the seal affixed hereto is the seal of the corporation; that said instrument was signed on behalf of said corporation by authority of its Board of Directors; and that the said G. R. TRACY, as Senior Vice President acknowledged the execution of said instrument to be the voluntary act and deed of said corporation; by it and by them voluntarily executed.



NOTARY PUBLIC




96-16388

COMPARED

ATTORNEY'S OPINION WITH RESPECT TO HEARTLAND HEIGHTS FIRST
ADDITION, PHASE II, COUNCIL BLUFFS, IOWA

TO THE COUNTY RECORDER OF POTTAWATTAMIE COUNTY:

I have examined the abstract of title in ONE part covering real estate described on the attachment hereto which is to be Heartland Heights First Addition, Phase II, Council Bluffs. Marketable title to the property is held by BCD Corporation, an Iowa corporation. It is subject to a mortgage in favor of First National Bank of Council Bluffs, dated January 6, 1995, and recorded on January 16, 1995, in Book 95 at Page 17278 of the records in the office of the Recorder of Pottawattamie County and a mortgage in favor of Firstier Bank N.A., dated November 10, 1995, and recorded on November 15, 1995, in Book 96 at Page 13729 of the records in the office of the Recorder of Pottawattamie County. Other than utility easements there are no other encumbrances against the property. Real estate taxes for 1994 and prior years are paid. This opinion is expressed as of December 5, 1995.


Rick D. Cowl, Attorney at Law

96-16389

COMPANIES

A parcel of land located in part of the NE 1/4 of the NW 1/4 in Section 6, Township 74 North, Range 43 West of the 5th Principal Meridian, Pottawattamie County, Council Bluffs, Iowa more particularly described as follows: Commencing at the North Quarter corner of said Section 6; thence North 89 degrees 11' 30" West, along the North line of said NE 1/4 of the NW 1/4 and along the North line of Meadow Acres 8th Addition, Council Bluffs, Iowa, a distance of 602.10 feet to the Northwest corner of Lot 19 of said Meadow Acres 8th Addition, and point of beginning; thence North 88 degrees 50' 19" West, along said North line of said NE 1/4 of the NW 1/4 and along the South line of Outlot 1 of Timbercrest 5th Addition, Council Bluffs, Iowa a distance of 219.89 feet to the Northeast corner of Lot 8 of Heartland Heights First Addition, Phase I, Council Bluffs, Iowa; thence Southerly along the Easterly line of said Heartland Heights First Addition, Phase I, the following five courses and distances: South 17 degrees 27' 17" West a distance of 164.22 feet; thence South 10 degrees 47' 00" West a distance of 142.85 feet; thence South 00 degrees 43' 19" West a distance of 399.91 feet; thence South 09 degrees 11' 56" West a distance of 184.00 feet; thence South 02 degrees 29' 44" East a distance of 233.11 feet to the Southeast corner of Lot 23 of said Heartland Heights First Addition, Phase I, said point also being on the South line of said NE 1/4 of the NW 1/4; thence North 89 degrees 38' 17" East along the South line of said NE 1/4 of the NW 1/4, a distance of 306.22 feet to the Southwest corner of Lot 33 of said Meadow Acres 8th Addition; thence North 00 degrees 42' 21" East along the West line of said Meadow Acres 8th Addition, a distance of 908.49 feet to the Northwesterly corner of Lot 20 of said Meadow Acres 8th Addition; thence North 00 degrees 47' 46" East, along the West line of said Meadow Acres 8th Addition, a distance of 196.60 feet to the point of beginning, subject to all easements of record, Pottawattamie County, Iowa.

NOTE: The North line of said Meadow Acres 8th Addition is assumed to bear North 89 degrees 11' 30" West for this description.

COMPARED

CERTIFICATE AND RECEIPT

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STATE OF IOWA,

} ss.

Pottawattamie County,

The undersigned, Clerk of the City of Council Bluffs,
Iowa, hereby certifies that: Resolution 95-239 Adopted and Approved
October 9, 1995 is a true and correct copy.

as the same appears of record in this office.

Witness my hand and seal of the City of Council Bluffs, Iowa,
this 25 day of October A.D. 1995



Oleg Jullens
Clerk of the City of Council Bluffs, Iowa.

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RESOLUTION NO. 95-239

A RESOLUTION granting final plat approval for Heartland Heights First Addition - Phase II, generally located at the southwesterly extension of Lori Lane.

WHEREAS, BCD Corporation has requested final plat approval for Phase II of Heartland Heights First Addition under Municipal Code Chapter 14.13; and

WHEREAS, on July 11, 1994, this council passed Resolution 94-170, approving the preliminary plan for what is now Phase II of the development; and

WHEREAS, the applicant has requested a variance from the requirements of Title 14 to install sidewalks; however, the Planning Commission unanimously recommended that sidewalks be installed in all development phases, and this council in resolution 95-215 required sidewalks in Phase I and all subsequent phases; and

WHEREAS, the proposed subdivision is generally consistent with the 1994 Comprehensive Plan and the purpose and intent of the zoning and subdivision ordinances; and

WHEREAS, the final plat of Heartland Heights First Addition - Phase II, is generally consistent with the preliminary plan approved by City Council Resolution No. 94-170; and

WHEREAS, Section 14.14.040 of the Municipal Code requires sidewalks to be installed in all subdivisions. The Community Development and Public Works Departments have recommended against a sidewalk variance, since sidewalks can be installed within the 2% grade which must be maintained in the right-of-way. With the approval of the Public Works Department, sidewalks could be placed closer to the curb, in instances where the normal location of one foot from the property line is not feasible. The applicant has given no documentation which would warrant granting such a variance.

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

That the final plat for a subdivision to be known as Heartland Heights First Addition - Phase II is approved, subject to the following conditions:

1. Protective covenants, conditions and restrictions shall be recorded concurrently with the final plat.
2. Sidewalks shall be installed at the developer's expense, along the front of each lot, prior to the issuance of a Certificate of Occupancy.
3. A two-year maintenance bond is required for all improvements.
4. As-built construction drawings for paving, storm and sanitary sewers shall be finalized with the Public Works Department.
5. All required technical corrections are made to the final plat as requested by the Public Works Department; and

BE IT FURTHER RESOLVED

CONFIDENTIAL

RESOLUTION NO. 95-239

PAGE TWO

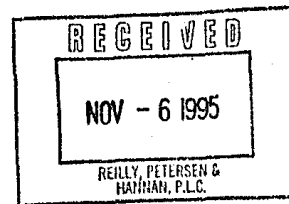
That the Mayor and City Clerk are authorized and directed to endorse the final plat of Heartland Heights First Addition - Phase II upon completion of the conditions set out above.

ADOPTED
AND October 23, 1995
APPROVED

Thomas P. Hanafan
THOMAS P. HANAFAN Mayor

Attest: Olga Arellano
OLGA ARELLANO City Clerk

Planning Case No. SUB-95-008



96-16393

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CONFIDENTIAL

WITNESSETH:

NOW, THEREFORE, the undersigned hereby declares that the real property described in and referred to in Clause I hereof, is and shall be held, transferred, sold and conveyed, subject to the conditions, restrictions, covenants, reservations, easements, liens and charges herein set forth.

Property Subject to this Declaration

No property other than that described above shall be subject to this Declaration, unless and until specifically made subject thereto.

General Purposes of Conditions

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to secure and maintain proper setbacks from street and adequate free spaces between structures; and in general to provide adequately for a high type and quality of improvement of said property, and thereby to enhance the values of investments made by the purchaser of building sites therein.

A. All lots described herein shall be known, described and used solely as residential lots, and no structures shall be erected on any lot other than one detached single-family dwelling, not to exceed thirty (30) feet in height and measured from the lowest point on top of the curb of each lot and a garage, which shall be for the use only of the occupants of the residence to which they are appurtenant, and which must be attached to the residence.

B. No outbuilding, garage, shed, tent, trailer, or temporary building of any kind shall be erected, constructed, permitted or maintained prior to commencement of the erection of a residence, and no outbuilding, garage, shed, tent, trailer, basement or temporary building shall be used for permanent or temporary residence purposes; provided, however, that this paragraph shall not be deemed or construed to prevent the use of a temporary construction shed during the period of actual construction of any structure on the property, nor the use of adequate sanitary toilet facilities for workmen which shall be provided during such construction.

C. Motor boats, house boats, or similar water-borne vehicles may be maintained, stored, or kept on any parcel of property covered by these covenants, only if housed completely within the family garage.

D. No building, fence, landscaping or other structural improvement, including, but not limited to, playground equipment, storage sheds, antennae, pet confinements, or rock gardens, fountains, statues, trees, and shrubs, shall be commenced, erected or maintained upon the premises, nor shall any exterior painting, resurfacing, addition to or change or alteration therein, be made until plans and specifications showing the nature, kind and shape, heights, size, floor plan, materials, color of paint and location of the same shall have been submitted to and approved as to the harmony of external design, color, and location in relation to surrounding structures and topography by the Developer.

E. The Developer shall have the right to disapprove any such plans or specifications or grading or landscaping plans which are not suitable or desirable in the Developer's opinion for aesthetic or other reasons, and in passing upon such plans, specifications, grading or landscaping plans, the Developer shall have the right to take into consideration suitability of the proposed building or other structure and of the materials of which it is to be built, size, floor plans, the color scheme, the site upon which it is proposed to erect the same, the harmony thereof of the surroundings, the topography of the land and the effect of the building or other structure or landscaping as planned on the outlook from the adjacent or neighboring property, and if it is in accordance with all of the provisions of this Declaration.

F. No exterior television antennae, or radio antennae, or satellite dishes of any sort shall be placed, allowed or maintained upon any portion of the improvements to be located upon the premises, nor upon any structure situated upon said real property, unless approved by the Developer.

G. No obnoxious or offensive activity or trades shall be carried on upon any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

H. No repair of automobiles will be permitted outside of garages on any lot at any time; nor will any vehicle offensive to

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the neighborhood be visibly stored, parked or abandoned in the neighborhood.

I. No boat, camping trailer, recreational vehicles, snowmobile, auto drawn trailer of any kind, mobile home, truck, jeep, motorcycle, grading or excavating equipment, or other heavy machinery or equipment, vehicle undergoing repair, or aircraft shall be stored outside the garage or in any manner left exposed on any lot at any time.

J. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other wastes shall not be kept except in sanitary containers. No incinerator or trash burner shall be permitted on any lot. No fuel tanks shall be permitted to remain outside of any dwelling. Except on garbage pick up days, no garbage or trash cans shall be permitted outside of any dwelling unless fully screened from view and not visible from street or neighboring lots. No garden, lawn or maintenance equipment of any kind whatsoever shall be stored or permitted to remain outside of any dwelling except when in actual use. Any exterior air conditioning condenser unit shall be placed in the rear or side yard.

K. Exposed portions of the foundation of each building are to be covered with either siding or brick unless otherwise approved by the Developer.

L. A dwelling on which construction has begun must be completed within one (1) year from the date the foundation was dug for said dwelling.

M. The construction and landscaping of each Residence shall be completed within twelve (12) months from the date the construction of the Residence's foundation is commenced. Excess dirt resulting from excavation done on any Lot may be hauled from the Lot to other sites within the Development as may be specified by the Developer or used in landscaping the Lot within the construction time period. Dirt may be removed from the Development only with the consent of the Developer. All excavation or alteration of the existing topography and native growth will be done in a manner such that the natural drainage or designated drainage is not altered to such an extent that unreasonable or undesirable drainage or erosion results. Improvements not so completed, or upon which construction has ceased for ninety (90) consecutive days, or which have been partially or totally destroyed and not rebuilt within twelve (12) months shall be deemed nuisances. Developer may remove any such nuisance or repair or complete the same at the cost of the Lot Owner.

N. No stable or other shelter for any animal, livestock, fowl or poultry shall be erected, altered, placed or permitted to remain any lot, including pet confinements and dog runs.

O. No fencing shall be allowed without the consent of the Developer.

P. Sidewalks on the lots are not permitted except for personal, private use of the dweller.

Q. The Developer shall have, and does hereby reserve, the right to locate, erect, construct, maintain and use, or authorize the location, erection, construction, maintenance and use of drains, pipelines, sanitary and storm sewers, gas and water mains and lines, electric and telephone lines and other utilities, and to give or grant rights-of-way or easements and rights-of way shown on the recorded plat of the Property. All utility easements and rights-of-way shall inure to the benefit of all utility companies, for purposes of installing, maintaining or moving any utility lines

COMPARED

or services and shall inure to the benefit of all Lot Owners in the Property as a cross-easement for utility line or service maintenance.

R. Vegetable gardens are prohibited on any yards adjoining streets.

S. All building plans and plot plans shall be approved by the Developer, prior to the commencement of any construction.

T. The titleholder of each lot, vacant or improved, shall keep his or her lot or lots free of weeds and debris.

U. The covenants and restrictions of this Declaration shall run with the land and shall be binding upon all parties and all persons claiming under them for a period of twenty-five (25) years from the date this Declaration is recorded, after which time they shall be automatically extended for successive periods of ten (10) years. This Declaration may be amended by the Developer or its successors as it sees fit for a period of five (5) years from the date hereof. This Declaration may be amended by an instrument signed by the owners of not less than seventy-five percent (75%) of the lots. Any amendment must be recorded.

V. Developer reserves the right to delegate its duties hereunder to a designee of its choice.

Executed on the above date set forth.

BCD CORPORATION,

By *Donald F. Coats*
DONALD F. COATS, Its President

STATE OF IOWA)
) ss.
COUNTY OF POTTAWATTAMIE)

On this 7th day of December, 1995, before me, the undersigned, a Notary Public in and for said County and State, personally appeared DONALD F. COATS, to me personally known, who, being by me duly sworn, did say that he is the President of said corporation executing the within and foregoing instrument, that the corporation has no seal; that said instrument was signed on behalf of said corporation by authority of its Board of Directors; and the said DONALD F. COATS, as President acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by him voluntarily executed.



Deborah L. Petersen
NOTARY PUBLIC