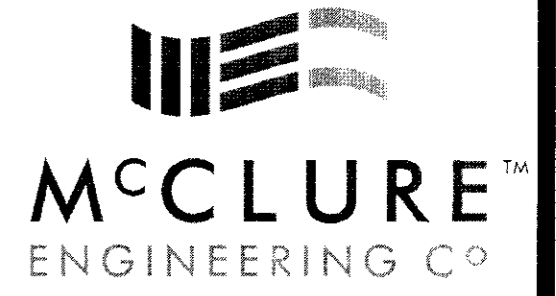


Doc ID: 03017550016 Type: PLT  
 Kind: PLAT  
 Recorded: 10/12/2015 at 12:38:01 PM  
 Fee Amt: \$182.00 Page 1 of 16  
 Polk County Iowa  
 JILLIE H. HARGREY RECORDER  
 File# 2015-00144705  
 BK 15766 PG 551-566

PREPARED BY & RETURNED TO: BRADLEY R. GEATER, PLS, MCCLURE ENGINEERING, 1360 NW 121ST STREET, CLIVE, IOWA 50325, 515-964-1229

# CROSSHAVEN PLAT 6 JOHNSTON, IOWA



building strong communities.

1360 NW 121ST Street  
 Clive, Iowa 50325  
 515-964-1229  
 fax 515-964-2370

### OWNERS:

CROSSHAVEN I LLC  
 6900 WESTOWN PARKWAY  
 WEST DES MOINES, IOWA 50266  
 515-243-3228

### ENGINEER:

McCLURE ENGINEERING  
 1360 NW 121ST STREET  
 CLIVE, IA 50325  
 (515) 964-1229  
 ATTN: CALEB SMITH

### LEGAL DESCRIPTION:

PARCEL A, AS RECORDED IN POLK COUNTY RECORDS AT BOOK 15723, PAGE 395, BEING LOCATED IN OUTLOT Z OF CROSSHAVEN OUTLOTS PLAT 1, AN OFFICIAL PLAT INCLUDED IN AND FORMING A PART OF THE CITY OF JOHNSTON, POLK COUNTY, IOWA.

AND

THAT PART OF PARCEL D, AS RECORDED IN POLK COUNTY RECORDS AT BOOK 12648, PAGE 648, LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 80 NORTH, RANGE 25 WEST OF THE 5TH P.M., CITY OF JOHNSTON, POLK COUNTY, IOWA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL D; THENCE ALONG THE WEST LINE OF SAID PARCEL D S00°02'28"E, 100.46 FEET TO THE WESTERLY LINE OF CROSSHAVEN PLAT 5, AN OFFICIAL PLAT INCLUDED IN AND FORMING A PART OF THE CITY OF JOHNSTON; THENCE ALONG SAID WESTERLY LINE N28°11'28"E, 113.98 FEET TO THE NORTH LINE OF SAID PARCEL D; THENCE ALONG SAID NORTH LINE N90°00'00"W, 53.92 FEET TO THE POINT OF BEGINNING.

DESCRIBED AREA CONTAINS 28.28 ACRES AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

### NOTES:

- 1) LOT A TO BE DEDICATED TO THE CITY OF JOHNSTON FOR USE AS PUBLIC RIGHT-OF-WAY.
- 2) ALL OF OUTLOT Z TO BE ENCUMBERED BY AN OVERLAND FLOWAGE EASEMENT.

### ZONING

ZONING: CROSSHAVEN P.U.D. (ORDINANCE 782)  
 FIRM PANEL: 190901 0085 D  
 EFFECTIVE DATE 7/19/2000

### SETBACKS (SINGLE FAMILY LOTS)

FRONT: 15 FT (FOR USABLE PORCH AREA)  
 25 FEET GARAGE  
 SIDE: 5 FEET  
 REAR: 10 FEET  
 MIN LOT WIDTH: 60 FEET  
 MIN LOT AREA: 6,000 SF

### UTILITIES

WATER - JOHNSTON WATER SYSTEM  
 SANITARY SEWER - JOHNSTON SANITARY SEWER DISTRICT.

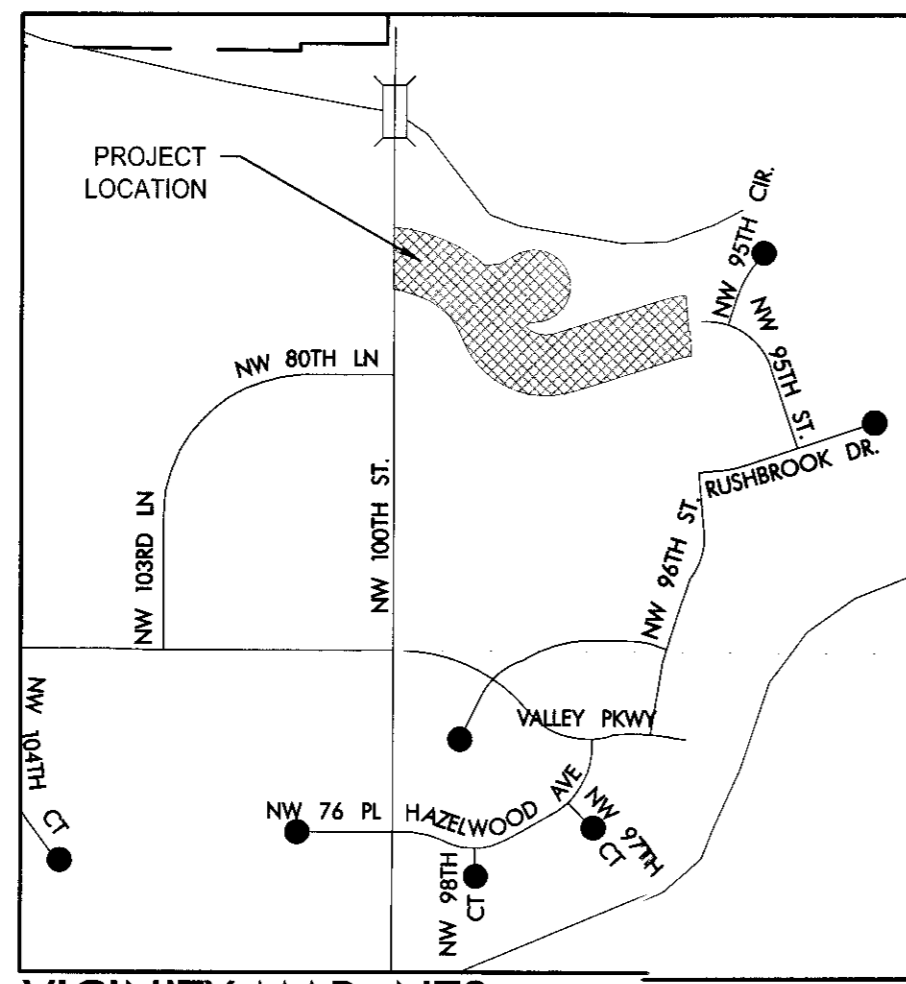
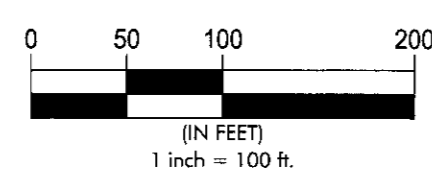
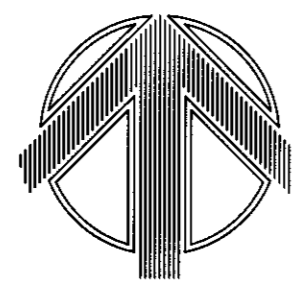
### BENCHMARK

RR SPIKE IN 2ND POWER POLE SOUTH OF THE INTERSECTION OF NW 78TH AVE AND NW 100TH STREET. ELEVATION: 893.19'

ARROW FIRE HYDRANT (FH-100-28) NW CORNER OF THE INTERSECTION OF NW 76TH PL AND NW 100TH STREET. ELEVATION: 900.71'

### FLOOD INSURANCE INFORMATION

THE SUBJECT PROPERTY IS LOCATED ENTIRELY WITHIN FLOOD INSURANCE PANEL 1909010085D WITH AN EFFECTIVE DATE OF JULY 19, 2000. SUBJECT PROPERTY IS LOCATED IN ZONE AE & ZONE X.



### LEGEND

- SETBACKS
- - - EASEMENTS
- - - EXISTING PROPERTY LINES
- PROPERTY LINES
- PLAT BOUNDARY

DATE SURVEYED: 04/22/2015

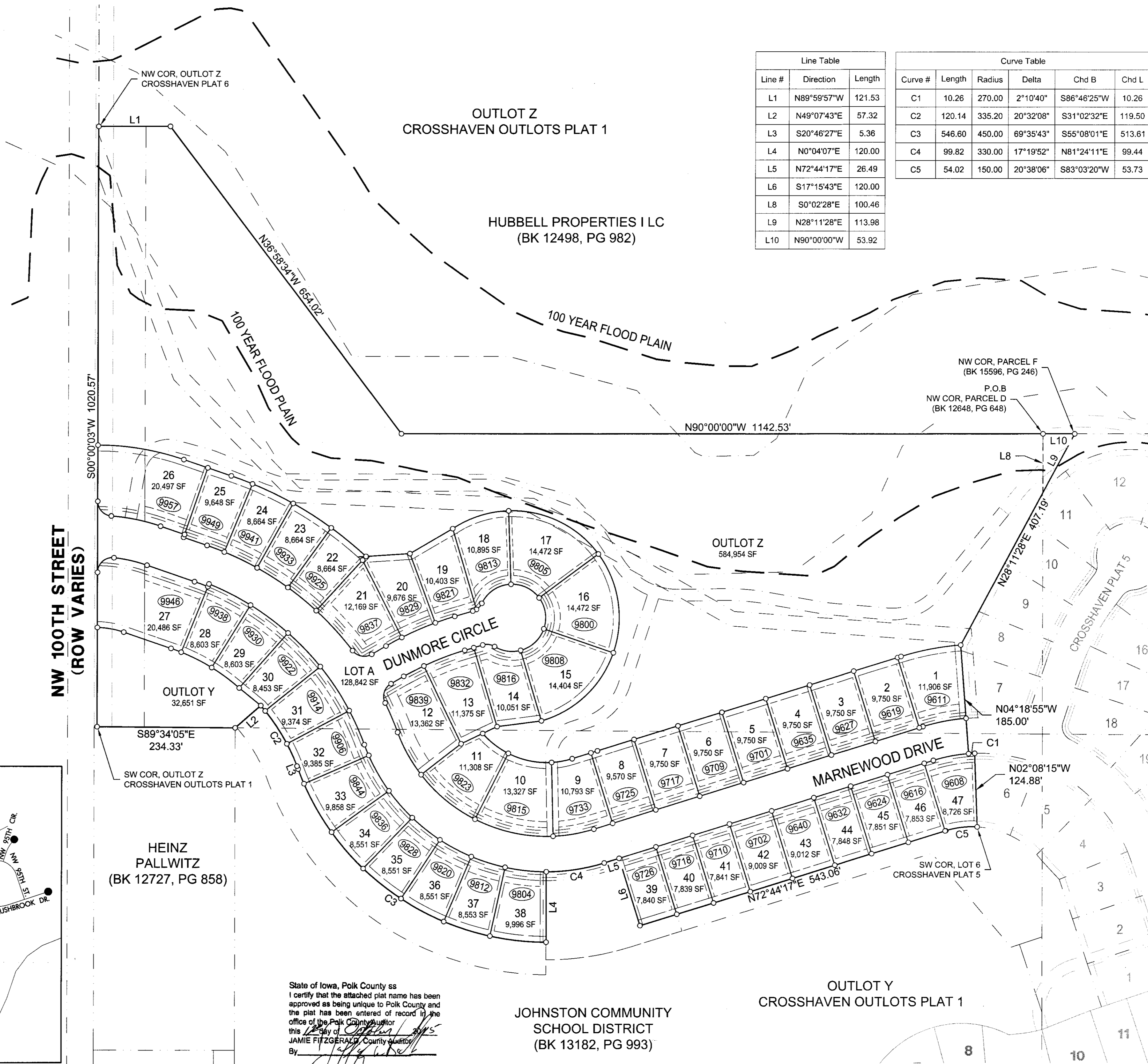
### CORNERS FOUND:

- ▲ - SECTION COR. (AS NOTED)
- - 1/2" REBAR YPC #8812
- - 1/2" REBAR OPC #19828

### CORNERS SET:

- - 1/2" REBAR & YPC #19828
- PUE - PUBLIC UTILITY EASEMENT
- MPE - MINIMUM PROTECTION ELEVATION

1001 - LOT ADDRESSES

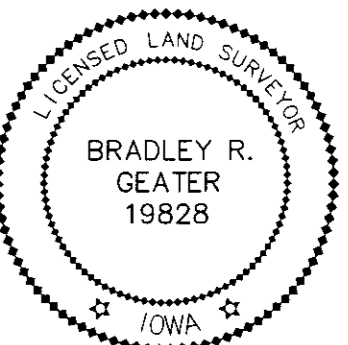


Line #	Direction	Length
L1	N89°59'57"W	121.53
L2	N49°07'43"E	57.32
L3	S20°46'27"E	5.36
L4	N0°04'07"E	120.00
L5	N72°44'17"E	26.49
L6	S17°15'43"E	120.00
L8	S0°02'28"E	100.46
L9	N28°11'28"E	113.98
L10	N90°00'00"W	53.92

Curve #	Length	Radius	Delta	Chd B	Chd L
C1	10.26	270.00	2°10'40"	S86°46'25"W	10.26
C2	120.14	335.20	20°32'08"	S31°02'32"E	119.50
C3	546.60	450.00	69°35'43"	S55°08'01"E	513.61
C4	99.82	330.00	17°19'52"	N81°24'11"E	99.44
C5	54.02	150.00	20°38'06"	S83°03'20"W	53.73

NOTICE:  
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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.

BRADLEY R. GEATER, PLS  
 NO. 19828  
 DATE 10/06/2015

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2015

PAGES OR SHEETS COVERED BY THIS SEAL:  
 4 SHEETS

### CROSSHAVEN PLAT 6

FINAL PLAT  
 JOHNSTON, IOWA  
 226053  
 4/21/2015

REVISIONS  
 09/29/2015

ENGINEER: C. SMITH  
 DRAWN BY: C. CARLETON  
 CHECKED BY: B. GEATER  
 FIELD BOOK NO.:  
 DRAWING NO.: FP-06  
 SHEET NO.: 01/04

State of Iowa, Polk County ss  
 I certify that the attached plat name has been approved as being unique to Polk County and the plat has been entered of record in the office of the Polk County Auditor for this day of October, 2015.  
 JAMIE FITZGERALD, County Auditor  
 By: \_\_\_\_\_

JOHNSTON CITY COUNCIL  
 APPROVED WITH CONDITIONS:  
 DISAPPROVED  
 MEETING DATE: 10-5-15  
 RESOLUTION NO.: 15-247  
 ORDINANCE NO.:

Curve Table					
Curve #	Length	Radius	Delta	Chd B	Chd L
C6	148.63	455.00	18°42'58"	N80°19'46"W	147.97
C7	268.47	655.00	23°29'03"	N59°13'45"W	266.59
C8	628.16	182.00	197°45'12"	N24°54'52"W	359.64
C9	167.14	145.00	66°02'41"	S74°17'42"E	158.04
C10	103.26	455.00	13°00'09"	S79°11'01"W	103.03

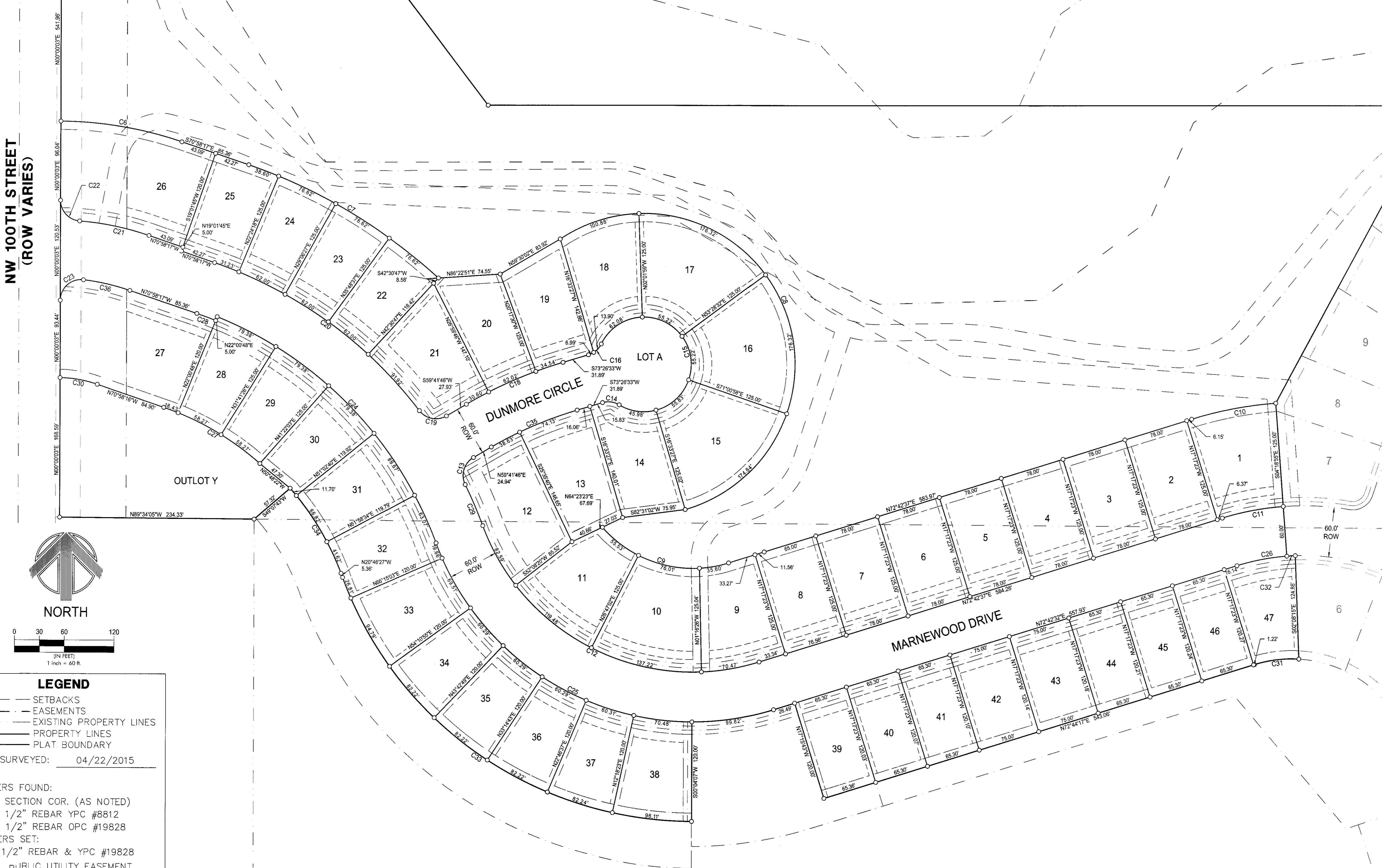
Curve Table					
Curve #	Length	Radius	Delta	Chd B	Chd L
C11	74.73	330.00	12°58'28"	S79°11'51"W	74.57
C12	409.76	270.00	86°57'14"	S63°48'46"E	371.55
C13	37.47	25.00	85°52'01"	S16°45'46"W	34.06
C14	20.89	25.00	47°52'35"	N82°37'09"W	20.29
C15	274.33	57.00	275°45'10"	N16°33'27"W	76.46

Curve Table					
Curve #	Length	Radius	Delta	Chd B	Chd L
C16	20.89	25.00	47°52'35"	N49°30'16"E	20.29
C18	127.16	530.00	13°44'47"	S66°34'10"W	126.85
C19	36.11	25.00	82°45'15"	S78°55'38"E	33.05
C20	309.16	530.00	33°25'18"	N54°15'38"W	304.79
C21	85.66	335.00	14°39'02"	N78°17'48"W	85.43

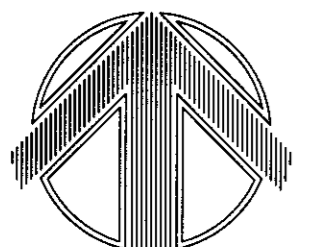
Curve Table					
Curve #	Length	Radius	Delta	Chd B	Chd L
C22	37.36	25.00	85°37'22"	S42°48'38"E	33.98
C23	42.14	25.00	96°34'25"	S48°17'17"W	37.32
C24	390.88	470.00	47°39'03"	N44°09'40"W	379.71
C25	500.66	330.00	86°55'36"	S63°47'57"E	454.01
C26	61.14	270.00	12°58'28"	S79°11'52"W	61.01

Curve Table					
Curve #	Length	Radius	Delta	Chd B	Chd L
C27	134.96	345.00	22°24'51"	N59°50'23"W	134.11
C28	24.22	465.00	2°59'05"	N69°28'44"W	24.22
C29	53.98	530.00	5°50'06"	N23°15'12"W	53.95
C30	45.88	145.00	18°03'00"	N79°59'46"W	45.49
C31	54.02	150.00	20°38'06"	S83°03'20"W	53.73

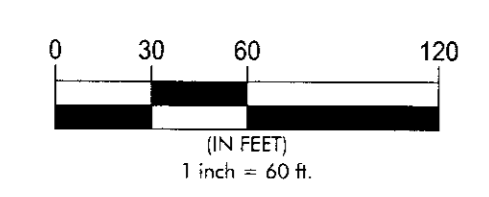
Curve Table					
Curve #	Length	Radius	Delta	Chd B	Chd L
C32	10.26	270.00	2°10'40"	S86°46'25"W	10.26
C33	546.60	450.00	69°35'43"	S55°08'01"E	513.61
C34	120.14	335.20	20°32'08"	N31°02'32"W	119.50
C35	112.76	470.00	13°44'47"	S66°34'10"W	112.49
C36	57.60	265.00	12°27'14"	N77°11'54"W	57.49



NW 100TH STREET  
(ROW VARIES)



NORTH

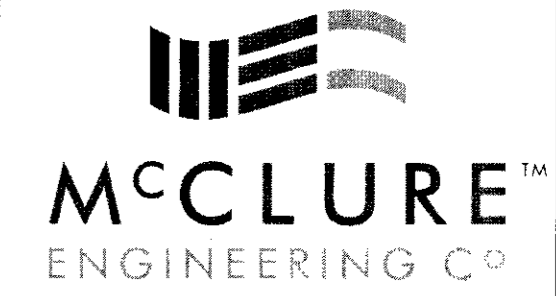


**LEGEND**

- SETBACKS
- EASEMENTS
- EXISTING PROPERTY LINES
- PROPERTY LINES
- PLAT BOUNDARY

DATE SURVEYED: 04/22/2015

- CORNERS FOUND:**
- ▲ - SECTION COR. (AS NOTED)
  - - 1/2" REBAR YPC #8812
  - - 1/2" REBAR OPC #19828
- CORNERS SET:**
- - 1/2" REBAR & YPC #19828
- PUE - PUBLIC UTILITY EASEMENT  
MPE - MINIMUM PROTECTION ELEVATION  
1001 - LOT ADDRESSES



building strong communities.

1360 NW 121ST. Street  
Clive, Iowa 50325  
515-964-1229  
fax 515-964-2370

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**CROSSHAVEN PLAT 6  
FINAL PLAT**  
JOHNSTON, IOWA  
226053  
4/21/2015

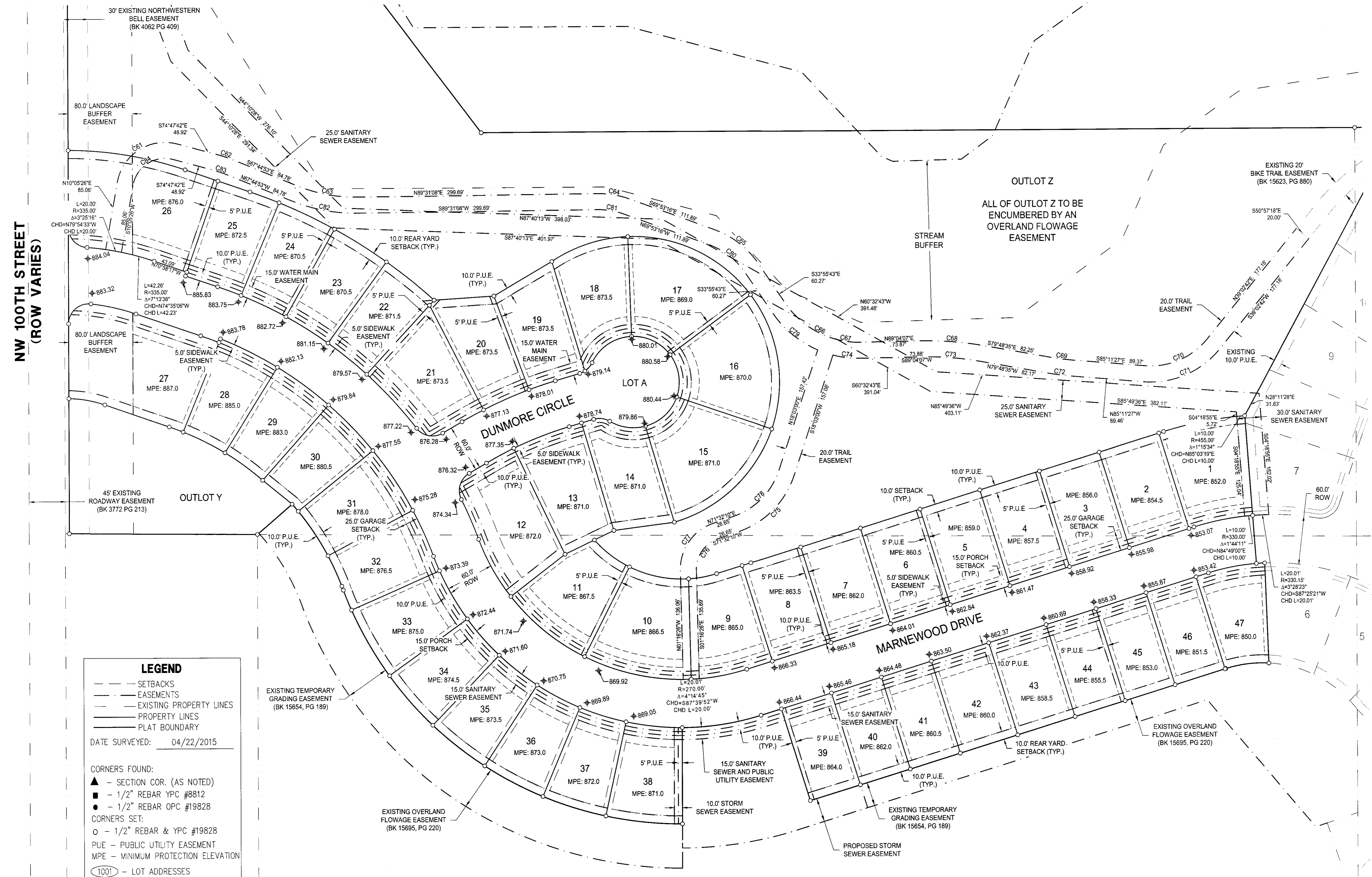
REVISIONS  
09/29/2015

ENGINEER: C. SMITH  
DRAWN BY: C. CARLETON  
CHECKED BY: B. GEATER  
FIELD BOOK NO.:  
DRAWING NO.: FP-06  
SHEET NO.: 02/04



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**LEGEND**

- SETBACKS
- EASEMENTS
- EXISTING PROPERTY LINES
- PROPERTY LINES
- PLAT BOUNDARY

DATE SURVEYED: 04/22/2015

CORNERS FOUND:

- ▲ - SECTION COR. (AS NOTED)
- - 1/2" REBAR YPC #8812
- - 1/2" REBAR OPC #19828

CORNERS SET:

- - 1/2" REBAR & YPC #19828

PUE - PUBLIC UTILITY EASEMENT  
MPE - MINIMUM PROTECTION ELEVATION  
1001 - LOT ADDRESSES

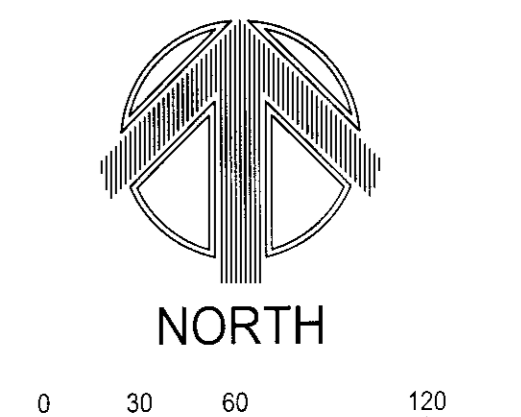
Curve #	Length	Radius	Delta	Chd B	Chd L
C61	99.60	60.00	95°06'51"	N57°38'52"E	88.55
C62	25.83	210.00	7°02'49"	S71°16'17"E	25.81
C63	75.39	190.00	22°43'59"	S79°06'52"E	74.89
C64	40.97	114.00	20°35'36"	S80°11'04"E	40.75
C65	71.55	114.00	35°57'33"	S51°54'30"E	70.38

Curve #	Length	Radius	Delta	Chd B	Chd L
C66	109.44	110.00	57°00'10"	S62°25'48"E	104.98
C67	38.46	109.53	20°07'06"	S80°54'58"E	38.26
C68	79.60	404.13	11°17'08"	S85°22'14"E	79.47
C69	32.62	313.76	5°57'27"	S82°12'44"E	32.61
C70	86.76	90.00	55°13'49"	N66°39'37"E	83.44

Curve #	Length	Radius	Delta	Chd B	Chd L
C71	106.13	110.00	55°16'52"	S66°41'08"W	102.06
C72	34.60	333.76	5°56'24"	N82°13'16"W	34.59
C73	75.69	384.13	11°17'24"	N85°22'14"W	75.57
C74	35.27	129.48	15°38'24"	N83°10'08"W	35.16
C75	102.69	110.00	53°29'10"	S44°47'35"W	99.00

Curve #	Length	Radius	Delta	Chd B	Chd L
C76	50.83	40.00	72°48'36"	S35°07'52"W	47.48
C77	76.25	60.00	72°48'36"	N35°07'52"E	71.22
C78	84.02	90.00	53°29'10"	N44°47'35"E	81.00
C79	74.04	130.00	32°38'03"	N50°14'44"W	73.05
C80	59.00	94.00	35°57'33"	N51°54'30"W	58.03

Curve #	Length	Radius	Delta	Chd B	Chd L
C81	33.79	94.00	20°35'36"	N80°11'04"W	33.60
C82	83.32	210.00	22°43'59"	N79°06'52"W	82.78
C83	23.37	190.00	7°02'49"	N71°16'17"W	23.35
C84	66.40	40.00	95°06'51"	S57°38'52"W	59.04



**CROSSHAVEN PLAT 6  
FINAL PLAT**  
JOHNSTON, IOWA  
226053  
4/21/2015

REVISIONS  
09/29/2015

ENGINEER: C. SMITH  
DRAWN BY: C. CARLETON  
CHECKED BY: B. GEATER  
FIELD BOOK NO.:  
DRAWING NO.: FP-06  
SHEET NO.: 03/04

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OUTLOT Z  
CROSSHAVEN OUTLOTS PLAT 1

HUBBELL PROPERTIES I LC  
(BK 12498, PG 982)

OUTLOT Z  
ALL OF OUTLOT Z TO BE  
ENCUMBERED BY AN  
OVERLAND FLOWAGE  
EASEMENT

NW 100TH STREET  
(ROW VARIES)

S00°00'03"W 1020.57'

N89°59'57"W 121.53'

71.83'

S82°17'18"E 366.69'

N49°15'31"W 431.13'

N39°58'34"W 634.02'

80' LANDSCAPE  
BUFFER  
EASEMENT

30' EXISTING NORTHWESTERN  
BELL EASEMENT  
(BK 4062 PG 409)

45' EXISTING  
ROADWAY EASEMENT  
(BK 3772 PG 213)

**LEGEND**

- SETBACKS
- - - EASEMENTS
- EXISTING PROPERTY LINES
- PROPERTY LINES
- PLAT BOUNDARY

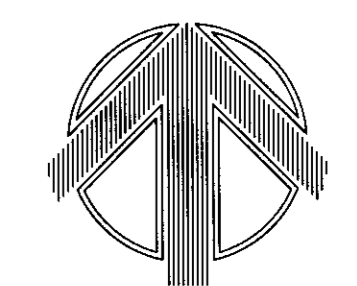
DATE SURVEYED: 04/22/2015

CORNERS FOUND:

- ▲ - SECTION COR. (AS NOTED)
- - 1/2" REBAR YPC #8812
- - 1/2" REBAR OPC #19828

CORNERS SET:

- - 1/2" REBAR & YPC #19828
- - PUBLIC UTILITY EASEMENT
- MPE - MINIMUM PROTECTION ELEVATION
- 1001 - LOT ADDRESSES



NORTH



CROSSHAVEN PLAT 6  
FINAL PLAT  
JOHNSTON, IOWA  
226053  
4/21/2015

REVISIONS  
09/29/2015

ENGINEER C. SMITH	DRAWN BY C. CARLETON
CHECKED BY B. GEATER	FIELD BOOK NO. -
DRAWING NO. FP-06	SHEET NO. 04/04

162  
WJ

**RETURN TO:**

Prepared by and Return To: Jennifer Drake, Hubbell Realty Company 6900 Westown Parkway, West Des Moines, Iowa 50266, (515) 280-2057

SPACE ABOVE THIS LINE FOR RECORDER

**OWNER'S CERTIFICATE**

**KNOW ALL PERSONS BY THESE PRESENTS:** That **Crosshaven I, LLC**, an Iowa limited liability company, owns the property legally described as:

Parcel A, as recorded in Polk County Records at Book 15723, Page 395, being located in Outlot Z of Crosshaven Outlots Plat 1, an Official Plat now included in and forming a part of the City of Johnston, Polk County, Iowa, and

That part of Parcel D, as recorded in Polk County Records at Book 12648, Page 648, located in the Northeast Quarter of the Southwest Quarter of Section 27, Township 80 North, Range 25 West of the 5<sup>th</sup> P.M., City of Johnston, Polk County, Iowa being more particularly described as follows:

Beginning at the Northwest corner of said Parcel D; thence along the West line of said Parcel D S00°02'28"E, 100.46 feet to the Westerly line of Crosshaven Plat 5, an Official Plat now included in and forming a part of the City of Johnston; thence along said Westerly line N28°11'28"E, 113.98 feet to the North line of said Parcel D; thence along said North line N90°00'00"W, 53.92 feet to the Point of Beginning, said area contains 28.28 acres and is subject to easements and restrictions of record.

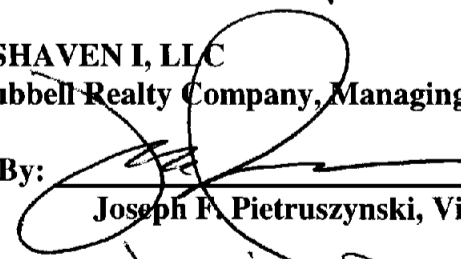
The undersigned property owner has caused the Property described above to be subdivided into lots to be known as "**Crosshaven Plat 6**". The undersigned further acknowledge and certify that the subdivision of said **Crosshaven Plat 6** is with its consent and in accordance with its desires.

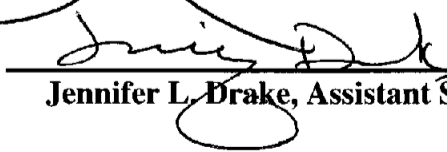
Crosshaven I, LLC does hereby dedicate to the electric company or companies, the natural gas company or companies, the telephone company or companies, the cable television company or companies and the data transmission company or companies serving the City of Johnston, Iowa, the perpetual public utility easements for underground electrical, natural gas, telephone, cable television utility services, and data transmission utility services that are shown on the recorded Final Plat of **Crosshaven Plat 6**.

Dated this 22<sup>nd</sup> day of September, 2015.

**CROSSHAVEN I, LLC**

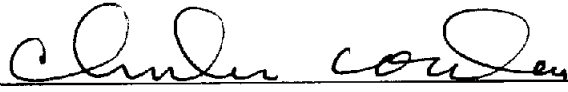
By: **Hubbell Realty Company, Managing Member**

By:   
 \_\_\_\_\_  
**Joseph F. Pietruszynski, Vice President**

By:   
 \_\_\_\_\_  
**Jennifer L. Drake, Assistant Secretary**

STATE OF IOWA            )  
  )SS  
COUNTY OF DALLAS    )

On this 22<sup>nd</sup> day of September 2015 before me a Notary Public, in and for said county, personally appeared Joseph F. Pietruszynski and Jennifer Drake to me personally known, who being by me duly sworn did say that they are the Vice President and Assistant Secretary of Hubbell Realty Company, an Iowa corporation, the managing member of Crosshaven I, LLC, an Iowa limited liability company.

  
\_\_\_\_\_  
Notary Public in and for the State of Iowa



L:\Crosshaven\Crosshaven Plat 6\Platting\Platting Documents\OWNERS CERTIFICATE.doc

Prepared by and Return to: Jennifer Drake, Hubbell Realty Company, 6900 Westown Parkway, West Des Moines, Iowa 50266, (515) 280-2057

SPACE ABOVE THIS LINE FOR RECORDER

**MORTGAGEE'S CONSENT TO THE FINAL PLAT OF  
CROSSHAVEN PLAT 6**

**KNOW ALL MEN BY THESE PRESENTS:** that, West Bank is the present owner of the Mortgagee's interest in that certain Mortgage, granted by Crosshaven I, LLC an Iowa limited liability company, as Mortgagor, to West Bank, as Mortgagee, dated December 31, 2014 and filed for record in the Office of the Recorder for Polk County, Iowa on January 2, 2015 in Book 15431 at Page 421 of the Polk County Records, of the Mortgagee's interest in that certain Mortgage, granted by Crosshaven I, LLC, as Mortgagor, to West Bank, as Mortgagee, dated June 5, 2015 and filed for record in the Office of the Recorder for Polk County, Iowa on June 11, 2015 in Book 15612 at Page 658 of the Polk County Records and of the Mortgagee's interest in that certain Mortgage, granted by Hubbell Properties I, L.C., as Mortgagor, to West Bank, as Mortgagee, dated July 17, 2015 and filed for record in the Office of the Recorder for Polk County, Iowa on July 23, 2015 in Book 15668 at Page 853 of the Polk County Records, (to be collectively referred to herein as the "**Mortgages**"), which Mortgages create a lien on, among other property, the real property legally described as:

Parcel A, as recorded in Polk County Records at Book 15723, Page 395, being located in Outlot Z of Crosshaven Outlots Plat 1, an Official Plat now included in and forming a part of the City of Johnston, Polk County, Iowa, and

That part of Parcel D, as recorded in Polk County Records at Book 12648, Page 648, located in the Northeast Quarter of the Southwest Quarter of Section 27, Township 80 North, Range 25 West of the 5<sup>th</sup> P.M., City of Johnston, Polk County, Iowa being more particularly described as follows:

Beginning at the Northwest corner of said Parcel D; thence along the West line of said Parcel D S00°02'28"E, 100.46 feet to the Westerly line of Crosshaven Plat 5, an Official Plat now included in and forming a part of the City of Johnston; thence along said Westerly line N28°11'28"E, 113.98 feet to the North line of said Parcel D; thence along said North line N90°00'00"W, 53.92 feet to the Point of Beginning, said area contains 28.28 acres and is subject to easements and restrictions of record.

which Property is to be platted into a subdivision to be known as "**Crosshaven Plat 6**", an Official Plat, now included in and forming a part of the City of Johnston, Polk County, Iowa. West Bank hereby acknowledges that the subdivision of the Property into lots in a plat to be known as **Crosshaven Plat 6** is with its consent and in accordance with its desire.

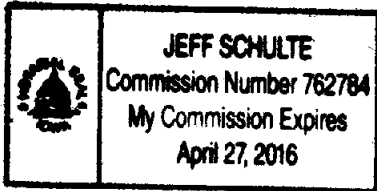
Dated this 23<sup>rd</sup> day of September, 2015.

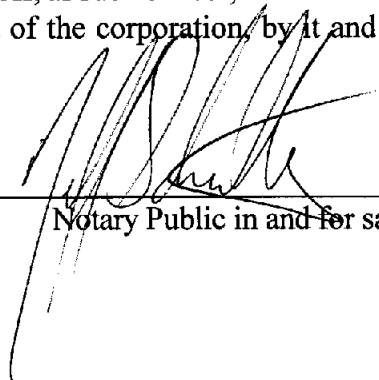
**WEST BANK**

By:   
\_\_\_\_\_  
**Luke Mohlenhoff, Vice President**

STATE OF IOWA        )  
                              )        SS.  
COUNTY OF POLK     )

On this 23<sup>rd</sup> day of September 2015 before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared Luke Mohlenhoff, to me personally known, who, being by me duly sworn, did say that he is the Vice President of West Bank, executing the within and foregoing instrument; that the instrument was signed on behalf of said bank corporation by authority of its Board of Directors; and said Luke Mohlenhoff, as such officer, acknowledged the execution of the instrument to be the voluntary act and deed of the corporation, by it and by him voluntarily executed.



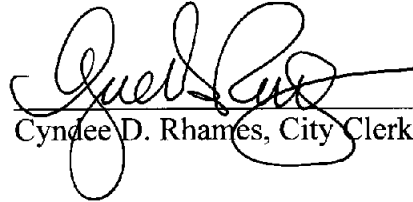
  
\_\_\_\_\_  
Notary Public in and for said State

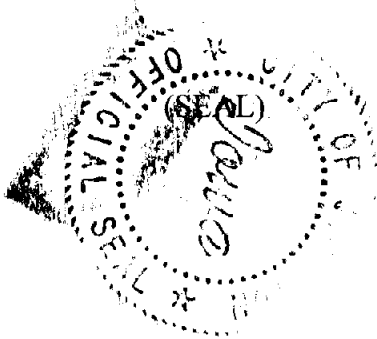


**CLERK'S CERTIFICATE**

STATE OF IOWA    )  
                                  )  
COUNTY OF POLK)

I, Cyndee D. Rhames, City Clerk of the City of Johnston, Iowa, do hereby certify that the attached is a true copy of Resolution No. 15-247- A resolution approving the Final Plat for Crosshaven Plat 6.  
WITNESS my hand and the seal of said Municipality hereto affixed this 5<sup>th</sup> Day of October, 2015.

  
\_\_\_\_\_  
Cyndee D. Rhames, City Clerk



## **RESOLUTION 15-247**

### **A RESOLUTION APPROVING THE FINAL PLAT FOR CROSSHAVEN PLAT 6**


**WHEREAS**, on June 29, 2015 the Johnston Planning and Zoning Commission recommended approval of the final plat for Crosshaven plat 6 subject to conditions; and,

**WHEREAS**, the following action is deemed appropriate.

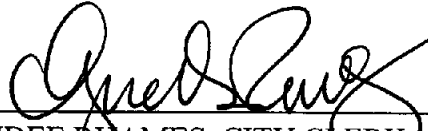
**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JOHNSTON, IOWA**, that, the Final Plat for Crosshaven Plat 6 in the City of Johnston, is hereby approved subject to recordation of the following documents.

- Attorney's Title Opinion
- Polk County Treasurer's Tax Certificate
- Consent to Plat (Owner)
- Consent to Plat (Lenders)
- Warranty deed for street lots
- Groundwater hazard statement for street lots
- Partial release of real estate mortgage for street lots
- Covenants
- Sanitary Sewer Easement
- Sidewalk Easement
- Bike Trail Easement
- Storm Sewer Easement
- Landscape Buffer Easement
- Water Main Easement
- Overland Flowage Easement
- Stormwater Management Facilities Maintenance Agreement
- Payment of the Little Beaver Creek Trunk Sewer District Connection Fee
- Petition and Waiver or other mechanism to address future improvements to NW 100<sup>th</sup> Street
- Performance Bonds for all outstanding construction items, bonds should be in the amount of the remaining construction costs plus ten percent. A contractor or engineers estimate shall be provided to document remaining items and costs.
- Maintenance bonds for all streets, underground infrastructure, trails and common open space areas. Maintenance bonds shall be valid for a four year period after acceptance of the public improvements.
- Performance Bond for Open Space / Buffer landscaping

PASSED AND APPROVED this 5<sup>th</sup> Day of October, 2015

  
\_\_\_\_\_  
PAULA DIERENFELD, MAYOR

ATTEST:

  
\_\_\_\_\_  
CYNDEE RHAMES, CITY CLERK

<u>ROLL CALL VOTE:</u>	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
Brown	<input checked="" type="checkbox"/>	_____	_____	_____
Clabaugh	<input checked="" type="checkbox"/>	_____	_____	_____
Cope	<input checked="" type="checkbox"/>	_____	_____	_____
Lindeman	<input checked="" type="checkbox"/>	_____	_____	_____
Temple	<input checked="" type="checkbox"/>	_____	_____	_____



Robert J. Douglas, Jr.  
BobDouglas@davisbrownlaw.com  
phone: 515-246-7841  
West Des Moines Office

September 16, 2015

ATTORNEY'S PLATTING OPINION

The Honorable Mayor and  
Members of the City Council  
City of Johnston, Iowa

Ladies and Gentlemen:

*I*

We have examined an Abstract of Title commencing with the Root of Title entry and ending with Pencil Notes No. 684255 prepared by Iowa Title Company and certified that it reflects all matters up to September 11, 2015 at 6:00 a.m. and relating to the following property:

PARCEL A, AS RECORDED IN BOOK 15723, PAGE 395 OF THE POLK COUNTY RECORDER'S OFFICE, BEING LOCATED IN OUTLOT Z OF CROSSHAVEN OUTLOTS PLAT 1, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF JOHNSTON, POLK COUNTY, IOWA

AND

THAT PART OF PARCEL D, RECORD IN POLK COUNTY RECORDS AT BOOK 12648, PG 648, IN THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 27, TOWNSHIP 80 NORTH, RANGE 25 WEST OF THE 5<sup>TH</sup> P.M. CITY OF JOHNSTON, POLK COUNTY, IOWA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF PARCEL D, THENCE ALONG THE WEST LINE OF SAID PARCEL D, S00°02'28"E, 100.46 FEET TO THE WESTERLY LINE OF CROSSHAVEN PLAT 5, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF JOHNSTON; THENCE ALONG SAID WESTERLY LINE, N28°11'28"E, 113.98 FEET TO THE NORTH LINE OF SAID PARCEL D; THENCE ALONG SAID NORTH LINE

DAVIS BROWN KOEHN SHORS & ROBERTS P.C.

N90°00'00"W, 53.92 FEET TO THE POINT OF BEGINNING.  
DESCRIBED AREA CONTAINS 28.28 ACRES

WHICH IS TO BECOME CROSSHAVEN PLAT 6, AN  
OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A  
PART OF THE CITY OF JOHNSTON, POLK COUNTY, IOWA

As of that date and time, we find from our examination that good and marketable title to the property described above is held by:

Crosshaven I, LLC

EXCEPT THAT we also find certain matters which could affect the right of the titleholder to sell the property or your right to keep it. Such matters are listed below and must be satisfactorily resolved before closing:

1. **MORTGAGE**. There is shown a mortgage dated December 31, 2014, filed January 2, 2015 in Book 15431, Page 421 of the Polk County Recorder's Office from Crosshaven I, LLC, to West Bank, which is a lien on a portion of the property under examination.
2. **MORTGAGE**. There is shown a mortgage dated June 5, 2015, filed June 11, 2015 in Book 15612, Page 658 of the Polk County Recorder's Office from Crosshaven I, LLC, to West Bank, which is a lien on a portion of the property under examination.
3. **MORTGAGE**. There is shown a mortgage dated July 17, 2015, filed July 23, 2015 in Book 15668, Page 853 of the Polk County Recorder's Office from Hubbell Properties I, LLC, to West Bank, which is a lien on a portion of the property under examination.
4. **REAL ESTATE TAXES**. Real estate taxes for fiscal year 2014-2015 (payable in 2015-2016) are as follows: Parcel No. 24100434560014: first installment –paid; second installment –paid, Parcel No. 24100282052002: first installment - paid, second installment - paid.
5. **SEARCHES**. The abstracter has conducted ten-year judgment lien searches against Crosshaven I, LLC and no liens are shown.
6. **EASEMENT AND COVENANTS**. The following easements, covenants and restrictions are shown in the Polk County Recorder's Office:
  - a. City of Johnston zoning ordinance.
  - b. Agreement for Extension of City Services and Irrevocable Petition for Voluntary Annexation filed July 25, 2008 in Book 12728, Page 663 for the property under examination, and other adjoining property.
  - c. On a portion of Parcel 1 is shown a Storm Water Detention Pond Development Agreement for Crosshaven filed February 10, 2012 in Book 14155, Page 128 which is an



agreement to build and maintain a detention pond on certain property for benefit of the property under examination, and other property. There is a cost sharing arrangement contained therein based upon the size of the real estate being served.

d. Declaration of Covenants, Conditions, Easements and Restrictions for Crosshaven filed in Book 13374, Page 532, as amended to include other land including this land.

e. Bike Trail Easement filed in Book 15623, page 880.

**GENERAL MATTERS.**

(a) This Opinion is prepared for purposes of complying with Section 354.11 of the Iowa Code (2003).

(b) This opinion does not cover matters which are not included in the abstract:

- (1) Plat and boundary lines;
- (2) Parties in possession;
- (3) Special assessments not yet certified with the County Treasurer;
- (4) Liens for charges for municipal services not yet certified with the County Auditor;
- (5) Zoning ordinances;
- (6) Personal property taxes against the titleholder in the county where the property is located, which are not assessed in the taxing district where the property is located; and
- (7) Labor or material furnished on the property within the last ninety (90) days which might become subject to mechanic's liens.
- (8) Utility easements.

Respectfully submitted,

**DAVIS, BROWN, KOEHN, SHORS & ROBERTS, P.C.**

  
Robert J. Douglas, Jr.

# CERTIFICATE OF TREASURER OF POLK COUNTY, IOWA

STATE OF IOWA                     )  
    ) **ss:**  
 COUNTY OF POLK                 )

I, Mary Maloney, Treasurer of Polk County, having examined the records of my office, in accordance with the provisions of Section 354.11 of the Code of Iowa pertaining to real properties, specifically set forth in Exhibit "A" attached hereto and made part hereof, to be hereinafter designated as:

## CROSSHAVEN PLAT 6 an Official Plat, Polk County, Iowa

do hereby certify that same is free from all certified taxes, special assessments and special rates and charges.

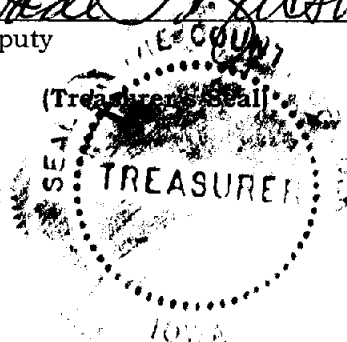
Nor are there any taxes due for Moneys and Credits, Bushels of Grain, Industrial Machinery, Data Processing Equipment, Utilities or Buildings on Leased Land against

## CROSSHAVEN I, LLC,

who is(are) the record title holder(s) of said real estate.

Dated at Des Moines, IA , Thursday, September 17, 2015 .

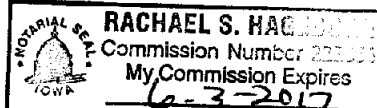
**MARY MALONEY**  
**POLK COUNTY TREASURER**

by *Jade Lubman*  
 Deputy  
 (Treasurer Seal)  


Subscribed and sworn to before me on this 17 day of September 2015.

by *Rachael S. Hagood*  
 Notary Public in and for Polk County, IA

(Notary Seal)



**PREPARED BY: Rebecca Lawrence, Property Description Specialist**

## EXHIBIT A

Parcel A, as recorded in Polk County Records at Book 15723, Page 395, being located in Outlot Z of Crosshaven Outlots Plat 1, an Official Plat now included in and forming a part of the City of Johnston, Polk County, Iowa, and

That part of Parcel D, as recorded in Polk County Records at Book 12648, Page 648, located in the Northeast Quarter of the Southwest Quarter of Section 27, Township 80 North, Range 25 West of the 5<sup>th</sup> P.M., City of Johnston, Polk County, Iowa being more particularly described as follows:

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