ATTACHMENT B

INDEX LEGEND
COUNTY: POTTAWATTAMIE
CITY: COUNCIL BLUFFS, IOWA
SUBDIVISION: HOWARD'S ADDITION
BLOCK(S): BLOCK 5
LOT(S): PART OF LOTS 1-8 AND PART OF 21, ALL OF LOTS 9-20 AND ALL OF LOT 22
PROPRIETOR: RCW ENTERPRISES INC.
REQUESTED BY: RYAN C. ROGERS
PROPRIETOR: M M T D, LLC,
REQUESTED BY: THOMAS LUSTGRAAF
LAND SURVEYING COMPANY: ROGERS SURVEYING

PREPARED BY: CARL H. ROGERS, JR. PHONE: (402) 689-1549
1688 ROLLING HILLS LOOP, COUNCIL BLUFFS, IOWA 51503

FINAL PLAT OF OAKLEY SUBDIVISION

BEING A RE-PLAT OF THE EAST 30.00 FEET OF LOT 21, THE EAST 30.00 FEET OF LOT 1 THROUGH LOT 8, INCLUSIVE, AND LOT 9 THROUGH LOT 20, INCLUSIVE, AND LOT 22 AND THE VACATED NORTH/SOUTH ALLEYS IN BLOCK 5, HOWARD'S ADDITION, COUNCIL BLUFFS, IOWA, AND ALSO VACATED 17TH AVENUE RIGHT OF WAY ON THE SOUTH SIDE OF SAID BLOCK 5 AND LYING EAST OF THE NORTHEASTERLY RIGHT OF WAY LINE OF EMIL PAVICH TRAIL AND LYING WEST OF THE WEST RIGHT OF WAY LINE OF SOUTH 11TH STREET.

OWNER: RCW ENTERPRISES INC., PRESIDENT- RYAN C. ROGERS
P.O. BOX 33, COUNCIL BLUFFS, IOWA 51502

OWNER: M M T D, LLC, SOLE MEMBER, THOMAS LUSTGRAAF
P O BOX 1874, COUNCIL BLUFFS, IOWA 51502

PROPRIETOR'S DEDICATION AND STATEMENT

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

A. THERE WILL BE NO PRIVATE RESTRICTIONS AND/OR COVENANTS FOR THIS SUBDIVISION.

B. CERTIFIED STATEMENT RESOLUTION OF EACH GOVERNING BODY APPROVING THE SUBDIVISION OR WAVING THE RIGHT TO REVIEW.

C. STATEMENT OF MORTGAGE HOLDER, IF ANY, THAT THE PLAT IS PREPARED WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE MORTGAGE HOLDER, AND ISSUED A RELEASE FOR ALL AREAS CONVEYED TO THE GOVERNING BODY OR DEDICATED TO THE PUBLIC.

KNOW ALL PERSONS BY THESE PRESENTS THAT RCW ENTERPRISES INC., BEING THE SOLE OWNER OF LOT 11 THROUGH LOT 13, INCLUSIVE, THE SOUTH 10.00 FEET OF LOT 14 AND THE EAST HALF OF THE ABUTTING VACATED NORTH/SOUTH ALLEY, ALL IN BLOCK 5, HOWARD'S ADDITION, COUNCIL BLUFFS, IOWA, AND ALSO THE ABUTTING RIGHT OF WAY OF VACATED 17TH AVENUE, HAS CAUSED SAID PROPERTY TO BE A PART OF AND SUBDIVIDED INTO LOT 1, LOT 2, LOT 3 AND LOT 4 AND TO BE KNOWN AS OAKLEY SUBDIVISION.

IN WITNESS THEREOF, I DO HEREBY RATIFY AND APPROVE OF THIS DISPOSITION OF RCW ENTERPRISES INC. PROPERTY AS CONTAINED HEREIN ON THIS _____ DAY OF _____, 2020.

_____
OWNER: RCW ENTERPRISES, INC. PRESIDENT, RYAN C. ROGERS

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

ON THIS _____ DAY OF _____, 2020, BEFORE ME, A NOTARY PUBLIC IN AND FOR THE STATE OF IOWA, PERSONALLY APPEARED RYAN C. ROGERS, TO ME PERSONALLY KNOWN, WHOM BEING BY ME DULY SWORN, DID SAY HE IS THE PRESIDENT OF RCW ENTERPRISES INC. AND SAID RYAN C. ROGERS ACKNOWLEDGED THE EXECUTION OF THIS INSTRUMENT TO BE HIS VOLUNTARY ACT AND DEED.

_____
NOTARY PUBLIC IN AND FOR SAID STATE

PROPRIETOR'S AND DEDICATION STATEMENT

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

A. THERE WILL BE NO PRIVATE RESTRICTIONS AND/OR COVENANTS FOR THIS SUBDIVISION.

B. CERTIFIED STATEMENT RESOLUTION OF EACH GOVERNING BODY APPROVING THE SUBDIVISION OR WAVING THE RIGHT TO REVIEW.

C. STATEMENT OF MORTGAGE HOLDER, IF ANY, THAT THE PLAT IS PREPARED WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE MORTGAGE HOLDER, AND ISSUED A RELEASE FOR ALL AREAS CONVEYED TO THE GOVERNING BODY OR DEDICATED TO THE PUBLIC.

KNOW ALL PERSONS BY THESE PRESENTS THAT M M T D INC., BEING THE SOLE OWNER OF THE EAST 30 FEET OF LOT 21, THE EAST 30 FEET OF LOT 1 THROUGH LOT 8, INCLUSIVE, LOT 9, LOT 10, THE NORTH 23.00 FEET OF LOT 14, LOT 15 THROUGH LOT 20, INCLUSIVE, LOT 22 AND THE VACATED NORTH/SOUTH ALLEYS, EXCEPT THE EAST HALF OF THE VACATED NORTH/SOUTH ALLEY ABUTTING LOT 11 THROUGH LOT 13, INCLUSIVE, AND THE SOUTH 10.00 FEET OF LOT 14 OF BLOCK 5, HOWARD'S ADDITION, COUNCIL BLUFFS, IOWA, AND ALSO THE ABUTTING RIGHT OF WAY OF VACATED 17TH AVENUE, HAS CAUSED SAID PROPERTY TO BE A PART OF AND SUBDIVIDED INTO LOT 1, LOT 2, LOT 3 AND LOT 4 AND TO BE KNOWN AS OAKLEY SUBDIVISION.

IN WITNESS THEREOF, I DO HEREBY RATIFY AND APPROVE OF THIS DISPOSITION OF M M T D, LLC, PROPERTY AS CONTAINED HEREIN ON THIS _____ DAY OF _____, 2020.

_____
OWNER: M M T D , LLC, SOLE MEMBER - THOMAS LUSTGRAAF

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

ON THIS _____ DAY OF _____, 2020, BEFORE ME, A NOTARY PUBLIC IN AND FOR THE STATE OF IOWA, PERSONALLY APPEARED THOMAS LUSTGRAAF, TO ME PERSONALLY KNOWN, WHOM BEING BY ME DULY SWORN, DID SAY HE IS THE SOLE MEMBER OF M M T D, LLC AND SAID THOMAS LUSTGRAAF ACKNOWLEDGED THE EXECUTION OF THIS INSTRUMENT TO BE HIS VOLUNTARY ACT AND DEED.

_____
NOTARY PUBLIC IN AND FOR SAID STATE

LEGAL DESCRIPTION:

BEING A RE-PLAT OF THE EAST 30.00 FEET OF LOT 21, THE EAST 30.00 FEET OF LOT 1 THROUGH LOT 8, INCLUSIVE, AND LOT 9 THROUGH LOT 20, INCLUSIVE, AND LOT 22 AND THE VACATED NORTH/SOUTH ALLEYS IN BLOCK 5, HOWARD'S ADDITION, COUNCIL BLUFFS, IOWA, AND ALSO VACATED 17TH AVENUE RIGHT OF WAY ON THE SOUTH SIDE OF SAID BLOCK 5 AND LYING EAST OF THE NORTHEASTERLY RIGHT OF WAY LINE OF EMIL PAVICH TRAIL AND LYING WEST OF THE WEST RIGHT OF WAY LINE OF SOUTH 11TH STREET.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 11 OF SAID BLOCK 5 AND POINT OF BEGINNING; THENCE NORTH 0°25'30" WEST, ALONG THE EAST LINE OF SAID BLOCK 5, A DISTANCE OF 280.00 FEET TO THE NORTHEAST CORNER OF LOT 22 OF SAID BLOCK 5; THENCE SOUTH 89°33'00" WEST, ALONG THE NORTH LINE OF SAID BLOCK 5 A DISTANCE OF 241.92 FEET TO THE NORTHEAST CORNER OF LOT 5 OF MALLOY'S SUBDIVISION, COUNCIL BLUFFS, IOWA; THENCE SOUTH 0°02'27" EAST, ALONG THE EAST LINE OF SAID MALLOY'S SUBDIVISION, A DISTANCE OF 280.00 FEET TO THE SOUTHEAST CORNER OF LOT 9 OF SAID MALLOY'S SUBDIVISION AND ALSO, BEING A POINT ON THE NORTH RIGHT OF WAY LINE OF VACATED 17TH AVENUE; THENCE SOUTH 89°58'21" WEST, ALONG THE SOUTH LINE OF SAID LOT 9, AND ALSO BEING ALONG THE NORTH RIGHT OF WAY LINE OF SAID VACATED 17TH AVENUE, A DISTANCE OF 45.24 FEET TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF THE CITY OF COUNCIL BLUFFS, IOWA RAIL TO TRAILS CORRIDOR, BEING FORMERLY IOWA SOUTHERN RAILROAD COMPANY (FORMERLY WABASH RAILROAD COMPANY); THENCE SOUTH 53°18'30" EAST, ALONG THE NORTHEASTERLY RIGHT OF WAY LINE OF SAID CITY OF COUNCIL BLUFFS RAIL TO TRAILS CORRIDOR, A DISTANCE OF 109.86 FEET TO A POINT ON THE NORTH LINE OF BLOCK 12 OF SAID HOWARD'S ADDITION, AND ALSO, BEING A POINT ON THE SOUTH RIGHT OF WAY LINE OF SAID VACATED 17TH AVENUE; THENCE NORTH 89°33'00" EAST, ALONG THE NORTH LINE OF SAID BLOCK 12 AND ALSO BEING ALONG THE SOUTH RIGHT OF WAY LINE OF SAID VACATED 17TH AVENUE, A DISTANCE OF 201.43 FEET TO THE NORTHEAST CORNER OF SAID BLOCK 12; THENCE NORTH 0°25'30" WEST, ALONG THE WEST RIGHT OF WAY LINE OF SOUTH 11TH STREET, A DISTANCE OF 66.00 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINS 84,178 SQUARE FEET (1.932 ACRES), MORE OR LESS.

NOTE: THE EAST LINE OF SAID BLOCK 5 IS ASSUMED TO BEAR NORTH 0°025'30" WEST FOR THIS DESCRIPTION.

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, LEA A. VOSS, TREASURER OF POTTAWATTAMIE COUNTY, IOWA, DO HEREBY CERTIFY THAT THE PROPERTY INCLUDED IN THE LEGAL DESCRIPTION AND EMBRACED WITHIN THIS PLAT IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS.

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

NOTES:

1. THE SOUTH 15.00 FEET OF LOT 3 AND LOT 4 IS SUBJECT TO A PERMANENT EASEMENT RESERVED FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES. 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 REAR LOT LINES, ARE RESERVED FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES.

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 SURFACED 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.

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.

CARL H. ROGERS, JR. LICENSED #7717 IOWA LAND SURVEYOR

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.

Carl H. Rogers, Jr. FEB. 4 2020
CARL H. ROGERS, JR. DATE

LICENSE NUMBER: 7717

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2020.

NUMBER OF SHEETS COVERED BY THIS SEAL: SHEET 1 OF 2 & SHEET 2 OF 2

ROGERS SURVEYING
1688 ROLLING HILLS LOOP COUNCIL BLUFFS, IOWA

	PHONE:	DRAWN BY: J.A.T.
DATE: 2-04-2020	(402) 689-1549	REVISED

TITLE: FINAL PLAT OF OAKLEY SUBDIVISION

CLIENT: RCW ENTERPRISES INC., PRESIDENT-RYAN C. ROGERS
P.O. BOX 33
COUNCIL BLUFFS, IOWA 51502

SHEET 1 OF 2

FINAL PLAT OF
OAKLEY SUBDIVISION

BEING A RE-PLAT OF THE EAST 30.00 FEET OF LOT 21, THE EAST 30.00 FEET OF LOT 1 THROUGH LOT 8, INCLUSIVE, AND LOT 9 THROUGH LOT 20, INCLUSIVE, AND LOT 22 AND THE VACATED NORTH/SOUTH ALLEYS IN BLOCK 5, HOWARD'S ADDITION, COUNCIL BLUFFS, IOWA, AND ALSO VACATED 17TH AVENUE RIGHT OF WAY ON THE SOUTH SIDE OF SAID BLOCK 5 AND LYING EAST OF THE NORTHEASTERLY RIGHT OF WAY LINE OF EMIL PAVICH TRAIL AND LYING WEST OF THE WEST RIGHT OF WAY LINE OF SOUTH 11TH STREET.

OWNER: RCW ENTERPRISES INC. , PRESIDENT- RYAN C. ROGERS
P.O. BOX 33, COUNCIL BLUFFS, IOWA 51502

OWNER: M M T D, LLC, SOLE MEMBER, THOMAS LUSTGRAAF
P O BOX 1874, COUNCIL BLUFFS, IOWA 51502

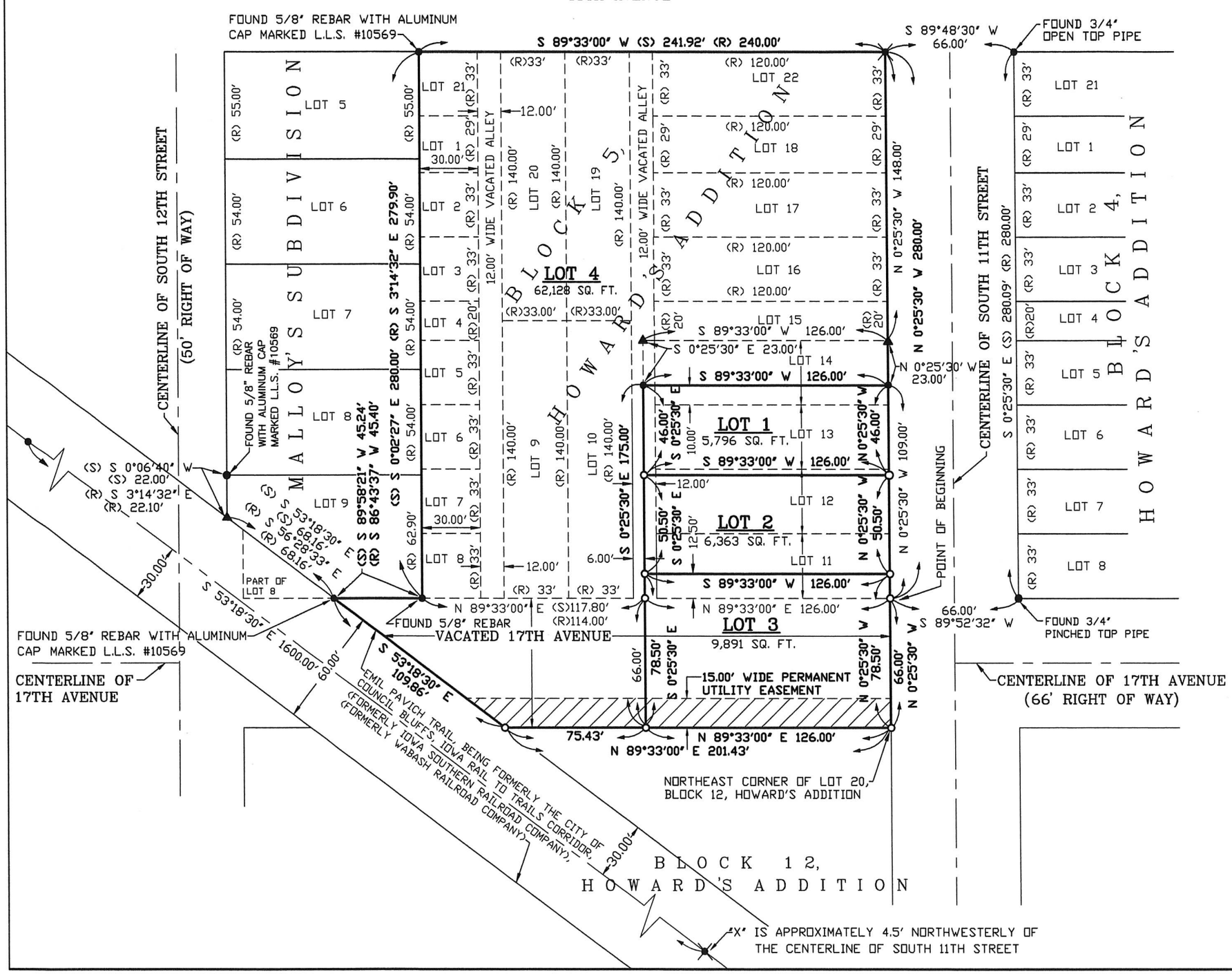
LEGEND:
- o – SET 5/8" REBAR WITH ALUMINUM CAP MARKED L.L.S. #7717
- ● – FOUND 5/8" REBAR W/CAP MARKED #7717, UNLESS OTHERWISE DESCRIBED ON DRAWING
- ✕ – FOUND CHISELED 'X' IN CONCRETE
- – INDICATES LINE NOT TO SCALE
- ▲ – CALCULATED POINT
- (S) – SURVEYED AS
- (R) – RECORDED AS

N

SCALE: 1" = 40'

40' 20' 0 40' 80'

NOTE: THIS DOCUMENT HAS BEEN REDUCED.



ROGERS SURVEYING 1688 ROLLING HILLS LOOP COUNCIL BLUFFS, IOWA		
SCALE: 1" = 40'	PHONE: (402) 689-1549	DRAWN BY: J.A.T.
DATE: 2-04-2020		REVISED
TITLE: FINAL PLAT OF OAKLEY SUBDIVISION		
CLIENT: RCW ENTERPRISES INC., PRESIDENT–RYAN C. ROGERS P.O. BOX 33 COUNCIL BLUFFS, IOWA 51502		SHEET 2 OF 2