

Platting

Book 94
Page 33732

Dated 11 April, 1994
Filed 11 April, 1994

contained in the platting are the following:

~~CONFIDENTIAL~~

DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS,
FOR
TOWER RIDGE ESTATES, PHASE II
IN THE CITY OF COUNCIL BLUFFS, IOWA

THIS DECLARATION, made this 11th day of April, 1994, by the undersigned,

W I T N E S S E T H:

WHEREAS, the undersigned is the owner of the real estate described in Clause I of this Declaration, and is desirous of subjecting the real property described in said Clause I to the conditions, restrictions, limitations, covenants, reservations, easements, liens and charges hereinafter set forth, each and all of which is and are for the benefit of said property and for each owner thereof and shall inure to the benefit of and pass with said property, and each and every parcel thereof, and shall apply to and bind the successors in interest and any owner thereof;

NOW, THEREFORE, the undersigned hereby declares that the real property described in and referred to in Clause I hereof, is and shall be held, transferred, sold and conveyed, subject to the conditions, restrictions, limitations, covenants, reservations, easements, liens and charges herein set forth.

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CLAUSE I

Property Subject to this Declaration

The real property which is, and shall be, held and shall be conveyed, transferred, and sold, subject to these conditions, restrictions, limitations, reservations, easements, liens and charges, with respect to the various portions thereof set forth in the various clauses and subdivisions of this Declaration is located in the City of Council Bluffs, Pottawattamie County, State of Iowa, and is more particularly described in the final plat of Tower Ridge Estates, Phase II to Council Bluffs, Iowa, attached hereto and incorporated herein by reference.

No property other than that described above shall be subject to this Declaration, unless and until specifically made subject thereto.

CLAUSE II

General Purposes of Conditions

The real property described in Clause I hereof is subject to the conditions, restrictions, limitations, covenants, reservations, easements, liens and charges hereby declared to insure the best use and the most appropriate development and improvement of each building site thereof.

Plans and specifications must be submitted to Tower Ridge Estates, Phase II Developer for approval to protect owners and guard against improper use of surrounding building sites as will depreciate the value of their property; to preserve, as far as practical, the natural beauty of said property; to guard against

~~COVENANTS~~

erection of poorly designed or proportioned structures, and structures built of improper or unsuitable materials; to insure the highest and best development of said property; to prevent haphazard and inharmonious improvements of building sites; to prevent inappropriate location of structures on building sites; to obtain harmonious color schemes; to encourage and secure the erection of attractive homes thereon; to secure and maintain proper setbacks from street and adequate free spaces between structures; and in general to provide adequately for quality improvement of said property and thereby enhance the values of investments made by the purchasers of the building sites therein.

1. All lots described herein shall be known, described and used solely as residential lots, and no structures shall be erected on any lot other than one detached single family dwelling not to exceed two stories in height and a garage for not less than two automobiles and not more than three automobiles.

2. No trailer, basement, tent, shack, garage, barn or outbuilding shall be used as a residence, temporarily or permanently, nor shall any residence of a temporary character be permitted.

3. Recreational vehicles, mobile homes, campers, motor homes, trailers, motorcycles, motor boats, house boats or similar water boats may be maintained, stored or kept on any parcel of property covered by these covenants providing they are placed to the rear of the parcel and are screened from view by an attractive fence, plans for which shall be submitted to the Tower Ridge Estates, Phase II Developer as referred to in Paragraph "5" or housed within the garage of said home. Unused vehicles shall be

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housed within the garage and no lot shall be used for the purpose of selling, leasing, repairing vehicles for commercial purposes.

4. No building shall be erected on any lot unless the design and location is in harmony with the existing structures and location in the tract, and does not violate any of the protective covenants herein. A one story dwelling, a split entry dwelling, or a split level dwelling shall have not less than 1250 square feet on the main living floor level; a one and one-half story dwelling shall have not less than 950 square feet on the main living floor level; a two story dwelling shall have not less than 900 square feet on the main living floor level. All square footage requirements referred to are exclusive of porches and/or attached garages.

5. No changes, alterations, additions, buildings, fences or walls shall be commenced without submission and approval of plans and specifications to the Tower Ridge Estates, Phase II Developer, showing the nature, kind, shape, height, materials and location of same. In the event such plans are neither approved or disapproved within 30 days after submission, such approval shall not be required so long as such design and location are harmonious with existing structures and do not violate any restrictive covenants. The primary purpose of this covenant is to protect the value of the homes in the development. This covenant is not to be construed as a means of suppressing expressions of individuality.

6. No fence shall be erected on any lot which would extend forward past the rear of any house erected thereon.

7. All front foundations facing streets are to be covered with brick or stone.

COVENANTS

8. All roofing materials shall be either textured asphalt, textured fibreglass, wood shakes or wood shingles.
9. The front and side yards shall be sodded with grass to the rear of the building.
10. The title holder or contract holder to each lot, vacant and improved, shall keep his/her lot or lots free of weeds and debris.
11. No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage, or other wastes.
12. No offensive or obnoxious trade shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.
13. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept provided they are not kept, bred or maintained for any commercial purposes and that dogs and cats be kept within the dwelling. It is intended specifically to prohibit dogs and cats from being sheltered outside the main dwelling in kennels or other similar type structures.
14. No satellite dish for television communication purposes shall be placed on any lot.
15. Each property owner shall exercise as much care as is possible to retain natural vegetation, trees, shrubs and other similar growth. Prior to removal of such growth, the plans referred to in paragraph "5" shall be submitted to the Tower Ridge Estates, Phase II Developer for approval.
16. No house trailers, prefabricated houses or modular houses will be allowed on any lot. No vinyl siding and/or overhang

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material will be allowed on any house.

17. A minimum of one tree at least six feet in height will be planted in the area between the front of the dwelling and the street.

18. Garden sheds or other similar type structures will be allowed upon approval of plans and specifications by the Tower Ridge Estates, Phase II Developer. Buildings for garden tools, etc. shall be required to have a design similar to the house design with regard to siding materials, roofing materials and roof design. Metal storage buildings will not be allowed.

19. No dwelling shall be moved to any lot within Tower Ridge Estates, Phase II from outside the development.

20. The maximum time allowed to complete construction and landscaping will be one year from commencement of construction. Excess dirt from excavation shall be hauled from the lot within the construction period. All excavation, backfilling and landscaping shall be done in a manner such that the natural drainage is not altered to such an extent that unreasonable or undesirable drainage or erosion results.

21. Materials and equipment used during the construction and landscaping process shall be stored and maintained on the lot in an orderly manner.

22. No business activities shall be conducted on any lot if the conduct of said business activity will result in an unreasonable increase in the traffic flow, increase in the number of vehicles parked in the streets, or the presence of unsightly commercial vehicles.

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23. No sign, billboard or other structure for advertising or the display of advertising material of any kind shall be erected, altered, placed or permitted to remain on any lot except that real estate for-sale or for-rent signs shall be permitted temporarily in the yards of dwellings which are being offered for sale or rent.

24. Notwithstanding the foregoing provisions, paragraphs "22" and "23" shall not restrict the business activities, advertising, signs and billboard, or the construction and maintenance of structures by the Tower Ridge Estates, Phase II Developer, its agents and assignees, during the construction and sale period of this development.

25. Vehicles belonging to owners or other occupants of dwelling will be parked in the garage or driveway and not on the street so as not to inhibit traffic or street maintenance.

26. A perpetual easement for utility installation, maintenance and drainage facilities is reserved over, across and through the side five feet of all lots, and over, across and through the rear ten feet of all lots, or as specified on the final plat.

27. All buildings and improvements shall be constructed in compliance with the pertinent zoning and building codes of the City of Council Bluffs, Iowa.

28. No building shall be erected on any residential lot nearer than 25 feet from the front lot line except Lots 20, 21, 22, 23, and 26, which have a 15 feet setback minimum. The side yard on each side shall be a minimum of 10 percent of the lot width at the building setback line, or a minimum of five feet, whichever is greater; provided, however, that on corner lots the setback for all

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buildings shall be a minimum of 15 feet on the side abutting a public street or avenue. The rear yard shall be a minimum of 20 feet.

29. Public sidewalks shall be constructed of concrete four feet wide by four inches thick in front of each built-upon lot and along the street side of each built-upon corner lot.

30. Fruit or vegetable gardens shall not be permitted which would extend forward past the rear of any house erected on any lot.

31. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until April 11, 2019. It shall be lawful for any person or persons owning any lot in Tower Ridge Estates, Phase II to proceed at law or in equity against the person or persons violating or attempting to violate such covenant or restriction and either to enjoin him/her or them from so doing and to recover damages from such violation.

32. Invalidations of any of these covenants by judgment of court order shall in no way affect any of the other provisions which shall remain in full force and effect.

Executed on the above date set forth:

Beverly A. Roth
Beverly A. Roth, Owner

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Feb 45

STATE OF IOWA, Pottawattamie County
Filed for record the 26 day of March
1993 at 11 o'clock A M and recorded
in book 93 page 27192

Exhibit 1

No. 17

EASEMENT AGREEMENT

* * * * *

KNOW ALL MEN BY THESE PRESENTS:

THAT Beverly A. Roth and John M. Roth, wife and husband, 4 West Ridge Drive, Council Bluffs, Iowa 51503 ("Grantors") and FIRST NATIONAL BANK OF COUNCIL BLUFFS, Council Bluffs, Iowa ("MORTGAGEE"), a corporation, for good and sufficient valuable consideration, receipt of which is hereby acknowledged, do hereby grant and convey unto the CITY OF COUNCIL BLUFFS, IOWA (Grantee), for the use and benefit of the COUNCIL BLUFFS CITY WATER WORKS ("Water Works"), a temporary construction easement and a permanent non-exclusive easement over, across and through that real estate situated in the City of Council Bluffs, Pottawattamie County, Iowa described in Exhibits 1 and 2 attached hereto, all as shown in Exhibits 1 and 2 and the proposed drawings of Final Plats of Tower Ridge Estates South and Tower Ridge Estates, Phase II, City of Council Bluffs, Pottawattamie County, Iowa which are attached hereto and by reference made a part hereof, including the perpetual right to enter upon said real estate, at any time that it may see fit, and construct, inspect, maintain, repair, replace and operate underground pipe lines and/or mains for the purpose of conveying water over, across, through and under said real estate, together with the right to excavate and refill ditches and/or trenches for the location of said pipe line and/or mains, and the further right to remove trees, bushes, undergrowth, and other obstructions interfering with the location, construction and maintenance of said pipe lines and/or mains.

The Water Works shall properly and promptly refill any excavations made on said premises after the purpose of said excavation has been fulfilled and shall leave the premises in the same general condition as it was in before the Water Works went upon the same; further, that if any fences or existing structures are moved for the purpose of laying, maintaining, operating or replacing said main, such fences and structures shall be promptly replaced by Water Works upon completion of the work requiring such removal.

In further consideration for the good and sufficient valuable consideration received by the undersigned, the undersigned agree that no structures will be placed upon or over said

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easement without first obtaining the written consent of Water Works except that driveway entrances to adjoining real estate and public streets may be constructed at grade level over Water Works' improvements in such method and manner as not to damage Water Works' water main improvements. Further, the undersigned Grantors covenant with Grantee that they are lawfully seized and possessed of the real estate above described; that they have good and lawful right to convey it, or any part thereof, that it is free from all encumbrances, except mortgage to Mortgagee, and that they will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.

The undersigned Mortgagee hereby agrees its mortgage on the real estate described in Exhibits 1 and 2 attached hereto shall be, and is hereby, made subject to this easement and Easement Agreement and all the terms and provisions hereof.

As a part of the consideration of this grant, the undersigned do hereby release any and all claims for damages from whatsoever cause incidental to the exercise of the rights herein granted except for those arising out of the negligence of Water Works, its agents or employees in the course of their employment by Water Works.

Words and phrases herein, including the acknowledgement, shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender according to the context.

All provisions of this Agreement shall inure to the benefit of and be binding upon and applicable to the successors, personal representatives, heirs, and assigns of the parties hereto the same as if they were in all instances named herein.

DATED this 23 day of March, 1993.

3/23/93
DATE SIGNED

3/23/93
DATE SIGNED

BY: Beverly A. Roth
BEVERLY A. ROTH

BY: John M. Roth
JOHN M. ROTH

GRANTORS

COMPARED

FIRST NATIONAL BANK OF COUNCIL BLUFFS

3-23-93
DATE SIGNED

BY: *Dennis M. Kennedy*
DENNIS M. KENNEDY

ITS: SENIOR VICE PRESIDENT



BY: *Jerry L. Jares*
JERRY L. JARES

ITS: VICE PRESIDENT

MORTGAGEE

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF IOWA

COUNTY OF POTTAWATTAMIE

On this 23 of March, 1993, before me, the undersigned, a Notary Public in and for said State, personally appeared Beverly A. Roth and John M. Roth, to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.



Kathryn Tornetex 4-10-95
NOTARY PUBLIC IN AND FOR SAID STATE.

COMPARED

CORPORATE ACKNOWLEDGEMENT

STATE OF IOWA)
) ss.
COUNTY OF POTTAWATTAMIE)

On this 23 day of March, 1993, before me, the undersigned, a Notary Public in and for the said State, personally appeared Dennis M. Kennedy and Jerry L. Jares, to me personally known, who being by me duly sworn, did say that they are the Senior Vice President and Vice President, respectively, of the corporation executing the within and foregoing instrument to which this is attached, that the seal affixed thereto is the seal of the corporation; that the instrument was signed and sealed on behalf of the corporation by authority of its Board of Directors; and that Dennis M. Kennedy and Jerry L. Jares as officers acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the corporation by it and by them voluntarily executed.



Kathrin Torneten 4-10-95
NOTARY PUBLIC IN AND FOR SAID STATE.

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EXHIBIT 1

LEGAL DESCRIPTION: UTILITY EASEMENT IN TOWER RIDGE ESTATES SOUTH IN THE CITY OF COUNCIL BLUFFS, IOWA.

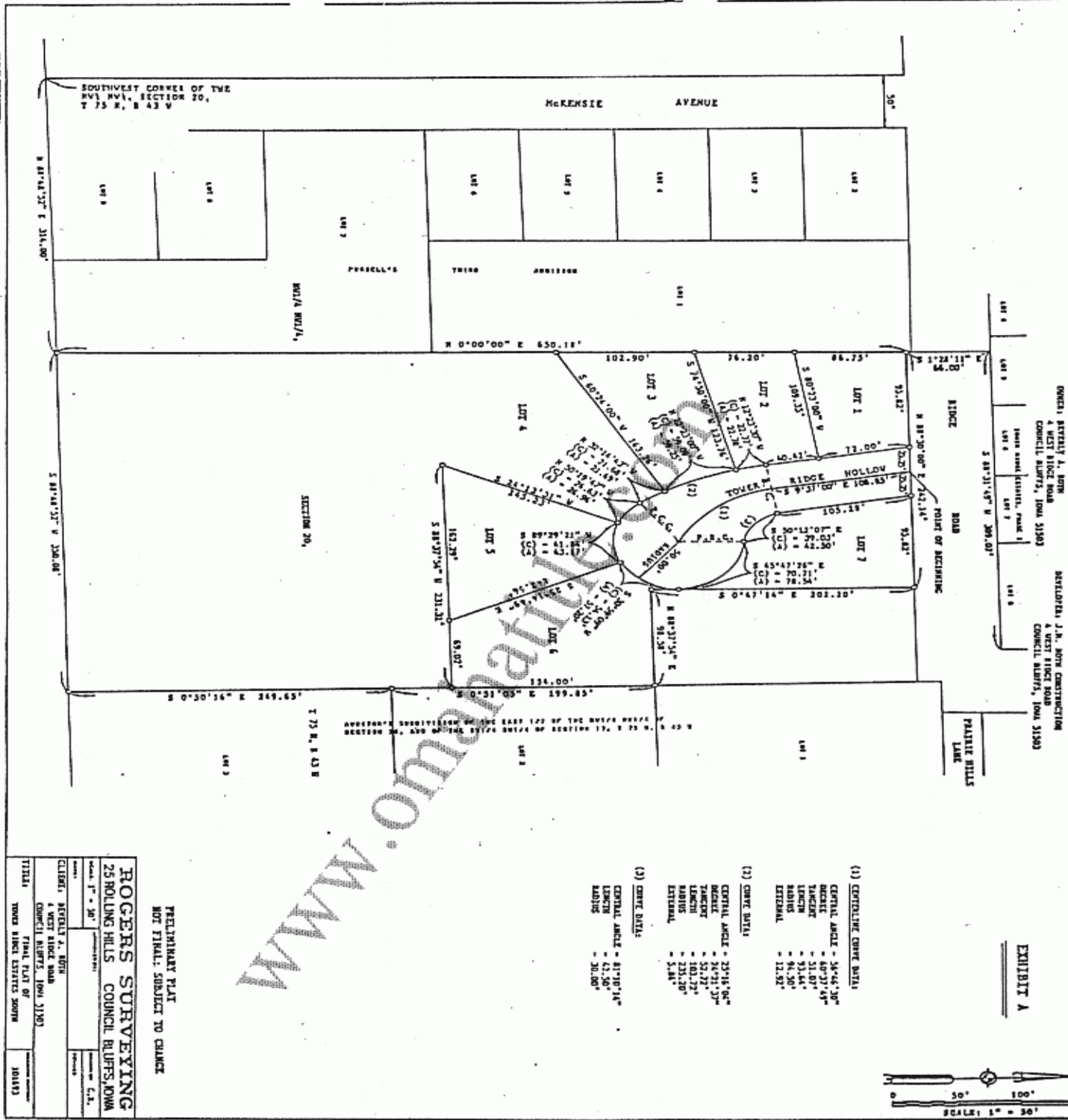
A PARCEL OF LAND FOR UTILITY PURPOSES LOCATED IN PROPOSED TOWER RIDGE ESTATES SOUTH IN THE CITY OF COUNCIL BLUFFS, IOWA, BEING A PART OF THE WEST HALF OF THE NW $\frac{1}{4}$ NW $\frac{1}{4}$ OF SECTION 20, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5th PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY, COUNCIL BLUFFS, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PROPOSED TOWER RIDGE HOLLOW - A PARCEL OF LAND LOCATED IN PART OF THE WEST HALF OF THE NW $\frac{1}{4}$ NW $\frac{1}{4}$ OF SECTION 20, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5th PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY, COUNCIL BLUFFS, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 20; THENCE N 88°50'10" E ALONG THE NORTH LINE OF SAID WEST HALF OF THE NW $\frac{1}{4}$ NW $\frac{1}{4}$ A DISTANCE OF 629.01 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF RIDGE ROAD; THENCE S 0°43'39" W ALONG SAID WEST RIGHT OF WAY LINE OF RIDGE ROAD A DISTANCE OF 605.11 FEET TO THE SOUTHEAST CORNER OF LOT 8 OF TOWER RIDGE ESTATES, PHASE I IN THE CITY OF COUNCIL BLUFFS, IOWA; THENCE S 88°31'49" W ALONG THE SOUTH LINE OF SAID TOWER RIDGE ESTATES, PHASE I AND ALONG THE NORTH RIGHT OF WAY LINE OF RIDGE ROAD A DISTANCE OF 309.07 FEET; THENCE S 1°28'11" E A DISTANCE OF 66.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF RIDGE ROAD, SAID POINT BEING THE NORTHWEST CORNER OF SAID PROPOSED TOWER RIDGE ESTATES SOUTH; THENCE N 88°30'00" E ALONG SAID SOUTH RIGHT OF WAY LINE OF RIDGE ROAD AND ALONG THE NORTH LINE OF SAID PROPOSED TOWER RIDGE ESTATES SOUTH A DISTANCE OF 121.07 FEET TO THE INTERSECTION WITH THE CENTERLINE OF PROPOSED TOWER RIDGE HOLLOW AND POINT OF BEGINNING OF THE UTILITY EASEMENT; THENCE CONTINUING N 88°30'00" E ALONG SAID SOUTH RIGHT OF WAY LINE OF RIDGE ROAD AND ALONG THE NORTH LINE OF SAID PROPOSED TOWER RIDGE ESTATES SOUTH A DISTANCE OF 25.25 FEET; THENCE S 9°37'00" E A DISTANCE OF 105.28 FEET TO THE BEGINNING OF A TANGENT CIRCULAR CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 30.00 FEET AND A CENTRAL ANGLE OF 81°10'14"; THENCE SOUTHEASTERLY ALONG SAID CURVE AN ARC LENGTH OF 42.50 FEET, AND HAVING A CHORD BEARING AND DISTANCE OF S 50°12'07" E, 39.03 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 235°54'10", A RADIAL LINE OF SAID REVERSE CURVE THROUGH SAID BEGINNING OF REVERSE CURVE BEARS N 0°47'14" W; THENCE SOUTHEASTERLY, SOUTHERLY, SOUTHWESTERLY, WESTERLY AND NORTHWESTERLY ALONG SAID CURVE AN ARC LENGTH OF 205.86 FEET TO THE BEGINNING OF A COMPOUND CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 235.20 FEET AND A CENTRAL ANGLE OF 25°16'04", A RADIAL LINE OF SAID COMPOUND CURVE THROUGH SAID BEGINNING OF COMPOUND CURVE BEARS S 55°06'56" W; THENCE NORTHWESTERLY ALONG SAID CURVE AN ARC LENGTH OF 103.72 FEET, AND HAVING A CHORD BEARING AND DISTANCE OF N 22°15'04" W, 102.89 FEET TO THE END OF SAID CURVE; THENCE N 9°37'00" W A DISTANCE OF 112.42 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF RIDGE ROAD, SAID POINT ALSO BEING ON THE NORTH LINE OF SAID PROPOSED TOWER RIDGE ESTATES SOUTH; THENCE N 88°30'00" E ALONG SAID SOUTH RIGHT OF WAY LINE OF RIDGE ROAD AND ALONG THE NORTH LINE OF SAID PROPOSED TOWER RIDGE ESTATES SOUTH A DISTANCE OF 25.25 FEET TO THE POINT OF BEGINNING OF THE UTILITY EASEMENT.

NOTE: THE NORTH LINE OF THE NW $\frac{1}{4}$ NW $\frac{1}{4}$ OF SAID SECTION 20 IS ASSUMED TO BEAR N 88°50'10" E FOR THIS DESCRIPTION.

AS SHOWN ON PROPOSED FINAL PLAT OF TOWER RIDGE ESTATES SOUTH ATTACHED HERETO AS EXHIBIT A.

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EXHIBIT 2

LEGAL DESCRIPTION: UTILITY EASEMENT IN TOWER RIDGE ESTATES, PHASE II IN THE CITY OF COUNCIL BLUFFS, IOWA.

PARCELS OF LAND FOR UTILITY PURPOSES LOCATED IN PROPOSED TOWER RIDGE ESTATES, PHASE II IN THE CITY OF COUNCIL BLUFFS, IOWA, BEING A PART OF THE WEST HALF OF THE NW $\frac{1}{4}$ NW $\frac{1}{4}$ OF SECTION 20, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5th PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY, COUNCIL BLUFFS, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PART 1 - PROPOSED TOWER RIDGE DRIVE - A PARCEL OF LAND LOCATED IN PART OF THE WEST HALF OF THE NW $\frac{1}{4}$ NW $\frac{1}{4}$ OF SECTION 20, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5th PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY, COUNCIL BLUFFS, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 20; THENCE N 88° 50' 10" E ALONG THE NORTH LINE OF SAID WEST HALF OF THE NW $\frac{1}{4}$ NW $\frac{1}{4}$ A DISTANCE OF 629.01 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF RIDGE ROAD; THENCE S 0° 43' 39" W ALONG SAID WEST RIGHT OF WAY LINE OF RIDGE ROAD A DISTANCE OF 137.61 FEET TO THE INTERSECTION WITH THE CENTERLINE OF PROPOSED TOWER RIDGE DRIVE AND POINT OF BEGINNING OF THE UTILITY EASEMENT; THENCE CONTINUING S 0° 43' 39" W ALONG SAID WEST RIGHT OF WAY LINE OF RIDGE ROAD A DISTANCE OF 25.00 FEET TO THE NORTHEAST CORNER OF LOT 13 OF TOWER RIDGE ESTATES, PHASE I, COUNCIL BLUFFS, IOWA; THENCE N 89° 16' 21" W ALONG THE NORTH LINE OF SAID LOT 13 A DISTANCE OF 110.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 13 AND TO THE BEGINNING OF A TANGENT CIRCULAR CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 1737.47 FEET AND A CENTRAL ANGLE OF 3° 15' 00"; THENCE WESTERLY ALONG SAID CURVE AN ARC LENGTH OF 98.55 FEET, AND HAVING A CHORD BEARING AND DISTANCE OF S 89° 06' 09" W, 98.54 FEET TO THE END OF SAID CURVE; THENCE S 87° 28' 39" W A DISTANCE OF 135.66 FEET TO THE BEGINNING OF A TANGENT CIRCULAR CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 90.00 FEET AND A CENTRAL ANGLE OF 34° 46' 15"; THENCE SOUTHWESTERLY ALONG SAID CURVE AN ARC LENGTH OF 54.62 FEET, AND HAVING A CHORD BEARING AND DISTANCE OF S 70° 05' 24" W, 53.78 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 249° 32' 30", A RADIAL LINE OF SAID REVERSE CURVE THROUGH SAID BEGINNING OF REVERSE CURVE BEARS S 37° 17' 36" E; THENCE WESTERLY, NORTHERLY AND EASTERLY ALONG SAID CURVE AN ARC LENGTH OF 217.77 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 90.00 FEET AND A CENTRAL ANGLE OF 34° 46' 15", A RADIAL LINE OF SAID REVERSE CURVE THROUGH SAID BEGINNING OF REVERSE CURVE BEARS S 32° 14' 54" W; THENCE SOUTHEASTERLY ALONG SAID CURVE AN ARC LENGTH OF 54.62 FEET, AND HAVING A CHORD BEARING AND DISTANCE OF S 75° 08' 06" E, 53.78 FEET TO THE END OF SAID CURVE; THENCE N 87° 28' 39" E A DISTANCE OF 135.66 FEET TO THE BEGINNING OF A TANGENT CIRCULAR CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 1737.47 FEET AND A CENTRAL ANGLE OF 3° 15' 00"; THENCE EASTERLY ALONG SAID CURVE AN ARC LENGTH OF 101.39 FEET, AND HAVING A CHORD BEARING AND DISTANCE OF N 89° 06' 09" E, 101.38 FEET TO THE END OF SAID CURVE; THENCE S 89° 16' 21" E A DISTANCE OF 110.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF RIDGE ROAD; THENCE S 0° 43' 39" W ALONG SAID WEST RIGHT OF WAY LINE OF RIDGE ROAD A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING OF THE UTILITY EASEMENT.

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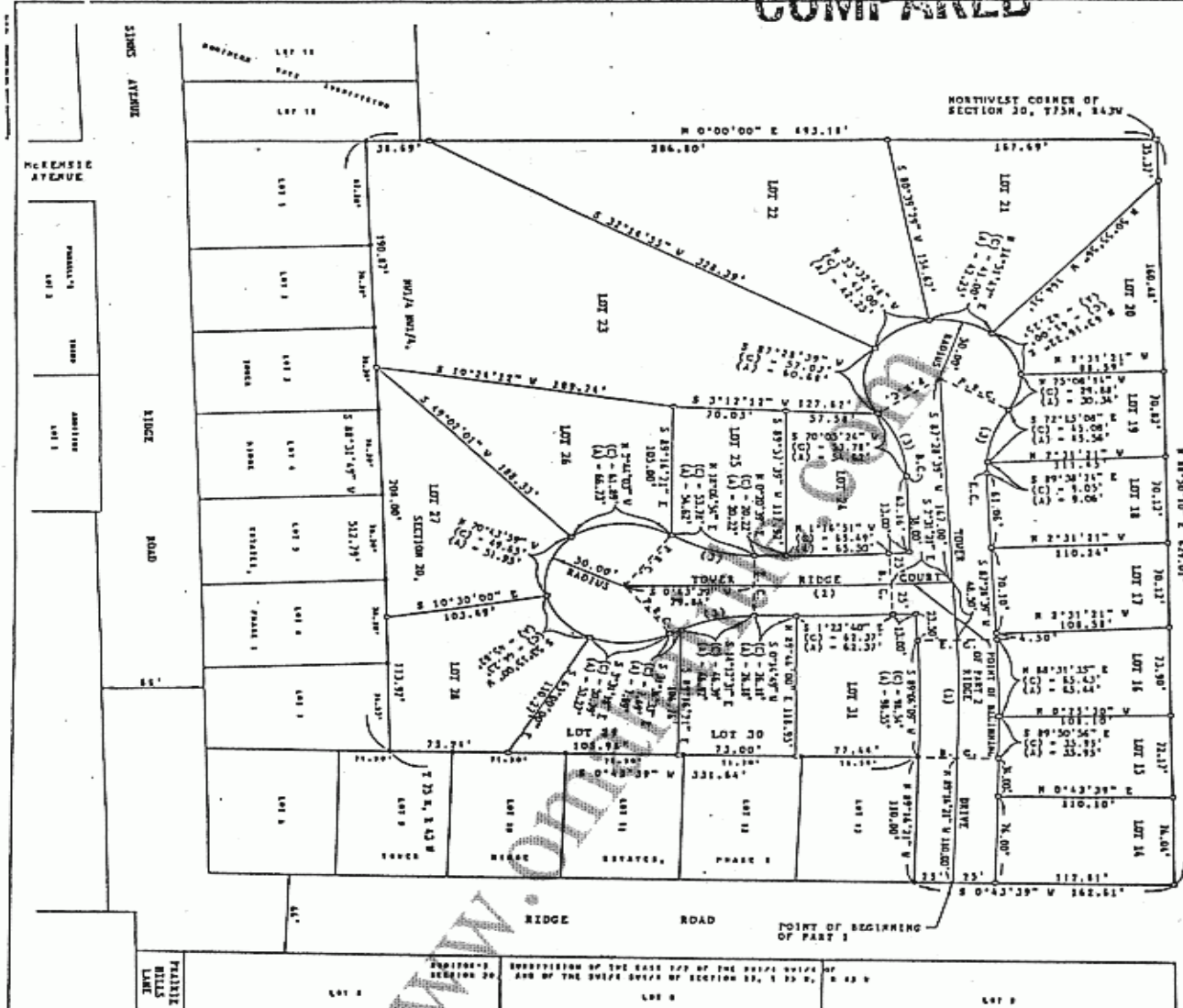
COMPARED

PART 2 - PROPOSED TOWER RIDGE COURT - A PARCEL OF LAND LOCATED IN PART OF THE WEST HALF OF THE NW¼ NW¼ OF SECTION 20, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE 5th PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY, COUNCIL BLUFFS, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 20, THENCE N 88° 50' 10" E ALONG THE NORTH LINE OF SAID WEST HALF OF THE NW¼ NW¼ A DISTANCE OF 629.01 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF RIDGE ROAD; THENCE S 0° 43' 39" W ALONG SAID WEST RIGHT OF WAY LINE OF RIDGE ROAD A DISTANCE OF 137.61 FEET TO THE INTERSECTION WITH THE CENTERLINE OF PROPOSED TOWER RIDGE DRIVE; THENCE N 89° 16' 21" W ALONG THE SAID CENTERLINE OF PROPOSED TOWER RIDGE DRIVE A DISTANCE OF 110.00 FEET TO THE BEGINNING OF A TANGENT CIRCULAR CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 1762.47 FEET AND A CENTRAL ANGLE OF 3° 15' 00"; THENCE WESTERLY ALONG SAID CURVE AND ALONG SAID CENTERLINE OF PROPOSED TOWER RIDGE DRIVE AN ARC LENGTH OF 99.97 FEET, AND HAVING A CHORD BEARING AND DISTANCE OF S 89° 06' 09" W, 99.96 FEET TO THE END OF SAID CURVE; THENCE S 87° 28' 39" W ALONG SAID CENTERLINE OF PROPOSED TOWER RIDGE DRIVE A DISTANCE OF 48.50 FEET TO THE INTERSECTION WITH THE CENTERLINE OF PROPOSED TOWER RIDGE COURT; THENCE S 2° 31' 21" E ALONG SAID CENTERLINE OF PROPOSED TOWER RIDGE COURT A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING OF THE UTILITY EASEMENT; THENCE N 87° 28' 39" E A DISTANCE OF 25.00 FEET; THENCE S 2° 31' 21" E A DISTANCE OF 13.00 FEET TO THE BEGINNING OF A TANGENT CIRCULAR CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 1561.17 FEET AND A CENTRAL ANGLE OF 3° 15' 00"; THENCE SOUTHERLY ALONG SAID CURVE AN ARC LENGTH OF 88.55 FEET AND HAVING A CHORD BEARING AND DISTANCE OF S 0° 53' 51" E, 88.54 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 90.00 FEET AND A CENTRAL ANGLE OF 34° 46' 15", A RADIAL LINE OF SAID REVERSE CURVE THROUGH SAID BEGINNING OF REVERSE CURVE BEARS N 89° 16' 21" W; THENCE SOUTHEASTERLY ALONG SAID CURVE AN ARC LENGTH OF 54.62 FEET AND HAVING A CHORD BEARING AND DISTANCE OF S 16° 39' 36" E, 53.78 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 50.00 FEET AND A CENTRAL ANGLE OF 249° 32' 30", A RADIAL LINE OF SAID REVERSE CURVE THROUGH SAID BEGINNING OF REVERSE CURVE BEARS N 55° 57' 24" E; THENCE SOUTHERLY, WESTERLY AND NORTHERLY ALONG SAID CURVE AN ARC LENGTH OF 217.77 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 90.00 FEET AND A CENTRAL ANGLE OF 34° 46' 15", A RADIAL LINE OF SAID REVERSE CURVE THROUGH SAID BEGINNING OF REVERSE CURVE BEARS S 54° 30' 06" E; THENCE NORTHEASTERLY ALONG SAID CURVE AN ARC LENGTH OF 54.62 FEET AND HAVING A CHORD BEARING AND DISTANCE OF N 18° 06' 54" E, 53.78 FEET TO THE BEGINNING OF A COMPOUND CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 1511.17 FEET AND A CENTRAL ANGLE OF 3° 15' 00"; THENCE NORTHERLY ALONG SAID CURVE AN ARC LENGTH OF 85.72 FEET AND HAVING A CHORD BEARING AND DISTANCE N 0° 53' 51" W, 85.74 FEET TO THE END OF SAID CURVE; THENCE N 2° 31' 21" W A DISTANCE OF 13.00 FEET; THENCE N 87° 28' 39" E A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING OF THE UTILITY EASEMENT.

NOTE: THE NORTH LINE OF THE NW¼ NW¼ OF SAID SECTION 20 IS ASSUMED TO BEAR N 88° 50' 10" E FOR THIS DESCRIPTION.

ALL AS SHOWN ON PROPOSED FINAL PLAT OF TOWER RIDGE ESTATES, PHASE II ATTACHED HERETO AS EXHIBIT A.

COMPARED

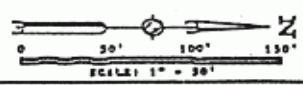


FINAL PLAT OF
TOWER RIDGE ESTATES,
PHASE II

OWNER: MARYLENE A. BORN
A WEST RICH ROAD
COUNCIL BLUFFS, IOWA 51503

PREPARED BY: MARYLENE A. BORN (CONTRACTOR)
A WEST RICH ROAD
COUNCIL BLUFFS, IOWA 51503

EXHIBIT A



93-27200

PRELIMINARY PLAT
NOT FINAL: SUBJECT TO CHANGE

ROGERS SURVEYING
25 ROLLING HILLS COUNCIL BLUFFS, IOWA

CLIENT: MARYLENE A. BORN
A WEST RICH ROAD
COUNCIL BLUFFS, IOWA 51503

TITLE: FINAL PLAT OF
TOWER RIDGE ESTATES, PHASE II

DATE: 08/13/03

- (1) CENTRAL CURVE DATA:
- CENTRAL ANGLE - 215.50°
 - BEARING - 215.50°
 - LENGTH - 50.00'
 - RADIUS - 99.97'
 - EXTERNAL - 174.24°
 - CHORD - 0.21'
- (2) CENTRAL CURVE DATA:
- CENTRAL ANGLE - 215.50°
 - BEARING - 215.50°
 - LENGTH - 50.00'
 - RADIUS - 99.97'
 - EXTERNAL - 174.24°
 - CHORD - 0.21'
- (3) CURVE DATA:
- CENTRAL ANGLE - 215.50°
 - BEARING - 215.50°
 - LENGTH - 50.00'
 - RADIUS - 99.97'
 - EXTERNAL - 174.24°
 - CHORD - 0.21'

