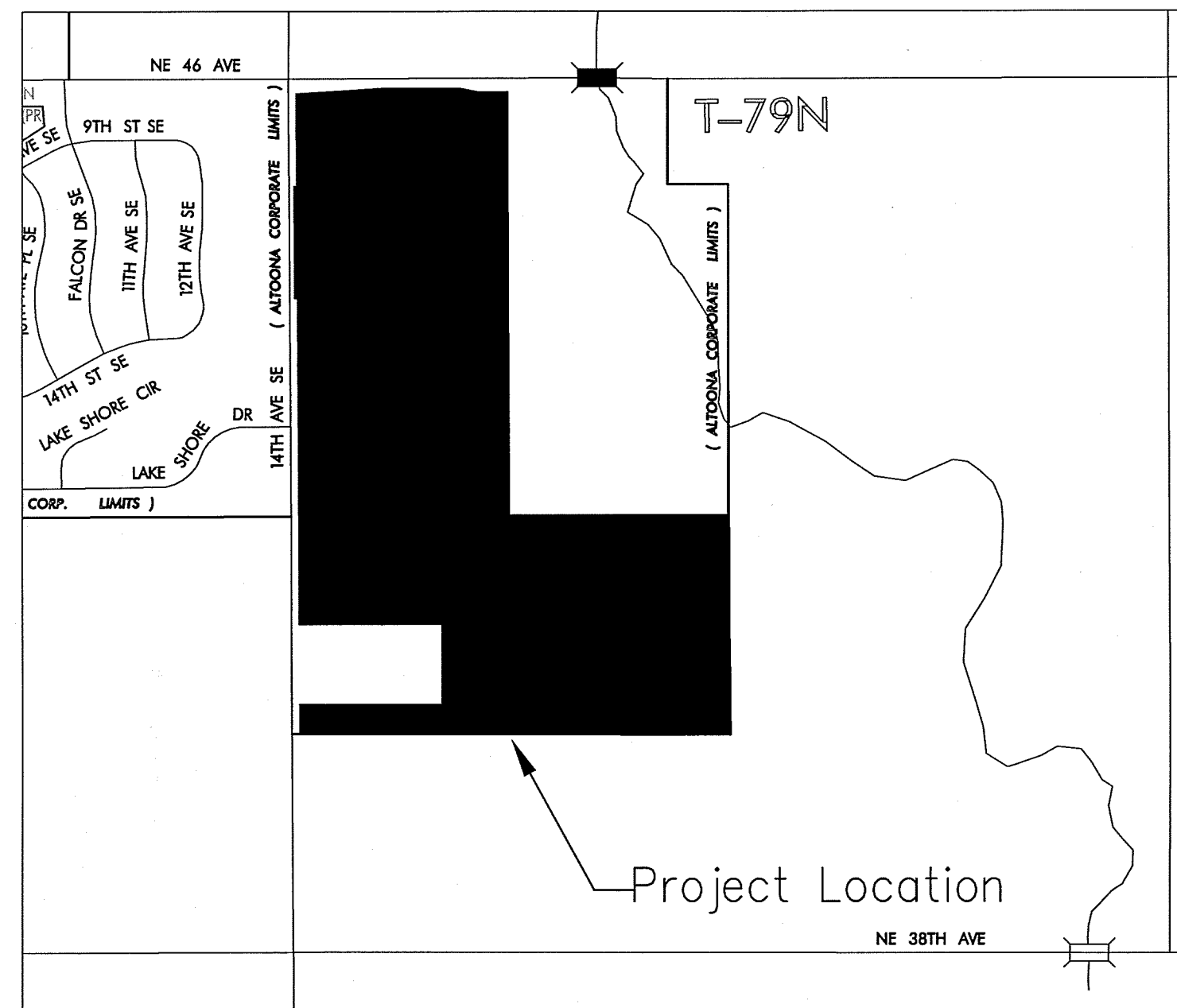
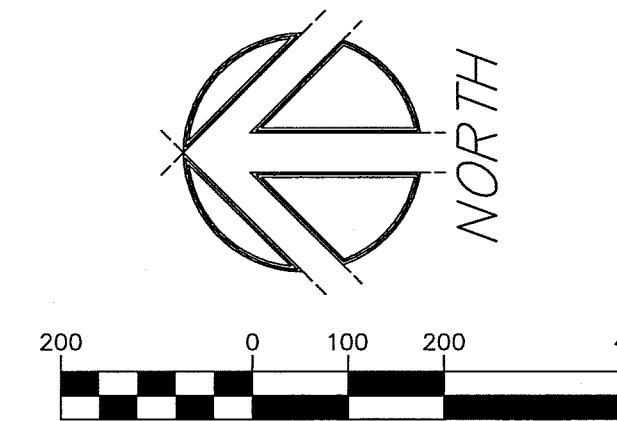


TUSCANY PLAT 1

Altoona, Iowa

Doc ID: 0217696030 Type: PLT
 Recorded: 12/10/2008 at 10:33:44 AM
 Fee Amt: \$277.00 Page 1 of 30
 Polk County Iowa
 JULIE W. HADDERTY RECORDER
 File# 2008-00037201
BK 12850 PG 126-155



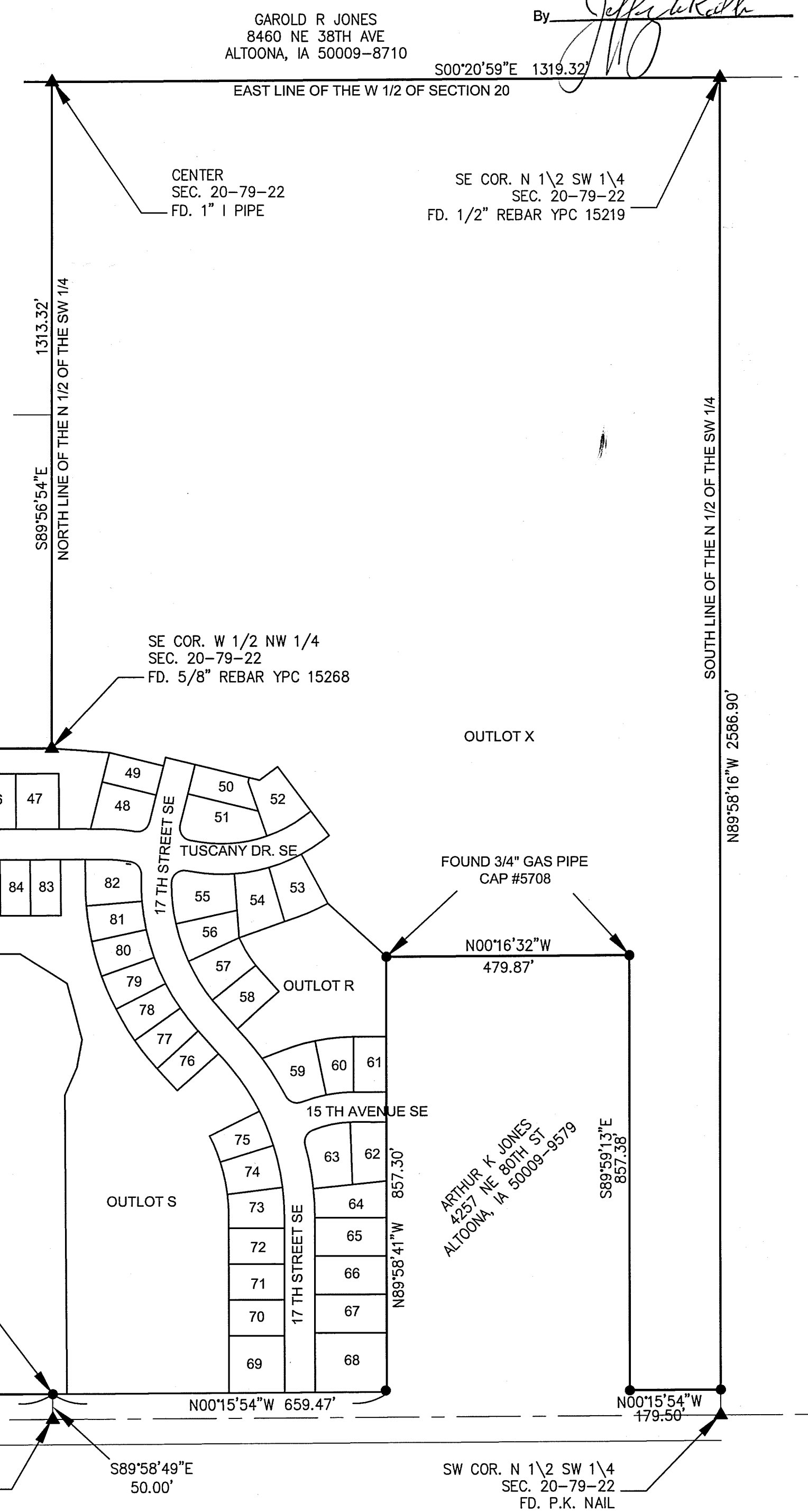
OWNER/DEVELOPER:
 TUSCANY RESERVE, LLC
 6900 WESTOWN PARKWAY
 WEST DES MOINES, IA 50266

ZONING:
 R-5: PUD

LEGAL DESCRIPTION:
 A PARCEL OF LAND IN THE W 1/2 OF SECTION 20, TOWNSHIP 79 NORTH, RANGE 22 WEST OF THE 5TH P.M., IN THE CITY OF ALTOONA, POLK COUNTY, IOWA DESCRIBED AS:

COMMENCING AT THE W 1/4 CORNER OF SAID SECTION 20; THENCE S89°58'44"E, 50.00 FEET TO THE EAST RIGHT OF WAY OF 14TH AVENUE SE AND THE POINT OF BEGINNING; THENCE N00°19'29"W ALONG SAID EAST RIGHT OF WAY, 1306.00 FEET; THENCE N89°58'44"W, 17.00 FEET; THENCE N00°19'30"W, 679.41 FEET; THENCE S89°56'30"E, 17.00 FEET; THENCE N00°19'30"W ALONG EAST RIGHT OF WAY OF 14TH AVENUE SE, 561.26 FEET TO THE SOUTH RIGHT OF WAY OF 8TH STREET SE; THENCE N86°48'44"E ALONG SAID SOUTH RIGHT OF WAY, 156.64 FEET; THENCE N86°17'14"E ALONG SAID SOUTH RIGHT OF WAY, 379.80 FEET; THENCE S89°56'16"E ALONG SAID SOUTH RIGHT OF WAY, 455.00 FEET; THENCE S78°32'39"E ALONG SAID SOUTH RIGHT OF WAY, 102.79 FEET; THENCE N89°52'24"E ALONG SAID SOUTH RIGHT OF WAY, 183.48 FEET TO THE EAST LINE OF THE W 1/2 OF SAID SECTION 20; THENCE S00°15'22"E ALONG SAID EAST LINE, 2559.21 FEET TO THE NORTH LINE OF THE N 1/2 OF THE SW 1/4 OF SAID SECTION 20; THENCE S89°56'54"E ALONG SAID NORTH LINE, 1313.32 FEET TO THE EAST LINE OF THE W 1/2 OF SAID SECTION 20; THENCE S00°20'59"E ALONG SAID EAST LINE, 1319.32 FEET TO THE SOUTH LINE OF THE N 1/2 OF THE SW 1/4 OF SAID SECTION 20; THENCE N89°58'16"W ALONG SAID SOUTH LINE, 2586.90 FEET TO THE EAST RIGHT OF WAY OF 14TH AVENUE SE; THENCE N00°15'54"W ALONG SAID EAST RIGHT OF WAY, 179.50 FEET; THENCE S89°59'13"E, 857.38 FEET; THENCE N00°16'32"W, 479.87 FEET; THENCE N89°58'41"W, 857.30 FEET TO THE EAST RIGHT OF WAY OF 14TH AVENUE SE; THENCE N00°15'54"W ALONG SAID EAST RIGHT OF WAY, 659.47 FEET TO THE POINT OF BEGINNING; SAID PARCEL OF LAND CONTAINING 144.23 ACRES AND IS SUBJECT TO EASEMENTS AND RESTRICTION OF RECORD.

NOTE: REFERENCING MADE TO RETRACEMENT SURVEY FILED BK 12587 PG 325, POLK COUNTY RECORDER, POLK COUNTY, IOWA



VICINITY SKETCH

NO SCALE

LEGEND

- SETBACKS
- EASEMENTS
- PROPERTY LINES
- PLAT BOUNDARY

DATE SURVEYED: APRIL 24, 2008

CORNERS FOUND:

- ▲ - SECTION COR. (AS NOTED)
- - 1/2" REBAR YPC #15219
- - RR RAIL

CORNERS SET:

- - 1/2" REBAR & YPC #8812
- (R) - RECORD DISTANCE

- MOE - MINIMUM OPENING ELEVATION
- MBFE - MINIMUM BASEMENT FLOOR ELEVATION
- SWFE - SURFACE WATER FLOWAGE EASEMENT
- PUE - PUBLIC UTILITY EASEMENT
- EASE. - EASEMENT

1001 - LOT ADDRESSES

PLAT 1 - JOHN ALTMAN PUD

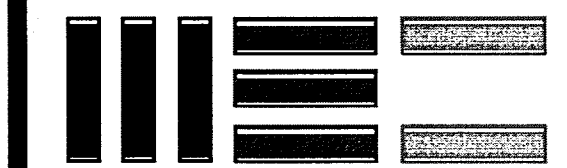
- FRONT GARAGE SETBACK - 25 FEET
- FRONT PORCH SETBACK - 15 FEET
- SIDE SETBACK - 5 FEET
- REAR SETBACK - 10 FEET
- MINIMUM LOT AREA - 6,000 SQ FEET
- MINIMUM LOT WIDTH - 60 FEET

CITY BENCHMARKS

- CITY CONTROL POINT #13 - 950.99
- BENCHMARK #2 - 945.85 - RR SPIKE 4TH P.P. SOUTH OF 8TH ST.
- BENCHMARK #3 - 941.97 - RR SPIKE 4TH P.P. NORTH OF LAKESHORE DR.

ERROR OF CLOSURE BETTER THAN 1/10,000

McCLURE ENGINEERING COMPANY



M E C results.c o m
 705 First Avenue North
 Fort Dodge, Iowa 50501
 515-576-7155
 Fax 515-576-4235

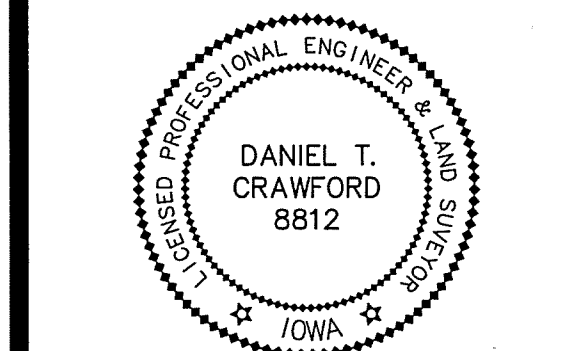
8101 Birchwood Court, Suite D
 Johnston, Iowa 50131
 515-964-1229
 fax 515-964-2370

1740 Linger Lane
 North Liberty, Iowa 52317
 319-626-9090
 fax 319-626-9095

NOTICE:
 McClure Engineering Company waives any and all responsibility and liability for problems which arise from failure to follow these Plans, Specifications, and the engineering intent they convey, or for problems which arise from failure to obtain and/or follow the engineers guidance with respect to any errors, omissions, inconsistencies, ambiguities, or conflicts which are allowed.

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CRAWFORD ENGINEERING & SURVEYING, INC.
 205 2nd Ave NE Independence, Iowa 50644



I 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 LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

Daniel T. Crawford
 DANIEL T. CRAWFORD, PE LS
 IOWA LICENSE NO. 8812

DATE: 10-8-08

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2009

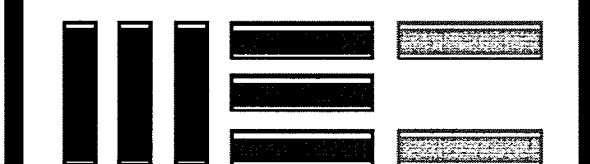
Tuscany Plat 1

Altoona, Iowa
 226035
 August 2, 2007

REVISIONS
 March 10, 2008
 June 17, 2008
 July 1, 2008

ENGINEER: CWR
 DRAWN BY: RWA
 CHECKED BY: CAS
 FIELD BOOK NO.: FIELDBOOK

DRAWING NO.: FP
 SHEET NO.: 01 / 05

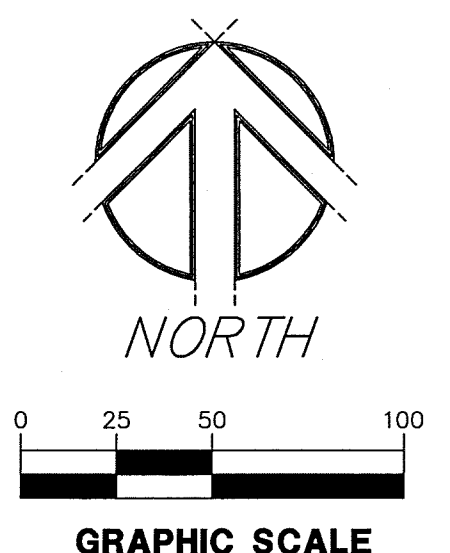


M E C results. c o m

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Fort Dodge, Iowa 50501
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8101 Birchwood Court, Suite D
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Tuscany Plat 1
Altoona, Iowa
226035
August 2, 2007

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CHECKED BY: CAS
FIELD BOOK NO.: FIELDBOOK
DRAWING NO.: FP
SHEET NO.: 02 / 05

14 TH AVENUE SE

CURVE TABLE										LINE TABLE				
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD	CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD	LINE	LENGTH	BEARING
C1	430.00	83.86	11°10'28"	S01°29'43"E	83.73	C19	570.00	40.01	4°01'18"	N89°57'13"E	40.00	L1	5.01	N00°15'22"W
C2	430.00	36.44	4°51'21"	S06°31'11"W	36.43	C20	570.00	47.66	4°47'28"	N85°32'51"E	47.65	L2	13.11	N00°15'22"W
C3	370.00	82.34	12°45'02"	S02°34'21"W	82.17	C21	630.00	35.37	3°13'01"	N84°45'38"E	35.37	L8	8.96	N86°04'39"E
C4	25.00	39.27	90°00'00"	S53°56'52"W	35.36	C22	25.00	37.94	86°56'44"	N39°40'43"E	34.40	L9	3.08	N86°04'39"E
C5	25.00	38.80	88°54'47"	S36°33'45"E	35.82	C23	1030.00	63.60	3°32'16"	S02°01'30"E	63.59	L10	6.35	N86°04'39"E
C6	470.00	55.40	6°45'11"	N05°34'16"E	55.36	C24	25.00	20.89	47°52'35"	N84°11'40"W	20.29	L11	5.98	N86°04'39"E
C7	530.00	72.17	7°48'09"	N03°57'34"E	72.12	C25	57.00	27.68	27°49'23"	S34°13'16"E	27.41	L12	6.05	N86°04'39"E
C8	25.00	15.70	35°58'51"	S18°02'56"W	15.44	C26	57.00	70.31	70°40'36"	S15°01'44"W	65.94			
C9	25.00	5.19	11°53'44"	S41°59'13"W	5.18	C27	57.00	54.42	54°41'59"	S77°43'02"W	52.37			
C10	57.00	74.25	74°38'07"	N10°37'02"E	69.11	C28	57.00	54.42	54°41'59"	N47°34'59"W	52.37			
C11	57.00	54.42	54°41'59"	N54°03'01"E	52.37	C29	57.00	67.50	67°51'13"	N13°41'37"E	63.63			
C12	57.00	54.42	54°41'59"	S71°15'00"W	52.37	C30	25.00	20.89	47°52'35"	S02°01'30"E	20.29			
C13	57.00	62.41	62°43'44"	S12°32'08"W	59.33	C31	970.00	87.16	5°08'53"	S02°49'49"E	87.13			
C14	57.00	28.84	28°59'21"	S33°19'25"E	28.53	C32	970.00	24.44	1°26'38"	S06°07'34"E	24.44			
C15	25.00	20.89	47°52'35"	N83°52'47"W	20.29	C34	25.00	39.27	90°00'00"	N51°50'53"W	35.36			
C16	570.00	69.47	6°59'00"	S84°32'38"E	69.43	C35	830.00	50.43	3°28'52"	N05°06'27"W	50.42			
C17	630.00	49.30	4°29'00"	S83°17'38"E	49.28	C36	770.00	88.59	6°35'31"	N03°33'08"W	88.54			
C18	630.00	89.01	8°05'43"	S89°35'00"E	88.94									

OUTLOT Z
347,490 sq. ft.
7.98 acres

OUTLOT W
58,336 sq. ft.
1.34 acres

LOT B
11,550 sq. ft.
0.27 acres

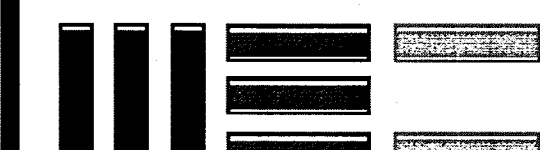
LOT A

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LOT A

McCLURE
ENGINEERING COMPANY

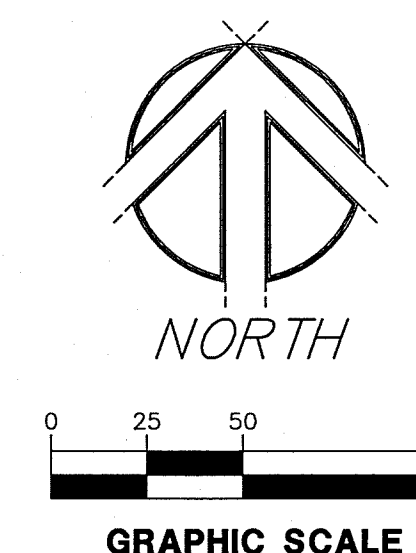


M E C results.c o m

705 First Avenue North
Fort Dodge, Iowa 50501
515-576-7155
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8101 Birchwood Court, Suite D
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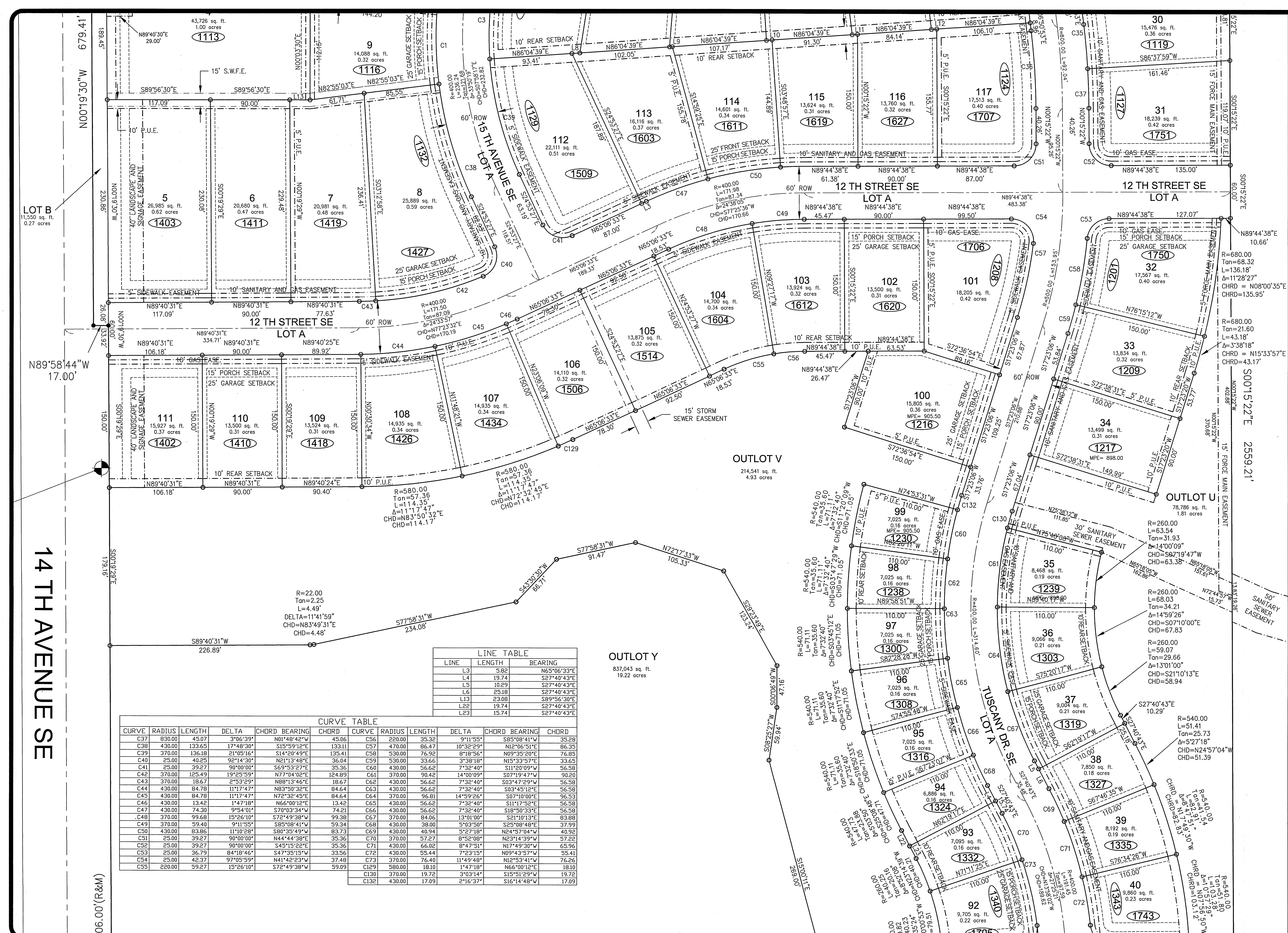
GRAPHIC SCALE

Tuscany Plat 1

Altoona, Iowa
226035
August 2, 2007

REVISIONS
March 10, 2008
June 17, 2008
July 1, 2008

ENGINEER: CWR
DRAWN BY: RWA
CHECKED BY: CAS
FIELD BOOK NO.: FIELDBOOK
DRAWING NO.: FP
SHEET NO.: 03 / 05



LINE TABLE

LINE	LENGTH	BEARING
L3	5.82	N65°06'33"E
L4	19.74	S27°40'43"E
L5	10.29	S27°40'43"E
L6	25.18	S27°40'43"E
L13	23.08	S89°56'30"E
L23	15.74	S27°40'43"E

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD	CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD
C37	830.00	45.07	3°06'39"	N01°48'42"E	45.06	C56	220.00	35.32	9°11'55"	S85°08'41"W	35.28
C38	430.00	133.65	17°48'30"	S15°59'12"E	133.11	C57	470.00	86.47	10°32'29"	N12°06'51"E	86.35
C39	370.00	136.18	21°05'16"	S14°20'49"E	135.41	C58	530.00	76.92	8°18'56"	N09°35'20"E	76.85
C40	25.00	40.25	92°14'30"	N21°13'48"E	36.04	C59	530.00	33.66	3°38'18"	N15°33'57"E	33.65
C41	25.00	39.27	90°00'00"	S69°53'27"E	35.36	C60	430.00	56.62	7°32'40"	S11°20'09"W	56.58
C42	370.00	125.49	19°23'59"	N7°04'02"E	124.89	C61	370.00	90.42	14°00'09"	S07°19'47"W	90.20
C43	370.00	18.67	2°53'29"	N88°13'46"E	18.67	C62	430.00	56.62	7°32'40"	S03°47'29"W	56.58
C44	430.00	84.78	11°17'47"	N83°50'32"E	84.64	C63	430.00	56.62	7°32'40"	S03°45'12"E	56.58
C45	430.00	84.78	11°17'47"	N72°32'45"E	84.64	C64	370.00	96.81	14°59'26"	S07°10'00"W	96.53
C46	430.00	13.42	1°47'18"	N66°00'12"E	13.42	C65	430.00	56.62	7°32'40"	S11°17'52"E	56.58
C47	430.00	74.30	9°54'01"	S70°03'34"W	74.21	C66	430.00	56.62	7°32'40"	S18°50'33"E	56.58
C48	370.00	99.68	15°26'10"	S72°49'38"W	99.38	C67	370.00	84.06	13°01'00"	S21°10'13"E	83.88
C49	370.00	59.40	9°11'55"	S85°08'41"W	59.34	C68	430.00	38.00	5°03'50"	S25°08'48"E	37.99
C50	430.00	83.86	11°10'28"	S80°35'49"W	83.73	C69	430.00	40.94	5°27'18"	N24°57'04"W	40.92
C51	25.00	39.27	90°00'00"	N44°44'38"E	35.36	C70	370.00	57.27	8°52'08"	N23°14'39"W	57.22
C52	25.00	39.27	90°00'00"	S45°15'22"E	35.36	C71	430.00	66.02	8°47'51"	N17°49'30"W	65.96
C53	25.00	36.79	84°18'46"	S47°35'15"W	33.56	C72	430.00	55.44	7°23'15"	N09°43'57"W	55.41
C54	25.00	42.37	97°05'59"	N41°42'23"E	37.48	C73	370.00	76.40	11°49'48"	N12°53'41"W	76.26
C55	220.00	59.27	15°26'10"	S72°49'38"W	59.09	C129	580.00	18.10	1°47'18"	N66°00'12"E	18.10
						C130	370.00	19.72	3°03'14"	S15°51'29"W	19.72
						C132	430.00	17.09	2°16'37"	S16°14'48"W	17.09

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MCCLURE
ENGINEERING COMPANY

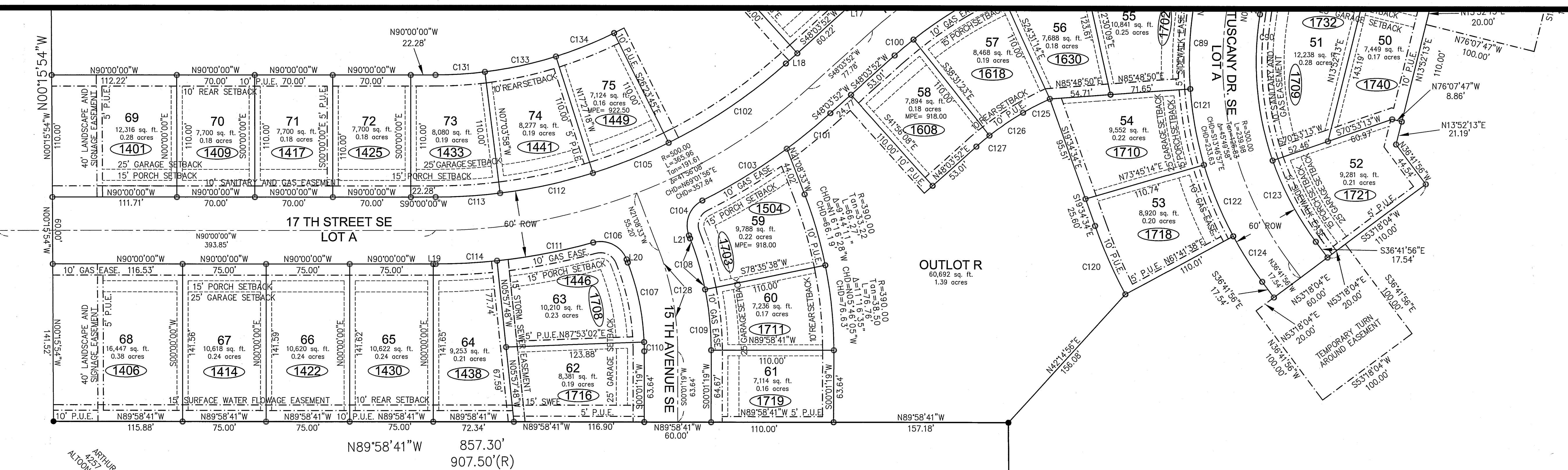


M E C results.c o m

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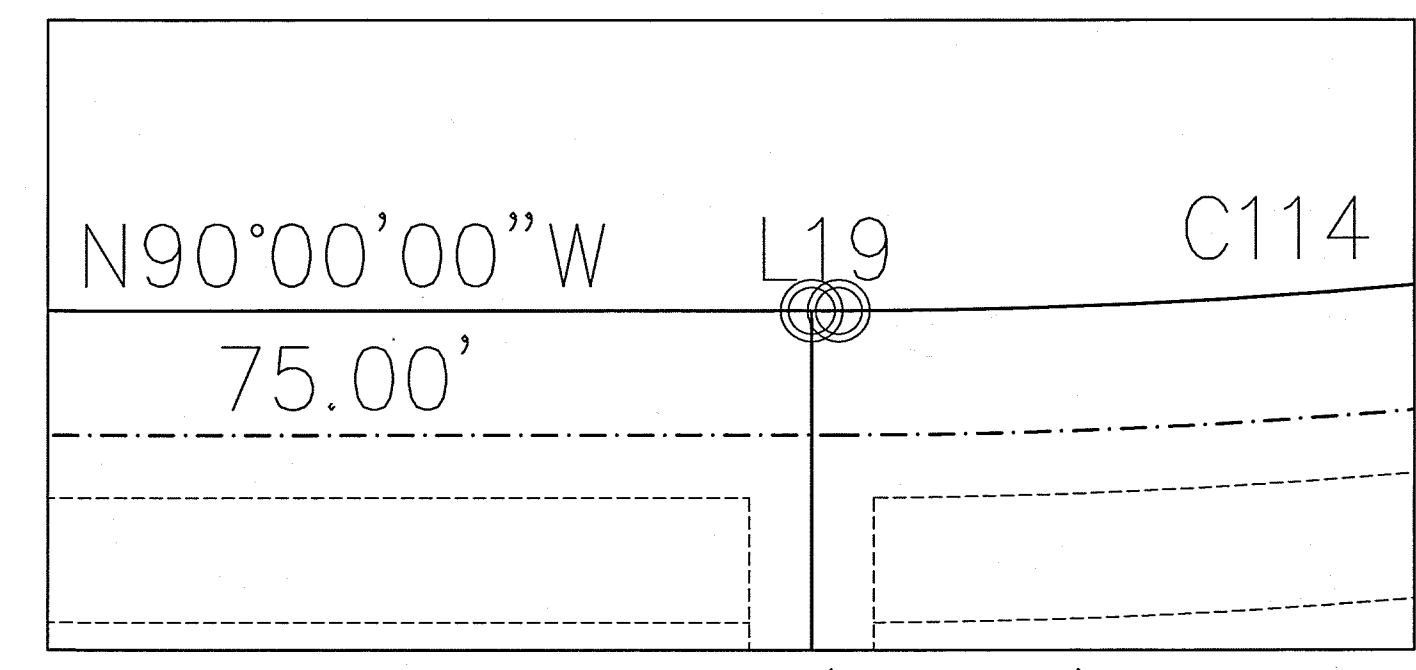
14 TH AVENUE SE

LINE	LENGTH	BEARING
L18	13.78	S48°03'52"W
L19	2.18	N90°00'00"W
L20	2.93	N21°08'33"W
L21	2.93	N21°08'33"W

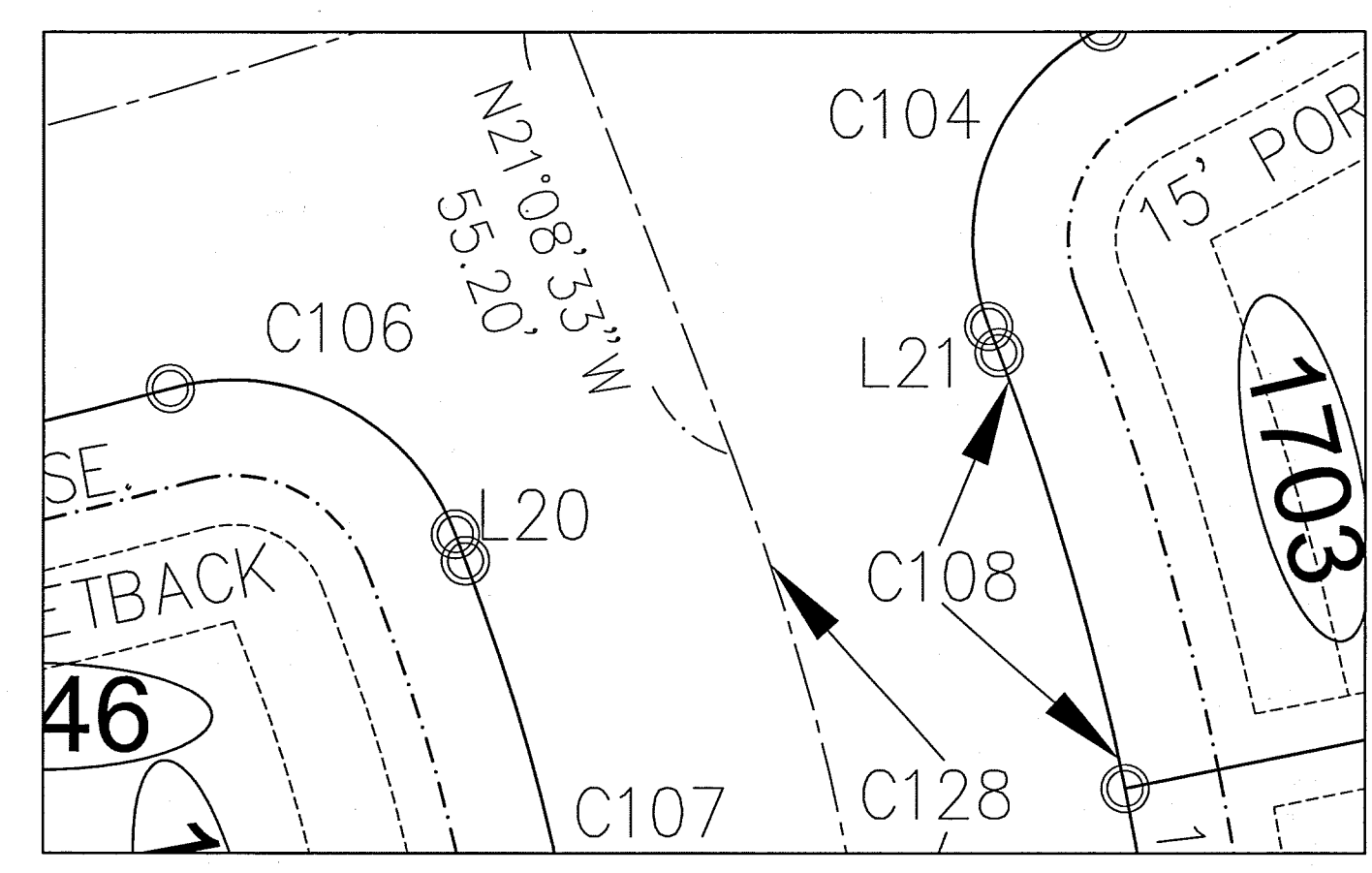
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD
C101	530.00	50.66	5°28'36"	N50°48'10"E	50.64
C102	470.00	127.47	15°32'23"	N55°50'04"E	127.08
C103	530.00	89.07	9°37'45"	N58°21'20"E	88.97
C104	25.00	36.79	84°18'46"	S21°00'50"W	33.56
C105	470.00	73.34	8°56'27"	N68°04'28"E	73.27
C106	25.00	36.79	84°18'46"	N63°17'56"W	33.56
C107	220.00	73.06	19°01'35"	N11°37'46"W	72.72
C108	280.00	47.58	9°44'11"	N16°16'28"W	47.52
C109	280.00	54.82	11°13'01"	N05°47'52"W	54.73
C110	220.00	8.21	2°08'17"	N01°02'50"W	8.21
C111	530.00	87.80	9°29'30"	N79°17'27"E	87.70
C112	470.00	85.23	10°23'20"	N77°44'22"E	85.10
C113	470.00	57.96	7°03'58"	N86°28'01"E	57.93
C114	530.00	55.16	5°57'48"	N87°01'06"E	55.14
C120	440.00	67.04	8°43'48"	S23°56'28"E	66.98
C121	330.00	69.46	12°03'36"	S10°12'58"E	69.33
C122	330.00	69.46	12°03'36"	S22°16'34"E	69.33
C123	270.00	82.87	17°33'09"	S27°54'22"E	82.55
C124	330.00	48.34	8°23'34"	S32°30'09"E	48.30
C125	260.00	27.00	5°56'56"	S62°30'18"W	26.98
C126	260.00	36.55	8°03'13"	S55°30'13"W	36.52
C127	260.00	15.48	3°24'44"	S49°46'14"W	15.48
C128	250.00	92.35	21°09'51"	N10°33'37"W	91.82
C131	360.00	44.40	7°03'58"	N86°28'01"E	44.37
C133	360.00	65.28	10°23'20"	N77°44'22"E	65.19
C134	360.00	56.18	8°56'27"	N68°04'28"E	56.12

S89°59'13"E
857.38'
907.50'(R)

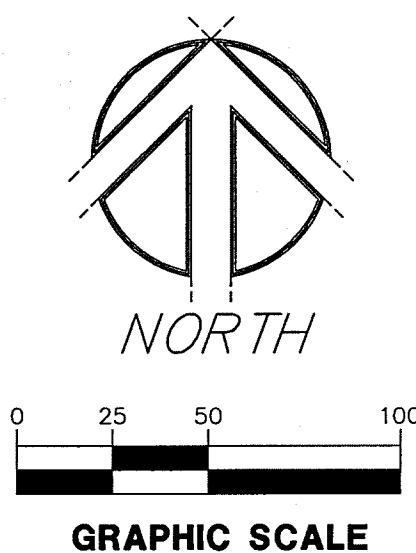
OUTLOT X
2,229,737 sq. ft.
51.19 acres



LINE LABEL L19 (No Scale)



LINE LABEL L20 and L21 (No Scale)



Tuscany Plat 1

Altoona, Iowa
226035
August 2, 2007

REVISIONS
March 10, 2008
June 17, 2008
July 1, 2008

ENGINEER: CWR
DRAWN BY: RWA
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FIELD BOOK NO.: FIELDBOOK
DRAWING NO.: FP
SHEET NO.: 05 / 05

N:\land Projects\4\ALT 226035\dwg\Final Plat226035 Final Plat.dwg, 11/26/2008 10:15:54 AM

RETURN TO:
When Recorded, Return to:
Chet A. Mellema
Hubbell Realty Company
6900 Westown Parkway
West Des Moines, IA 50266

Prepared By: Chet A. Mellema, Hubbell Realty Company, 6900 Westown Parkway, West Des Moines, Iowa 50266-2520 (515) 280-2042

SPACE ABOVE THIS LINE FOR RECORDER

OWNER'S CERTIFICATE

KNOW ALL PERSONS BY THESE PRESENTS: That **Tuscany Reserve, LLC**, an Iowa limited liability company, owns the property legally described on Exhibit "A" attached hereto and incorporated herein by this reference (hereinafter the "Property").

The undersigned property owner has caused the Property described above to be subdivided into lots to be known as "**Tuscany Plat 1**". The undersigned further acknowledges and certifies that the subdivision of said **Tuscany Plat 1** is with its consent and in accordance with its desires.

Tuscany Reserve, LLC does hereby dedicate the following easements as more particularly shown on the final plat of **Tuscany Plat 1**, which depiction on said final plat shall control over any conflicting description set forth below, all of which easements are subject to the concurrent easements for all or part of said easement areas as shown on the final plat of **Tuscany Plat 1**:

- (A) Tuscany Reserve, LLC does hereby dedicate to the City of Altoona, Iowa, the following perpetual easements:

Gas Easement

A ten foot (10') strip of land to be used for Gas Easement located in the Northern 10 feet, parallel and adjacent to the Northern line of Lots 50-51, 55-59, 63-68, and 101-117, 119-123, the Southern 10 feet, parallel and adjacent to the Southern line of Lots 15, 16, 18-22, 24, 25, 31, 48, 49, 69-82, and 112-117, the Eastern 10 feet, parallel and adjacent to the Eastern line of Lots 8-14, 22, 23, 53-55, 62, 63, 83-101, and 118, the Western 10 feet, parallel and adjacent to the Western line of Lots 1-4, 18, 26-48, 51, 52, 59-61, and 123 all in

the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1.

Public Utility Easement

1. A ten foot (10') strip of land to be used for Public Utility Easement located in the Northern 10 feet, parallel and adjacent to the Northern line of Lots 5- 8, 15, 16, 18- 22, 24, 25, 32, 48-51, 55-59, 63-82, and 101-117, 119-123, the Southern 10 feet , parallel and adjacent to the Southern line of Lots 15, 16, 18-22, 24, 25, 31, 48,-51, 55-58, 64-82, and 101-123, the Eastern 10 feet, parallel and adjacent to the Eastern line of Lots 1-4, 8-14, 16, 17, 22, 23, 25-47, 50, 52-55, 59-63, 83-101, 117, and 118, the Western 10 feet , parallel and adjacent to the Western line of Lots 1-4, 9-15, 18, 23, 26-48, 51-54, 59-61, 83-100, and 123 all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1;
2. A fifteen foot (15') strip of land to be used for Public Utility Easement located in the Northern 15 feet, parallel and adjacent to the Northern line of Lot 118 in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1;
3. A ten foot (10') strip of land to be used for Public Utility Easement located in Outlot W described as: Beginning at the Northeast corner of Lot 19, thence N85°58'35"E, 40.10 feet to the Northwest corner of Lot 20; thence S00°02'47"E along the West line of said Lot 20, 10.00 feet; thence S85°58'45"W, 40.11 feet to the East line of said Lot 19, thence N00°02'47"W along said East line, 10.00 feet to the Point of Beginning; all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1;
4. A strip of land to be used for Public Utility Easement located in Outlot U described as: Beginning at the Southeast corner of Lot 34, thence S17°23'20"W, 10.00 feet; thence N72°38'31"W, 139.99 feet; thence S17°23'06"W, 57.04 feet; thence Southwesterly along a 360 foot radius curve concave Easterly, 14.13 feet (chord bearing S16°15'39"W, 14.13 feet); thence S75°40'08"E, 100.00 feet; thence S16°38'28"W, 5.01 feet to the Northeast corner of Lot 35; thence N75°40'08W along the North line of Lot 35, 110.00 feet to the West line of Outlot U; thence Northeasterly along the said West line along a 370 foot radius curve concave Easterly, 19.72 feet (chord bearing N15°51'29"E, 19.72 feet); thence N17°23'06E along said West line, 67.04 feet to the Southwest corner of Lot 34, thence S72°38'31"E along the South line of Lot 34, 149.99 feet to the Point of Beginning; all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1;
5. A ten foot (10') strip of land to be used for Public Utility Easement located in Outlot V described as: Beginning at the Northeast corner of Lot 99, thence Northeasterly along the East line of Outlot V along a 430 foot radius curve concave Easterly, 17.09 feet (chord bearing N16°14'48"E, 17.09 feet); thence N17°23'06"E, 33.76 feet to the Southeast corner of Lot 100; thence N72°36'54"W along the South line of said Lot 100, 10.00 feet; thence S17°23'06"W, 33.76 feet; thence Southwesterly along a 440 foot radius curve concave

Easterly, 17.48 feet to the North line of Lot 99; thence $S74^{\circ}53'31''E$ along said North line, 10.00 feet to the Point of Beginning; all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1;

6. A five foot (5') strip of land to be used for Public Utility Easement located in the Northern 5 feet, parallel and adjacent to the Northern line of Lots 17, 26, 33, 35, 85, 89, and 99 the Eastern 5 feet, parallel and adjacent to the Eastern line of Lots 20, 71, 74, 80, and 113 the Western 5 feet, parallel and adjacent to the Western line of Lots 7, 19, 68, 69, 101, and 117 the Southern 5 feet, parallel and adjacent to the Southern line of Lots 52, 53, 61, 62, 92, 95, and 100 all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, more particularly shown on said Tuscany Plat 1;
7. A ten foot (10') strip of land to be used for Public Utility Easement located in Outlot T described as: Beginning at the Southeast corner of Lot 47, thence $S00^{\circ}15'22''E$, 10.00 feet, thence $S89^{\circ}44'38''W$, 100.00 feet; thence $S00^{\circ}15'22''E$, 54.18 feet to the North line of Lot 48; thence $N76^{\circ}07'47''W$ along said North line, 10.31 feet to the West line of Outlot T, thence $N00^{\circ}15'22''W$, 61.66 feet to the Southeast corner of Lot 47; thence $N89^{\circ}44'38''E$ along the South line of Lot 47, 110.00 feet to the Point of Beginning, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1;
8. A ten foot (10') strip of land to be used for Public Utility Easement located in Outlot S described as: Beginning at the Southwest corner of Lot 83, thence $S00^{\circ}15'22''E$, 10.00 feet, thence $N89^{\circ}44'38''E$, 100.00 feet; thence $S00^{\circ}15'22''E$, 38.62 feet to the North line of Lot 82; thence $N89^{\circ}44'38''E$ along said North line, 10.00 feet to the Northeast corner of Lot 82; thence $N00^{\circ}15'22''W$ along the East line of Outlot S, 48.62 feet to the Southeast corner of Lot 83; thence $S89^{\circ}44'38''W$ along the South line of Lot 83, 110.00 feet to the Point of Beginning, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1;
9. A ten foot (10') strip of land to be used for Public Utility Easement located in Outlot S described as: Beginning at the Northwest corner of Lot 76, thence $S48^{\circ}03'52''W$, 10.00 feet, thence $S41^{\circ}56'08''E$, 100.00 feet; thence Southwesterly along a 460 foot radius curve concave Northwesterly, 114.76 feet (chord bearing $S55^{\circ}12'41''W$, 114.46 feet); thence $N26^{\circ}23'45''W$, 100.00 feet; thence Southwesterly along a 360 foot radius curve concave Northwesterly, 10.00 feet (chord bearing $S62^{\circ}48'30''W$, 10.00 feet); to the Northeast corner of Lot 75; thence $S26^{\circ}23'45''E$ along the East line of Lot 75, 110.00 feet to the South line of Outlot S; thence Northeasterly along said South line along a 470 foot radius curve concave Northwesterly, 127.47 feet (chord bearing $N55^{\circ}50'04''E$, 127.08 feet); thence $N48^{\circ}03'52''E$ along said South line, 13.78 feet to the Southwest corner of Lot 76; thence $N41^{\circ}56'08''W$ along the West line of Lot 76, 110.00 feet to the Point of Beginning, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1.
10. A ten foot (10') strip of land to be used for Public Utility Easement located in Outlot R described as: Beginning at the Southwest corner of Lot 58, thence $S48^{\circ}03'52''W$, 10.00 feet,

thence $N41^{\circ}56'08''W$, 100.00 feet; thence $S48^{\circ}03'52''W$, 14.77 feet; thence Southwesterly along a 540 foot radius curve concave Northwesterly, 27.20 feet to the East line of Lot 59 (chord bearing $S50^{\circ}56'53''W$, 54.33 feet); thence $N21^{\circ}08'33''W$ along said East line, 10.36 feet to the North line of Outlot R; thence Northeasterly along said North line on a 530 foot radius curve concave Northwesterly, 50.66 feet (chord bearing $N50^{\circ}48'10''E$, 50.64 feet); thence $N48^{\circ}03'52''E$ along said North line, 24.77 feet to the Westerly corner of Lot 58, thence $S41^{\circ}56'08''E$ along said Westerly line, 110.00 feet to the Point of Beginning, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1.

Sanitary Sewer Easement

1. A ten foot (10') strip of land to be used for Sanitary Sewer Easement located in the Southern 10 feet, parallel and adjacent to the Southern line of Lots 5-8, 15, 16, 24, 25, 48, 49, 69-82, and 112-117, the Western 10 feet, parallel and adjacent to the Western line of Lots 17, 26-48, 51, and 52, the Northern 10 feet, parallel and adjacent to the Northern line of Lots 119-123, the Eastern 10 feet, parallel and adjacent to the Eastern line of Lots 8-14, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1;
2. A thirty foot (30') strip of land to be used for Sanitary Sewer Easement located in Outlot U described as: Beginning at the Northwest corner of Lot 35; thence Northeasterly along the West line of said Outlot U on a 370 foot radius curve concave Easterly, 19.72 feet (chord bearing $N15^{\circ}51'29''E$, 19.72 feet); thence $N17^{\circ}23'06''E$ along the West line of said Outlot U, 10.37 feet; thence $S75^{\circ}38'12''E$, 111.85 feet; thence $S65^{\circ}18'05''E$, 151.61 feet to the East line of Outlot U; thence $S00^{\circ}15'22''E$ along said East line; 33.09 feet; thence $N65^{\circ}18'05''W$, 162.86 feet to the Northeast corner of Lot 35; thence $N75^{\circ}40'08''W$ along the North line of Lot 35, 110.0 feet to the Point of Beginning; all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1; and
3. A fifteen foot (15') strip of land to be used for Sanitary Sewer Easement located in the Northern 15 feet, parallel and adjacent to the Northern line of Lot 118, in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1.

Sanitary Sewer Force Main Easement

1. A fifteen foot (15') strip of land to be used for Sanitary Sewer Force Main Easement located in the Eastern 15 feet, parallel and adjacent to the Eastern line of Lots 25-31, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1;
2. A fifteen foot (15') strip of land to be used for Sanitary Sewer Force Main Easement located in Outlot U and described as: Beginning at the Northeast corner of said Outlot U, thence $S00^{\circ} 15'22''E$ along the East line of said Outlot U, 402.88 feet; thence $N72^{\circ}44'57''W$, 15.73 feet; thence $N00^{\circ}15'22''W$, 370.68 feet; thence Northeasterly along East line of said Lot 32

on a 680 foot radius curve concave Westerly, 52.50 feet (chord bearing N04°29'04"E, 52.49 feet) to the Northwest corner of said Outlot U; thence N89°44'38"E along North line of said Outlot U, 10.66 feet to the Point of Beginning; all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1;

3. A fifteen foot (15') strip of land to be used for Sanitary Force Main Easement located in the Southern 15 feet, parallel and adjacent to the Southern line of Outlot Z, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1; and
4. A five foot (5') strip of land to be used for Sanitary Force Main Easement located in the Eastern 5 feet, parallel and adjacent to the Eastern line of Lot 32, all in the Official Plat of Tuscany Plat 1, now including in and forming a part of the City of Altoona, Polk County, Iowa, more particularly shown on said Tuscany Plat 1.

Storm Sewer Easement

1. A fifteen (15.0') strip of land to be used for Storm Sewer Easement located in the Southwestern 7.5 feet, parallel and adjacent to the Southwestern line of Lot 105 and the Northeastern 7.5 feet, parallel and adjacent to the Northeastern line of Lot 106, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1; and
2. A fifteen (15.0') strip of land to be used for Storm Sewer Easement located in the Western 10.00 feet, parallel and adjacent to the Western line of Lots 62 and 63 and the Eastern 5.00 feet, parallel and adjacent to the Eastern line of Lot 64, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1.

Surface Water Flowage Easement

1. A fifteen (15.0') strip of land to be used for Surface Water Flow Easement located in the South 15 feet, parallel and adjacent to the South line of Lots 62, 64-68 all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1;
2. A fifteen (15.0') strip of land to be used for Surface Water Flow Easement located in the Southern 7.5 feet, parallel and adjacent to the Southern line of Lots 4 and 9 and the Northern 7.5 feet, parallel and adjacent to the Northern line of Lots 5-8, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1; and
3. A thirty two foot (32') strip of land to be used for Surface Water Flowage Easement located parallel and adjacent to the Western line of Lot 1, described as follows: Beginning at the Northwestern corner of Lot 1, thence S89°57'31"E along the North line of Lot 1, 32.00 feet; thence S00°19'30"E, 80.00 feet; thence N89°57'31"W, 32.00 feet to the West line of Lot 1,

thence $N00^{\circ}19'30''W$ along said West line 80.00 feet to the Point of Beginning, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1.

Sidewalk Easement

A five foot (5.0') strip of land to be used for Sidewalk Easement located in the Southern 5.00 feet, parallel and adjacent to the Southern line of Lots 5-8, 15, 16, 18-22, 24, 25, 48, 49, and 112-117, and the Northern 5.00 feet, parallel and adjacent to the Northern line of Lots 101-111 and 118-123, the Eastern 5.00 feet parallel and adjacent to the Eastern line of Lots 8-14, 22, 23, 53-55, 82-101, 117, 118, the Western 5.00 feet, parallel and adjacent to the Western line of Lots 17, 18, 26-48, 51, 52, 112 and 123, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1.

- (B) Tuscany Reserve, LLC does hereby dedicate to the Tuscany Owners Association the following perpetual easements:

Ingress/Egress Easement

1. A twenty nine foot (29') strip of land to be used for Ingress/Egress Easement located in the Western 29 feet, parallel and adjacent to the Western line of Lots 2 and 3, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1;
2. A twenty nine foot (29') strip of land to be used for Ingress/Egress Easement located parallel and adjacent to the Western line of Lot 1, described as follows: Beginning at the Southwestern corner of Lot 1, thence $S89^{\circ}56'30''E$ along the South line of Lot 1, 29.00 feet; thence $N00^{\circ}19'30''W$, 25.19 feet; thence $S89^{\circ}40'30''W$, 29.00 feet to the West line of Lot 1, thence $S00^{\circ}19'30''E$ along said West line 25.00 feet to the Point of Beginning, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1; and
3. A twenty nine foot (29') strip of land to be used for Ingress/Egress Easement located parallel and adjacent to the Western line of Lot 4, described as follows: Beginning at the Northwestern corner of Lot 4, thence $S89^{\circ}56'30''E$ along the North line of Lot 4, 29.00 feet; thence $S00^{\circ}19'30''E$, 94.53 feet; thence $S89^{\circ}40'30''W$, 29.00 feet to the West line of Lot 4, thence $N00^{\circ}19'30''W$ along said West line 94.73 feet to the Point of Beginning, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1.

Sign and Landscape Easement

A forty foot (40') strip of land to be used for Sign and Landscape Easement located in the Western 40 feet, parallel and adjacent to the Western line of Lots 5, 68, 69, and 111, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1.

Rural Watermain Easement

1. A ten foot (10') strip of land to be used for Rural Water Easement located in Outlot Z, described as follows: Commencing at the Southwest corner of Outlot Z, thence S89°57'31"E along the South line of Outlot Z, 8.30 feet to the Point of Beginning; thence N00°53'48"E, 245.78 feet; thence N86°48'44"E, 22.46; thence N00°11'58"E, 5.01 feet to the South Right of Way line of 8th Street Southeast, thence N86°48'44"E along said South line, 10.02 feet; thence S00°11'58"W, 5.01 feet; thence N86°48'44"E, 110.88 feet; thence N86°17'14"E, 379.66 feet; thence S89°56'16"E, 454.34 feet; thence S78°32'39"E, 102.92 feet; thence N89°52'24"E, 183.88 feet to the East line of said Outlot Z; thence S00°15'22"E along said East line, 28.28 feet; thence S89°52'24"W, 10.00 feet; thence N00°15'22"W, 18.28 feet; thence S89°52'24"W, 174.92 feet; thence N78°31'54"W, 102.94 feet; thence N89°56'16"W, 453.01 feet; thence S86°17'14"W, 379.37 feet; thence S86°48'44"W, 134.08 feet; thence S00°51'51"W, 236.32 feet to the South line of said Outlot Z, thence N89°57'31"W, 10.14 feet to the Point of Beginning, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1; and
2. A strip of land to be used for Rural Water Easement located in Lot 1, described as follows: Commencing at the Northwest corner of Lot 1, thence S89°57'31"E along the North line of said Lot 1, 42.06 feet; thence S00°19'30"E, 32.22 feet; thence N89°57'31"W, 42.06 feet to the West line of said Lot 1, thence N00°19'30"W along said West line, 32.22 feet to the Point of Beginning, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1.

Private Sanitary Sewer Easement

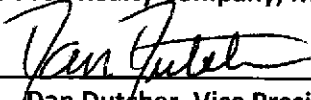
1. A ten foot (10.0') strip of land to be used for Private Sanitary Sewer Easement located in the Southern 5.00 feet, parallel and adjacent to the Southern line of Lot 10 and the Northern 5.00 feet, parallel and adjacent to the Northern line of Lot 9, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1; and
2. A ten foot (10.0') strip of land to be used for Private Sanitary Sewer Easement located in the Southern 5.00 feet, parallel and adjacent to the Southern line of Lot 11 and the Northern 5.00 feet parallel, and adjacent to the Northern line of Lot 10, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1; and
3. A ten foot (10.0') strip of land to be used for Private Sanitary Sewer Easement located in the Southern 5.00 feet, parallel and adjacent to the Southern line of Lot 13 and the Northern 5.00 feet parallel, and adjacent to the Northern line of Lot 12, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1; and

4. A ten foot (10.0') strip of land to be used for Private Sanitary Sewer Easement located in the Eastern 10.00 feet, parallel and adjacent to the Eastern line of Lot 2, all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1; and
5. A ten foot (10.0') strip of land to be used for Private Sanitary Sewer Easement located in Lots 1, 2, 13, and 14, described as Beginning at the Northeast corner of Lot 13, thence Northwesterly along a 57 foot radius curve concave Easterly, 5.21 feet (chord bearing N16°12'37"W, 5.21 feet); thence N89°56'30"W, 155.32 feet; thence N44°56'32"W, 115.19 feet; thence S45°03'28"W, 10.00 feet; thence S44°56'32"E, 119.38 feet; thence N89°59'21"E, 162.79 feet; thence Northwesterly along a 57 foot radius curve concave Easterly, 5.20 feet (chord bearing N21°26'32"W, 5.21 feet) to the Point of Beginning; all in the Official Plat of Tuscany Plat 1, now included in and forming a part of the City of Altoona, Polk County, Iowa, as more particularly shown on said Tuscany Plat 1.

All of the foregoing being in Tuscany Plat 1, an Official Plat, now included in and forming a part of the City of Altoona, Polk County, Iowa.

Dated this 2ND day of July, 2008.

TUSCANY RESERVE, LLC, Owner & Grantor
 By: Hubbell Realty Company, Managing Member

By: 
 Dan Dutcher, Vice President

By: 
 Jennifer L. Drake, Assistant Secretary

STATE OF IOWA, COUNTY OF DALLAS) ss:

This instrument was acknowledged before me on July 2, 2008 by Dan Dutcher and Jennifer L. Drake as a Vice President and an Assistant Secretary, respectively, of Hubbell Realty Company, an Iowa corporation and the Managing Member of **Tuscany Reserve, LLC**, an Iowa limited liability company.



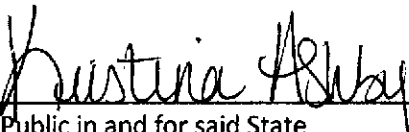

 Notary Public in and for said State

Exhibit "A"

Legal Description

A PARCEL OF LAND IN THE W 1/2 OF SECTION 20, TOWNSHIP 79 NORTH, RANGE 22 WEST OF THE 5TH P.M., IN THE CITY OF ALTOONA, POLK COUNTY, IOWA DESCRIBED AS;

COMMENCING AT THE W 1/4 CORNER OF SAID SECTION 20; THENCE S89°58'44"E, 50.00 FEET TO THE EAST RIGHT OF WAY OF 14TH AVENUE SE AND THE POINT OF BEGINNING; THENCE N00°19'29"W ALONG SAID EAST RIGHT OF WAY, 1306.00 FEET; THENCE N89°58'44"W, 17.00 FEET; THENCE N00°19'30"W, 679.41 FEET; THENCE S89°56'30"E, 17.00 FEET; THENCE N00°19'30"W ALONG EAST RIGHT OF WAY OF 14TH AVENUE SE, 561.26 FEET TO THE SOUTH RIGHT OF WAY OF 8TH STREET SE; THENCE N86°48'44"E ALONG SAID SOUTH RIGHT OF WAY, 156.64 FEET; THENCE N86°17'14"E ALONG SAID SOUTH RIGHT OF WAY, 379.80 FEET; THENCE S89°56'16"E ALONG SAID SOUTH RIGHT OF WAY, 455.00 FEET; THENCE S78°32'39"E ALONG SAID SOUTH RIGHT OF WAY, 102.79 FEET; THENCE N89°52'24"E ALONG SAID SOUTH RIGHT OF WAY, 183.48 FEET TO THE EAST LINE OF THE W 1/2 OF THE NW 1/4 OF SAID SECTION 20; THENCE S00°15'22"E ALONG SAID EAST LINE, 2559.21 FEET TO THE NORTH LINE OF THE N 1/2 OF THE SW 1/4 OF SAID SECTION 20; THENCE S89°56'54"E ALONG SAID NORTH LINE, 1313.32 FEET TO THE EAST LINE OF THE W 1/2 OF SAID SECTION 20; THENCE S00°20'59"E ALONG SAID EAST LINE, 1319.32 FEET TO THE SOUTH LINE OF THE N 1/2 OF THE SW 1/4 OF SAID SECTION 20; THENCE N89°58'16"W ALONG SAID SOUTH LINE, 2586.90 FEET TO THE EAST RIGHT OF WAY OF 14TH AVENUE SE; THENCE N00°15'54"W ALONG SAID EAST RIGHT OF WAY, 179.50 FEET; THENCE S89°59'13"E, 857.38 FEET; THENCE N00°16'32"W, 479.87 FEET; THENCE N89°58'41"W, 857.30 FEET TO THE EAST RIGHT OF WAY OF 14TH AVENUE SE; THENCE N00°15'54"W ALONG SAID EAST RIGHT OF WAY, 659.47 FEET TO THE POINT OF BEGINNING; SAID PARCEL OF LAND CONTAINING 144.23 ACRES AND IS SUBJECT TO EASEMENTS AND RESTRICTION OF RECORD.

When Recorded, Return to:

Chet A. Mellema
Hubbell Realty Company
6900 Westown Parkway
West Des Moines, IA 50266

Prepared By: Chet A. Mellema, Hubbell Realty Company, 6900 Westown Parkway, West Des Moines, Iowa 50266-2520
(515) 280-2042

SPACE ABOVE THIS LINE FOR RECORDER

**MORTGAGEE'S CONSENT TO THE FINAL PLAT OF
TUSCANY PLAT 1**

KNOW ALL MEN BY THESE PRESENTS: that, First American Bank ("FAB") is the present owner of the Mortgagee's interest in that certain Mortgage, granted by Hubbell Properties II, L.C. (Series Altman), a series of a multi-series Iowa limited liability company, as Mortgagor, to FAB, as Mortgagee, September 29, 2006, and filed for record in the Office of the Recorder of Polk County, Iowa on October 2, 2006 and recorded in Book 11882 at Page 95, subsequently assigned by Mortgagor to Tuscany Reserve, LLC by an Assignment and Assumption of Note and Mortgage dated October 31, 2007, and filed for record in the Office of the Recorder of Polk County, Iowa on November 1, 2007 in Book 12433 at Page 28, subsequently modified by that certain First Amendment to Promissory Note and Mortgage by and between FAB and Tuscany Reserve, LLC dated October 31, 2007, and filed for record in the Office of the Recorder of Polk County, Iowa on November 1, 2007 in Book 12433 at Page 33, and for which there appears a Partial Release of Mortgage from FAB dated October 31, 2007, and filed for record in the Office of the Recorder of Polk County, Iowa on November 1, 2007 in Book 12434 at Page 767 (collectively the "Mortgage"), which Mortgage creates a lien on, among other property, portions of the real property legally described on Exhibit "A", attached hereto and incorporated herein by this reference, which Property is to be platted into a subdivision to be known as "Tuscany Plat 1", an Official Plat, now included in and forming a part of the City of Altoona, Polk County, Iowa. FAB hereby acknowledges that the subdivision of the Property into lots in a plat to be known as Tuscany Plat 1 is with its consent and in accordance with its desire.

Dated this 18th day of June, 2008.

FIRST AMERICAN BANK, Mortgagee

By: Dean L. Peyton
Dean L. Peyton, Executive Vice President

STATE OF IOWA)
) SS.
COUNTY OF Polk)

On this 18th day of June, 2008, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared Dean L. Peyton, to me personally known, who, being by me duly sworn, did say that he is the Executive Vice President of **FIRST AMERICAN BANK**, executing the within and foregoing instrument; that the instrument was signed on behalf of said bank corporation by authority of its Board of Directors; and said Dean L. Peyton, as such officer, acknowledged the execution of the instrument to be the voluntary act and deed of the corporation, by it and by him voluntarily executed.

Mary L. Leist
Notary Public in and for said State

\\Hrcarc01\s\hrc\hr\legal\SHARE\Tuscany Reserve\Plat 1\Mortgagee's Consent (First American Bank).doc



Exhibit "A"

Legal Description

A PARCEL OF LAND IN THE W 1/2 OF SECTION 20, TOWNSHIP 79 NORTH, RANGE 22 WEST OF THE 5TH P.M., IN THE CITY OF ALTOONA, POLK COUNTY, IOWA DESCRIBED AS;

COMMENCING AT THE W 1/4 CORNER OF SAID SECTION 20; THENCE S89°58'44"E, 50.00 FEET TO THE EAST RIGHT OF WAY OF 14TH AVENUE SE AND THE POINT OF BEGINNING; THENCE N00°19'29"W ALONG SAID EAST RIGHT OF WAY, 1306.00 FEET; THENCE N89°58'44"W, 17.00 FEET; THENCE N00°19'30"W, 679.41 FEET; THENCE S89°56'30"E, 17.00 FEET; THENCE N00°19'30"W ALONG EAST RIGHT OF WAY OF 14TH AVENUE SE, 561.26 FEET TO THE SOUTH RIGHT OF WAY OF 8TH STREET SE; THENCE N86°48'44"E ALONG SAID SOUTH RIGHT OF WAY, 156.64 FEET; THENCE N86°17'14"E ALONG SAID SOUTH RIGHT OF WAY, 379.80 FEET; THENCE S89°56'16"E ALONG SAID SOUTH RIGHT OF WAY, 455.00 FEET; THENCE S78°32'39"E ALONG SAID SOUTH RIGHT OF WAY, 102.79 FEET; THENCE N89°52'24"E ALONG SAID SOUTH RIGHT OF WAY, 183.48 FEET TO THE EAST LINE OF THE W 1/2 OF THE NW 1/4 OF SAID SECTION 20; THENCE S00°15'22"E ALONG SAID EAST LINE, 2559.21 FEET TO THE NORTH LINE OF THE N 1/2 OF THE SW 1/4 OF SAID SECTION 20; THENCE S89°56'54"E ALONG SAID NORTH LINE, 1313.32 FEET TO THE EAST LINE OF THE W 1/2 OF SAID SECTION 20; THENCE S00°20'59"E ALONG SAID EAST LINE, 1319.32 FEET TO THE SOUTH LINE OF THE N 1/2 OF THE SW 1/4 OF SAID SECTION 20; THENCE N89°58'16"W ALONG SAID SOUTH LINE, 2586.90 FEET TO THE EAST RIGHT OF WAY OF 14TH AVENUE SE; THENCE N00°15'54"W ALONG SAID EAST RIGHT OF WAY, 179.50 FEET; THENCE S89°59'13"E, 857.38 FEET; THENCE N00°16'32"W, 479.87 FEET; THENCE N89°58'41"W, 857.30 FEET TO THE EAST RIGHT OF WAY OF 14TH AVENUE SE; THENCE N00°15'54"W ALONG SAID EAST RIGHT OF WAY, 659.47 FEET TO THE POINT OF BEGINNING; SAID PARCEL OF LAND CONTAINING 144.23 ACRES AND IS SUBJECT TO EASEMENTS AND RESTRICTION OF RECORD.

When Recorded, Return to:
Chet A. Mellema
Hubbell Realty Company
6900 Westown Parkway
West Des Moines, IA 50266

Prepared By: Chet A. Mellema, Hubbell Realty Company, 6900 Westown Parkway, West Des Moines, Iowa 50266-2520
(515) 280-2042

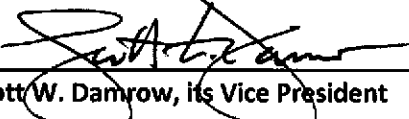
SPACE ABOVE THIS LINE FOR RECORDER

**MORTGAGEE'S CONSENT TO THE FINAL PLAT OF
TUSCANY PLAT 1**

KNOW ALL MEN BY THESE PRESENTS: that, **First National Bank of Omaha** ("FNBO") is the present owner of the Mortgagee's interest in that certain Mortgage, Security Agreement and Assignment of Rents, granted by Tuscany Reserve, LLC, an Iowa limited liability company, as Mortgagor, to FNBO, as Mortgagee, October 31, 2007, and filed for record in the Office of the Recorder for Polk County, Iowa on November 1, 2007, in Book 12433 at Page 36 (the "Mortgage"), which Mortgage creates a lien on, among other property, portions of the real property legally described on Exhibit "A", attached hereto and incorporated herein by this reference, which Property is to be platted into a subdivision to be known as "**Tuscany Plat 1**", an Official Plat, now included in and forming a part of the City of Altoona, Polk County, Iowa. FNBO hereby acknowledges that the subdivision of the Property into lots in a plat to be known as **Tuscany Plat 1** is with its consent and in accordance with its desire.

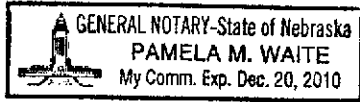
Dated this 19th day of JUNE, 2008.

FIRST NATIONAL BANK OF OMAHA

By: 
Scott W. Damrow, its Vice President

STATE OF NEBRASKA)
) SS.
COUNTY OF DOUGLAS)

On this 19 day of June, 2008, before me the undersigned, a Notary Public in and for the State of Nebraska, personally appeared Scott W. Damrow, to me personally known, who, being by me duly sworn, did say that he/she is the Vice President of **FIRST NATIONAL BANK OF OMAHA**, executing the within and foregoing instrument; that the instrument was signed on behalf of said bank corporation by authority of its Board of Directors; and said Scott W. Damrow, its Vice President, as such officer, acknowledged the execution of the instrument to be the voluntary act and deed of the corporation, by it and by him/her voluntarily executed.



Pamela M. Waite
Notary Public in and for said State

\\Hrcarc01\sr\hr\legal\SHARE\Tuscany Reserve\Plat 1\Mortgagee's Consent (First National Bank of Omaha).doc

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ALTOONA

RESOLUTION # 10-6-2008# 02

**RESOLUTION APPROVING THE FINAL PLAT FOR
"TUSCANY PLAT 1"**

WHEREAS, the City of Altoona has received a request for re-approval of the above referenced final plat; and

WHEREAS, the Altoona City Council has reviewed said final plat and found it to be in true order.

THEREFORE, BE IT RESOLVED BY THE ALTOONA CITY COUNCIL to re-approve the request for said final plat.

PASSED THIS 6TH DAY OF OCTOBER, 2008


TIMOTHY BURGET, MAYOR

ATTEST:


RANDY PIERCE, CITY CLERK

COUNCIL MEMBER *Riding* INTRODUCED AND MOVED FOR THE
THE ADOPTION OF RESOLUTION 10-6-2008# 02. SECONDED BY *Warren*

VOTE:

	AYES	NAYS	ABSENT
CONKLING	_____	_____	_____ ✓
NOLIN	_____ ✓	_____	_____
RIDING	_____ ✓	_____	_____
SLOAN	_____ ✓	_____	_____
WARREN	_____ ✓	_____	_____

NYEMASTER GOODE

NYEMASTER, GOODE, WEST, HANSELL & O'BRIEN, P.C.
ATTORNEYS & COUNSELORS AT LAW

James B. West
Edgar F. Hansell
R. Craig Shives
Keith E. Luchte
Robert A. VanOrsdel
Richard J. Sapp
G. R. Neumann
Gregory P. Page
Randall G. Horstmann
Jay Eaton
Bradford L. Austin
Sara J. Sersland
Hayward L. Draper
Michael W. Thrall
Mark C. Dickinson
Gregory B. Wilcox

John F. Lorentzen
Rod Kubat
Steven J. Roy
Frank B. Hartly
James C. Wine
Bruce W. Baker
Thomas W. Foley
Steven H. Lytle
Terry C. Hancock
Anthony A. Longnecker
Joseph A. Quinn
Wade H. Schut
Mark D. Aljets
G. Thomas Sullivan
Thomas H. Walton
Willard L. Boyd III

Jeffrey W. Courter
Hallie E. Still-Caris
David W. Benson
Brian J. Humke
Paula S. Dierenfeld
Coreen K. Sweeney
Antonio Colacino
Jill M. Stevenson
Angela A. West
Angela L. Watson Cook
Mary E. Funk
Randall D. Armentrout
Thomas M. Cunningham
Denise M. Mendt
Robert D. Andeweg
Debra L. Hulett

Mark A. Schultheis
John T. Clendenin
Neal K. Westin
Stephanie L. Marett
Jordan B. Hansell
Cory R. Harris
Stephanie G. Techau
Patrick B. White
Brad C. Epperly
Scott A. Sundstrom
Angela C. Brick
Benjamin P. Roach
Victoria A. Feilmeyer
Hannah M. Rogers
Kathleen K. Law
Jason L. Giles

Mitchell R. Kunert
Kristina M. Stanger
Brian D. Torresi
Michael J. Dayton
Anna W. Mundy
Bridget C. Shapansky
Patricia A. Scallion
Matthew R. Eslick
Sarah J. Hastings
Andrew M. Graap
Christian P. Walk
Vidhya K. Reddy

OF COUNSEL
Samuel G. O'Brien
L. R. Voigts
Gerald J. Newbrough
Carlton T. King
Drew R. Tillotson
Frank B. Comfort
Russell E. Schrage
Roger L. Ferris
Luther L. Hill, Jr.
Keri K. Farrell-Kolb

Ray Nyemaster
(1914-1995)
D.J. Goode
(1907-2002)

December 2, 2008

The City of Altoona, Iowa
407 8th Street SE
Altoona, Iowa 50009

And

Tuscany Reserve, LLC
c/o Hubbell Realty Company
6900 Westown Parkway
West Des Moines, Iowa 50266

RE: A parcel of land being part of the West Half of Section 20, Township 79 North, Range 22 West of the 5th P.M., now included in and forming a part of the City of Altoona, Polk County, Iowa, more particularly described on Exhibit "A" attached hereto.

t/b/k/a Tuscany Plat 1

We have examined the abstract of title to the above-described real property last continued as **Abstract No. 570984** by Iowa Title Company, down to November 25, 2008, at 6:00 A.M. We find merchantable title to said property as shown by said abstract to be in

Tuscany Reserve, LLC

Antonio Colacino

Direct Number: (515) 283-8171 • Facsimile: (515) 283-8018 • E-Mail: acolacino@nyemaster.com
700 Walnut, Suite 1600 • Des Moines, IA 50309-3899 • (515) 283-3100

With offices in Des Moines and Ames

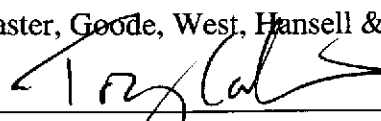
www.nyemaster.com

The City of Altoona, Iowa
Tuscany Reserve, LLC
December 2, 2008
Page 2

subject to the Special Exceptions and Standard Exceptions noted on the attached schedules.

Nyemaster, Goode, West, Hansell & O'Brien, P.C.

By: _____


Antonio Colacino

Iowa Title Guaranty No. 2534

AC/lam

SPECIAL EXCEPTIONS

1. Real estate taxes for fiscal year 2007/2008 and all prior years show paid in full.
2. Searches for personal liens are shown against the current titleholder and relevant prior titleholders and show clear.
3. At Entry No. 59 of Abstract No. 570984 appears a Mortgage securing the amount of \$2,478,750.00 from Hubbell Properties II, L.C. (Series Altman) to First American Bank, dated September 29, 2006, filed October 2, 2006 and recorded in Book 11882 at Page 95 of the Polk County Records.

At Entry No. 60 of Abstract No. 570984 appears an Assignment and Assumption of Note and Mortgage by and between Hubbell Properties II, L.C. (Series Altman) and Tuscany Reserve, LLC, dated October 31, 2007, filed November 1, 2007 and recorded in Book 12433 at Page 28 of the Polk County Records. This document evidences the assumption of this Note and Mortgage by Tuscany Reserve, LLC and consent by the Bank.

At Entry No. 61 of Abstract No. 570984 appears First Amendment to Promissory Note and Mortgage by and between Tuscany Reserve, LLC and First American Bank, dated October 31, 2007, filed November 1, 2007 and recorded in Book 12433 at Page 33 of the Polk County Records. This First Amendment provides for a release of a portion of the property subject to the original Mortgage.

At Entry No. 62 of Abstract No. 570984 appears a Partial Release of Mortgage from First American Bank, dated October 31, 2007, filed November 2, 2007 and recorded in Book 12434 at Page 767 of the Polk County Records. This Partial Release operates to release approximately 92.01 acres from the lien of the Mortgage, being the northerly and westerly portion of the property.

The balance of the property is subject to this Mortgage and this mortgagee must consent to the new plat.

4. At Entry No. 66 of Abstract No. 570984 appears a Mortgage, Security Agreement and Assignment of Rents by Tuscany Reserve, LLC for the benefit of First National Bank of Omaha, dated October 31, 2007, filed November 1, 2007 and recorded in Book 12433 at Page 36 of the Polk County Records. This Mortgage appears to cover the 92.01 acre parcel which was released from the Mortgage noted at Paragraph 3 above. **This mortgagee must also consent to the new plat.**

5. At Entry No. 63 of Abstract No. 570984 appears a Restrictive Covenant from Hubbell Properties II, L.C. filed August 13, 2007 and recorded in Book 12327 at Page 991 of the Polk County Records. This Restrictive Covenant pertains to the development of a 7.98 acre parcel which appears to be the northerly most portion of the subject property, and does restrict uses on the property as therein provided. You may wish to make further inquiry.

6. At Entry No. 64 of Abstract No. 570984 appears a Development Agreement by and between Hubbell Properties II, LLC (Series Altman) and Heartland Land Development, LLC, which apparently owns property lying east of and adjacent to the property under examination. This Development Agreement was dated October 17, 2007 filed November 1, 2007 and recorded in Book 12433 at Page 16 of the Polk County Records. You may wish to make further inquiry of the document of record regarding the agreed terms thereof.

7. At Entry No. 67 of Abstract No. 570984 appears a Retracement Survey of the captioned property, filed March 20, 2008 and recorded in Book 12587 at Page 325 of the Polk County Records. This Retracement Survey uses certain calls and dimensions that vary in several minor ways from the description used as the caption of the abstract. The Retracement Survey is noted for your information. It appears that if the legal description used as the caption to the abstract is correct, the Retracement Survey is in error in these minor respects and should be corrected by further filing or by appropriate affidavit of the surveyor.

8. At Entry No. 52 of Abstract No. 570984 the abstractor reports that the property which includes that under examination has been annexed to the City of Altoona by proceedings filed April 28, 2006 and recorded in Book 11669 at Page 620 of the Polk County Records. The property would be subject to the zoning ordinances of the City of Altoona, Iowa. Proper classification thereunder may be ascertained by consulting at the Office of Community Development for the City of Altoona, Iowa.

9. The abstract reflects a number of easements for highways and roads. These highways and roads all appear to be adjacent to the property under examination and would provide access thereto. They are noted as follows:

a. At Entry No. 3 of the abstract appears an Easement for Public Highway to the State of Iowa, dated August 19, 1949, filed August 24, 1949 and filed in Book 2275 at Page 560 of the Polk County Records. This roadway is along the north side of the property.

b. At Entry No. 4 of the abstract appears an Easement for Public Highway to the State of Iowa, dated November 20, 1951, filed December 12, 1951 and recorded in Book 2467 at Page 233 of the Polk County Records. This easement is also along the north side of the property.

c. At Entry No. 7 of the abstract appears an Easement for Public Highway to Polk County, dated December 9, 1968, filed January 31, 1969 and recorded in Book 4008 at Page 284 of the Polk County Records. This easement is along the west side of the property.

d. At Entry No. 8 of the abstract appears an Easement for Public Highway to Polk County, dated April 10, 1969, filed April 10, 1969 and recorded in Book 4023 at Page 105 of the Polk County Records. This easement was re-filed July 25, 1969 and recorded in Book 4062 at Page 359 of the Polk County Records. This easement is also along the west side of the property.

e. At Entry No. 33 of the abstract appears an easement for highway to Polk County, Iowa, dated February 14, 1969 filed April 11, 1969 and recorded in Book 4023 at Page 155 of the Polk County Records. This easement is also along the west side of the property.

10. The abstract reflects several water line easements. They are noted as follows:

a. At Entry No. 10 of Abstract No. 570984 appears an Easement Agreement with Southeast Polk Rural Water District, dated December 6, 1982, filed December 9, 1982 and recorded in Book 5211 at Page 366 of the Polk County Records. This Easement crosses the West Half of the Northwest Quarter of Section 20, and shall be 32-feet in width, the center line of which shall be the water pipeline as constructed.

b. At Entry No. 40 of Abstract No. 570984 appears another easement to Southeast Polk Rural Water District dated September 9, 1982, filed October 14, 1982 and recorded in Book 5199 at Page 771 of the Polk County Records. This easement crosses the South Half of the North Half of the Southwest Quarter of Section 20.

You may wish to make further inquiry to determine the location of the water line across the subject property.

11. At Entry No. 44 of Abstract No. 570984 appears a Fence Agreement filed by Ricky Northway and Regina Northway, dated November 15, 1983, filed November 2, 1988 and recorded in Book 5983 at Page 409 of the Polk County Records. In this filing, the parties agree to maintain the fence which borders on the South and East boundaries of the property legally described as the North 480-feet of the West 907.5 –feet of the South Half of the North Half of the Southwest Quarter of Section 20. You may wish to make further inquiry to determine the status of any fencing around such property, which lies adjacent to the property under examination, and determine the responsibilities for maintaining such fences.

STANDARD EXCEPTIONS

Parties in possession, if other than the titleholder(s), may have rights of which you must take notice not appearing in the abstract.

Easements, or claims of easements, may exist which are not shown of record and do not appear in the abstract.

Liens may exist for labor and materials furnished in the improvement of the property for a period of ninety days after the furnishing thereof without being placed of record so as to show in the abstract.

Special assessments may subsequently be filed of record against the property: i) for municipal services rendered prior to closing, and ii) by virtue of a resolution of necessity having been adopted by the taxing authority where the property is located but not certified to the County Treasurer.

No survey has been furnished. An accurate survey may show encroachments, overlappings or shortages not shown in the abstract. You must satisfy yourself as to the boundaries of the property and as to the location of any improvements thereon.

The abstract of title does not disclose the existence of environmental deficiencies such as underground storage tanks, wells, solid waste, hazardous wastes, asbestos or radon gas. Liability for removal and remediation may be imposed by virtue of ownership of the property even though one may not have been responsible for deficiency.

Judgment and other searches must show clear subsequent to the date of recording of your new plat. The abstract should be continued in final certified, typewritten form through the filing of the plat.

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CERTIFICATE OF TREASURER OF POLK COUNTY, IOWA

STATE OF IOWA)
) ss:
COUNTY OF POLK)

I, Mary Maloney, Treasurer of Polk County, having examined the records of my office, in accordance with the provisions of Section 354.11 of the Code of Iowa pertaining to real properties, specifically set forth in Exhibit "A" attached hereto and made part hereof, to be hereinafter designated as:

TUSCANY PLAT 1
an Official Plat, Polk County, Iowa

do hereby certify that same is free from all certified taxes,
special assessments and special rates and charges.

Nor are there any taxes due for Moneys and Credits, Bushels of Grain,
Industrial Machinery, Data Processing Equipment, Utilities or Buildings on Leased Land against

TUSCANY RESERVE, L.L.C.,

who is(are) the record title holder(s) of said real estate.

Dated at Des Moines, IA , Thursday, December 04, 2008 .

MARY MALONEY
POLK COUNTY TREASURER

Subscribed and sworn to before me on this
4th day of December, 2008.

by Jodi Jurvick
Second Deputy
(Treasurer's Seal)
TREASURER

by Mary Mahnke
Notary Public in and for Polk County, IA

(Notary Seal)

POLK COUNTY IOWA	MARY MAHNKE
	COMMISSION NO. 712531
	MY COMMISSION EXPIRES <u>9-13-2010</u>

PREPARED BY: **Rebecca Lawrence, Property Description Technician**

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