Prepared by: City of Council Bluffs Public Works Department, 209 Pearl Street, Council Bluffs, Iowa 51503
Return to: David Vermillion, Public Works, 209 Pearl Street, Council Bluffs, IA 51503 (712) 890-5296

DEED RESTRICTION

That the City of Council Bluffs, Iowa, hereafter "grantor" and "holder," a municipal corporation in the County of Pottawattamie and State of Iowa, by its Mayor thereunto duly authorized, enters into this deed restriction for the purpose of subjecting the property described below to certain activity and use limitations in accordance with the terms and conditions as specified herein. Such restrictions are to prevent incompatible usage as required for woodland mitigation purposes described in Iowa Code 314.23, associated with the Steven Road West Project, City Project Number PW22-16, Iowa DOT Project Number HDP-1642(685)-71-78. The intent of the deed restriction is to preserve the existing woodland areas of the affected properties described below.

1. **Affected Property.**

   See Attached Exhibit A

2. **Identity of Grantor and Holder:**

   GRANTOR: City of Council Bluffs, Iowa
   HOLDER: City of Council Bluffs, Iowa

3. **Representations and Warranties.**
   The grantor warrants to the other signatories to this covenant the following:

   A. The grantor is the sole fee title owner of the property;
   B. The grantor holds sufficient fee title to the property to grant the rights and interests described in this covenant free of any conflicting legal and equitable claims.

4. **Running with the Land.**
   This deed restriction shall be deemed to run with the land and shall be binding on Grantor and on Grantor's successors and assigns.

5. **Restrictions to Prevent Incompatible Uses.**
   The property described in paragraph 1 above shall be subject to the following restrictions:
   A. There shall be no timbering, tree removal or other agricultural activities on the property except for those required for safety purposes of the woodland.
   B. Grantor shall be responsible for compliance with all state and local laws governing the safety and maintenance of the property.

6. **Effective Date.**
   The effective date of this deed restriction shall be the date upon which the fully executed deed restriction has been properly recorded with the Pottawattamie County Recorder's Office.

KNOWLEDGEMENTS

GRANTOR

_____ Dated this _____day of _____, 2023
MATTHEW J. WALSH, Mayor
City of Council Bluffs, Iowa

STATE OF IOWA)
COUNTY OF POTTAWATTAMIE) ss.

On this _____ day of _____, 2023, before me the undersigned, a Notary Public in and for said County and State, personally appeared Matthew J. Walsh, to me personally known, who, being by me duly sworn, did say that they are the Mayor, respectively, of the said City of Council Bluffs, Iowa, a municipal corporation; that said instrument was signed and sealed on behalf of the said City of Council Bluffs, Iowa, by authority of its City Council; and that said Matthew J. Walsh, as such officer, acknowledge the execution of said instrument to be the voluntary act and deed of said City, by it and by them voluntarily executed.

_____
Notary Public in and for said State

HOLDER

_____ Dated this _____day of _____, 2023
MATTHEW J. WALSH, Mayor
City of Council Bluffs, Iowa

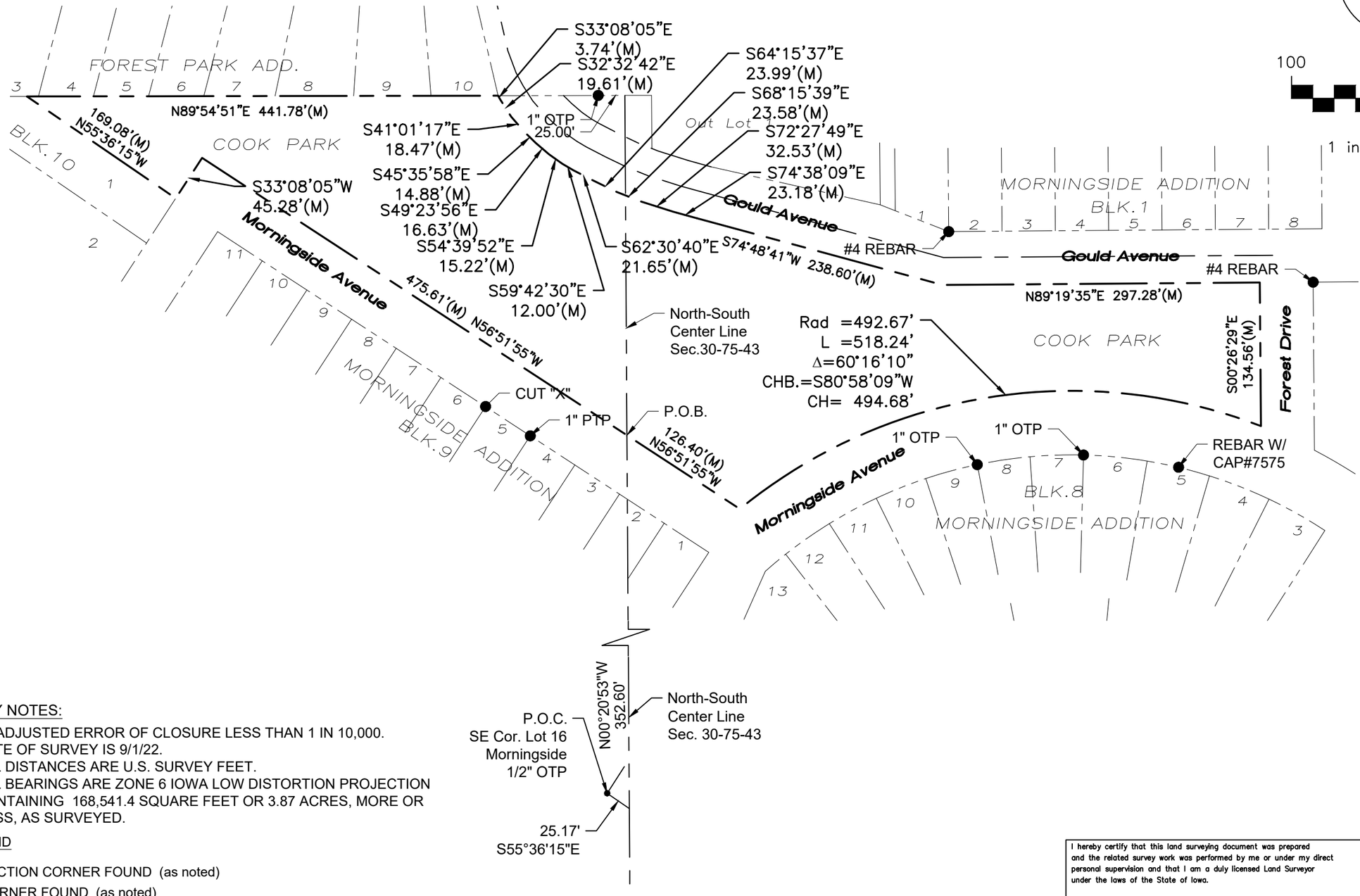
STATE OF IOWA)
COUNTY OF POTTAWATTAMIE) ss.

On this _____ day of _____, 2023, before me the undersigned, a Notary Public in and for said County and State, personally appeared Matthew J. Walsh, to me personally known, who, being by me duly sworn, did say that they are the Mayor, respectively, of the said City of Council Bluffs, Iowa, a municipal corporation; that said instrument was signed and sealed on behalf of the said City of Council Bluffs, Iowa, by authority of its City Council; and that said Matthew J. Walsh, as such officer, acknowledge the execution of said instrument to be the voluntary act and deed of said City, by it and by them voluntarily executed.

_____
Notary Public in and for said State

WOODLAND MITIGATION EXHIBIT

FOR THE CITY OF COUNCIL BLUFF, IOWA



SURVEY NOTES:

1. UNADJUSTED ERROR OF CLOSURE LESS THAN 1 IN 10,000.
2. DATE OF SURVEY IS 9/1/22.
3. ALL DISTANCES ARE U.S. SURVEY FEET.
4. ALL BEARINGS ARE ZONE 6 IOWA LOW DISTORTION PROJECTION
5. CONTAINING 168,541.4 SQUARE FEET OR 3.87 ACRES, MORE OR LESS, AS SURVEYED.

LEGEND

- ▲ SECTION CORNER FOUND (as noted)
- ● CORNER FOUND (as noted)
- ○ CORNER SET (#4 Rebar w/Cap #18370)
- P PLAT DIMENSION
- R RECORD DIMENSION
- M MEASURED DIMENSION

AREA AS SURVEYED:

▭ = COOK PARK WOODLAND MITIGATION PARCEL

TOTAL = 168,541.4 SQ.FT. (3.87 AC.) MORE OR LESS

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.

Signed Brian L. Yentes Date 11/4/2022

Brian L. Yentes, P.L.S.
Iowa License No. 18370
My license renewal date is December 31, 2022
Pages or Sheets covered under this seal: 1 of 1 and 1 of 2

PROFESSIONAL LAND SURVEYOR Brian L. Yentes No. 18370 IOWA

Consultant: RW Engineering & Surveying, Inc. 7525 N 101st Street, Omaha, NE 68122 (402)-573-2205 www.rwmidwest.com
Owner:

COOK PARK
COUNCIL BLUFFS, IA

DRAWING INFO

BOUNDARY EXHIBIT

PROJECT INFO

PROJECT NO:	22-2330
DATE:	11/11/2022
DESIGNED BY:	
DRAWN BY:	BLY
CHECKED BY:	CJG

REVISION DATE

SHEET

1 of 2

WOODLAND MITIGATION EXHIBIT

FOR THE CITY OF COUNCIL BLUFF, IOWA

LEGAL DESCRIPTION:

That part of Graham Park in Morningside Addition as platted and recorded in the City of Council Bluffs, Pottawattamie County, Iowa, more particularly described as follows: Commencing at the southwest corner of Lot 16 of said Morningside Addition; thence S55°36'15”E (all bearings referenced to Zone6 of the Iowa Regional Coordinate System) a distance of 25.17 feet along the south line of said Lot 16 to the north-south center line of Section 30, Township 75 North, Range 43 West of the 5th P.M., thence S00°20'53”E a distance of 72.92 feet along said north-south center line to the south right-of-way of Frank Street to theThat part of Cook Park in Morningside Addition as platted and recorded in the City of Council Bluffs, Pottawattamie County, Iowa, more particularly described as follows:

Commencing at the southwest corner of Lot 16 of said Morningside Addition; thence S55°36'15”W (all bearings referenced to Zone6 of the Iowa Regional Coordinate System) a distance of 25.17 feet along the south line of said Lot 16 to the north-south center line of Section 30, Township 75 North, Range 43 West of the 5th P.M., thence N00°20'53”W a distance of 352.60 feet along said north-south center line to the north right-of-way of Morningside Avenue to the point of beginning; thence N56°51'55”W a distance of 475.61 feet along said north right-of-way to the west right-of-way of Morningside Avenue; thence S33°08'05”W a distance of 45.28 feet along said west right-of-way to the north line of Lot 1 of Morningside Addition; thence N55°36'15”W a distance of 169.08' along said north line to the north line of Cook Park in Morningside Addition, said north line also being the south line of Forest Park Addition; thence N89°54'51”E a distance of 441.78 feet along said south line of Forest Park Addition to the west right-of-way of Gould Avenue; thence along said west right-of-way the following 14 courses:

1. S28°25'34”E a distance of 3.74 feet;
2. S32°32'42”E a distance of 19.61 feet;
3. S41°01'17”E a distance of 18.47 feet;
4. S45°35'58”E a distance of 14.88 feet;
5. S49°23'56”E a distance of 16.63 feet;
6. S54°39'52”E a distance of 15.22 feet;
7. S59°42'30”E a distance of 12.00 feet;
8. S62°30'40”E a distance of 21.65 feet;
9. S64°15'37”E a distance of 23.99 feet;
10. S68°15'39”E a distance of 23.58 feet;
11. S72°27'49”E a distance of 32.53 feet;
12. S74°38'09”E a distance of 23.18 feet;
13. S74°48'41”E a distance of 238.60 feet;
14. N89°33'31”E a distance of 297.28 feet to the west right-of-way of Forest Drive;

thence S00°26'29”E a distance of 134.56 feet along said west right-of-way to the north right-of-way of Morningside Avenue to a point of intersection; thence along a non-tangent curve to the left a distance of 518.24 feet, with a radius of 492.67 feet and a central angle of 60°16'10”, a chord which bears S80°58'09”W a distance of 494.68 feet along said north right-of-way to a point of intersection; thence N56°51'55”W a distance of 126.40' along said north right-of-way to the point of beginning.

Containing 168,541.4 square feet or 3.87 acres more or less.

Consultant: RW Engineering & Surveying, Inc. 7525 N 101st Street, Omaha, NE 68122
(402)-573-2205
www.rwmidwest.com
Owner:

GRAHAM AND COOK PARKS
DOUGLAS COUNTY, NEBRASKA

DRAWING INFO

BOUNDARY SURVEY

PROJECT INFO

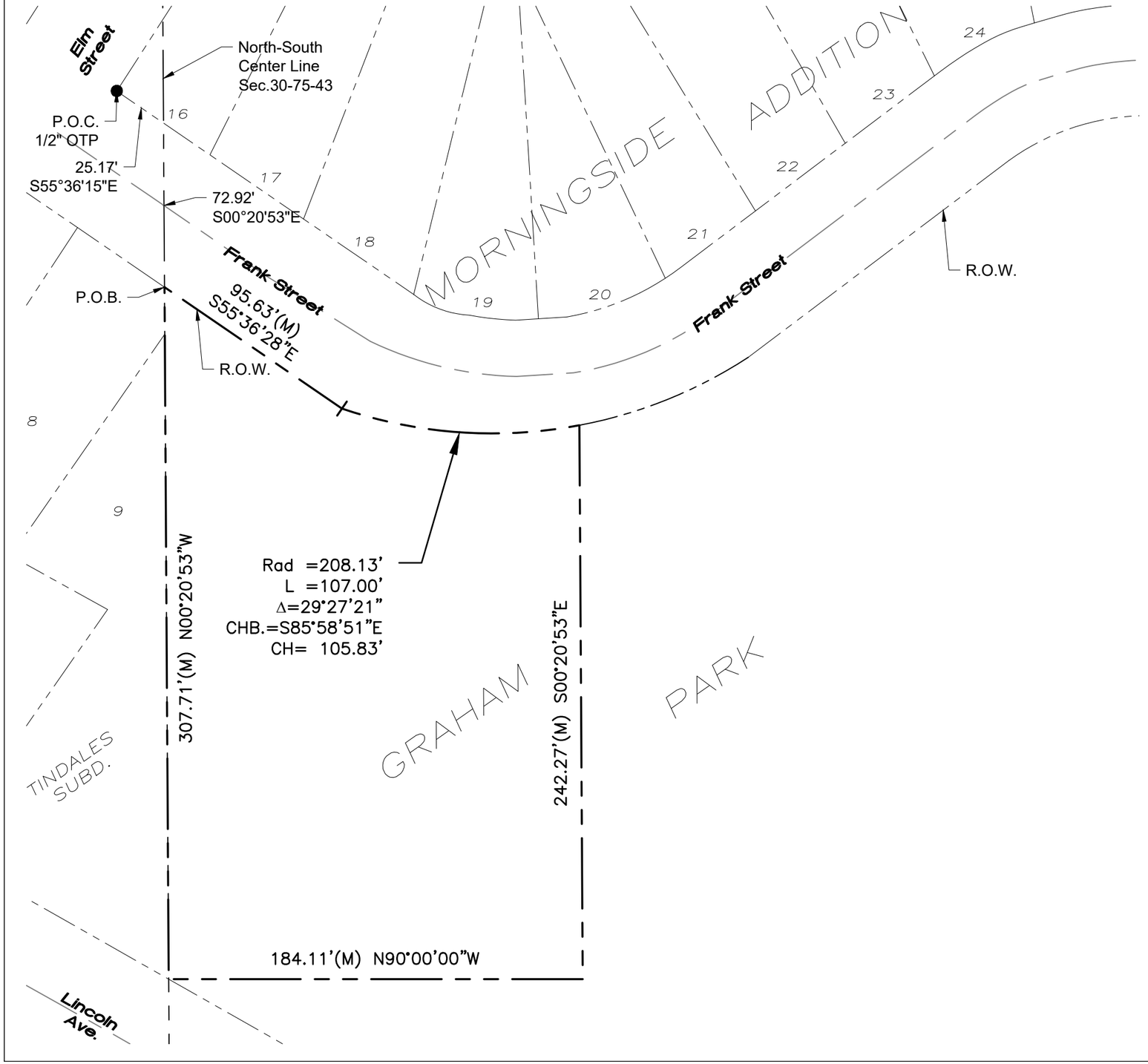
PROJECT NO:	22-2330
DATE:	11/11/2022
DESIGNED BY:	
DRAWN BY:	BLY
CHECKED BY:	CJG

REVISION DATE

SHEET

WOODLAND MITIGATION EXHIBIT

FOR THE CITY OF COUNCIL BLUFF, IOWA



SURVEY NOTES:

1. UNADJUSTED ERROR OF CLOSURE LESS THAN 1 IN 10,000.
2. DATE OF SURVEY IS 9/1/22.
3. ALL DISTANCES ARE U.S. SURVEY FEET.
4. ALL BEARINGS ARE ZONE 6 IOWA LOW DISTORTION PROJECTION
5. CONTAINING 47,951.8 SQUARE FEET OR 1.10 ACRES, MORE OR LESS, AS SURVEYED.
6. LACK OF EXISTING FOUND MONUMENTATION NECESSITATED THE NEED USE THE CENTERLINE OF ROAD PAVEMENT TO ESTABLISH ROAD RIGHT-OF-WAY.

LEGEND

- ▲ SECTION CORNER FOUND (as noted)
- ● CORNER FOUND (as noted)
- ○ CORNER SET (#4 Rebar w/Cap #18370)
- P PLAT DIMENSION
- R RECORD DIMENSION
- M MEASURED DIMENSION

AREA AS SURVEYED:

▭ = GRAHAM PARK WOODLAND MITIGATION PARCEL

TOTAL = 47,951.8 SQ.FT. (1.10 AC.) MORE OR LESS

NORTH

50 0 50

1 inch = 50 ft.

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.

Signed Brian L. Yentes Date 11/4/2022

Brian L. Yentes, P.L.S.
Iowa License No. 18370
My license renewal date is December 31, 2022
Pages or Sheets covered under this seal: 1 of 1 and 1 of 2

PROFESSIONAL LAND SURVEYOR Brian L. Yentes No. 18370 IOWA

Consultant: RW Engineering & Surveying, Inc. 7525 N 101st Street, Omaha, NE 68122 (402)-573-2205 www.rwmidwest.com
Owner:

GRAHAM PARK
COUNCIL BLUFFS, IOWA

DRAWING INFO

BOUNDARY EXHIBIT

PROJECT INFO

PROJECT NO:	22-2330
DATE:	11/4/2022
DESIGNED BY:	
DRAWN BY:	BLY
CHECKED BY:	CJG

REVISION	DATE
CHANGED WOODLAND BOUNDARY	11-18-22

SHEET

1 of 2

WOODLAND MITIGATION EXHIBIT

FOR THE CITY OF COUNCIL BLUFF, IOWA

LEGAL DESCRIPTION:

That part of Graham Park in Morningside Addition as platted and recorded in the City of Council Bluffs, Pottawattamie County, Iowa, more particularly described as follows: Commencing at the southwest corner of Lot 16 of said Morningside Addition; thence S55°36'15”E (all bearings referenced to Zone6 of the Iowa Regional Coordinate System) a distance of 25.17 feet along the south line of said Lot 16 to the north-south center line of Section 30, Township 75 North, Range 43 West of the 5th P.M., thence S00°20'53”E a distance of 72.92 feet along said north-south center line to the south right-of-way of Frank Street to the point of beginning; thence S55°36'28”E a distance of 95.63 feet along said south right-of-way to a point; thence along a non-tangent curve to the left a distance of 107.00 feet, with a radius of 208.13 feet and a central angle of 29°27'21”, a chord which bears S85°58'51”E a distance of 105.83 feet along said south right-of-way to a point of intersection; thence S00°20'53”E a distance of 246.27 feet; thence N90°00'00”W a distance of 184.11 to said north-south center line; thence N00°20'53”W a distance of 307.71 feet along said north-south center line to the point of beginning.

Containing 47,951.8 square feet or 1.10 acres more or less.

Consultant: RW Engineering & Surveying, Inc. 7525 N 101st Street, Omaha, NE 68122
(402)-573-2205
www.rwmidwest.com
Owner:

GRAHAM PARK
COUNCIL BLUFFS, IOWA

DRAWING INFO

BOUNDARY EXHIBIT

PROJECT INFO

PROJECT NO:	22-2330
DATE:	11/4/2022
DESIGNED BY:	
DRAWN BY:	BLY
CHECKED BY:	CJG

REVISION DATE

SHEET