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Tx:5011875

2022-00709

RECORDER MARILYN HEBING

POTTAWATTAMIE COUNTY, IA

FILE TIME: 01/14/2022 10:47:20 AM

RECORDING FEE	25.00
RMA FEE	1.00
ECM FEE	1.00

R FEES \$ 25<sup>00</sup> RMA \$ 1<sup>00</sup>  
 A FEES \$ \_\_\_\_\_ ECOM \$ 1<sup>00</sup>  
 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:**

Robert P. McCarthy  
922 N. Walnut Street  
Avoca, IA 51521-0683

**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, Robert P. McCarthy, 922 N. Walnut Street, Avoca, IA 51521-0683. (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]



# FINAL PLAT OF NEW HORIZON SUBDIVISION, REPLAT 3

BEING A REPLAT OF ALL OF LOT 5, NEW HORIZON SUBDIVISION, REPLAT 2, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

**DEDICATION:**  
KNOW ALL PERSONS BY THESE PRESENTS THAT BLUFFS HOMES, LLC, AN IOWA LIMITED LIABILITY COMPANY, 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 36, INCLUSIVE, OUTLOT A, OUTLOT B AND OUTLOT C, SAID PROPERTY TO BE KNOWN AS NEW HORIZON SUBDIVISION, REPLAT 3.

AS PART OF THIS PLATTING, BLUFFS HOMES, LLC, AN IOWA LIMITED LIABILITY COMPANY DOES HEREBY DEDICATE TO THE CITY OF COUNCIL BLUFFS, THE RIGHT-OF-WAY FOR PATRIOT CIRCLE (1.21 ACRES, MORE OR LESS).

AS PART OF THIS PLATTING, BLUFFS HOMES, LLC, AN IOWA LIMITED LIABILITY COMPANY DOES HEREBY DEDICATE OUTLOT A, OUTLOT B AND OUTLOT C TO THE HOMEOWNER'S ASSOCIATION AND SHALL PERPETUALLY OPERATE AND MAINTAIN OUTLOT A, OUTLOT B AND OUTLOT C.

AS PART OF THIS PLATTING, BLUFFS HOMES, LLC, AN IOWA LIMITED LIABILITY COMPANY DOES HEREBY DEDICATE TO THE HOMEOWNER'S ASSOCIATION AND THE OWNERS OF LOTS 1 THROUGH 4 IN NEW HORIZON SUBDIVISION REPLAT 2, THEIR ADMINISTRATORS, EXECUTORS, SUCCESSORS, HEIRS, OR ASSIGNS A PERPETUAL STORM SEWER, ACCESS AND DRAINAGE EASEMENT 20 FEET IN WIDTH, BEING 10.00 FEET IN WIDTH ON EACH SIDE OF THE LOT LINE BETWEEN LOT 2 AND LOT 3 AS SHOWN IN THE DRAWING.

AS PART OF THIS PLATTING, BLUFFS HOMES, LLC, AN IOWA LIMITED LIABILITY COMPANY DOES HEREBY DEDICATE TO THE HOMEOWNER'S ASSOCIATION AND THE OWNERS OF LOTS 1 THROUGH 4 IN NEW HORIZON SUBDIVISION REPLAT 2, THEIR ADMINISTRATORS, EXECUTORS, SUCCESSORS, HEIRS, OR ASSIGNS A PERPETUAL ACCESS EASEMENT 20 FEET IN WIDTH ACROSS THE BACK LOT LINE OF LOTS 34, 35 AND 36 AND OUTLOT "A" AS SHOWN IN THE DRAWING.

AS PART OF THIS PLATTING, BLUFFS HOMES, LLC, AN IOWA LIMITED LIABILITY COMPANY DOES HEREBY DEDICATE TO THE CITY OF COUNCIL BLUFFS, IOWA, A PERPETUAL STORM SEWER AND DRAINAGE EASEMENT 20 FEET IN WIDTH, BEING 10.00 FEET IN WIDTH ON EACH SIDE OF THE LOT LINE BETWEEN LOT 32 AND LOT 33 AS SHOWN IN THE DRAWING.

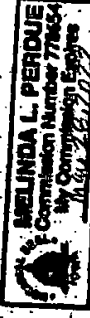
THE DEDICATION OF THESE EASEMENTS SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS.

1. EASEMENT RUNS WITH THE LAND; THIS EASEMENT SHALL BE DEEMED TO RUN WITH THE LAND AND SHALL BE BINDING ON BLUFFS HOMES, LLC, AN IOWA LIMITED LIABILITY COMPANY, ITS SUCCESSORS OR ASSIGNS.
2. ERECTION OF STRUCTURES PROHIBITED; BLUFFS HOMES, LLC, AN IOWA LIMITED LIABILITY COMPANY, OR ITS SUCCESSORS OR ASSIGNS SHALL NOT ERECT ANY STRUCTURE OVER NOR WITHIN THE EASEMENT AREA WITHOUT OBTAINING THE PRIOR WRITTEN CONSENT OF THE CITY ENGINEER.
3. CHANGES OF GRADE; BLUFFS HOMES, LLC, AN IOWA LIMITED LIABILITY COMPANY, OR ITS SUCCESSORS OR ASSIGNS SHALL NOT CHANGE THE GRADE, ELEVATION, NOR THE CONTOURS OF ANY PART OF THE EASEMENT AREA WITHOUT OBTAINING THE PRIOR WRITTEN CONSENT OF THE CITY ENGINEER.
4. RIGHT OF ACCESS; THE CITY SHALL HAVE THE RIGHT OF ACCESS TO THE EASEMENT AREA AND HAVE ALL RIGHTS OF EGRESS AND EGRESS REASONABLY NECESSARY FOR THE USE AND ENJOYMENT OF THE EASEMENT AREA HEREIN DESCRIBED.
5. REMOVAL AND REPLACEMENT; THE COST AND REMOVAL AND REPLACEMENT OF ANY UNAUTHORIZED IMPROVEMENT OR STRUCTURES WITHIN THE EASEMENT AREA, NECESSITATED BY THE EXERCISE OF THE RIGHTS UNDER THIS EASEMENT, SHALL BE BORNE BY SAID BLUFFS HOMES, LLC, AN IOWA LIMITED LIABILITY COMPANY, OR ITS SUCCESSORS OR ASSIGNS.
6. SURFACE RESTORATION; CITY'S LIABILITY TO RESTORE THE SURFACE WITHIN THE EASEMENT AREA SHALL BE LIMITED TO REPAIRING AND SEEDING.
7. DUTY TO REPAIR; CITY AGREES THAT ANY DRAIN TILE, DRIVE OR ACCESS WAY, FENCE, YARD, OR OTHER IMPROVEMENT OUTSIDE OF THE EASEMENT AREA WHICH MAY BE DAMAGED AS A RESULT OF ANY ENTRY MADE THROUGH AN EXCESS OF THE CITY'S RIGHT OF ACCESS SHALL BE REPAIRED AT NO EXPENSE TO SAID BLUFFS HOMES, LLC, AN IOWA LIMITED LIABILITY COMPANY, OR ITS SUCCESSORS OR ASSIGNS.

IN WITNESS WHEREOF, I DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF THE BLUFFS HOMES, LLC, AN IOWA LIMITED LIABILITY COMPANY PROPERTY AS CONTAINED HEREIN ON THIS

14th DAY OF December, 2021.

BY: *John H. Jerkovich*  
JOHN H. JERKOVICH  
STATE OF IOWA  
COUNTY OF POTTAWATTAMIE } SS



ON THIS 14th DAY OF December, 2021, BEFORE ME A NOTARY PUBLIC IN AND FOR THE STATE OF IOWA, PERSONALLY APPEARED JOHN H. JERKOVICH, TO ME PERSONALLY KNOWN, WHO BEING BY ME DULY SWORN, DID SAY THAT HE IS THE PRESIDENT OF BLUFFS HOMES, LLC, AN IOWA LIMITED LIABILITY COMPANY, AND THAT HE HAS BEEN AUTHORIZED BY THE SAID LIMITED LIABILITY COMPANY BY AUTHORITY OF ITS MEMBERS AND THAT SAID JOHN H. JERKOVICH ACKNOWLEDGED THE EXECUTION OF THE INSTRUMENT TO BE THE VOLUNTARY ACT AND DEED OF SAID LIMITED LIABILITY COMPANY BY IT VOLUNTARILY EXECUTED.

MY COMMISSION EXPIRES May 28, 2022

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BOOK	BOOK
PAGE	PAGE
DATE	DATE
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BOOK	BOOK
PAGE	PAGE
DATE	DATE

**DEVELOPER**  
BLUFFS HOMES, LLC  
535 W BROADWAY STE 100  
COUNCIL BLUFFS, IOWA 51503  
AVOCA, IOWA 51521

PREPARED BY: JONATHAN B. LEISNER, P.L.L.C., NEW ASSOCIATES, P.C., 202 1ST ST, COUNCIL BLUFFS, IOWA 51502 (319) 332-5531

## RECORD LEGAL DESCRIPTION

LOT 5, NEW HORIZON SUBDIVISION, REPLAT 3, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA. SAID LOT 5 CONTAINS AN AREA OF 297,149 SQUARE FEET (6.821 ACRES), MORE OR LESS.

## NOTE:

A 5.00 FOOT WIDE PERMANENT EASEMENT ON EACH SIDE OF ALL SIDE LOT LINES, A 10.00 FOOT WIDE PERMANENT EASEMENT ALONG ALL FRONT LOT LINES AND A 10.00 FOOT WIDE PERMANENT EASEMENT ALONG ALL REAR LOT LINES, ARE RESERVED FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES.

CITY COUNCIL  
APPROVED BY MAYOR: *Matthew J. Walsh* DATE 12-15-21  
ATTESTED TO BY CLERK: *Lea A. Voss* DATE 12-15-21  
COMMUNITY DEVELOPMENT DIRECTOR: BRANDON GARRITT DATE 12-15-21

CERTIFICATE OF TREASURER OF POTTAWATTAMIE COUNTY, IOWA.

I, THE TREASURER OF POTTAWATTAMIE COUNTY, IOWA, HEREBY CERTIFY THAT THE PROPERTY INCLUDED IN NEW HORIZON SUBDIVISION, REPLAT 3, IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS.

TREASURER OF POTTAWATTAMIE COUNTY, IOWA: LEA A. VOSS 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. PRIVATE RESTRICTIONS AND/OR COVENANTS TO BE RECORDED WITH THIS FINAL PLAT.
- B. CERTIFIED RESOLUTION OF EACH GOVERNING BODY APPROVING THE SUBDIVISION OR WAIVING THE RIGHT TO REVIEW.

1. I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY SUPERVISION IN ACCORDANCE WITH THE LAWS OF THE STATE OF IOWA.

PROFESSIONAL LAND SURVEYOR

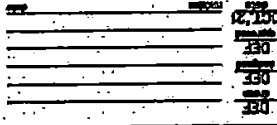
DAVID E. FOSTINE  
20004  
IOWA

DATE: DECEMBER 15, 2021

MY LICENSE RENEWAL DATE IS: DECEMBER 31, 2022

PAGES OR SHEETS COVERED BY THIS CEAL: 1

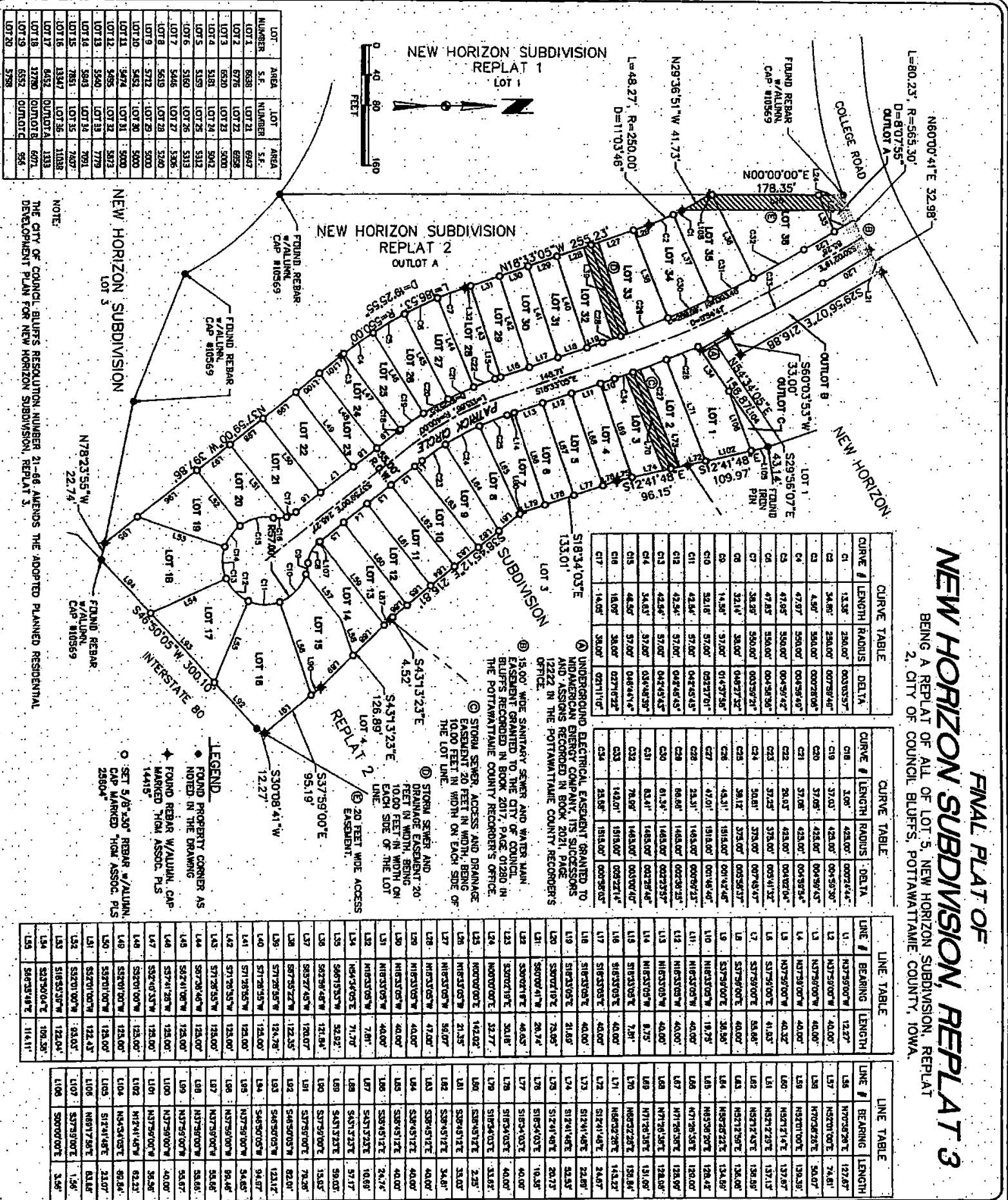
STAFF: LEA A. VOSS, BRITNEY L. GRIFFIN



1. NEW HORIZON SUBDIVISION, REPLAT 3  
2. REPLAT 1-LOT 5, NEW HORIZON SUBDIVISION, REPLAT 2  
ROBERT P. MCCARTHY  
P.O. BOX 681, AVOCA, IOWA 51521  
FINAL PLAT

# FINAL PLAT OF NEW HORIZON SUBDIVISION, REPLAT 3

BEING A REPLAT OF ALL OF LOT 5, NEW HORIZON SUBDIVISION, REPLAT 2,  
CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.



LOT NUMBER	AREA	LOT NUMBER	AREA
LOT 1	6638	LOT 21	6947
LOT 2	6726	LOT 22	6828
LOT 3	6520	LOT 23	5000
LOT 4	5191	LOT 24	5914
LOT 5	5191	LOT 25	5914
LOT 6	5160	LOT 26	5313
LOT 7	5445	LOT 27	5386
LOT 8	5619	LOT 28	5240
LOT 9	5732	LOT 29	5000
LOT 10	5453	LOT 30	5000
LOT 11	5974	LOT 31	5000
LOT 12	5950	LOT 32	5913
LOT 13	5540	LOT 33	7779
LOT 14	5943	LOT 34	7091
LOT 15	7851	LOT 35	7407
LOT 16	1347	LOT 36	1188
LOT 17	6452	OUTLOT A	1333
LOT 18	3790	OUTLOT B	6971
LOT 19	6552	OUTLOT C	956
LOT 20	3758		

CURVE #	LENGTH	RADIUS	DELTA
C1	12.38	250.00	00033337
C2	34.86	250.00	00078948
C3	4.97	550.00	00028204
C4	47.97	550.00	00459545
C5	47.83	350.00	00438336
C6	38.85	350.00	00339217
C7	32.14	350.00	00487322
C8	14.86	370.00	01497348
C9	32.01	370.00	02373701
C10	42.84	370.00	04245143
C11	42.84	370.00	04245143
C12	42.84	370.00	04245143
C13	42.84	370.00	04245143
C14	34.83	370.00	03444414
C15	48.50	370.00	02716322
C16	18.05	380.00	02111107
C17	14.05	380.00	02111107

CURVE #	LENGTH	RADIUS	DELTA
C18	3.06	425.00	00074444
C19	37.03	425.00	00456330
C20	37.03	425.00	00456330
C21	37.03	425.00	00456330
C22	28.53	425.00	00040704
C23	37.25	375.00	00041332
C24	30.81	375.00	00749347
C25	38.12	375.00	00583337
C26	43.31	1518.00	00142445
C27	47.01	1518.00	00142445
C28	23.31	1483.00	00067335
C29	86.86	1483.00	00273337
C30	61.34	1483.00	00273337
C31	61.34	1483.00	00273337
C32	78.90	1483.00	00040704
C33	142.01	1518.00	00272114
C34	23.87	1518.00	00038330

LINE #	BEARING	LENGTH
L1	N275900°W	12.27
L2	N275900°W	40.00
L3	N275900°W	40.00
L4	N275900°W	40.00
L5	N275900°W	40.00
L6	N275900°W	40.00
L7	N275900°W	40.00
L8	N275900°W	40.00
L9	N275900°W	40.00
L10	N275900°W	40.00
L11	N275900°W	40.00
L12	N275900°W	40.00
L13	N275900°W	40.00
L14	N275900°W	40.00
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L17	N275900°W	40.00
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L107	N275900°W	40.00
L108	N275900°W	40.00
L109	N275900°W	40.00
L110	N275900°W	40.00

LINE #	BEARING	LENGTH
L111	N275900°W	40.00
L112	N275900°W	40.00
L113	N275900°W	40.00
L114	N275900°W	40.00
L115	N275900°W	40.00
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L198	N275900°W	40.00
L199	N275900°W	40.00
L200	N275900°W	40.00

**1** NEW HORIZON SUBDIVISION, REPLAT 3  
REPLAT-LOT 4 NEW HORIZON SUBDIVISION, REPLAT 2

**1** ROBERT P. MCCARTHY  
P.O. BOX 683, AVOCA, IOWA 51521

**1** FINAL PLAT

**hgm**  
ASSOCIATES INC.  
ENGINEERING ARCHITECTURE SURVEYING  
council bluffs - omaha

105017  
2 OF 2