



Doc ID: 023886160016 Type: PLT
 Kind: PLAT
 Recorded: 08/27/2010 at 02:37:17 PM
 Fee Amt: \$101.00 Page 1 of 16
 Polk County, Iowa
 JULE M. HAGGERTY RECORDER
 File# 2011-00014319
BK 13555 Pg 764-779

PREPARED BY: BRADLEY R. GEATER, PLS., MCCLURE ENGINEERING, 8101 BIRCHWOOD COURT, SUITE D JOHNSTON, IOWA 50131 515-964-1229

LEGAL DESCRIPTION:
 LOTS 100 THRU 105, LOT 112, LOT 122, LOT 123, AND
 OUTLOT V OF TUSCANY PLAT 1 AS RECORDED IN BK 12880 PG 128 OF THE
 POLK COUNTY RECORDS, AN OFFICIAL PLAT NOW IN AND FORMING PART OF
 THE CITY OF ALTOONA, POLK COUNTY, IOWA, SAID PARCELS CONTAIN 15.79
 ACRES AND ARE SUBJECT TO EASEMENTS AND RESTRICTION OF RECORD.

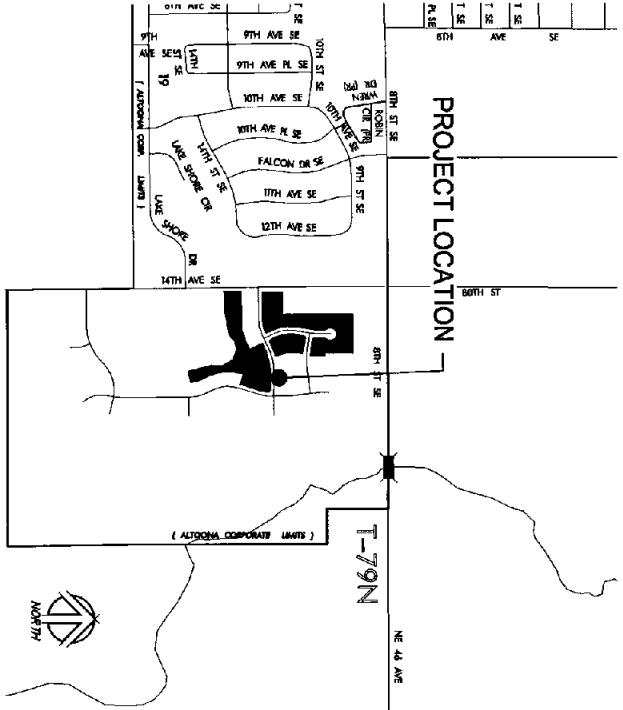
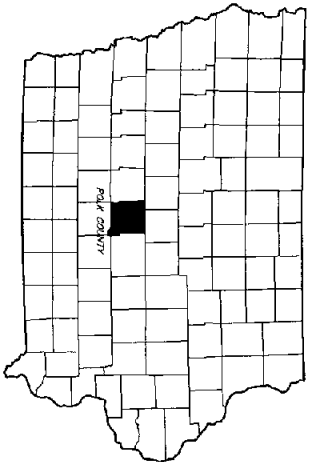
OWNER/DEVELOPER:
 TUSCANY RESERVE, L.L.C.
 8900 WESTOWN PARKWAY
 WEST DES MOINES, IA 50266

SETBACKS:
 FRONT 15 FEET
 PORCH: 25 FEET
 GARAGE: 10 FEET
 REAR: 10 FEET
 SIDE: 5 FEET

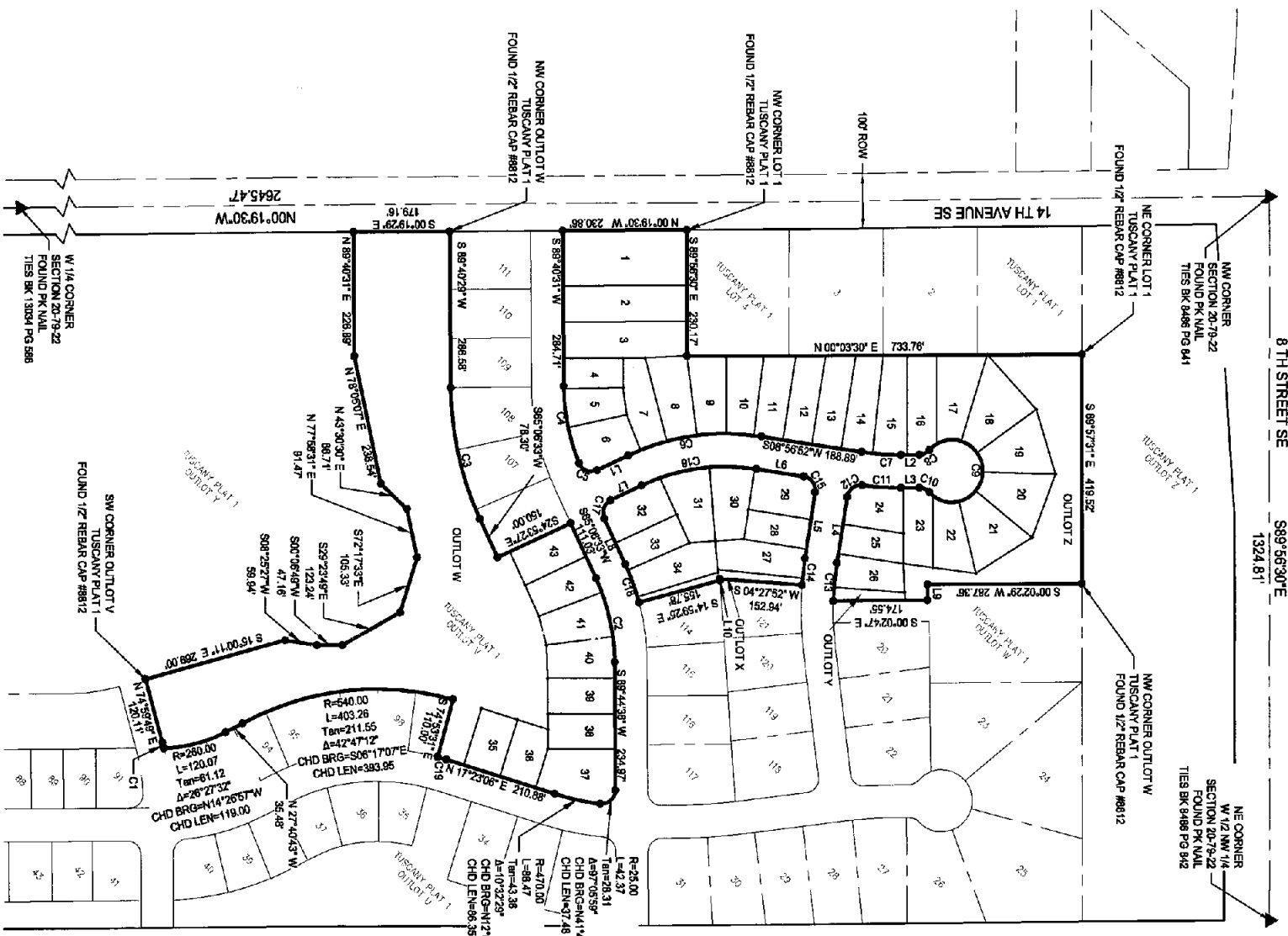
ZONING:
 R-5 (PUD)

CITY BENCHMARKS
 CITY CONTROL POINT #13 - 890.98
 BENCHMARK #2 - 946.86 - 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



State of Iowa, Polk County ss
 I certify that the attached plat name has been
 approved as being unique to Polk County and
 the plat has been entered of record in the
 office of the Polk County Auditor
 this 20 day of August 2010
JAMIE FITZGERALD Polk County Auditor
 By



TUSCANY PLAT 2

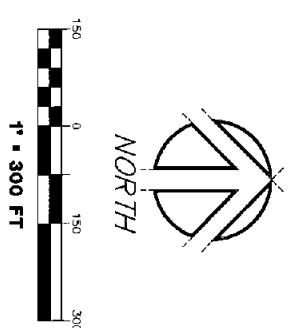
ALTOONA, IOWA

GENERAL NOTES:
 1. For Public Utility Easements, electric, cable, telephone, and other similar utilities must be placed in the rear yard. Only the gas main may be placed in the front yard.
 2. All utility companies must submit a plan to the City of Altoona requesting approval of the placement of utilities.
 3. Approval is required even if placement is not in the city right-of-way.
 4. Video inspection of all new sanitary sewers is required as outlined in the Urban Standard Specifications, Division 4, Section 4040, Part 3.
 5. All work performed must conform to the current version of the Urban Design Standards for Public Improvements and the Urban Standard Specifications.
 6. Place sill fencing at all lower areas of disturbed ground and double silk fencing at all inlets.
 7. The Project Engineer is responsible for layout of utility easements. Staking shall be done with iron and ribbon. Stakes shall be no further than 50' apart.
 8. The engineer/developer is responsible for submitting a Pollution Prevention Plan as part of the grading plan. In addition, the City will not issue any construction permits or allow any ground disturbance until the Iowa Department of Natural Resources has issued a storm water discharge permit for the project and a copy is received by the City.
 9. If a NPDES permit is required by the Iowa Department of Natural Resources, a CONSSCO permit is also required by the City of Altoona. The permit must be completed and approved prior to any ground disturbance.
 10. Coordinate the location of cluster boxes with the Post Office and City. Submit copy of preliminary plat to the Post Office for review and then submit plan to the City for approval.
 11. All cluster-style mailboxes required to serve the plat shall be installed before the final plat is approved by the City Council. In the case where the final plat is approved with a performance bond, that bond shall cover the mailboxes and the installation shall occur prior to any occupancy permit being issued for a home in the plat. Mailboxes shall be installed prior to any occupancy permit being issued for any other building requiring cluster style mailboxes.
 12. The style, size, and manufacturer of the mailbox shall be approved by the United States Postal Service. The United States Postal Service shall provide specifications for the installation of the required concrete pad.
 13. Outlot Z and Outlot W are to become part of the common element open space.
 14. Outlot X and Outlot Y are to remain unbuildable lots for future replating.

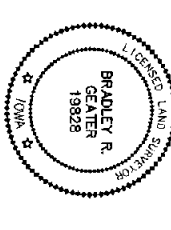


| LINE | LENGTH | BEARING |
|------|--------|---------------|
| L1 | 62.92 | S 89°57'37" E |
| L2 | 34.59 | S 00°03'30" W |
| L3 | 122.31 | N 07°18'00" E |
| L4 | 122.31 | N 07°18'00" E |
| L5 | 122.31 | N 07°18'00" E |
| L6 | 89.41 | N 08°56'52" E |
| L7 | 63.19 | N 24°53'27" W |
| L8 | 92.82 | S 65°05'37" W |
| L9 | 28.82 | S 89°57'37" E |
| L10 | 3.08 | N 86°04'39" E |

| CURVE | RADIUS | LENGTH | DELTA | CHORD BEARING | CHORD |
|-------|--------|--------|------------|---------------|-------|
| C1 | 425.00 | 11.97 | 1°31'56" | S 79°45'48" W | 11.97 |
| C2 | 370.00 | 19.08 | 2°41'08" W | S 77°05'26" W | 19.08 |
| C3 | 580.00 | 24.81 | 2°42'32" | N 77°18'00" E | 24.81 |
| C4 | 370.00 | 14.41 | 2°21'28" | N 78°30'42" E | 14.42 |
| C5 | 450.00 | 20.25 | 3°14'30" | S 71°18'45" E | 20.25 |
| C6 | 450.00 | 20.25 | 3°14'30" | S 71°18'45" E | 20.25 |
| C7 | 420.00 | 32.82 | 4°13'22" | N 64°30'17" E | 32.82 |
| C8 | 520.00 | 26.89 | 4°35'33" | N 67°55'47" W | 26.89 |
| C9 | 570.00 | 27.54 | 4°51'07" | N 67°55'47" W | 27.54 |
| C10 | 25.00 | 20.89 | 47°58'35" | S 67°55'47" W | 20.89 |
| C11 | 530.00 | 72.17 | 7°48'09" | N 03°57'31" E | 72.18 |
| C12 | 25.00 | 38.80 | 88°54'47" | S 56°28'45" E | 38.80 |
| C13 | 570.00 | 69.47 | 6°59'00" | S 84°32'38" E | 69.48 |
| C14 | 620.00 | 49.50 | 4°49'00" | S 89°17'38" E | 49.50 |
| C15 | 25.00 | 39.67 | 90°00'00" | S 89°17'38" E | 39.66 |
| C16 | 370.00 | 28.85 | 38°30'18" | S 07°08'18" E | 28.86 |
| C17 | 450.00 | 22.50 | 5°54'40" | S 07°08'18" E | 22.50 |
| C18 | 450.00 | 22.50 | 5°54'40" | S 07°08'18" E | 22.50 |
| C19 | 430.00 | 17.95 | 2°16'37" | S 15°14'48" W | 17.99 |



LEGEND
 --- SETBACKS
 --- EASEMENTS
 --- EXISTING PROPERTY LINES
 --- PROPERTY LINES
 --- PLAT BOUNDARY
 DATE SURVEYED: AUGUST 18, 2010
 CORNERS FOUND:
 ▲ SECTION COR. (AS NOTED)
 ● 1/2" REBAR YPC #8912
 ○ 1/2" REBAR OPC #19628
 PUE - PUBLIC UTILITY EASEMENT
 MPE - MINIMUM PROTECTION ELEVATION
 (100) - LOT ADDRESSES



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.
Bradley R. Geater, 8/18/10
 BRADLEY R. GEATER, L.S.
 NO. 19828

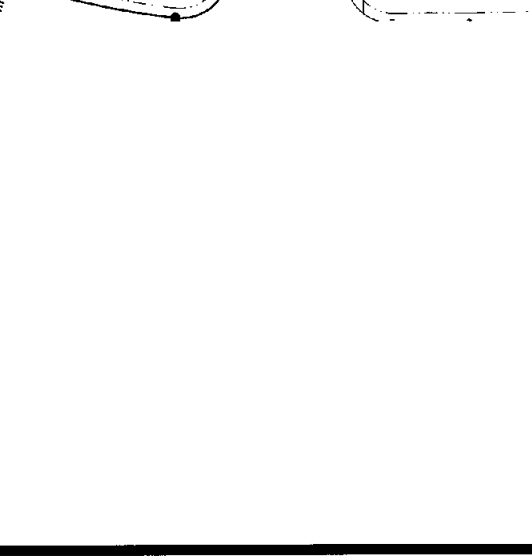
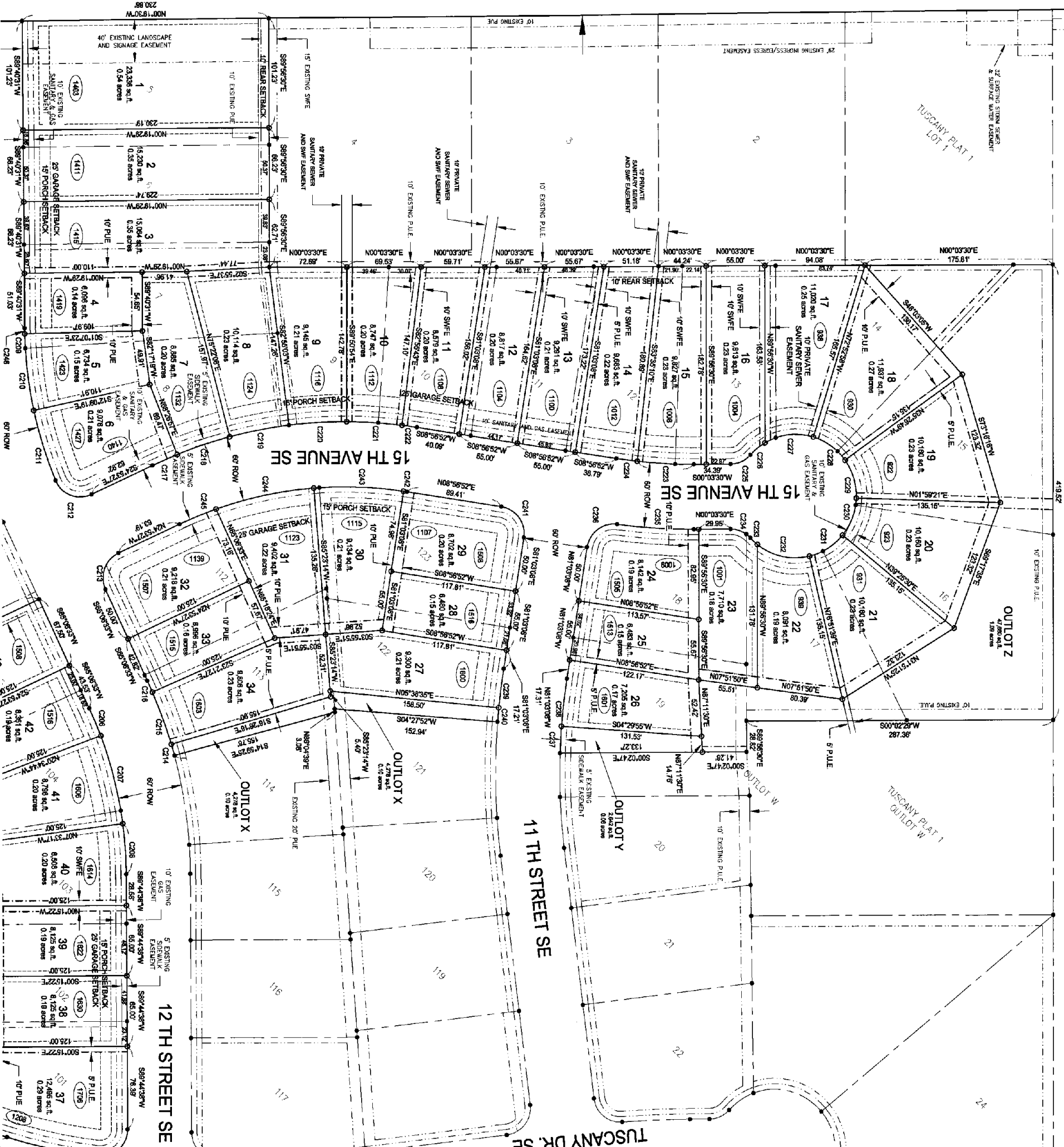
MY LICENSE RENEWAL DATE IS
 DECEMBER 31, 2011
 PAGES OR SHEETS COVERED BY
 THIS SEAL:
 THIS PLAT
 SHEETS FP-01 THRU FP-03

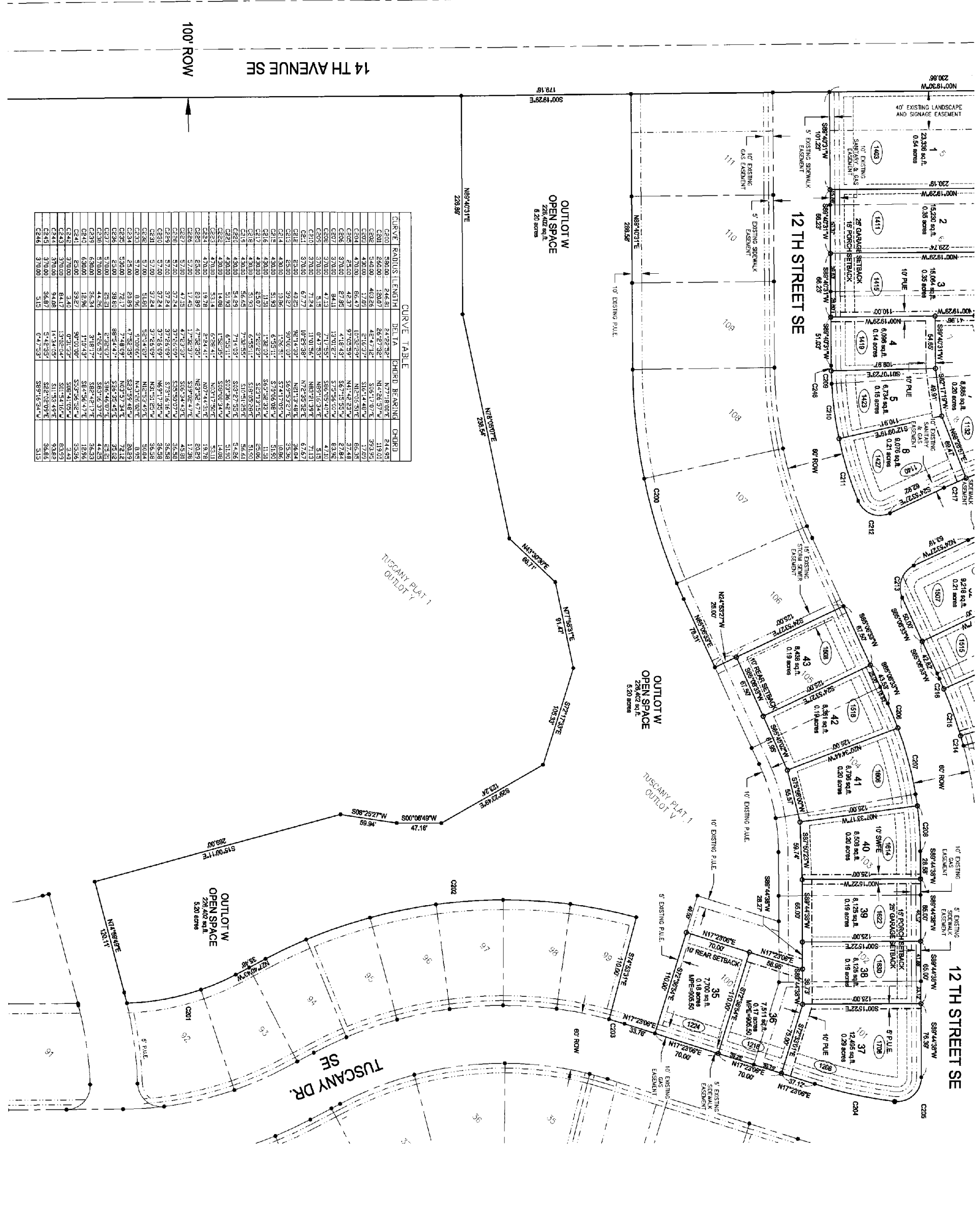
TUSCANY PLAT 2
 ALTOONA, IOWA
 2280053
 MAY 2010
 ENGINEER: CAS
 CHECKED BY: BRG
 DRAWN BY: RWA
 FIELD BOOK NO.: 06-2-18
 SHEET NO.: FP-01 01/03

MCCLURE ENGINEERING COMPANY
 M E C results.com
 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 Linker Lane
 North Liberty, Iowa 52317
 319-626-9050
 Fax 319-626-9055

CURVE TABLE

| CURVE | RADIUS | LENGTH | DELTA | CHORD BEARING | CHORD |
|-------|--------|--------|-----------|---------------|--------|
| C200 | 580.00 | 244.81 | 64°42'58" | N77°16'00"E | 214.95 |
| C201 | 560.00 | 120.07 | 66°47'38" | N44°45'27"W | 119.00 |
| C202 | 540.00 | 40.28 | 48°47'12" | S61°37'07"E | 39.335 |
| C203 | 540.00 | 17.09 | 2°16'37" | S16°14'48"W | 17.09 |
| C204 | 470.00 | 66.47 | 10°32'29" | N2°06'31"E | 66.345 |
| C205 | 25.00 | 42.37 | 97°05'59" | N14°42'31"W | 37.418 |
| C206 | 370.00 | 27.85 | 4°18'43" | S57°15'55"W | 27.84 |
| C207 | 370.00 | 84.11 | 13°01'27" | S72°26'00"W | 83.92 |
| C208 | 370.00 | 47.12 | 2°17'55" | S85°09'52"W | 47.10 |
| C209 | 370.00 | 17.55 | 41°41'18" | N13°11'31"E | 17.55 |
| C210 | 370.00 | 37.00 | 1°01'52" | N82°29'35"E | 37.00 |
| C211 | 370.00 | 71.22 | 10°29'38" | N23°25'32"E | 67.627 |
| C212 | 25.00 | 40.25 | 92°14'30" | N61°15'46"E | 36.25 |
| C213 | 25.00 | 39.27 | 90°00'00" | S69°53'27"E | 35.25 |
| C214 | 430.00 | 108.64 | 90°00'00" | S74°17'19"W | 108.65 |
| C215 | 430.00 | 11.51 | 6°55'11" | S70°06'09"W | 11.51 |
| C216 | 430.00 | 11.51 | 1°32'00" | S55°52'33"W | 11.51 |
| C217 | 430.00 | 29.07 | 3°02'23" | S29°13'15"E | 29.05 |
| C218 | 430.00 | 51.93 | 6°55'11" | S10°05'28"E | 51.93 |
| C219 | 430.00 | 56.65 | 7°28'58" | S10°12'51"E | 56.65 |
| C220 | 430.00 | 42.83 | 5°02'27" | S20°22'32"E | 42.83 |
| C221 | 430.00 | 14.08 | 6°45'01" | S30°02'44"W | 14.08 |
| C222 | 470.00 | 53.14 | 1°52'38" | S30°02'44"W | 53.14 |
| C223 | 470.00 | 53.14 | 6°29'41" | N23°17'30"E | 53.11 |
| C224 | 470.00 | 19.78 | 2°24'41" | N23°17'30"E | 19.78 |
| C225 | 25.00 | 20.69 | 47°52'38" | N23°17'30"E | 19.78 |
| C226 | 57.00 | 17.45 | 17°52'37" | S39°02'47"E | 17.38 |
| C227 | 57.00 | 4.715 | 47°52'37" | S39°02'47"E | 4.521 |
| C228 | 57.00 | 37.24 | 37°26'05" | S39°02'47"E | 36.58 |
| C229 | 57.00 | 37.24 | 37°26'05" | S39°02'47"E | 36.58 |
| C230 | 57.00 | 37.24 | 37°26'05" | S39°02'47"E | 36.58 |
| C231 | 57.00 | 37.24 | 37°26'05" | S39°02'47"E | 36.58 |
| C232 | 57.00 | 37.24 | 37°26'05" | S39°02'47"E | 36.58 |
| C233 | 57.00 | 37.24 | 37°26'05" | S39°02'47"E | 36.58 |
| C234 | 25.00 | 20.69 | 47°52'38" | N23°17'30"E | 19.78 |
| C235 | 25.00 | 20.69 | 47°52'38" | N23°17'30"E | 19.78 |
| C236 | 25.00 | 33.80 | 68°54'47" | S38°52'45"E | 33.82 |
| C237 | 570.00 | 23.21 | 2°32'03" | S85°46'07"E | 23.21 |
| C238 | 570.00 | 44.26 | 4°26'57" | S82°42'17"E | 44.25 |
| C239 | 630.00 | 36.34 | 1°18'17" | S82°42'17"E | 36.33 |
| C240 | 630.00 | 18.26 | 3°10'43" | S82°42'17"E | 18.26 |
| C241 | 630.00 | 39.27 | 9°00'00" | S52°59'52"W | 39.26 |
| C242 | 370.00 | 84.11 | 13°01'27" | S72°26'00"W | 83.92 |
| C243 | 370.00 | 47.12 | 2°17'55" | S85°09'52"W | 47.10 |
| C244 | 370.00 | 17.55 | 41°41'18" | N13°11'31"E | 17.55 |
| C245 | 370.00 | 37.00 | 1°01'52" | N82°29'35"E | 37.00 |
| C246 | 370.00 | 96.87 | 14°52'05" | S11°53'19"E | 93.86 |
| C247 | 370.00 | 5.35 | 0°47'53" | S89°15'34"W | 5.15 |





CURVE TABLE

| CURVE | RADIUS | LENGTH | DELTA | CHORD BEARING | CHORD |
|-------|--------|--------|------------|---------------|--------|
| C200 | 580.00 | 246.81 | 24.282352° | N77.181007°E | 244.95 |
| C201 | 260.00 | 120.07 | 26.877382° | N14.265774°E | 119.02 |
| C202 | 540.00 | 403.26 | 42.471182° | S35.170774°E | 393.95 |
| C203 | 430.00 | 31.05 | 21.163774° | S16.144874°E | 27.09 |
| C204 | 430.00 | 89.57 | 1.282352° | N41.433374°E | 85.28 |
| C205 | 430.00 | 97.86 | 1.181437° | N41.433374°E | 87.84 |
| C206 | 370.00 | 84.41 | 13.901827° | S75.956074°E | 63.96 |
| C207 | 370.00 | 47.13 | 71.175574° | S86.054074°E | 44.710 |
| C208 | 370.00 | 6.18 | 0.478537° | N89.163474°E | 5.15 |
| C210 | 370.00 | 71.24 | 11.901587° | N89.213974°E | 71.13 |
| C211 | 370.00 | 67.77 | 10.293987° | N72.953274°E | 67.67 |
| C212 | 250.00 | 40.23 | 32.143907° | N21.137487°E | 36.04 |
| C213 | 250.00 | 39.27 | 30.900007° | S69.933274°E | 35.96 |
| C214 | 430.00 | 31.96 | 1.282352° | S74.170574°E | 27.95 |
| C215 | 430.00 | 31.96 | 1.282352° | S74.170574°E | 27.95 |
| C216 | 430.00 | 31.07 | 6.555117° | S18.053874°E | 31.50 |
| C218 | 430.00 | 51.93 | 7.328557° | S10.815574°E | 54.46 |
| C220 | 430.00 | 54.29 | 7.141037° | S10.872574°E | 54.46 |
| C221 | 430.00 | 51.93 | 6.555117° | S10.746427°E | 51.90 |
| C222 | 430.00 | 14.08 | 1.282352° | S10.872574°E | 14.08 |
| C223 | 470.00 | 53.14 | 6.288417° | N3.317507°E | 53.14 |
| C224 | 470.00 | 18.78 | 2.792417° | N67.443174°E | 19.78 |
| C225 | 250.00 | 21.89 | 4.752337° | N23.382477°E | 20.29 |
| C226 | 250.00 | 17.43 | 1.282352° | S3.292477°E | 17.43 |
| C227 | 250.00 | 37.24 | 3.752352° | S3.292477°E | 37.24 |
| C228 | 250.00 | 37.24 | 3.752352° | S3.292477°E | 37.24 |
| C229 | 570.00 | 37.24 | 3.752352° | N69.713574°E | 36.58 |
| C230 | 570.00 | 37.24 | 3.752352° | N69.713574°E | 36.58 |
| C231 | 570.00 | 37.24 | 3.752352° | N69.713574°E | 36.58 |
| C232 | 570.00 | 51.80 | 5.274207° | N12.534974°E | 50.04 |
| C233 | 570.00 | 8.96 | 5.700067° | N4.376207°E | 8.96 |
| C234 | 250.00 | 20.85 | 4.752337° | S23.394874°E | 20.29 |
| C235 | 250.00 | 72.17 | 7.748107° | N63.573474°E | 72.12 |
| C236 | 250.00 | 39.80 | 8.875447° | S3.292477°E | 39.80 |
| C237 | 250.00 | 39.80 | 8.875447° | S3.292477°E | 39.80 |
| C238 | 250.00 | 42.23 | 6.282352° | S3.292477°E | 42.23 |
| C239 | 250.00 | 42.23 | 6.282352° | S3.292477°E | 42.23 |
| C240 | 250.00 | 42.23 | 6.282352° | S3.292477°E | 42.23 |
| C241 | 250.00 | 18.96 | 1.101437° | S82.421774°E | 18.96 |
| C242 | 250.00 | 39.27 | 3.752352° | S3.292477°E | 39.27 |
| C243 | 370.00 | 3.40 | 0.315374° | S10.872574°E | 3.40 |
| C244 | 370.00 | 84.17 | 13.901827° | S10.872574°E | 83.93 |
| C245 | 370.00 | 94.08 | 14.341037° | S11.534974°E | 93.82 |
| C246 | 370.00 | 96.87 | 5.142352° | S22.020974°E | 96.85 |
| C247 | 370.00 | 51.5 | 0.475374° | S89.163474°E | 51.5 |

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
 515-984-1229
 fax 515-964-2370

1740 Linsinger Lane
 North Liberty, Iowa 52317
 319-626-9190
 Fax 319-626-9195

NOTES:
 1. McClure Engineering Company, retains any and all responsibility and liability for problems which arise from the use of this plan. The client is advised that the plan is prepared on the basis of information furnished by the client and that the client is responsible for the accuracy of the information furnished. The client is advised that the plan is prepared on the basis of information furnished by the client and that the client is responsible for the accuracy of the information furnished. The client is advised that the plan is prepared on the basis of information furnished by the client and that the client is responsible for the accuracy of the information furnished.

TUSCANY FINAL PLAT 2
 ALTOONA, IOWA
 228035
 MARCH 2010

REVISIONS

DRAWN BY: RWA
 CHECKED BY: CAS
 DESIGNED BY: CAS

DRAWING NO: **FP-01** SHEET NO: **03/03**

101
C. Drake

RETURN TO:

Prepared by, and when recorded return to: Jennifer L. Drake, Hubbell Realty Company 6900 Westown Parkway, West Des Moines, Iowa 50266, (515) 280-2057

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 as follows:

Lots 5 through 19, Lots 100 through 105, Lot 112, Lot 113, Lot 122, and Lot 123 of Tuscany Plat 1, as recorded in Book 12850 Page 126 of the Polk County Records, an Official Plat, now included in and forming a part of the City of Altoona, Polk County, Iowa; and,

That Tuscany Owners Association, an Iowa non-profit corporation, owns the property legally described as follows:

Outlot V of Tuscany Plat 1, as recorded in Book 12850 Page 126 of the Polk County Records, an Official Plat, now included in and forming a part of the City of Altoona, Polk County, Iowa.

The undersigned property owners have caused the Property described above to be subdivided into lots to be known as "**Tuscany Plat 2**". The undersigned further acknowledge and certify that the subdivision of said **Tuscany Plat 2** is with its consent and in accordance with its desires.

Tuscany Reserve, LLC and Tuscany Owners Association do hereby dedicate to the electric company or companies, the natural gas company or companies, the telephone company or companies, the cable television company or companies and the data transmission company or companies serving the City of Altoona, Iowa, the perpetual public utility easements for underground electrical, natural gas, telephone, cable television utility services, and data transmission utility services that are shown on the recorded Final Plat of **Tuscany Plat 2**.

Dated this 29th day of July, 2010.

TUSCANY RESERVE, LLC

By: **Hubbell Realty Company, Managing Member**

By: [Signature]
Joseph F. Pietruszynski, Vice President

By: [Signature]
Jennifer L. Drake, Assistant Secretary

TUSCANY OWNERS ASSOCIATION

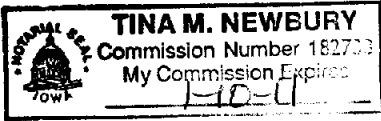
By: *Joseph F. Pietruszynski*
Joseph F. Pietruszynski, Vice President

By: *Jennifer L. Drake*
Jennifer L. Drake, Secretary

STATE OF IOWA)
)SS.
COUNTY OF DALLAS)

This instrument was acknowledged before me on July 29th, 2010 by Joseph F. Pietruszynski 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.

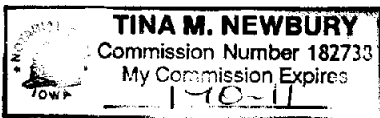
Tina M. Newbury
Notary Public in and for said State



STATE OF IOWA)
)SS.
COUNTY OF DALLAS)

On this 29th day of July, 2010, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Joseph F. Pietruszynski and Jennifer L. Drake, to me personally known, who, being by me duly sworn, did say that they are the Vice President and Secretary, respectively, of Tuscany Owners Association; that the foregoing instrument was signed on behalf of said corporation by authority of its Board of Directors, and that the said Joseph F. Pietruszynski and Jennifer L. Drake, as such officers, acknowledged the execution of the foregoing instrument to be the voluntary act and deed of said corporation by it and by them voluntarily executed.

Tina M. Newbury
Notary Public in and for said State



Prepared by, and when recorded return to: Jennifer L. Drake, Hubbell Realty Company, 6900 Westown Parkway, West Des Moines, Iowa 50266, (515) 280-2057

SPACE ABOVE THIS LINE FOR RECORDER

MORTGAGEE'S CONSENT TO THE FINAL PLAT OF TUSCANY PLAT 2

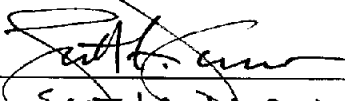
KNOW ALL MEN BY THESE PRESENTS: that, First National Bank of Omaha, (hereinafter "FNBO") is the present owner of the Mortgagee's interest in that certain Mortgage, Security Agreement and Assignment of Rents, granted by Tuscan Reserve, LLC, an Iowa limited liability company, as Mortgagor, to FNBO as Mortgagee, dated 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 (collectively to be referred to herein as the "Mortgage") which Mortgage creates a lien on, among other property, the real property legally described as follows:

Lots 5 through 19, Lots 100 through 105, Lot 112, Lot 113, Lot 122, Lot 123, and Outlot V of Tuscan Plat 1, as recorded in Book 12850 Page 126 of the Polk County Records, an Official Plat, now included in and forming a part of the City of Altoona, Polk County, Iowa. Said Parcels contain 15.79 acres and are subject to easements and restrictions of record.

which Property is to be platted into a subdivision to be known as "**Tuscany Plat 2**", 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 2** is with its consent and in accordance with its desire.

Dated this 19th day of July, 2010.

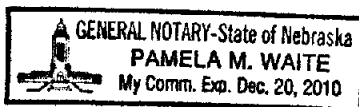
FIRST NATIONAL BANK OF OMAHA

By: 
Name: Scott W. Damrow
Title: Vice President

STATE OF NEBRASKA)
) SS.
COUNTY OF DOUGLAS)

On this 19th day of July, 2010, before me the undersigned, a Notary Public in and for the State of Nebraska, personally appeared Scott 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 Damrow, 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



ALTOONA

RESOLUTION # 8-16-2010#01

RESOLUTION APPROVING THE FINAL PLAT FOR "TUSCANY PLAT 2"

WHEREAS, the City of Altoona has received a request for 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 approve the request for said final plat.

PASSED THIS 16TH DAY OF AUGUST, 2010


TIMOTHY J. BURGET, MAYOR


ATTEST:

RANDY PERCE, CITY CLERK

COUNCIL MEMBER *Riding* INTRODUCED AND MOVED FOR THE
THE ADOPTION OF RESOLUTION 8-16-2010#01. SECONDED BY *Warren*

VOTE:

| | AYES | NAYS | ABSENT |
|--------|-------------------------------------|--------------------------|--------------------------|
| MERTZ | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| NOLIN | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| RIDING | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| SLOAN | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| WARREN | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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. Luchtel
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. Harty
James C. Wine
Bruce W. Baker
Steven H. Lyde
Terry C. Hancock
Anthony A. Longnecker
Kevin H. Collins
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
Angel A. West
Angela L. Watson Cook
Mary E. Funk
Randall D. Armentrout
Thomas M. Cunningham
Denise M. Mendt
Robert D. Andreweg
Debra L. Hulet

Mark A. Schultheis
John T. Clendenin
Neal K. Westin
Stephanie L. Maret
Cory R. Harris
Stephanie G. Techau
Patrick B. White
Brad C. Epperly
Scott A. Sundstrom
Angela C. Brick
Benjamin P. Roach
Victoria A. Feilmeyer
Jason L. Giles
K. Dwayne Vande Krol
Kathleen K. Law
Mitchell R. Kunert

Kristina M. Stanger
Brian D. Torresi
Michael J. Dayton
Anna W. Mundy
Matthew R. Eslick
Andrew M. Graap
Christian P. Walk
Vidhya K. Reddy
David T. Bower
Jay P. Syverson
Ryan G. Koopmans

REGISTERED PATENT
ATTORNEYS
Glenn Johnson
Robert W. Hoke
Wendy K. Marsh
Ryan N. Carter
Sarah J. Gayer

OF COUNSEL
Samuel G. O'Brien
L. R. Voigts
Gerald J. Newbrough
Drew R. Tillotson
Frank B. Comfort
Russell E. Schrage
Roger L. Ferris
Luther L. Hill, Jr.
Keri K. Farrell-Kolb

July 13, 2010

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: Lots 5 through 19, Lots 100 through 105, Lots 112, 113, 122, 123, and
Outlot V of Tuscany Plat 1, an Official Plat, now included in and forming
a part of the City of Altoona, Polk County, Iowa

t/b/k/a Tuscany Plat 2

We have examined the abstract of title to the above-described real property last continued as
Abstract No. 614432 by Iowa Title Company, down to July 8, 2010, at 6:00 A.M. We find
merchantable title to said property as shown by said abstract to be in

Tuscany Reserve, LLC, as to all numbered lots
And
Tuscany Owners Association, as to Outlot V

Antonio Colacino
Direct Number: (515) 283-8171 • Facsimile: (515) 283-3108 • E-Mail: acolacino@nyemaster.com
700 Walnut, Suite 1600 • Des Moines, IA 50309-3899 • (515) 283-3100

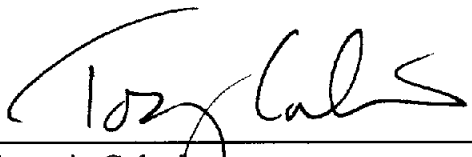
With offices in Des Moines, Ames and Cedar Rapids

www.nyemaster.com

The City of Altoona, Iowa
Tuscany Reserve, LLC
July 13, 2010
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/lm

SPECIAL EXCEPTIONS

1. Real estate taxes for fiscal year 2008/2009 and all prior years show paid in full.
2. Searches for personal liens are shown against the current titleholders and relevant prior titleholders and show clear.
3. At Entry No. 66 of Abstract No. 570984 appears a Mortgage, Security Agreement and Assignment of Rents by Tuscany Reserve, LLC to 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 a large parcel which includes the property under examination. **This mortgagee must consent to the new plat.**
4. 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 north of and adjacent to the new plat. It does restrict uses on the adjacent property as therein provided and is noted for your information only.
5. 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.
6. 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.
7. 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. 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.

b. 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.

c. 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.

8. 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.

You may wish to make further inquiry to determine the location of the water line across the subject property. They may not cross the lots under examination.

9. At Entry No. 68 of Abstract No. 570984 appear proceedings for the Plat of Tuscany Plat 1 filed December 10, 2008 and recorded in Book 12850 at Page 126 of the Polk County Records. The property under examination constitutes various lots in Tuscany Plat 1, and you are referred to the recorded plat for the location, boundaries and dimensions of such lots, as well as easements and setback lines reflected on such lots and notes as reflected on such plat.

At Entry No. 3 of Abstract No. 614432 appears an Affidavit of the surveyor who prepared this plat filed February 4, 2009 and recorded in Book 12899 at Page 841-842 of the Polk County Records. This Affidavit adds additional information and corrects information as reflected on the original map of plat.

Note also the Disclaimer of Interest from MidAmerican Energy Company, dated July 2, 2010, filed July 2, 2010 and recorded in Book 13498 at Page 300 of the Polk County Records, which disclaims easement rights as specified therein over certain lots as shown on the recorded plat.

10. At Entry No. 71 of Abstract No. 570984 appears a Warranty Deed to Tuscany Owners Association, an Iowa nonprofit corporation, dated July 2, 2008, filed December 10, 2008 and recorded in Book 12850 at Page 160 of the Polk County Records. This Deed conveyed Outlot V in Tuscany Plat 1, as well as certain other outlots. **Accordingly, Tuscany Owners Association is an owner of a portion of the property being platted and must consent to the new plat.**

11. At Entry No. 74 of Abstract No. 570984 appears a Sidewalk Easement to the City of Altoona, Iowa, dated July 2, 2008, filed December 10, 2008 and recorded in Book 12850 at Page 180 of the Polk County Records. The Sidewalk Easement covers several of the lots under examination.

12. At Entry No. 76 of Abstract No. 570984 appears a Surface Water Flowage Easement to the City of Altoona, Iowa, dated July 2, 2008, filed December 10, 2008 and recorded in Book 12850 at Page 186 of the Polk County Records. This easement covers a number of the lots under examination.

13. At Entry No. 77 of Abstract No. 570984 appears a Storm Sewer Easement to the City of Altoona, Iowa, dated July 2, 2008, filed December 10, 2008 and recorded in Book 12850 at Page 189 of the Polk County Records. This easement crosses a number of the lots under examination.

14. At Entry No. 79 of Abstract No. 570984 appears a Sanitary Sewer Easement to the City of Altoona, Iowa, and all public utilities, dated July 2, 2008, filed December 10, 2008 and recorded in Book 12850 at Page 195 of the Polk County Records. This Sanitary Sewer Easement crosses along a number of the lots under examination.

15. At Entry No. 80 of Abstract No. 570984 appears a Public Utility Easement to the City of Altoona, Iowa, and all public utilities, dated July 2, 2008, filed December 10, 2008 and recorded in Book 12850 at Page 198 of the Polk County Records. This easement crosses many of the lots under examination.

16. At Entry No. 81 of Abstract No. 570984 appears a Gas Easement to the City of Altoona, Iowa and applicable public utilities, dated July 2, 2008, filed December 10, 2008 and recorded in Book 12850 at Page 203 of the Polk County Records, crossing a number of the lots under examination.

17. At Entry No. 82 of Abstract No. 570984 appears a Sign and Landscape Easement to Tuscany Owners Association, dated July 2, 2008, filed December 10, 2008 and recorded in Book 12850 at Page 206 of the Polk County Records. This easement crosses, among other parcels, the west 40 feet of Lot 5 in Tuscany Plat 1.

18. At Entry No. 84 of Abstract No. 570984 appears a Sanitary Sewer Easement to the Tuscany Owners Association for the purpose of maintaining private sanitary sewer lines across a number of the lots as described therein, which easement was dated July 2, 2008, filed December 10, 2008 and recorded in Book 12850 at Page 212 of the Polk County Records.

19. At Entry No. 86 of Abstract No. 570984 appears the Declaration of Covenants, Conditions, Easements and Restrictions Applicable to Tuscany, dated July 2, 2008, filed December 10, 2008 and recorded in Book 12850 at Page 219 of the Polk County Records. This Declaration creates a number of restrictions upon the use of the property and calls for the creation of an owners association which can levy maintenance assessments on certain common areas. **You should obtain evidence from the association that all fees and assessments due against the lots under examination have been paid in full through the filing of the new plat.**

The City of Altoona, Iowa
Tuscany Reserve, LLC
July 13, 2010
Page 6

20. At Entry No. 4 of Abstract No. 614432 appears an Electric Line Easement to MidAmerican Energy Company, filed March 12, 2009 and recorded in Book 12949 at Page 785-788 of the Polk County Records. This easement crosses a number of the lots under examination as specified therein.

There also appears in Abstract No. 614432 an Electric Line Easement to MidAmerican Energy Company, dated June 7, 2010, filed June 11, 2010 and recorded in Book 13473 at Page 772 of the Polk County Records.

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.

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 2 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. & TUSCANY OWNERS ASSOCIATION,

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

Dated at Des Moines, IA , Thursday, August 26, 2010 .

MARY MALONEY
POLK COUNTY TREASURER

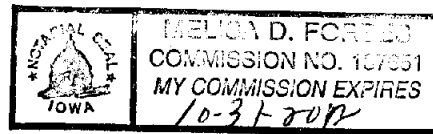
Subscribed and sworn to before me on this
26th day of August, 2010.

by *Drene C. [Signature]*
Second Deputy

by *Melisa D. [Signature]*
Notary Public in and for Polk County, IA



(Notary Seal)



PREPARED BY: Rebecca Lawrence, Property Description Technician

EXHIBIT A

**Lots 5 through 19, Lots 100 through 105, Lots 112, 113, 122, 123, and
Outlot V of Tuscanly Plat 1, an Official Plat, now included in and forming
a part of the City of Altoona, Polk County, Iowa**

t/b/k/a Tuscanly Plat 2