

Doc ID: 031644420010 Type: PLT  
 KInd: PLAT  
 Recorded: 02/16/2017 at 10:15:45 AM  
 Fee Amt: \$57.00 Page 1 of 10  
 Polk County Iowa  
 JULIE M. HAGGERTY RECORDER  
 File# 2016-00069810  
 BK 16377 PG 657-666

PREPARED BY & RETURNED TO: BRADLEY R. GEATER, PLS, MCCLURE ENGINEERING, 1360 NW 121ST STREET, CLIVE, IOWA 50325, 515-964-1229

**OWNERS:**  
 TUSCANY RESERVE, L.L.C  
 WESTOWN PARKWAY  
 WEST DES MOINES, IOWA 50266  
 (515) 280-2059  
 JOE.PIETRUSZYNSKI@HUBBELLREALTY.COM  
 ATTN: JOE PIETRUSZYNSKI

**ENGINEER:**  
 MCCLURE ENGINEERING  
 1360 NW 121ST STREET  
 CLIVE, IOWA 50325  
 (515) 964-1229  
 CSMITH@MECRERESULTS.COM  
 ATTN: CALEB SMITH

**UTILITIES:**  
 SANITARY SEWER - CITY OF ALTOONA  
 WATER - CITY OF ALTOONA

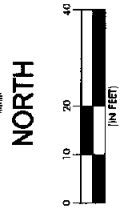
**SETBACK SUMMARY:**  
 FRONT= 25' (UNLESS NOTED OTHERWISE)  
 SIDES= 10' (5' EITHER SIDE)  
 REAR= 10'

**ZONING:**  
 R-5 (JOHN ALTMAN PUD - AMENDED 2016)

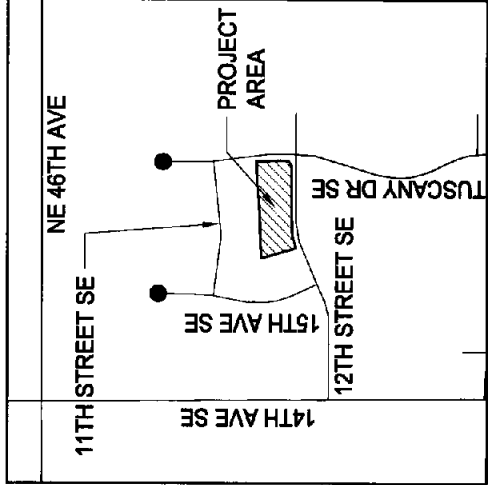
**LEGAL DESCRIPTION:**  
 LOT 22, LOT 23 AND LOT 33 THRU LOT 35 OF TUSCANY PLAT 3, AS RECORDED IN POLK COUNTY RECORDS AT BOOK 16272, PAGES 166-180, BEING LOCATED IN THE CITY OF ALTOONA, POLK COUNTY, IOWA. DESCRIBED AREA CONTAINS 43,349 SQUARE FEET AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

**NOTES:**  
 1. DEVELOPER RESPONSIBLE TO RELOCATE STREETLIGHTS AS NEEDED TO ACCOMMODATE NEW LOT LINES.  
 2. LOTS 1 AND 3 WILL HAVE 15-INCH MINIMUM DIAMETER DRIVEWAY CULVERTS.  
 3. ALL EXISTING EASEMENTS WERE RECORDED AS PART OF TUSCANY PLAT 1 IN POLK COUNTY RECORDS AT BOOK 12850, PAGE 126 UNLESS NOTED OTHERWISE

ALTOONA CONTROL POINTS		
NO.	NORTHING	EASTING
13	596720.478	1655447.953
		BRASS DISC IN CONCRETE
14	589903.242	1644866.331
		BRASS DISC IN CONCRETE (NOT IN SITE AREA)



GENERAL LEGEND	
---	ABANDONED PROPERTY LINE
---	BOUNDARY LINE
---	PROPERTY LINE
---	SECTION LINE
---	EASEMENT LINE
---	FIELD FENCE
CORNERS FOUND:	
▲	SECTION CORNER (TYPE AS NOTED)
●	FOUND 1/2" REBAR WITH YPC #8812 (UNLESS NOTED OTHERWISE)
■	FOUND 1/2" REBAR WITH OPC #19828 (UNLESS NOTED OTHERWISE)
CORNERS SET:	
○	BOUNDARY CORNER
△	SECTION CORNER
▽	1/2" REBAR OPC #19828
◇	1/2" REBAR OPC #19828
ABBREVIATIONS:	
ROW	RIGHT-OF-WAY
BK	BOOK AND PAGE
(M)	MEASURED DISTANCE/ANGLE
(R)	RECORD DISTANCE/ANGLE
PUE	PUBLIC UTILITY EASEMENT
YPC	YELLOW PLASTIC CAP
OPC	ORANGE PLASTIC CAP
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT



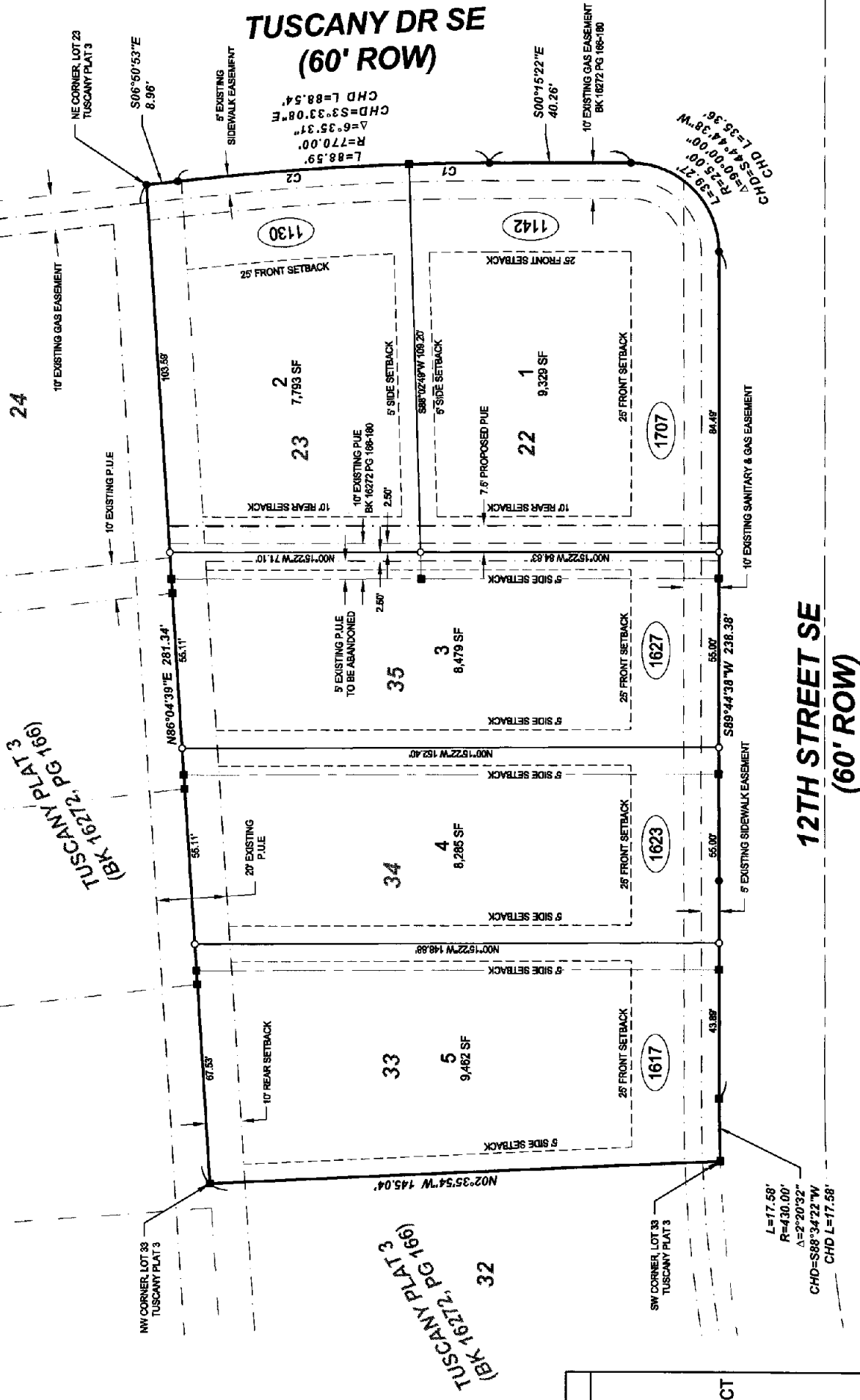
VICINITY MAP-NTS

# TUSCANY PLAT 4 ALTOONA, IA

Curve Table					
Curve #	Length	Radius	Delta	CHD B	CHD L
C1	22.80	770.00	1°41'16"	S01°06'18"E	22.80
C2	66.79	770.00	4°53'42"	S04°24'02"E	66.77



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 16 day of 2 + 17 20  
 JAMIE FITZGERALD, County Auditor  
 By 29 Jan 2017



**MCCLURE ENGINEERING Co**  
 building strong communities  
 1360 NW 121ST Street  
 Clive, Iowa 50325  
 515-964-1229  
 fax: 515-964-2370

**NOTICE:**  
 Accurate Engineering and Surveying are not all responsibility and liability for problems which arise from reliance on these plans, specifications, and the information contained herein shall be the responsibility of the client. The engineer and surveyor will not be responsible for errors, omissions, or omissions which may occur in the field or in the office.

**CONTRACT:**  
 Copyright and all other rights in these documents are hereby reserved by McClure Engineering Company. No reproduction, storage, or use in any manner shall be made without the written consent from McClure Engineering Company.



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE FIELD SURVEYS WERE 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, No. 19828  
 My license renewal date is December 31, 2017  
 Pages or sheets covered by this seal: THIS PAGE

TUSCANY PLAT 4  
 ALTOONA, IA  
 226035-07  
 12/16/2016

REVISIONS

DESIGNED BY: C. SMITH  
 CHECKED BY: P. SHELQUIST  
 DRAWING NO.: FP-04  
 SHEET NO.: 01/01

TS 57  
CJG

RETURN TO:

Prepared by, and when recorded return to: B.J. Miller, 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 set forth on the attached Exhibit A.

The undersigned property owner has caused the Property described above to be subdivided into lots to be known as "**Tuscany Plat 4**". The undersigned further acknowledge and certify that the subdivision of said **Tuscany Plat 4** is with its consent and in accordance with its desires.

Tuscany Reserve, LLC does 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 4**. Tuscany Reserve, LLC does hereby dedicate to the public all such other easements as shown on the recorded Final Plat of **Tuscany Plat 4**.

Dated this 19 day of January, 2017.

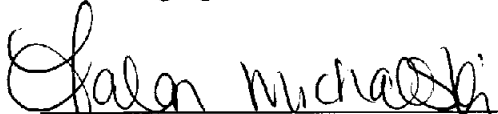
**TUSCANY RESERVE, LLC**  
By: **Hubbell Realty Company, Managing Member**

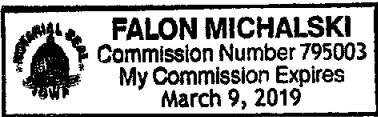
By: \_\_\_\_\_  
**Joseph F. Pietruszynski, Vice President**

By: \_\_\_\_\_  
**B.J. Miller, Assistant Secretary**

STATE OF IOWA            )  
  )SS.  
COUNTY OF DALLAS    )

This instrument was acknowledged before me on January 19, 2017 by Joseph F. Pietruszynski and B.J. Miller as a Vice President and 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**

LOTS 22, 23 AND LOTS 33, 34, 35 OF TUSCANY PLAT 3, AS RECORDED IN POLK COUNTY RECORDS AT BOOK 16272, PAGES 166-180, BEING LOCATED IN THE CITY OF ALTOONA, POLK COUNTY, IOWA.

DESCRIBED AREA CONTAINS 43,349 SQUARE FEET AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

Prepared by, and when recorded return to: B.J. Miller, 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 4**

**KNOW ALL MEN BY THESE PRESENTS:** that, First National Bank of Omaha ("First National Bank") is the present owner of the Mortgagee's interest in that certain Mortgage, granted by Tuscan Reserve, LLC, an Iowa limited liability company, as Mortgagor, to First National Bank, as Mortgagee, 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, parts of the below described real property legally described as follows:

LOTS 22, 23 AND LOTS 33, 34, 35 OF TUSCANY PLAT 3, AS RECORDED IN POLK COUNTY RECORDS AT BOOK 16272, PAGES 166-180, BEING LOCATED IN THE CITY OF ALTOONA, POLK COUNTY, IOWA.

DESCRIBED AREA CONTAINS 43,349 SQUARE FEET AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD;

which Property is the property that is to be platted into a subdivision to be known as "Tuscany Plat 4", an Official Plat, now included in and forming a part of the City of Altoona, Polk County, Iowa. First National Bank hereby acknowledges that the subdivision of the Property into lots in a plat to be known as Tuscany Plat 4 is with its consent and in accordance with its desire.

- 1. For valuable consideration, the receipt and sufficiency of which is hereby acknowledged, First National Bank does hereby subordinate the lien of the Mortgage to the City of Altoona, Iowa, as to the easements set forth on the final plat of Tuscany Plat 4 and as legally described as:

**PUBLIC UTILITY EASEMENTS**

A seven and one half foot (7.5') strip of land to be used for Public Utility Easement located in the Western 7.5 feet, parallel and adjacent to the Western line of Lot 1 and Lot 2 all in the Official Plat of Tuscany Plat 4, now including in and forming a part of the City of Altoona, Polk County, Iowa, more particularly shown on said Tuscany Plat 4.

Dated this 31<sup>ST</sup> day of January, 2017.

**FIRST NATIONAL BANK OF OMAHA**

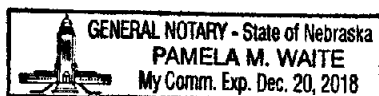
By: [Signature]  
Scott W. Damrow, Vice President

By: [Signature]  
Joel C. Jensen, Vice President

STATE OF NEBRASKA )  
  ) SS.  
COUNTY OF DOUGLAS )

On this 31<sup>ST</sup> day of January, 2017, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared Scott W. Damrow and Joel C. Jensen, to me personally known, who, being by me duly sworn, did say that they are the Vice President and Vice President of **First National Bank of Omaha**.

[Signature]  
Notary Public in and for said State



# ALTOONA

RESOLUTION # 2-6-2017# 07

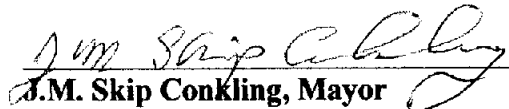
## RESOLUTION APPROVING THE FINAL PLAT FOR "TUSCANY PLAT 4"

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 6th day of February, 2017

  
J.M. Skip Conkling, Mayor

Attest:

  
Randy Pierce, City Clerk

Council member Willey introduced and moved for the adoption of  
RESOLUTION #2-6-2017# 07. Seconded by Boka.

Council Vote:	Ayes	Nays	Absent	Abstain
Boka	✓			
Mertz	✓			
O'Connor	✓			
Sloan	✓			
Willey	✓			

December 29, 2016

Mayor and City Council  
City of Altoona  
407 8th St SE  
Altoona, IA 50009

Tuscany Reserve, LLC  
6900 Westown Parkway  
West Des Moines, IA 50266

Ladies and Gentlemen:

*I*

We have examined an Abstract of Title commencing with the Root of Title entry and ending with Pencil Notes No. 705703 prepared by Iowa Title Company and certified that it reflects all matters up to December 9, 2016, at 6:00 a.m. and relating to the following property:

Lots 22, 23 and Lots 33, 34 and 35 of TUSCANY PLAT 3, as recorded in Polk County Records at Book 16272, Page 166-180, being located in the City of Altoona, Polk County, Iowa.

**To be known following platting as Tuscany Plat 4.**

As of that date and time, we find from our examination that good and marketable title to the property described above is held by:

**Tuscany Reserve, LLC**

EXCEPT THAT it is subject to the following:

1. **MORTGAGE**. There is shown a Mortgage, Security Agreement and Assignment of Rents dated October 31, 2007 and filed November 1, 2007 in Book 12433, Page 36 of the Polk County Recorder's Office from Tuscan Reserve, LLC to First National Bank of Omaha. A satisfaction of this mortgage was filed November 19, 2015 in Book 15811, Page 994. A Ratification and Revival of Mortgage was filed March 7, 2016 in Book 15915, Page 532, which reestablished the lien of the mortgage against most of the property under examination. **This mortgage is a lien on the property under examination located, and you must obtain the mortgagee's consent to your plat.**

2. **EASEMENTS AND COVENANTS**. The following easements appear in the abstract and on file in the Polk County Recorder's Office:

a. Easement for public highway filed August 24, 1949 in Book 2275, Page 560.

#2799613

DAVIS BROWN KOEHN SHORS & ROBERTS P.C.

- b. Easement for public highway filed December 12, 1951 in Book 2467, Page 233.
- c. Easement for public highway filed January 31, 1969 in Book 4008, Page 284.
- d. Easement for public highway filed April 10, 1969 in Book 4023, Page 105, re-filed July 25, 1969 in Book 4062, Page 359.
- e. Easement to Southeast Polk Rural Water District filed December 9, 1982 in Book 5211, Page 366.
- f. Easement for public highway filed April 11, 1969 in Book 4023, Page 155.
- g. Easement to Southeast Polk Rural Water District filed October 14, 1982 in Book 5199, Page 771.
- h. Fence Agreement filed November 2, 1988 in Book 5983, Page 409.
- i. Restrictive Covenant filed August 13, 2007 in Book 12327, Page 991, restricting commercial operations within a 7.98 acre parcel of the W 1/2 of Section 20, Township 79, Range 22.
- j. Development Agreement filed November 1, 2007 in Book 12433, Page 16 pertaining to construction of sanitary sewer improvements, and related payment satisfaction filed in Book 14671, Page 288.
- k. Plat of Survey filed March 20, 2008 in Book 12587, Page 325.
- l. Easements, setback requirements, and development notes shown on the Plat for Tuscany Plat 1, filed December 10, 2008 in Book 12850, Page 126, as affected by Surveyor Affidavit filed in Book 12899, Page 841, Partial Vacation filed in Book 13555, Page 760, and Partial Vacation filed in Book 13555, page 762.
- m. Sidewalk Easement filed December 10, 2008 in Book 12850, Page 180.
- n. Sanitary Sewer Force Main Easement filed December 10, 2008 in Book 12850, Page 192.
- o. Storm Sewer Easement filed December 10, 2008 in Book 12850, Page 189.
- p. Sanitary Sewer Easement filed December 10, 2008 in Book 12850, Page 195.
- q. Public Utility Easement filed December 10, 2008 in Book 12850, Page 198.
- r. Gas Easement filed December 10, 2008 in Book 12850, Page 203.
- s. Declaration of Covenants, Conditions, Easements and Restrictions Applicable to Tuscany, Altoona, Polk County, Iowa, filed December 10, 2008 in Book 12850, Page 219, amended at Book 14413, Page 798, Book 15945, Page 72 and Book 16272, Page 189.

- t. Underground Electric Line Easement filed March 12, 2009 in Book 12949, Page 785.
- u. Underground Electric Line Easement filed June 11, 2010 in Book 13473, Page 772.
- v. Disclaimer of Interest in Public Utility Easement filed July 2, 2010 in Book 13498, page 300.
- w. Easements, setback requirements, and development notes shown on the Plat for Tuscany Plat 2, filed August 27, 2010 in Book 13555, Page 764.
- x. Gas Easement filed November 16, 2016 in Book 16272, Page 181.
- y. Public Utility Easement filed November 16, 2016 in Book 16272, Page 185.

3. **REAL ESTATE TAXES.** The abstract shows that the property is subject to the taxes for 2015-2016, payable in 2016-2017 as follows: Parcel Nos. 171.00511.345.114, 171.00511.345.115, 171.00511.345.116, 171.00511.345.117, 171.00511.345.118, 171.00511.345.119, 171.00511.345.120, and 171.00511.345.121 each show 1<sup>st</sup> Installment- paid; 2<sup>nd</sup> Installment- paid, each half in the amount of \$3.00.

4. **SEARCHES.** The abstracter has conducted ten-year judgment lien searches against the owners and nothing is shown except as set forth above.

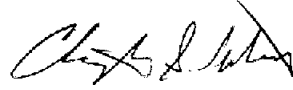
#### **GENERAL MATTERS.**

- (a) This Opinion is prepared for purposes of complying with Section 354.11 of the Iowa Code (2015) and only shows information of record that is required by Section 354.11.
- (b) This opinion does not cover matters which are not included in the abstract, and you should determine for yourself if any of the following items may be a problem:
  - (1) Plat and boundary lines;
  - (2) Parties in possession;
  - (3) Special assessments not yet certified with the County Treasurer;
  - (4) Liens for charges for municipal services not yet certified with the County Auditor;
  - (5) Zoning ordinances;
  - (6) Personal property taxes against the titleholder in the county where the property is located, which are not assessed in the taxing district where the property is located; and
  - (7) Labor or material furnished on the property within the last ninety (90) days which might become subject to mechanic's liens.



Sincerely,

DAVIS, BROWN, KOEHN, SHORS & ROBERTS, P.C.

A handwritten signature in black ink, appearing to read "Chris S. Talcott". The signature is fluid and cursive, with the first name "Chris" and last name "Talcott" clearly distinguishable.

Christopher S. Talcott

# 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 property, described as follows, to-wit:

**LOTS 22, 23, 33, 34, AND 35 OF TUSCANY PLAT 3**

to be hereinafter designated as:

## TUSCANY PLAT 4

an Official Plat, Polk County, Iowa

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

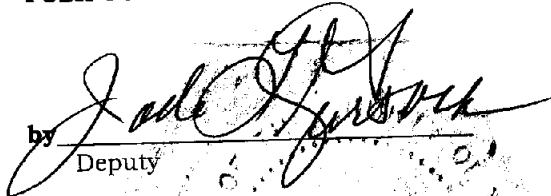
Nor are there any taxes due for Moneys and Credits, Bushels of Grain, Industrial Machinery, Data Processing Equipment, Utilities or Buildings on Leased Land against

**TUSCANY RESERVE, LLC,**

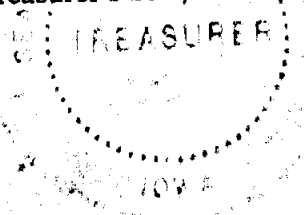
who is(are) the record title holder(s) of said real estate.

Dated at Des Moines, IA , Thursday, January 05, 2017 .

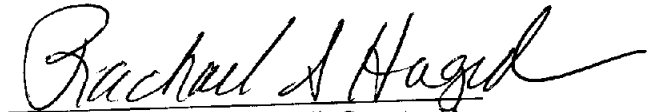
**MARY MALONEY  
POLK COUNTY TREASURER**

by   
Deputy

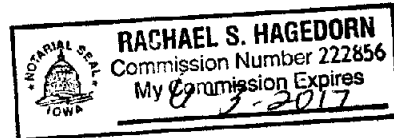
(Treasurer's Seal)



Subscribed and sworn to before me on this  
10 day of January, 2017.

by   
Notary Public in and for Polk County, IA

(Notary Seal)



PREPARED BY: Rebecca Lawrence, Property Description Specialist