Attachment D

RECORDER'S INDEX
LOT: 117
BLOCK:
SUBDIVISION: FOX RUN LANDING
ALIQUOT PART:
SECTION
SECTION: /TOWNSHIP: / RANGE:
CITY: COUNCIL BLUFFS
COUNTY: POTTAWATTAMIE
PROPRIETOR: AUTHIER PROPERTIES LLC
REQUESTED BY: WESTERN IOWA LAND DEVELOPMENT LLC
DATE OF FIELD SURVEY: JANUARY 23, 2020

PREPARED BY: DAVID E. FORSYTHE, P.L.S., HGM ASSOCIATES INC., 640 5TH AVENUE, COUNCIL BLUFFS, IOWA 51501 (712)323-0530

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 FOX RUN LANDING REPLAT FOUR, IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS.

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

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 WILL BE A PART OF THE SUBJECT DEVELOPMENT.

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

DEDICATION:

KNOW ALL PERSONS BY THESE PRESENTS THAT AUTHIER PROPERTIES L.L.C., 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 LOTS 1 AND 2, INCLUSIVE. SAID PROPERTY TO BE KNOWN AS FOX RUN LANDING REPLAT FOUR.

AS PART OF THIS PLATTING, AUTHIER PROPERTIES L.L.C DOES HEREBY GRANT TO CITY OF COUNCIL BLUFFS, A MUNICIPAL CORPORATION OF THE STATE OF IOWA, AND ITS AGENTS, CONTRACTORS AND ASSIGNS, A PERMANENT NONEXCLUSIVE STORM SEWER AND DRAINAGE EASEMENT FOR CONSTRUCTING, RECONSTRUCTING, REPAIRING, ENLARGING AND MAINTAINING STORM SEWERS TOGETHER WITH NECESSARY APPURTENANCES THERETO IN LOT 1 AND LOT 2 AS SHOWN ON THE THE DRAWING WHICH IS PART OF THIS DOCUMENT. THIS EASEMENT 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.

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.

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: 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.

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.

H. GRANTOR RESERVATION: GRANTOR RESERVES THE RIGHT TO USE THE EASEMENT AREA FOR OTHER PURPOSES PROVIDED HOWEVER THESE PURPOSES SHALL NOT INTERFERE WITH GRANTEES USE OF THE EASEMENT AREA UNDER THE RIGHTS OF THIS AGREEMENT.

FINAL PLAT OF
FOX RUN LANDING REPLAT FOUR

BEING A REPLAT OF A PORTION OF LOT 117, FOX RUN LANDING, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A REPLAT OF A PORTION OF LOT 117, FOX RUN LANDING, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWESTERLY CORNER OF LOT 103 IN SAID FOX RUN LANDING, SAID NORTHWESTERLY CORNER BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF COUNCIL POINTE ROAD AND ON A NON-TANGENT CURVE, CONCAVE WESTERLY TO WHICH POINT A RADIAL LINE BEARS SOUTH 64 DEGREES 28 MINUTES 04 SECONDS EAST, 435.00 FEET;

THENCE ON SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSE:
1) NORTHERLY ON SAID CURVE THROUGH A CENTRAL ANGLE OF 23 DEGREES 36 MINUTES 09 SECONDS, 179.19 FEET TO THE POINT OF BEGINNING;
2) CONTINUING ON SAID EASTERLY RIGHT-OF-WAY LINE, NORTH 01 DEGREE 55 MINUTES 48 SECONDS EAST, 200.00 FEET;

THENCE SOUTH 88 DEGREES 04 MINUTES 12 SECONDS EAST, 120.00 FEET;

THENCE SOUTH 01 DEGREE 55 MINUTES 48 SECONDS WEST, 200.00 FEET;

THENCE NORTH 88 DEGREES 04 MINUTES 12 SECONDS WEST, 120.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 24,000 SQUARE FEET (0.551 ACRE). MORE OR LESS.

IN WITNESS THEREOF, I DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF THE AUTHIER PROPERTIES L.L.C PROPERTY AS CONTAINED HEREIN ON THIS

_____DAY OF_____, 2020.

BY: _____ BY: _____

GRANT WAKEFIELD
1/3 OWNER

CHERYL WAKEFIELD
1/3 OWNER

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 GRANT WAKEFIELD AND CHERYL WAKEFIELD, TO ME PERSONALLY KNOWN, WHO BEING BY ME DULY SWORN, DID SAY THEY COMBINED OWN 2/3 OF AUTHIER PROPERTIES L.L.C, THAT NO SEAL HAS BEEN PROCURED BY THE SAID LIMITED LIABILITY COMPANY, AND THAT SAID INSTRUMENT WAS SIGNED ON BEHALF OF THE SAID LIMITED LIABILITY COMPANY BY AUTHORITY OF OWNERSHIP AND THAT SAID GRANT WAKEFIELD AND CHERYL WAKEFIELD ACKNOWLEDGED THE EXECUTION OF THE INSTRUMENT TO BE THE VOLUNTARY ACT AND DEED OF SAID LIMITED LIABILITY COMPANY BY IT VOLUNTARILY EXECUTED.

_____
NOTARY PUBLIC IN AND FOR SAID STATE

MY COMMISSION EXPIRES _____

IN WITNESS THEREOF, I DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF THE AUTHIER PROPERTIES L.L.C PROPERTY AS CONTAINED HEREIN ON THIS

_____DAY OF_____, 2020.

BY: _____ BY: _____

JERRY L. AUTHIER
1/6 OWNER

KAREN J. AUTHIER
1/6 OWNER

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 JERRY L. AUTHIER AND KAREN J. AUTHIER, TO ME PERSONALLY KNOWN, WHO BEING BY ME DULY SWORN, DID SAY THEY COMBINED OWN 1/3 OF AUTHIER PROPERTIES L.L.C, THAT NO SEAL HAS BEEN PROCURED BY THE SAID LIMITED LIABILITY COMPANY, AND THAT SAID INSTRUMENT WAS SIGNED ON BEHALF OF THE SAID LIMITED LIABILITY COMPANY BY AUTHORITY OF OWNERSHIP AND THAT SAID JERRY L. AUTHIER AND KAREN J. AUTHIER ACKNOWLEDGED THE EXECUTION OF THE INSTRUMENT TO BE THE VOLUNTARY ACT AND DEED OF SAID LIMITED LIABILITY COMPANY BY IT VOLUNTARILY EXECUTED.

_____
NOTARY PUBLIC IN AND FOR SAID STATE

MY COMMISSION EXPIRES _____

PROFESSIONAL LAND SURVEYOR
DAVID E. FORSYTHE
25604
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.

SEPTEMBER 29, 2020
DAVID E. FORSYTHE DATE

LICENSE NUMBER 25604

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2020.

PAGES OR SHEETS COVERED BY THIS SEAL:
SHEET 1 OF 2 SHEET 2 OF 2

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ENGINEERING ARCHITECTURE SURVEYING
council bluffs omaha

DEF drawn 2020-07-23 REVISED LAYOUT
DEF designed 2020-09-10 REVISED SIGNATURES
DEF approved 2020-09-28 REVISED LAYOUT
MAR '20 date revision date

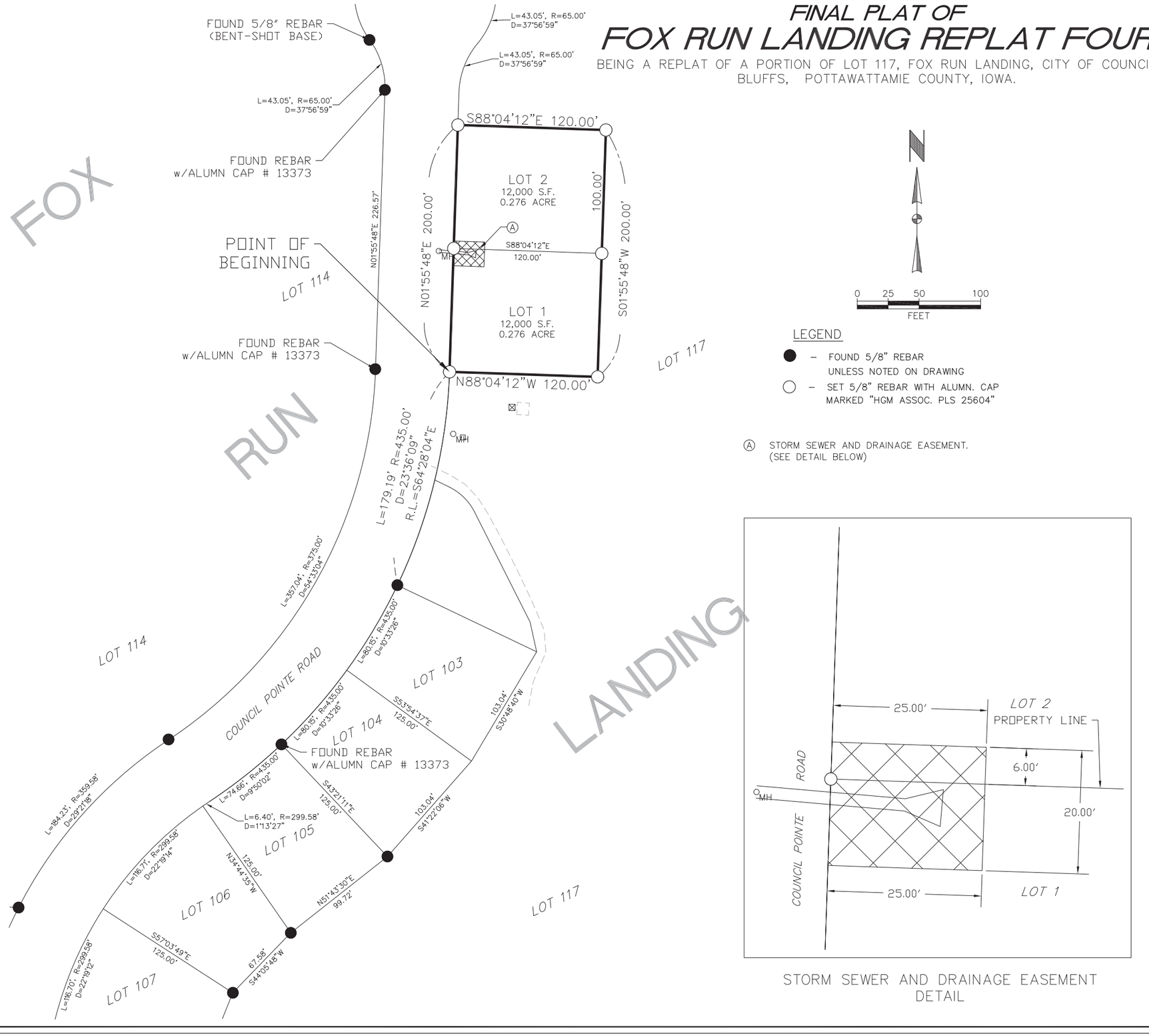
project FOX RUN LANDING REPLAT FOUR
REPLAT PORTION LOT 117, FOX RUN LANDING, COUNCIL BLUFFS, IA
client WESTERN IOWA LAND DEVELOPMENT, L.L.C.
P.O. BOX 683, AVOCA, IOWA 51521
sheet FINAL PLAT

project no. 102420
sheet 1 OF 2

dp: hgm-102420 S:\Survey\Drafting\102420_WILD-Fox Run Lot 117\Engineering\Dwgs\Survey\102420_SUBDIVISION PLAT.dwg

FINAL PLAT OF
FOX RUN LANDING REPLAT FOUR

BEING A REPLAT OF A PORTION OF LOT 117, FOX RUN LANDING, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.



LEGEND

- ● – FOUND 5/8" REBAR UNLESS NOTED ON DRAWING
- ○ – SET 5/8" REBAR WITH ALUMN. CAP MARKED "HGM ASSOC. PLS 25604"

Ⓐ STORM SEWER AND DRAINAGE EASEMENT. (SEE DETAIL BELOW)

STORM SEWER AND DRAINAGE EASEMENT DETAIL

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DEF	drawn	2020-07-23	REVISED LAYOUT
DEF	designed	2020-09-10	REVISED SIGNATURES
DEF	approved	2020-09-29	REVISED LAYOUT
MAR.'20	date		
		revision	date

project FOX RUN LANDING REPLAT FOUR
REPLAT PORTION LOT 117, FOX RUN LANDING, COUNCIL BLUFFS, IA

client WESTERN IOWA LAND DEVELOPMENT, L.L.C.
P.O. BOX 683, AVOCA, IOWA 51521

sheet FINAL PLAT

project no. 102420

sheet 2 OF 2

file: hgm: 102420 S:\Survey\Drafting\102420_WILD-Fox Run Lot 117\Engineering\Dwgs\Survey\102420_SUBDIVISION_PLAT.dwg