RIVER ROAD SUBDIVISION

PARCEL "A" BEING A PORTION OF GOVERNMENT LOTS 2, 3 AND 4 AND ACCRETIONS THERETO IN SECTION 04, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5th PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

RECORDER'S INDEX
LOT:
BLOCK:
GOVERNMENT LOTS: 2, 3 AND 4 AND ACCRETIONS
SECTION: 04 /TOWNSHIP: 74 / RANGE: 44
ALIQUOT PART:
CITY: COUNCIL BLUFFS
COUNTY: POTTAWATTAMIE
PROPRIETOR: CITY OF COUNCIL BLUFFS
REQUESTED BY: CITY OF COUNCIL BLUFFS
DATE OF FIELD SURVEY: JULY 13, 2019

PREPARED BY: JONATHAN M. LEISINGER, P.L.S., HGM ASSOCIATES INC., P.O. BOX 916, COUNCIL BLUFFS, IOWA 51502 (712)323-0530

OWNER/DEVELOPER:
CITY OF COUNCIL BLUFFS
209 PEARL STREET
COUNCIL BLUFFS, IOWA 51503

LEGAL DESCRIPTION – (DEED RECORDED IN BOOK 2016, PAGE 17366)

PARCEL "A" BEING A PORTION OF GOVERNMENT LOTS 2, 3 AND 4 AND ACCRETIONS THERETO IN SECTION 04, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5th PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 04;

THENCE ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 3, NORTH 86 DEGREES 33 MINUTES 57 SECONDS WEST, 1028.90;

THENCE SOUTH 03 DEGREES 26 MINUTES 03 SECONDS WEST, 827.85 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE SIECK LEVEE, SAID POINT ALSO BEING ON A NON-TANGENT CURVE, CONCAVE SOUTHWESTERLY TO WHICH POINT A RADIAL LINE BEARS NORTH 52 DEGREES 10 MINUTES 39 SECONDS EAST, 2779.79 FEET;

THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING FOUR (4) COURSES:

1) SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 04 DEGREES 22 MINUTES 45 SECONDS, 212.46 FEET;
2) SOUTH 33 DEGREES 26 MINUTES 36 SECONDS EAST, 352.43 FEET;
3) SOUTH 15 DEGREES 50 MINUTES 39 SECONDS EAST, 120.55 FEET;
4) SOUTH 04 DEGREES 07 MINUTES 13 SECONDS EAST, 835.95 FEET;

THENCE NORTH 88 DEGREES 25 MINUTES 36 SECONDS WEST, 1246.45 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF RIVER ROAD;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES:

1) NORTH 07 DEGREES 17 MINUTES 22 SECONDS WEST, 1624.03 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE EASTERLY TO WHICH POINT A RADIAL LINE BEARS SOUTH 82 DEGREES 31 MINUTES 41 SECONDS WEST, 341.28 FEET;
2) NORTH ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09 DEGREES 59 MINUTES 18 SECONDS, 59.50 FEET;
3) NORTH 02 DEGREES 35 MINUTES 52 SECONDS EAST, 421.06 FEET TO A POINT THAT IS 10.00 FEET NORMALLY DISTANT SOUTHEASTERLY FROM THE CENTERLINE OF TRACK OF THE UNION PACIFIC RAILROAD AS IT CURRENTLY IS CONSTRUCTED AND OPERATED;

THENCE PARALLEL AND/OR CONCENTRIC WITH AND 10.00 FEET NORMALLY DISTANT SOUTHEASTERLY FROM SAID CENTERLINE, THE FOLLOWING TWO (2) COURSES:

1) NORTH 39 DEGREES 52 MINUTES 58 SECONDS EAST, 171.24 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 448.37 FEET;
2) NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 12 DEGREES 25 MINUTES 24 SECONDS, 97.22 FEET TO A POINT ON SAID SOUTHWESTERLY RIGHT-OF-WAY LINE;

THENCE ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, SOUTH 37 DEGREES 49 MINUTES 21 SECONDS EAST, 1401.20 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 48.479 ACRES, MORE OR LESS.

NOTE:

THIS LEGAL DESCRIPTION DESCRIBES THE SAME PROPERTY IN A QUIT CLAIM DEED RECORDED IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE AT BOOK 98, PAGE 1914 (SPECIFIC LEGAL DESCRIPTION PAGES 1918-1920) WITH THE EXCEPTION OF RECENT IaDOT ACQUISITIONS FOR INTERSTATE RIGHT-OF-WAY RECORDED IN BOOK 2010, PAGE 4002 AND BOOK 2011, PAGE 3547.

NOTE:

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

CITY COUNCIL

APPROVED BY MAYOR: THE HONORABLE MATTHEW J. WALSH DATE

ATTESTED TO BY:

CITY CLERK: JODI QUAKENBUSH DATE

COMMUNITY DEVELOPMENT DIRECTOR: BRANDON GARRETT DATE

CERTIFICATE OF TREASURER OF POTTAWATTAMIE COUNTY, IOWA

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

TREASURER OF POTTAWATTAMIE COUNTY, IOWA: LEA A. VOSS DATE

DEDICATION:

KNOW ALL PERSONS BY THESE PRESENTS THAT CITY OF COUNCIL BLUFFS, BEING THE SOLE OWNER OF THE PROPERTY DESCRIBED WITHIN THE LEGAL DESCRIPTION AND EMBRACED WITHIN THIS PLAT, HAS CAUSED SAID PROPERTY TO BE SUBDIVIDED AS LOT 1 AND LOT 2, INCLUSIVE. SAID PROPERTY TO BE KNOWN AS RIVER ROAD SUBDIVISION.

AS PART OF THE PLATTING, THE CITY OF COUNCIL BLUFFS DOES HEREBY DEDICATE TO THE CITY OF COUNCIL BLUFFS, IOWA, A 30.00 FEET WIDE ACCESS EASEMENT ACROSS THE NORTHERLY PORTION OF LOT 1 AS SHOWN ON THE DRAWING.

AS PART OF THE PLATTING, THE CITY OF COUNCIL BLUFFS DOES HEREBY DEDICATE TO THE CITY OF COUNCIL BLUFFS A 30.00 FEET WIDE UTILITY EASEMENT ALONG THE WEST SIDE OF LOT 1 AND LOT 2 AS SHOWN ON THE DRAWING.

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

A. ERECTION OF STRUCTURES PROHIBITED: GRANTOR SHALL NOT ERECT ANY STRUCTURE OVER OR WITHIN THE EASEMENT AREA WITHOUT OBTAINING THE PRIOR WRITTEN CONSENT OF THE CITY ENGINEER WHICH SHALL NOT BE UNREASONABLY WITHHELD, PROVIDED HOWEVER GRANTOR SHALL HAVE THE RIGHT TO PLACE AND MAINTAIN A SURFACE ROADWAY OVER AND WITHIN THE EASEMENT AREA.

B. CHANGE OF GRADE PROHIBITED: GRANTOR SHALL NOT CHANGE THE GRADE, ELEVATION, OR CONTOUR OF ANY PART OF THE EASEMENT AREA WITHOUT OBTAINING THE PRIOR WRITTEN CONSENT OF THE CITY ENGINEER WHICH SHALL NOT BE UNREASONABLY WITHHELD.

C. RIGHT OF ACCESS: CITY SHALL HAVE THE RIGHT OF ACCESS TO THE EASEMENT AREA AND HAVE ALL RIGHT OF INGRESS AND EGRESS REASONABLY NECESSARY FOR THE USE AND ENJOYMENT OF THE EASEMENT AREA AS HEREIN DESCRIBED.

D. REMOVAL AND REPLACEMENT: WITH THE EXCEPTION OF EXISTING STRUCTURES, THE COST OF REMOVAL AND REPLACEMENT OF ANY UNAUTHORIZED IMPROVEMENT OR STRUCTURES WITHIN THE EASEMENT AREA, NECESSITATED BY THE EXERCISE OF THE RIGHTS UNDER THIS EASEMENT, SHALL BE BORNE BY THE GRANTOR OR THEIR SUCCESSORS OR ASSIGNS.

E. SURFACE RESTORATION: CITY'S LIABILITY TO RESTORE THE SURFACE WITHIN THE EASEMENT AREA SHALL BE LIMITED ONLY TO GRADING AND SEEDING, AND REPLACEMENT OF GRANTORS SURFACED ROADWAY.

F. DUTY TO REPAIR: CITY AGREES THAT ANY DRAIN TILE, DRIVE OR ACCESS WAY, FENCE, OR YARD OR OTHER IMPROVEMENTS OUTSIDE OF THE EASEMENT AREA WHICH MAY BE DAMAGED AS A RESULT OF ANY ENTRY MADE THROUGH AN EXERCISE OF THE CITY'S RIGHT OF ACCESS SHALL BE REPAIRED AT NO EXPENSE TO GRANTOR AND TO GRANTOR'S SATISFACTION.

G. EASEMENT RUNS WITH LAND: THIS EASEMENT SHALL BE DEEMED TO RUN WITH THE LAND AND SHALL BE BINDING ON GRANTOR AND ON GRANTOR'S SUCCESSORS AND ASSIGNS.

WE HEREBY CERTIFY THAT WE WILL MEET ALL EQUAL OPPORTUNITY AND FAIR MARKETING OBJECTIVES CONSISTENT WITH FEDERAL, STATE AND LOCAL GUIDELINES. WE HEREBY CERTIFY THAT THE FOLLOWING DOCUMENTS WILL BE RECORDED WITH THE POTTAWATTAMIE COUNTY RECORDER CONTEMPORANEOUSLY WITH THE FILING OF THE FINAL PLAT.

A. ALL PRIVATE RESTRICTIONS AND/OR COVENANTS, IF ANY, WHICH WILL BE A PART OF THE SUBJECT DEVELOPMENT.
B. CERTIFIED RESOLUTION OF EACH GOVERNING BODY APPROVING THE SUBDIVISION OR WAIVING THE RIGHT TO REVIEW.

IN WITNESS THEREOF, I DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF THE CITY OF COUNCIL BLUFFS PROPERTY AS CONTAINED HEREIN ON THIS _____ DAY OF _____, 2019.

BY: _____
THE HONORABLE MATTHEW J. WALSH, MAYOR

STATE OF IOWA)
) SS.
COUNTY OF POTTAWATTAMIE)

ON THIS _____ DAY OF _____, 2019, BEFORE ME A NOTARY PUBLIC IN AND FOR THE STATE OF IOWA, PERSONALLY APPEARED MATTHEW J. WALSH, TO ME PERSONALLY KNOWN, WHO BEING BY ME DULY SWORN, DID SAY HE IS THE MAYOR OF THE CITY OF COUNCIL BLUFFS, THAT NO SEAL HAS BEEN PROCURED BY THE SAID CITY OF COUNCIL BLUFFS, AND THAT SAID INSTRUMENT WAS SIGNED ON BEHALF OF THE SAID CITY OF COUNCIL BLUFFS BY AUTHORITY OF THE CITY COUNCIL AND SAID MATTHEW J. WALSH ACKNOWLEDGED THE EXECUTION OF THE INSTRUMENT TO BE THE VOLUNTARY ACT AND DEED OF SAID CITY OF COUNCIL BLUFFS BY IT VOLUNTARILY EXECUTED.

NOTARY PUBLIC IN AND FOR SAID STATE MY COMMISSION EXPIRES _____

PROFESSIONAL LAND SURVEYOR
JONATHAN M. LEISINGER
14415
IOWA

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

AUGUST 12, 2019
JONATHAN M. LEISINGER DATE
LICENSE NUMBER 14415
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2020
PAGES OR SHEETS COVERED BY THIS SEAL:
SHEET 1 OF 2 SHEET 2 OF 2

hgm ASSOCIATES INC.
ENGINEERING ARCHITECTURE SURVEYING
council bluffs omaha

DEF drawn DEF checked JM approved JUN '19 date revision date

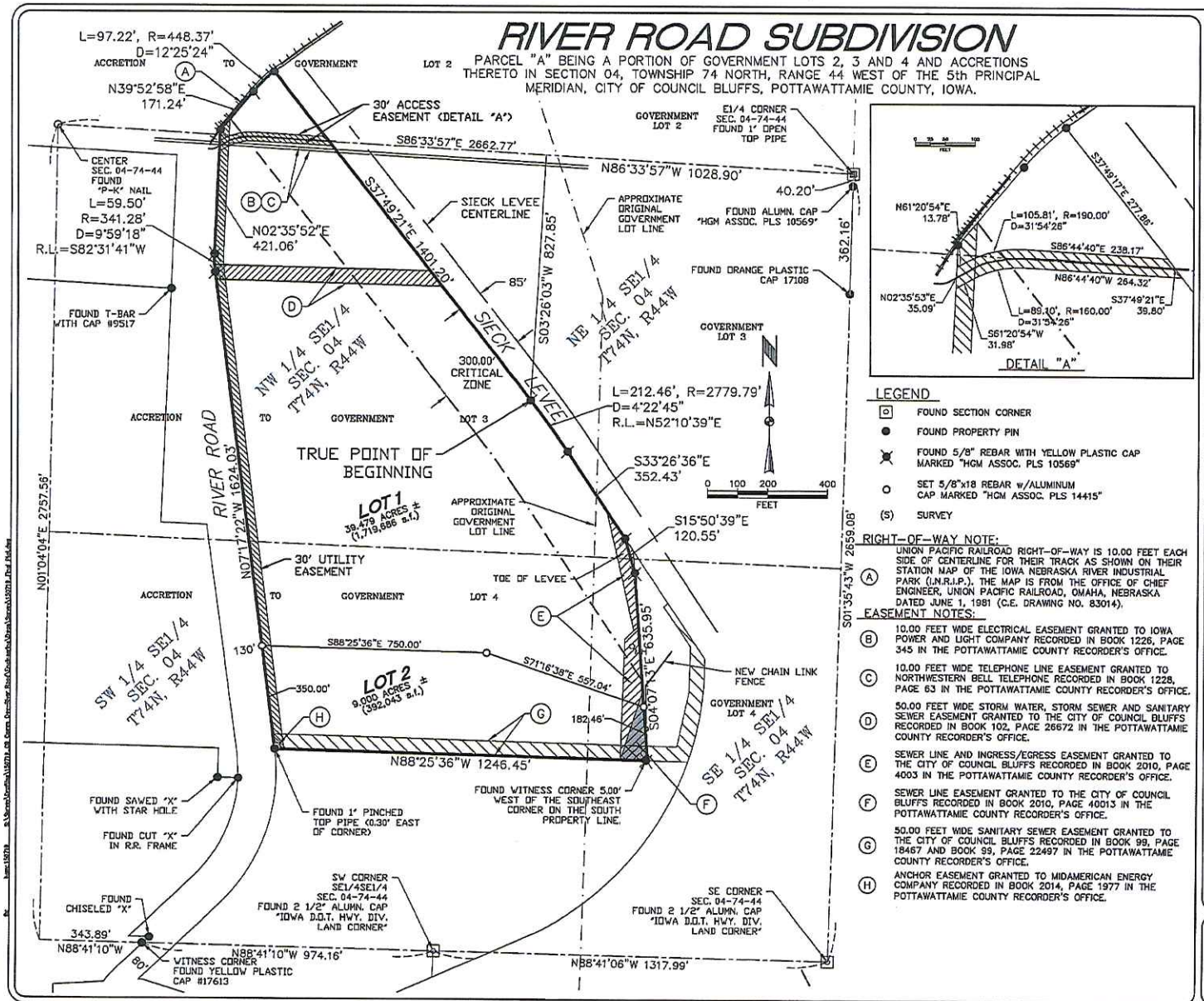
project RIVER ROAD SUBDIVISION
GOV. LOTS 2, 3 AND 4 AND ACCRETIONS THERETO 04-74-44
client 209 PEARL STREET, COUNCIL BLUFFS, IOWA 51503
149 WEST BROADWAY, COUNCIL BLUFFS, IOWA 51502
sheet

project no. 150719
sheet 1 OF 2

ATTACHMENT A

RIVER ROAD SUBDIVISION

PARCEL "A" BEING A PORTION OF GOVERNMENT LOTS 2, 3 AND 4 AND ACCRETIONS THERETO IN SECTION 04, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5th PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.



LEGEND

- FOUND SECTION CORNER
- FOUND PROPERTY PIN
- FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "HGM ASSOC. PLS 10569"
- SET 5/8"x18 REBAR w/ALUMINUM CAP MARKED "HGM ASSOC. PLS 14415"
- (S) SURVEY

RIGHT-OF-WAY NOTE:

(A) UNION PACIFIC RAILROAD RIGHT-OF-WAY IS 10.00 FEET EACH SIDE OF CENTERLINE FOR THEIR TRACK AS SHOWN ON THEIR STATION MAP OF THE IOWA NEBRASKA RIVER INDUSTRIAL PARK (I.N.R.I.P.). THE MAP IS FROM THE OFFICE OF CHIEF ENGINEER, UNION PACIFIC RAILROAD, OMAHA, NEBRASKA DATED JUNE 1, 1981 (C.E. DRAWING NO. 83014).

EASEMENT NOTES:

(B) 10.00 FEET WIDE ELECTRICAL EASEMENT GRANTED TO IOWA POWER AND LIGHT COMPANY RECORDED IN BOOK 1226, PAGE 345 IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE.

(C) 10.00 FEET WIDE TELEPHONE LINE EASEMENT GRANTED TO NORTHWESTERN BELL TELEPHONE RECORDED IN BOOK 1228, PAGE 63 IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE.

(D) 50.00 FEET WIDE STORM WATER, STORM SEWER AND SANITARY SEWER EASEMENT GRANTED TO THE CITY OF COUNCIL BLUFFS RECORDED IN BOOK 102, PAGE 26672 IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE.

(E) SEWER LINE AND INGRESS/EGRESS EASEMENT GRANTED TO THE CITY OF COUNCIL BLUFFS RECORDED IN BOOK 2010, PAGE 4003 IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE.

(F) SEWER LINE EASEMENT GRANTED TO THE CITY OF COUNCIL BLUFFS RECORDED IN BOOK 2010, PAGE 40013 IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE.

(G) 50.00 FEET WIDE SANITARY SEWER EASEMENT GRANTED TO THE CITY OF COUNCIL BLUFFS RECORDED IN BOOK 99, PAGE 18467 AND BOOK 99, PAGE 22497 IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE.

(H) ANCHOR EASEMENT GRANTED TO MIDAMERICAN ENERGY COMPANY RECORDED IN BOOK 2014, PAGE 1977 IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE.

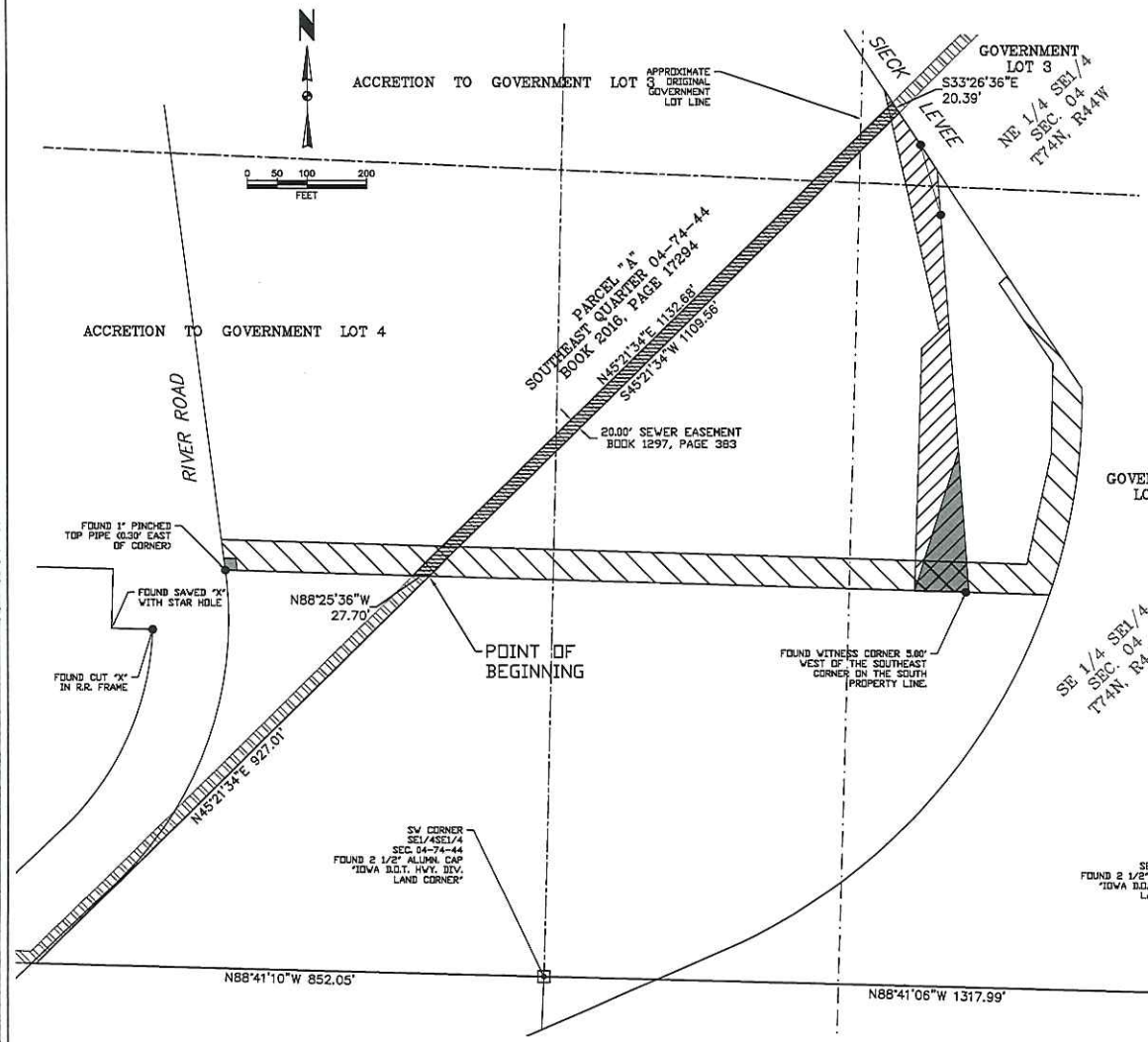
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DEF drawn DEF checked JM approved JUN-19 date revision

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GOV. LOTS 2, 3 AND 4 AND ACCRETIONS THERETO 04-74-44
client 209 PEARL STREET, COUNCIL BLUFFS, IOWA 51503
140 WEST BROADWAY, COUNCIL BLUFFS, IOWA 51502
sheet

project no. 150719
sheet 2 OF 2

EXHIBIT A



LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF PARCEL "A" IN THE SOUTHEAST QUARTER OF SECTION 04, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5th PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOW:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 04;

THENCE ON THE SOUTH LINE OF SAID SECTION 04 THE FOLLOWING TWO (2) COURSES:

1) NORTH 88 DEGREES 41 MINUTES 06 SECONDS WEST, 1317.99 FEET;
2) NORTH 88 DEGREES 41 MINUTES 10 SECONDS WEST, 852.05 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF A SEWER EASEMENT RECORDED IN BOOK 1297, PAGE 383 IN THE POTTAWATTAMIE COUNTY RECORDER'S OFFICE;

THENCE ON SAID SOUTHEASTERLY LINE, NORTH 45 DEGREES 21 MINUTES 34 SECONDS EAST, 927.01 FEET TO A POINT ON THE SOUTH LINE OF SAID PARCEL "A", SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE ON SAID SOUTH LINE, NORTH 88 DEGREES 25 MINUTES 36 SECONDS WEST, 27.70 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID SEWER EASEMENT;

THENCE ON SAID NORTHWESTERLY LINE, NORTH 45 DEGREES 21 MINUTES 34 SECONDS EAST, 1132.68 FEET TO A POINT ON THE NORTHEASTERLY LINE OF SAID PARCEL "A";

THENCE ON SAID NORTHEASTERLY LINE, SOUTH 33 DEGREES 26 MINUTES 36 SECONDS EAST, 20.39 FEET TO A POINT ON SAID SOUTHEASTERLY LINE;

THENCE ON SAID SOUTHEASTERLY LINE, SOUTH 45 DEGREES 21 MINUTES 34 SECONDS WEST, 1109.56 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 22,422 SQUARE FEET (0.515 ACRE), MORE OR LESS.

hgm ASSOCIATES INC.
640 FIFTH AVENUE, COUNCIL BLUFFS, IOWA
PHONE: (712) 323-0530

DEF drawn DEF designed DEF approved 5/23/19 date revision

project RIVER ROAD SUBDIVISION
PARCEL "A", SE1/4 SECTION 04-74-44
client CITY OF COUNCIL BLUFFS
200 PEARL STREET, COUNCIL BLUFFS, IOWA 51503
sheet VACATE EASEMENT EXHIBIT

project no. 150719
sheet 1 OF 1

ATTACHMENT B