

**CROSSHAVEN PLAT 9  
JOHNSTON, IOWA  
FINAL PLAT**

Doc ID: 3719954022 Type: PLT  
Kind: PLAT  
Recorded: 10/22/2021 at 11:36:13 AM  
Fee Amt: \$115.00 Page 1 of 22  
Polk County Iowa  
JULIE M. WAGNER, RECORDER  
File# 2021-0011995  
BK 18821 PG 405-426

- GENERAL LEGEND**
- SURVEY BOUNDARY
  - PROPOSED LOT
  - EXIST PROPERTY LINE
  - SECTION LINE
  - SETBACK LINE
  - EASEMENT
- MONUMENTS FOUND:**
- SECTION CORNER (TYPE AS NOTED)
  - 1/2" REBAR W/PC #16747 (UNLESS NOTED OTHERWISE)
- MONUMENTS SET:**
- SECTION CORNER
  - 1/2" REBAR W/PC #16747
  - 1/2" REBAR W/PC #16747
  - CUT X
- FIND FOUND:**
- BK, PG BOOK AND PAGE
  - (M, R) MEASURED, RECORDED
  - R.O.W. RIGHT-OF-WAY
  - P.U.E. PUBLIC UTILITY EASEMENT
  - P.O.B. POINT OF BEGINNING
  - P.O.C. POINT OF COMMENCEMENT

**OWNERS:**  
CROSSHAVEN I, LLC  
6900 WESTOWN PARKWAY  
WEST DES MOINES, IOWA 50266  
(515) 280-2057

**ENGINEER:**  
MCCLURE  
1360 NW 121ST STREET  
CLIVE, IA 50325  
(515) 964-1229  
CSMITH@MCCLUREVISION.COM  
ATTN: CALEB SMITH

**ZONING:**  
EXISTING ZONING:  
THE CROSSHAVEN P.U.D. - TRACTS 9-11  
ORDINANCE 782, ADOPTED OCTOBER 6, 2008  
WITHIN THE FLOODWAY FRINGE OVERLAYS

**SETBACK SUMMARY:**  
PERIMETER FOR TRACTS 9-11:  
FRONT: 50 FEET (NW 100TH ST & NW 82ND AVE)  
SIDE: 35 FEET (NORTH PROPERTY BOUNDARY)  
REAR: 50 FEET (EAST PROPERTY BOUNDARY)

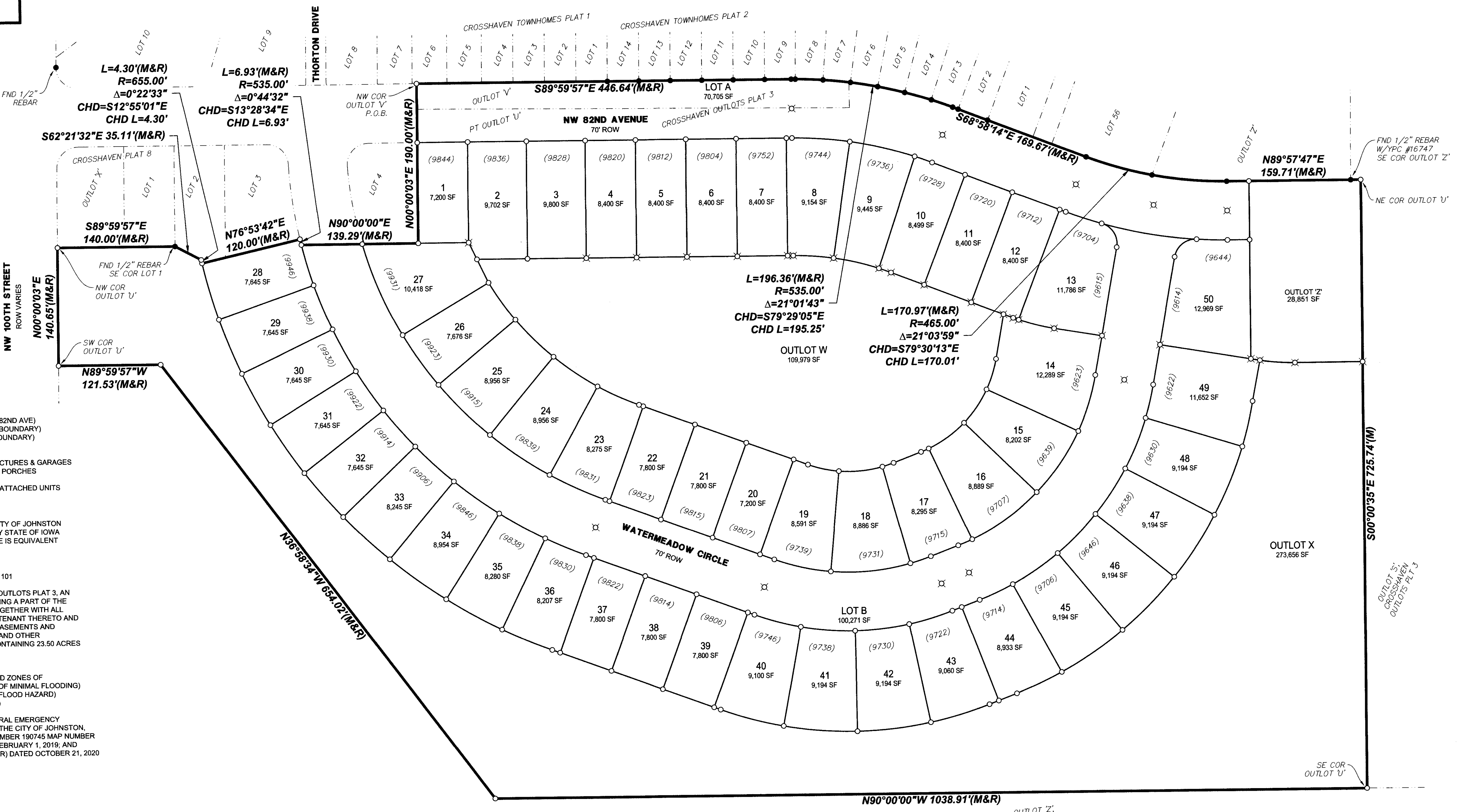
**INTERNAL SETBACKS FOR TRACTS 9-11:**  
FRONT: 25 FEET FOR PRIMARY STRUCTURES & GARAGES  
FRONT: 15 FEET FOR USABLE FRONT PORCHES  
SIDE: 5 FEET  
SIDE: 0 FEET FOR ONE SIDE ON BI-ATTACHED UNITS  
REAR: 10 FEET

**NOTE:**  
LOT 'A' AND LOT 'B' ARE DEDICATED TO THE CITY OF JOHNSTON BY ACCEPTANCE OF THE PLAT. AS STATED BY STATE OF IOWA CODE 354.19 DEDICATION OF LAND. THIS NOTE IS EQUIVALENT AS A DEED IN FEE SIMPLE.

**LEGAL DESCRIPTION:**  
FROM QUIT CLAIM DEED IN BOOK 16615 PAGE 101

OUTLOT 'U' AND OUTLOT 'V' IN CROSSHAVEN OUTLOTS PLAT 3, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF JOHNSTON, POLK COUNTY, IOWA, TOGETHER WITH ALL EASEMENTS AND SERVIENT ESTATES APPURTENANT THERETO AND SUBJECT TO (A) ALL EXISTING COVENANTS, EASEMENTS AND RESTRICTIONS OF RECORD, AND (B) ZONING AND OTHER APPLICABLE BUILDING REGULATIONS AND CONTAINING 23.50 ACRES

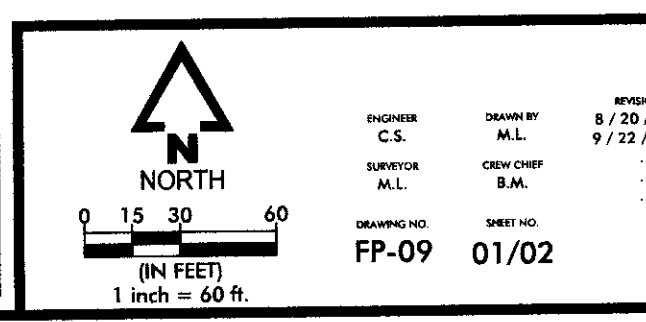
**FEMA FLOOD INFORMATION:**  
PORTIONS OF THE SITE LIE WITHIN THE FLOOD ZONES OF:  
• UNSHADED ZONE X (DEFINED AS AREAS OF MINIMAL FLOODING)  
• SHADED ZONE X (0.2% ANNUAL CHANCE FLOOD HAZARD)  
• ZONE AE (WITH BASE FLOOD ELEVATION)  
• REGULATORY FLOODWAY  
AS SHOWN ON MAP PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT ADMINISTRATION (FEMA) FOR THE CITY OF JOHNSTON, POLK COUNTY, IOWA, COMMUNITY-PANEL NUMBER 190745 MAP NUMBER 19153C0160F, WITH AN EFFECTIVE DATE OF FEBRUARY 1, 2019; AND INCLUDING A LETTER OF MAP REVISION (LOMR) DATED OCTOBER 21, 2020



JOHNSTON CITY COUNCIL  
APPROVED WITH CONDITIONS   
DISAPPROVED   
MEETING DATE 10-18-2021  
RESOLUTION NO. 21-310  
ORDINANCE NO. \_\_\_\_\_

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED 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.

*Michael D. Lee* 9-24-2021  
MICHAEL D. LEE  
18747  
DATE SURVEYED: 9/22/2021 SHEETS 1-2



CROSSHAVEN PLAT 9  
FINAL PLAT  
JOHNSTON, IOWA  
POLK COUNTY  
2215001  
DATE: 6/28/2021

**MCCLURE**  
making lives better.  
1360 NW 121st Street, STE A  
Clive, Iowa 50325  
(515) 964-1229  
fax: 515-964-2110

**CROSSHAVEN PLAT 9  
JOHNSTON, IOWA  
FINAL PLAT**

Curve #	Length	Radius	Delta	CHD B	CHD L
C1	69.16'	465.00'	8°31'19"	S85°44'17"E	69.10'
C2	79.42'	465.00'	9°47'08"	S76°35'04"E	79.32'
C3	22.08'	465.00'	2°43'16"	S70°19'52"E	22.08'
C4	45.09'	535.00'	4°49'43"	S71°23'05"E	45.07'
C5	36.59'	25.00'	83°50'58"	S31°52'27"E	33.41'
C6	70.01'	265.00'	15°08'11"	S17°37'07"W	69.80'
C7	88.36'	265.00'	19°06'16"	S34°44'20"W	87.95'
C8	95.75'	265.00'	20°42'09"	S54°38'32"W	95.23'
C9	18.18'	265.00'	3°55'49"	S66°57'31"W	18.17'
C10	25.77'	265.00'	5°34'16"	S71°42'33"W	25.76'
C11	95.73'	265.00'	20°41'49"	S84°50'35"W	95.21'

Curve #	Length	Radius	Delta	CHD B	CHD L
C12	69.20'	265.00'	14°57'39"	N77°19'41"W	69.00'
C13	73.13'	465.00'	9°00'38"	N65°20'33"W	73.05'
C14	85.69'	465.00'	10°33'29"	N55°33'29"W	85.57'
C15	85.69'	465.00'	10°33'30"	N44°59'59"W	85.57'
C16	73.45'	465.00'	9°02'59"	N35°11'45"W	73.37'
C17	119.20'	465.00'	14°41'15"	N23°19'37"W	118.87'
C18	57.28'	535.00'	6°08'04"	N16°10'20"W	57.25'
C19	57.28'	535.00'	6°08'04"	S22°18'24"E	57.25'
C20	57.28'	535.00'	6°08'04"	S28°28'28"E	57.25'
C21	57.28'	535.00'	6°08'04"	S34°34'32"E	57.25'
C22	57.28'	535.00'	6°08'04"	S40°42'36"E	57.25'

Curve #	Length	Radius	Delta	CHD B	CHD L
C23	62.28'	535.00'	6°40'12"	S47°06'43"E	62.25'
C24	66.59'	535.00'	7°07'53"	S54°00'46"E	66.55'
C25	62.04'	535.00'	6°38'41"	S60°54'02"E	62.01'
C26	52.52'	535.00'	5°37'29"	S67°02'07"E	52.50'
C27	57.23'	335.00'	9°47'19"	S74°44'31"E	57.16'
C28	64.98'	335.00'	11°06'48"	S85°11'34"E	64.88'
C29	63.58'	345.00'	10°33'30"	S44°59'59"E	63.49'
C30	64.98'	335.00'	11°06'48"	N83°41'38"E	64.88'
C31	53.87'	335.00'	9°12'48"	N73°31'50"E	53.81'
C32	43.50'	335.00'	7°26'25"	N65°12'13"E	43.47'
C33	64.98'	335.00'	11°06'48"	N55°55'36"E	64.88'

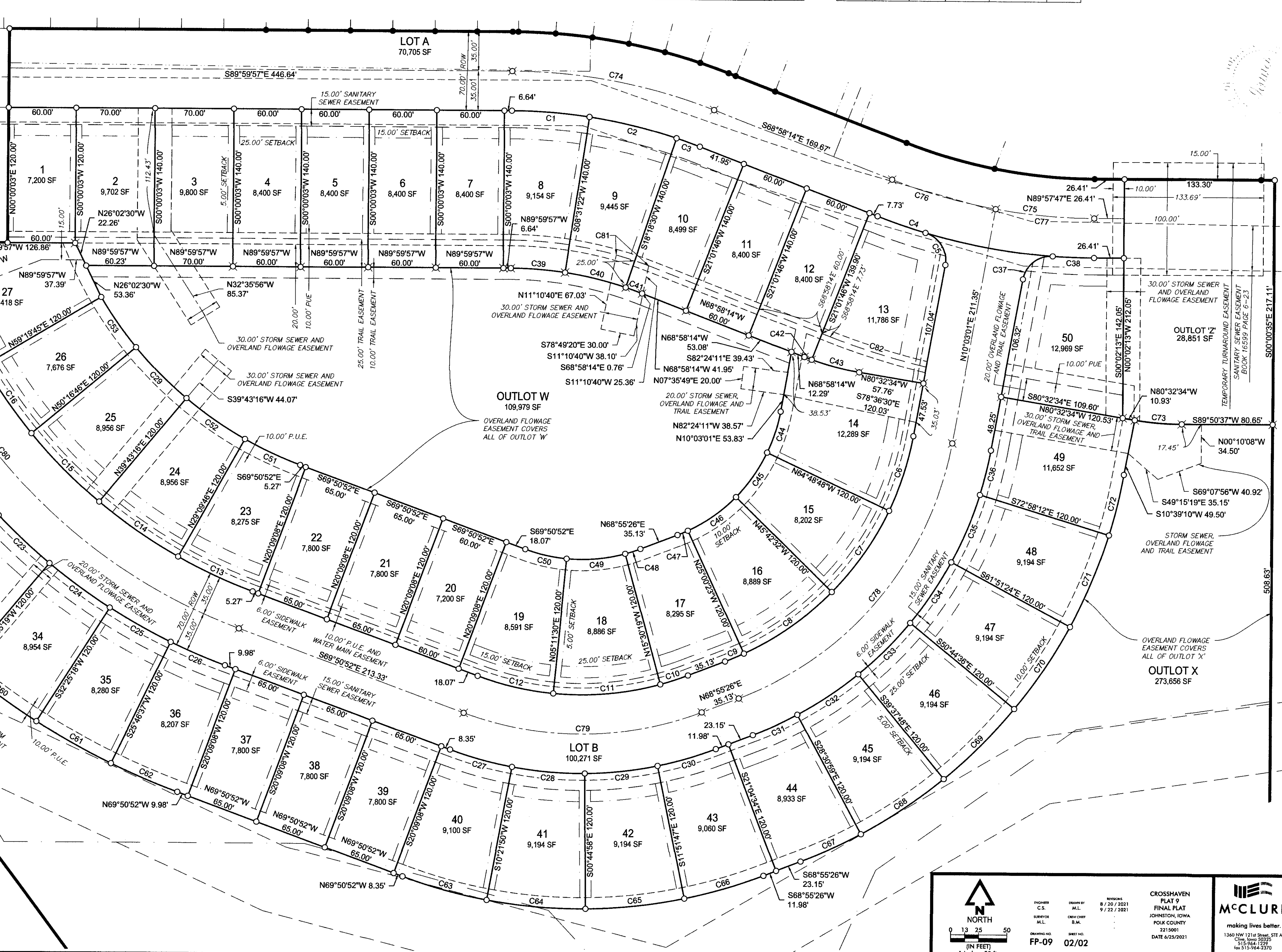
Curve #	Length	Radius	Delta	CHD B	CHD L
C34	64.98'	335.00'	11°06'48"	N44°48'48"E	64.88'
C35	64.98'	335.00'	11°06'48"	N33°42'00"E	64.88'
C36	40.81'	335.00'	6°58'46"	N13°32'25"E	40.78'
C37	36.59'	25.00'	83°50'58"	N51°58'30"E	33.41'
C38	36.76'	535.00'	3°56'12"	S88°04'07"E	36.75'
C39	48.34'	325.00'	8°31'19"	N85°44'17"W	48.29'
C40	55.51'	325.00'	9°47'08"	N76°35'04"W	55.44'
C41	15.44'	325.00'	2°43'16"	N70°19'52"W	15.43'
C42	6.92'	249.77'	1°35'14"	N69°45'32"W	6.92'
C43	43.55'	249.77'	9°59'25"	N75°32'52"W	43.50'

Curve #	Length	Radius	Delta	CHD B	CHD L
C44	38.31'	145.00'	15°08'11"	N17°37'07"E	38.19'
C45	48.35'	145.00'	19°06'16"	N34°44'20"E	48.12'
C46	52.39'	145.00'	20°42'09"	N54°38'32"E	52.11'
C47	9.95'	145.00'	3°55'49"	N66°57'31"E	9.94'
C48	14.10'	145.00'	5°34'16"	N71°42'33"E	14.09'
C49	52.38'	145.00'	20°41'49"	N84°50'35"E	52.09'
C50	37.86'	145.00'	14°57'39"	S77°19'41"E	37.75'
C51	54.26'	345.00'	9°00'38"	S65°20'33"E	54.20'
C52	63.57'	345.00'	10°33'29"	S55°33'29"E	63.48'
C53	54.49'	345.00'	9°02'59"	S35°11'45"E	54.44'
C54	70.13'	655.00'	6°08'04"	N16°10'20"W	70.09'

Curve #	Length	Radius	Delta	CHD B	CHD L
C55	70.13'	655.00'	6°08'04"	N22°18'24"W	70.09'
C56	70.13'	655.00'	6°08'04"	N28°26'28"W	70.09'
C57	70.13'	655.00'	6°08'04"	N34°34'32"W	70.09'
C58	70.13'	655.00'	6°08'04"	N40°42'36"W	70.09'
C59	75.13'	655.00'	6°34'19"	N47°03'47"W	75.09'
C60	82.65'	655.00'	7°13'46"	N53°57'49"W	82.59'
C61	75.96'	655.00'	6°38'41"	N60°54'02"W	75.92'
C62	64.30'	655.00'	5°37'29"	N67°02'07"W	64.28'
C63	77.73'	455.00'	9°47'19"	N74°44'31"W	77.64'
C64	88.25'	455.00'	11°06'48"	N85°11'34"W	88.12'
C65	88.25'	455.00'	11°06'48"	S83°41'38"W	88.12'

Curve #	Length	Radius	Delta	CHD B	CHD L
C66	73.17'	455.00'	9°12'48"	S73°31'50"W	73.09'
C67	59.09'	455.00'	7°26'25"	S65°12'13"W	59.04'
C68	88.25'	455.00'	11°06'48"	S55°55'36"W	88.12'
C69	88.25'	455.00'	11°06'48"	S44°48'48"W	88.12'
C70	88.25'	455.00'	11°06'48"	S33°42'00"W	88.12'
C71	88.25'	455.00'	11°06'48"	S22°35'12"W	88.12'
C72	55.43'	455.00'	6°58'46"	S13°32'25"W	55.39'
C73	41.95'	250.00'	9°36'49"	N85°20'59"W	41.90'
C74	183.51'	500.00'	21°01'43"	S79°29'05"E	182.48'
C75	183.84'	500.00'	21°03'59"	S79°30'13"E	182.80'
C76	95.81'	500.00'	10°58'45"	S74°27'36"E	95.66'

Curve #	Length	Radius	Delta	CHD B	CHD L
C77	88.03'	500.00'	10°05'14"	S84°59'36"E	87.91'
C78	308.26'	300.00'	58°52'24"	N39°29'14"E	294.88'
C79	215.87'	300.00'	41°13'43"	N89°32'17"E	211.25'
C80	480.05'	500.00'	55°00'35"	S42°20'34"E	461.82'
C81	30.22'	350.00'	4°56'50"	N72°01'46"W	30.21'
C82	89.54'	650.00'	7°53'33"	S72°55'00"E	89.47'



**GENERAL LEGEND**

- SURVEY BOUNDARY
- PROPOSED LOT
- EXISTING PROPERTY LINE
- SECTION LINE
- SETBACK LINE
- EASEMENT
- MONUMENTS FOUND:
- SECTION CORNER (TYPE AS NOTED)
- 1/2" REBAR WYPC #16747 (UNLESS NOTED OTHERWISE)
- MONUMENTS SET:
- SECTION CORNER
- 1/2" REBAR WYPC #16747
- 1/2" REBAR WYPC #16747
- CUT X

FND FOUND  
BK, PG BOOK AND PAGE  
M, R MEASURED, RECORDED  
R.O.W. RIGHT-OF-WAY  
P.U.E. PUBLIC UTILITY EASEMENT  
P.O.B. POINT OF BEGINNING  
P.O.C. POINT OF COMMENCEMENT

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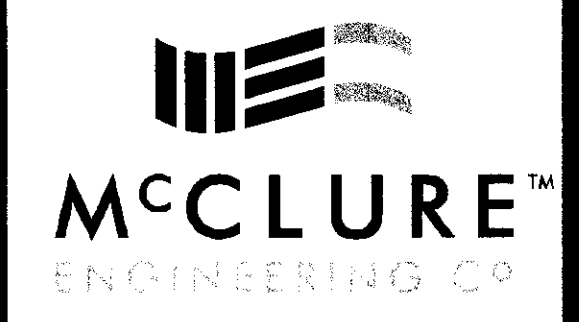
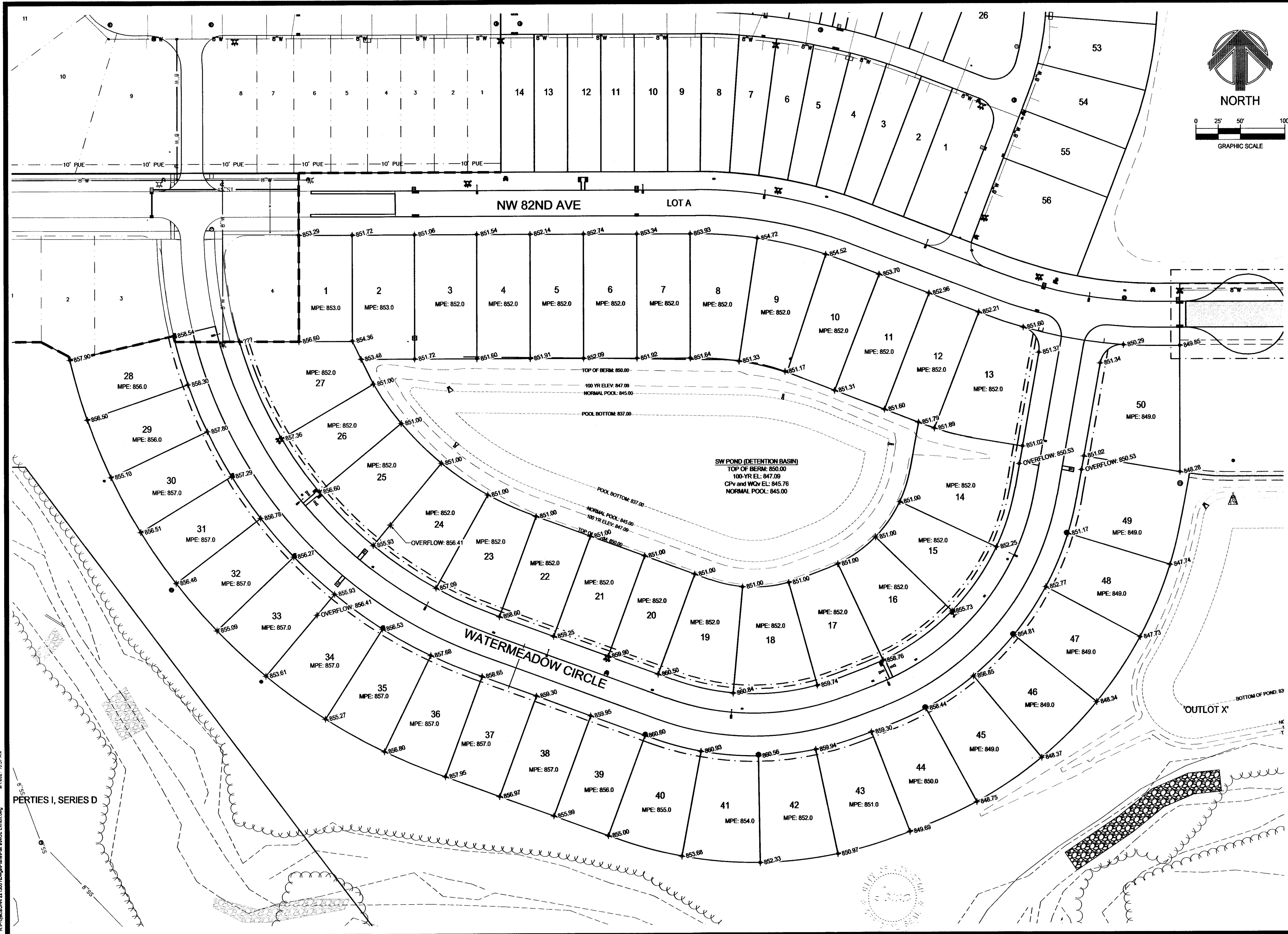
1300 Iowa Street, Suite A  
Johnston, Iowa 50131  
515-944-7370

CROSSHAVEN PLAT 9  
FINAL PLAT  
JOHNSTON, IOWA  
POK COUNTY  
2215001  
DATE 6/25/2021

PROJECT: C.S.  
DRAWN BY: J.M.L.  
CHECKED BY: J.M.L.  
DATE: 6/25/2021

FP-09 02/02

0 13 25 50  
IN FEET  
1 inch = 50 ft.

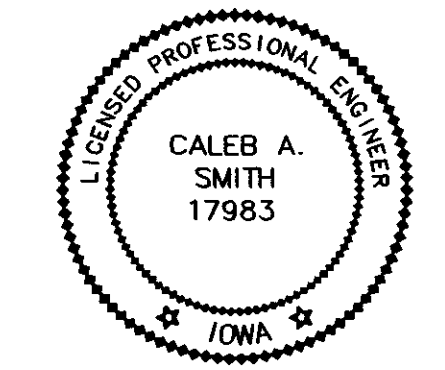


building strong communities.

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

**NOTICE:**  
McClure Engineering Company waives any and all responsibility and liability for problems which arise from failure to follow these Plans, Specifications, and the engineering intent they convey, or for problems which arise from failure to obtain and/or follow the engineers guidance with respect to any errors, omissions, inconsistencies, ambiguities, or conflicts which are alleged.

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I HEREBY CERTIFY THAT THIS ENGINEERING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF IOWA.

*Caleb A. Smith* 9/1/2021  
CALEB A. SMITH, PE NO. 17983

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2021

PAGES OR SHEETS COVERED BY THIS SEAL:  
**THIS PAGE**

JOHNSTON CITY COUNCIL APPROVED WITH CONDITIONS  DISAPPROVED

MEETING DATE 10-18-2021  
RESOLUTION NO. 21-310  
ORDINANCE NO.

CROSSHAVEN  
PLAT 9 MPE  
EXHIBIT  
JOHNSTON, IOWA  
2215001  
AUGUST 2021

REVISIONS  
.....  
.....  
.....  
.....

ENGINEER C. SMITH DRAWN BY C. SMITH  
CHECKED BY FIELD BOOK NO.  
DRAWING NO. EX-01 SHEET NO. 01 / 01

N:\Projects\JAN 22\5001\Drawings\Plat 9 MPE Exhibit.dwg 8/1/2021 10:57 AM

PERTIES I, SERIES D

112

RETURN TO:  
Prepared by and Return To: Ashley N. Mleynek, Hubbell Realty Company 6900 Westown Parkway, West Des Moines, Iowa 50266, (515) 280-2013

---

*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:

See Exhibit A.

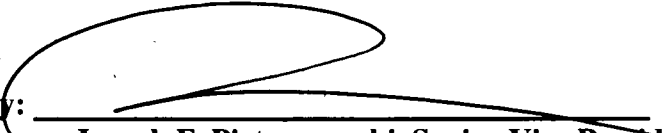
The undersigned property owner has caused the Property described above to be subdivided into lots to be known as "**Crosshaven Plat 9**". The undersigned further acknowledge and certify that the subdivision of said **Crosshaven Plat 9** is with its consent and in accordance with its desires.

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 9**.

Dated this 31<sup>st</sup> day of August 2021.

**CROSSHAVEN I, LLC**

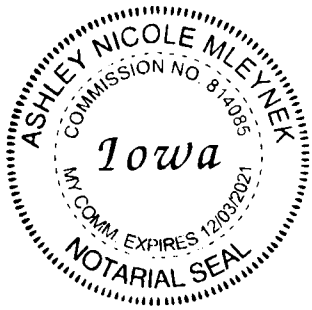
**By: Hubbell Realty Company, Manager**

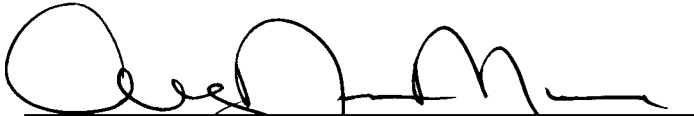
By:   
**Joseph F. Pietruszynski, Senior Vice President**

By:   
**B.J. Miller, Assistant Secretary**

STATE OF IOWA            )  
  )SS  
COUNTY OF DALLAS    )

On this 31 day of August 2021 before me a Notary Public, in and for said county, personally appeared Joseph P. Pietruszynski and B.J. Miller to me personally known, who being by me duly sworn did say that they are the Senior Vice President and the Assistant Secretary of Hubbell Realty Company, an Iowa corporation, the manager of Crosshaven I, LLC, an Iowa limited liability company.



  
Notary Public in and for the State of Iowa

**EXHIBIT A**  
**Legal Description**

ALL OF OUTLOT 'V', CROSSHAVEN OUTLOTS PLAT 3, AN OFFICIAL PLAT AND A PART OF OUTLOT 'U', CROSSHAVEN OUTLOTS PLAT 3, AN OFFICIAL PLAT, ALL IN THE CITY OF JOHNSTON, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF CROSSHAVEN PLAT 8, AN OFFICIAL PLAT; THENCE NORTH 00°00'03" EAST ALONG THE EAST LINE OF SAID CROSSHAVEN PLAT 8, A DISTANCE OF 190.00 FEET TO THE NORTHEAST CORNER OF SAID CROSSHAVEN PLAT 8; THENCE SOUTH 89°59'57" EAST ALONG THE NORTH LINE OF SAID OUTLOT 'V', 446.64 FEET; THENCE EASTERLY ALONG SAID NORTH LINE AND A CURVE CONCAVE SOUTHERLY WHOSE RADIUS IS 535.00 FEET, WHOSE ARC LENGTH IS 69.21 FEET AND WHOSE CHORD BEARS SOUTH 86°17'35" EAST, 69.16 FEET TO THE NORTHEAST CORNER OF SAID OUTLOT 'V'; THENCE EASTERLY ALONG SAID THE NORTH LINE OF SAID OUTLOT 'U' AND A CURVE CONCAVE SOUTHERLY WHOSE RADIUS IS 535.00 FEET, WHOSE ARC LENGTH IS 127.15 FEET AND WHOSE CHORD BEARS SOUTH 75°46'44" EAST, 126.85 FEET; THENCE SOUTH 68°58'14" EAST ALONG SAID NORTH LINE, 169.67 FEET; THENCE EASTERLY ALONG SAID NORTH LINE AND A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 465.00 FEET, WHOSE ARC LENGTH IS 170.97 FEET AND WHOSE CHORD BEARS SOUTH 79°30'13" EAST, 170.01 FEET; THENCE NORTH 89°57'47" EAST ALONG SAID NORTH LINE, 26.41 FEET; THENCE SOUTH 00°02'13" EAST, 212.05 FEET; THENCE SOUTH 80°32'34" EAST, 10.93 FEET; THENCE EASTERLY ALONG A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 250.00 FEET, WHOSE ARC LENGTH IS 41.95 FEET AND WHOSE CHORD BEARS SOUTH 85°20'59" EAST, 41.90 FEET; THENCE NORTH 89°50'37" EAST, 80.74 FEET TO THE EAST LINE OF SAID OUTLOT 'U'; THENCE SOUTH 00°00'00" EAST ALONG SAID EAST LINE, 508.62 FEET TO THE SOUTHEAST CORNER OF SAID OUTLOT 'U'; THENCE NORTH 90°00'00" WEST ALONG THE SOUTHERLY LINE OF SAID OUTLOT 'U', 1038.91 FEET; THENCE NORTH 36°58'34" WEST ALONG SAID SOUTHERLY LINE, 654.02 FEET; THENCE NORTH 89°59'57" WEST ALONG SAID SOUTHERLY LINE, 121.53 FEET TO THE SOUTHWEST CORNER OF SAID OUTLOT 'U'; THENCE NORTH 00°00'03" EAST ALONG THE WEST LINE OF SAID OUTLOT 'U', 140.65 FEET TO THE SOUTHWEST CORNER OF CROSSHAVEN PLAT 8; THENCE SOUTH 89°59'57" EAST ALONG THE SOUTHERLY LINE OF SAID CROSSHAVEN PLAT 8, A DISTANCE OF 140.00 FEET; THENCE SOUTH 62°21'32" EAST ALONG SAID SOUTHERLY LINE, 35.11 FEET; THENCE SOUTHERLY ALONG SAID SOUTHERLY LINE AND A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 655.00 FEET, WHOSE ARC LENGTH IS 4.30 FEET AND WHOSE CHORD BEARS SOUTH 12°55'01" EAST, 4.30 FEET; THENCE NORTH 76°53'42" EAST ALONG SAID SOUTHERLY LINE, 120.00 FEET; THENCE SOUTHERLY ALONG SAID SOUTHERLY LINE AND A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 535.00 FEET, WHOSE ARC LENGTH IS 6.93 FEET AND WHOSE CHORD BEARS SOUTH 13°28'34" EAST, 6.93 FEET; THENCE NORTH 90°00'00" EAST ALONG SAID SOUTHERLY LINE, 139.29 FEET TO THE POINT OF BEGINNING AND CONTAINING 22.84 ACRES (995,035 SQUARE FEET) THE PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

Prepared by and Return To: Ashley N. Mleynek, Hubbell Realty Company 6900 Westown Parkway, West Des Moines, Iowa 50266, (515) 280-2013

*SPACE ABOVE THIS LINE FOR RECORDER*

**MORTGAGEE'S CONSENT TO THE FINAL PLAT OF  
CROSSHAVEN PLAT 9**


**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 July 2, 2015, filed record in the Office of the Recorder for Polk County, Iowa July 23, 2015 in Book 15668, Page 853 of the Polk County Records; and that certain Mortgage, granted by Crosshaven I, LLC, an Iowa limited liability company, as Mortgagor, to West Bank, as Mortgagee dated July 2, 2015, filed record in the Office of the Recorder for Polk County, Iowa on July 23, 2015 in Book 15668, Page 884 of the Polk County Records; and 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 February 3, 2016 and filed for record in the Office of the Recorder for Polk County, Iowa on February 22, 2016 in Book 15902 at Page 597 of the Polk County Records, as modified by modification filed on August 24, 2016 in Book 16148, Page 523; and 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 August 29, 2021 and filed for record in the Office of the Recorder of Polk County, Iowa on May 21, 2021 in Book 18543, Page 32, (collectively, the "**Mortgages**"), which Mortgages create a lien on, among other property, the real property legally described as:

See Exhibit A;

which Property is to be platted into a subdivision to be known as "**Crosshaven Plat 9**", 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 9** is with its consent and in accordance with its desire.

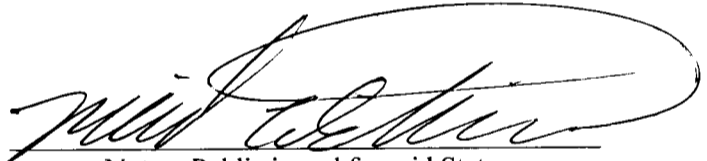
Dated this 2<sup>nd</sup> day of September, 2021.

**WEST BANK**

By:   
Luke Mohlenhoff  
Vice President

STATE OF IOWA            )  
  )        SS.  
COUNTY OF POLK        )

On this 2 day of September, 2021 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 Vice President, 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





**EXHIBIT A**  
**Legal Description**

ALL OF OUTLOT 'V', CROSSHAVEN OUTLOTS PLAT 3, AN OFFICIAL PLAT AND A PART OF OUTLOT 'U', CROSSHAVEN OUTLOTS PLAT 3, AN OFFICIAL PLAT, ALL IN THE CITY OF JOHNSTON, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF CROSSHAVEN PLAT 8, AN OFFICIAL PLAT; THENCE NORTH 00°00'03" EAST ALONG THE EAST LINE OF SAID CROSSHAVEN PLAT 8, A DISTANCE OF 190.00 FEET TO THE NORTHEAST CORNER OF SAID CROSSHAVEN PLAT 8; THENCE SOUTH 89°59'57" EAST ALONG THE NORTH LINE OF SAID OUTLOT 'V', 446.64 FEET; THENCE EASTERLY ALONG SAID NORTH LINE AND A CURVE CONCAVE SOUTHERLY WHOSE RADIUS IS 535.00 FEET, WHOSE ARC LENGTH IS 69.21 FEET AND WHOSE CHORD BEARS SOUTH 86°17'35" EAST, 69.16 FEET TO THE NORTHEAST CORNER OF SAID OUTLOT 'V'; THENCE EASTERLY ALONG SAID THE NORTH LINE OF SAID OUTLOT 'U' AND A CURVE CONCAVE SOUTHERLY WHOSE RADIUS IS 535.00 FEET, WHOSE ARC LENGTH IS 127.15 FEET AND WHOSE CHORD BEARS SOUTH 75°46'44" EAST, 126.85 FEET; THENCE SOUTH 68°58'14" EAST ALONG SAID NORTH LINE, 169.67 FEET; THENCE EASTERLY ALONG SAID NORTH LINE AND A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 465.00 FEET, WHOSE ARC LENGTH IS 170.97 FEET AND WHOSE CHORD BEARS SOUTH 79°30'13" EAST, 170.01 FEET; THENCE NORTH 89°57'47" EAST ALONG SAID NORTH LINE, 26.41 FEET; THENCE SOUTH 00°02'13" EAST, 212.05 FEET; THENCE SOUTH 80°32'34" EAST, 10.93 FEET; THENCE EASTERLY ALONG A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 250.00 FEET, WHOSE ARC LENGTH IS 41.95 FEET AND WHOSE CHORD BEARS SOUTH 85°20'59" EAST, 41.90 FEET; THENCE NORTH 89°50'37" EAST, 80.74 FEET TO THE EAST LINE OF SAID OUTLOT 'U'; THENCE SOUTH 00°00'00" EAST ALONG SAID EAST LINE, 508.62 FEET TO THE SOUTHEAST CORNER OF SAID OUTLOT 'U'; THENCE NORTH 90°00'00" WEST ALONG THE SOUTHERLY LINE OF SAID OUTLOT 'U', 1038.91 FEET; THENCE NORTH 36°58'34" WEST ALONG SAID SOUTHERLY LINE, 654.02 FEET; THENCE NORTH 89°59'57" WEST ALONG SAID SOUTHERLY LINE, 121.53 FEET TO THE SOUTHWEST CORNER OF SAID OUTLOT 'U'; THENCE NORTH 00°00'03" EAST ALONG THE WEST LINE OF SAID OUTLOT 'U', 140.65 FEET TO THE SOUTHWEST CORNER OF CROSSHAVEN PLAT 8; THENCE SOUTH 89°59'57" EAST ALONG THE SOUTHERLY LINE OF SAID CROSSHAVEN PLAT 8, A DISTANCE OF 140.00 FEET; THENCE SOUTH 62°21'32" EAST ALONG SAID SOUTHERLY LINE, 35.11 FEET; THENCE SOUTHERLY ALONG SAID SOUTHERLY LINE AND A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 655.00 FEET, WHOSE ARC LENGTH IS 4.30 FEET AND WHOSE CHORD BEARS SOUTH 12°55'01" EAST, 4.30 FEET; THENCE NORTH 76°53'42" EAST ALONG SAID SOUTHERLY LINE, 120.00 FEET; THENCE SOUTHERLY ALONG SAID SOUTHERLY LINE AND A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 535.00 FEET, WHOSE ARC LENGTH IS 6.93 FEET AND WHOSE CHORD BEARS SOUTH 13°28'34" EAST, 6.93 FEET; THENCE NORTH 90°00'00" EAST ALONG SAID SOUTHERLY LINE, 139.29 FEET TO THE POINT OF BEGINNING AND CONTAINING 22.84 ACRES (995,035 SQUARE FEET) THE PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

Mayor and City Council  
City of Johnston  
City Hall  
6221 Merle Hay Rd.  
Johnston, IA 50131

Crosshaven I, LLC  
6900 Westown Pkwy.  
West Des Moines, IA 50266

***RE: Platting Opinion - Crosshaven Plat 9***

August 25, 2021

Ladies and Gentlemen:

***I***

We have examined an Abstract of Title commencing with the Root of Title and ending with Abstract No. 58297-77 prepared by Iowa Title Company and certified that it reflects all matters up to July 26, 2021 at 6:00 A.M. and relating to the following property:

**See legal description set forth on Exhibit "A" attached hereto.**

**TO BE KNOWN AS CROSSHAVEN PLAT 9.**

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. **REAL ESTATE TAXES.** Real estate taxes for fiscal year 2019-2020 (payable in 2020-2021) are as follows: Parcel No. 241.00434.560.204: 1st installment of \$289.00, paid; 2nd installment of \$289.00, paid; Parcel No. 241.00434.560.205: 1st installment of \$4.00, paid; 2nd installment of \$4.00, paid.

2. **MORTGAGE.** There appears in the abstract the following mortgages:

(a) Mortgage in favor of West Bank, dated July 2, 2015, filed July 23, 2015 in Book 15668, Page 853 of the Polk County Recorder's Office, and given to secure credit in the amount of \$1,202,882.00. **This Mortgage is a lien on the property under examination and you must obtain the Mortgagee's consent to your new plat.**

(b) Mortgage in favor of West Bank, dated July 2, 2015, filed July 23, 2015 in Book 15668, Page 884 of the Polk County Recorder's Office, and given to secure credit in the amount of \$413,003.00. **This Mortgage is a lien on the property under examination and you must obtain the Mortgagee's consent to your new plat.**

(c) Mortgage in favor of West Bank, dated February 3, 2016, and filed February 22, 2016 in Book 15902, Page 597; as modified by Modification of Mortgage dated June 1, 2016, filed August 24, 2016 in Book 16148, Page 523, all in the Polk County Recorder's Office, and given to secure credit in the amount of \$1,805,000.00. **This Mortgage is a lien on the property under examination and you must obtain the Mortgagee's consent to your new plat.**

(d) Mortgage in favor of West Bank, dated April 29, 2021, and filed May 21, 2021 in Book 18543, Page 32 of the Polk County Recorder's Office, and given to secure credit in the amount of \$3,750,000.00. **This Mortgage is a lien on the property under examination and you must obtain the Mortgagee's consent to your new plat.**

3. **EASEMENT, COVENANTS, AND AGREEMENTS.** The following easements, covenants and restrictions are shown in the Polk County Recorder's Office:

a. Easement to Northern Natural Gas Company for construction, operation and maintenance of pipe lines, dated October 28, 1953, filed November 4, 1953 in Book 2635, Page 57.

b. Easement for Public Highway to Polk County, Iowa, dated May 17, 1966, filed May 24, 1966 in Book 3772, Page 213.

c. Easement to Iowa Power and Light Company for construction, operation and maintenance of an electrical supply line, dated September 12, 1966, filed November 18, 1966 in Book 3820, Page 598.

d. Easement Agreement for access, storm water detention and sanitary sewer, dated June 9, 2008, filed June 11, 2008 in Book 12865, Page 598.

e. Agreement for Extension of City Services and Irrevocable Petition for Voluntary Annexation, dated May 23, 2008, filed July 25, 2008 in Book 12728, Page 663.

f. Easements, setbacks and development notes set forth on Crosshaven Outlots Plat 1, filed August 7, 2009 in Book 13162, Page 859.

g. Agreement for the Benefit of the Johnston Community School District dated August 20, 2009, filed August 25, 2009 in Book 13182, Page 986.

h. A Storm Water Detention Pond Development Agreement for Crosshaven, dated February 6, 2012, 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.

i. Bike Trail Easement to City of Johnston, dated June 4, 2015, filed June 19, 2015 in Book 15623, Page 880.

j. Easements, setbacks and development notes as shown on Crosshaven Outlots Plat 2, filed January 21, 2016 in Book 15874, Page 920.

k. Public Sanitary Sewer Easement dated January 14, 2010, filed March 5, 2010 in Book 13374, Page 520.

l. Plat of Survey filed November 19, 2015 in Book 15813, Page 296.

m. Development Agreement dated December 7, 2016, filed December 27, 2016 in Book 16321, Page 487 regarding installation of sanitary sewer improvements in connection with the development of the property.

n. Easements, setbacks and development notes as shown on Crosshaven Outlots Plat 3, filed August 9, 2017 in Book 16599, Page 6.

o. Public Sanitary Sewer Easement to City of Johnston, dated July 7, 2017, filed August 9, 2017 in Book 16599, Page 28.

p. Access Easement to City of Johnston, Iowa, dated July 13, 2017, filed August 9, 2017 in Book 16599, Page 37.

q. Declaration of Covenants, Conditions, Easements and Restrictions Applicable to Crosshaven, Johnston, Polk County, Iowa, dated December 11, 2009, filed March 5, 2010 in Book 13374, Page 532; as modified by First Modification of Declaration of Covenants, Conditions, Easements and Restrictions Applicable to Crosshaven, Johnston, Polk County, Iowa, dated January 30, 2012, filed February 10, 2012 in Book 14155, Page 116; as modified by Second Modification of Declaration of Covenants, Conditions, Easements and Restrictions Applicable to Crosshaven, Johnston, Polk County, Iowa, dated January 11, 2013, filed February 5, 2013 in Book 14644, Page 948; as modified by Third Modification of Declaration of Covenants, Conditions, Easements and Restrictions Applicable to

Crosshaven, Johnston, Polk County, Iowa, dated March 26, 2013, filed March 28, 2013 in Book 14716, Page 866; as modified by Fourth Modification of Declaration of Covenants, Conditions, Easements and Restrictions Applicable to Crosshaven, Johnston, Polk County, Iowa, dated June 4, 2015, filed June 19, 2015 in Book 15623, Page 892; as modified by Fifth Modification of Declaration of Covenants, Conditions, Easements and Restrictions Applicable to Crosshaven, Johnston, Polk County, Iowa, dated September 23, 2015, filed October 12, 2015 in Book 15766, Page 609; as modified by Sixth Modification of Declaration of Covenants, Conditions, Easements and Restrictions Applicable to Crosshaven, Johnston, Polk County, Iowa, dated October 5, 2016, filed October 25, 2016 in Book 16240, Page 127; as modified by Seventh Modification of Declaration of Covenants, Conditions, Easements and Restrictions Applicable to Crosshaven, Johnston, Polk County, Iowa, dated December 29, 2016, filed January 5, 2017 in Book 16335, Page 156; as modified by Eighth Modification of Declaration of Covenants, Conditions, Easements and Restrictions Applicable to Crosshaven, Johnston, Polk County, Iowa, dated November 1, 2017, filed November 3, 2017 in Book 16711, Page 19; as modified by Ninth Modification of Declaration of Covenants, Conditions, Easements and Restrictions Applicable to Crosshaven, Johnston, Polk County, Iowa, dated February 1, 2018, filed February 2, 2018 in Book 16809, Page 645; as modified by Tenth Modification of Declaration of Covenants, Conditions, Easements and Restrictions Applicable to Crosshaven, Johnston, Polk County, Iowa, dated April 30, 2018, filed May 2, 2018 in Book 16904, Page 93.

4. **SEARCHES.** The abstracter has conducted lien searches against Hubbell Realty Company from August 9, 2017 to and including August 22, 2017 and Crosshaven I, LLC from August 9, 2017, and no liens are shown.

#### **GENERAL MATTERS.**

- a. This Opinion is prepared for purposes of complying with Section 354.11 of the Iowa Code (2020).
- 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,

**DENTONS DAVIS BROWN P.C.**



Sean M. Raisch

Title Guaranty No. 10692

**EXHIBIT "A"**  
**Legal Description**

**ALL OF OUTLOT 'V', CROSSHAVEN OUTLOTS PLAT 3, AN OFFICIAL PLAT AND A PART OF OUTLOT 'U', CROSSHAVEN OUTLOTS PLAT 3, AN OFFICIAL PLAT, ALL IN THE CITY OF JOHNSTON, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

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**WHOSE ARC LENGTH IS 6.93 FEET AND WHOSE CHORD BEARS SOUTH 13°28'34" EAST, 6.93 FEET; THENCE NORTH 90°00'00" EAST ALONG SAID SOUTHERLY LINE, 139.29 FEET TO THE POINT OF BEGINNING AND CONTAINING 22.84 ACRES (995,035 SQUARE FEET).**

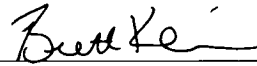


**CLERK'S CERTIFICATE**

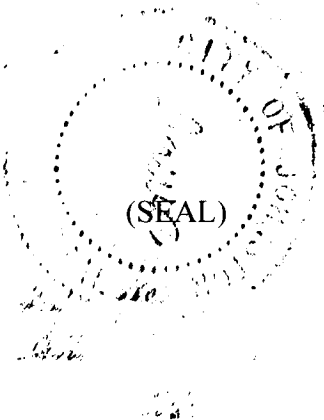
STATE OF IOWA    )  
                                  )  
COUNTY OF POLK )

I, Brett Klein, Deputy City Clerk of the City of Johnston, Iowa, do hereby certify that the attached is a true copy of Resolution No. 2021 -310 **A RESOLUTION APPROVING THE FINAL PLAT FOR CROSSHAVEN PLAT 9**

WITNESS my hand and the seal of said Municipality hereto affixed this 18th day of October, 2021.



\_\_\_\_\_  
Brett Klein, Deputy City Clerk



## RESOLUTION 21-310

### A RESOLUTION APPROVING THE FINAL PLAT FOR CROSSHAVEN PLAT NINE

WHEREAS, the Planning & Zoning Commission has reviewed this request during its regular meeting on July 26<sup>th</sup>, 2021, and recommended approval of PZ Case No. 21-20 with noted conditions;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JOHNSTON, IOWA, that, the Final Plat for Crosshaven Plat 9, in the City of Johnston, is hereby approved subject recordation of the following documents.

- a. Attorney's Title Opinion
- b. Polk County Treasurer's Tax Certificate
- c. Polk County Auditors Approval of Subdivision Plat Name
- d. Owner's Consent to Plat
- e. Lender's Consent to Plat
- f. Warranty Deed's for Lot A and Lot B
- g. Groundwater Hazard Statement's for Lot A and Lot B
- h. Mortgagee's partial release of mortgage and approval of easements
- i. Public trail easement
- j. Public storm sewer easement
- k. Public overland flowage easement
- l. Public utility easement
- m. Public water main easement
- n. Public sanitary sewer easement
- o. Public sidewalk easement

#### **The City Council takes further action to approve the plat as noted:**

1. The City Council acknowledges the credit for the Little Beaver Creek Trunk Sewer Connection District approved via a Development Agreement, recorded in Book 16321 Page 487-494, is hereby reduced by \$17,848.50 and as a result of such credit reduction the remaining balance of the credit is \$0.00.
2. The City of Johnston acknowledges satisfactory payment of the remaining balance of the Little Beaver Creek Trunk Sewer Connection District in the amount of \$34,764.00.
3. The issuance of building permits within the plat shall subject to the following conditions:
  - a. Building permits may be issued for up to two lots within the plat upon substantial completion of the public improvements within the plat, but prior to City Council

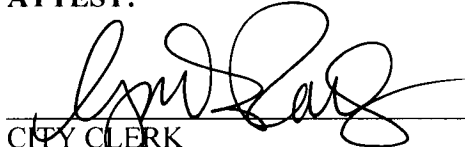
acceptance of the public improvements. The Public Works Director shall make the determination of when the public improvements are substantially complete.

- b. Building permits may be issued for all lots within the plat upon City Council acceptance of the public improvements within the plat.
4. Prior to the issuance of a certificate of occupancy for any structure within the plat, the following items shall be completed:
- a. All structures located on lots that have a minimum protection elevation (MPE) identified on the plat shall certify that the structure meets that elevation.
  - b. All structures located on lots that have overland flowage and drainage way elevations identified on the plat shall certify that the elevation on the lot has been met.

**PASSED AND APPROVED** this 18<sup>th</sup> day of October, 2021.

  
\_\_\_\_\_  
PAULA S. DIERENFELD, MAYOR

**ATTEST:**

  
\_\_\_\_\_  
CITY CLERK

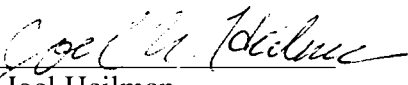
### Approval of Subdivision Plat Name

Pursuant to Iowa Code §354.6(2) and §354.11(1)(e), the Polk County Auditor has approved the subdivision plat name of:

CROSSHAVEN PLAT 9

  
\_\_\_\_\_  
Jamie Fitzgerald, Polk County Auditor

August 31, 2021  
Date

  
\_\_\_\_\_  
By: Joel Heilman

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# CERTIFICATE OF TREASURER OF POLK COUNTY, IOWA

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

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I, Mary L. Wells, 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 9 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,  
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 02, 2021 .

---

**MARY L. WELLS**  
**POLK COUNTY TREASURER**

by *Jade Johnson*  
Deputy  
  
(Treasurer's Seal)

Subscribed and sworn to before me on this  
02 day of September, 2021.

by *Mary Mahke*  
Notary Public in and for Polk County, IA  
  
(Notary Seal)



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

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## EXHIBIT A

ALL OF OUTLOT 'V', CROSSHAVEN OUTLOTS PLAT 3, AN OFFICIAL PLAT AND A PART OF OUTLOT 'U', CROSSHAVEN OUTLOTS PLAT 3, AN OFFICIAL PLAT, ALL IN THE CITY OF JOHNSTON, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF CROSSHAVEN PLAT 8, AN OFFICIAL PLAT; THENCE NORTH 00°00'03" EAST ALONG THE EAST LINE OF SAID CROSSHAVEN PLAT 8, A DISTANCE OF 190.00 FEET TO THE NORTHEAST CORNER OF SAID CROSSHAVEN PLAT 8; THENCE SOUTH 89°59'57" EAST ALONG THE NORTH LINE OF SAID OUTLOT 'V', 446.64 FEET; THENCE EASTERLY ALONG SAID NORTH LINE AND A CURVE CONCAVE SOUTHERLY WHOSE RADIUS IS 535.00 FEET, WHOSE ARC LENGTH IS 69.21 FEET AND WHOSE CHORD BEARS SOUTH 86°17'35" EAST, 69.16 FEET TO THE NORTHEAST CORNER OF SAID OUTLOT 'V'; THENCE EASTERLY ALONG SAID THE NORTH LINE OF SAID OUTLOT 'U' AND A CURVE CONCAVE SOUTHERLY WHOSE RADIUS IS 535.00 FEET, WHOSE ARC LENGTH IS 127.15 FEET AND WHOSE CHORD BEARS SOUTH 75°46'44" EAST, 126.85 FEET; THENCE SOUTH 68°58'14" EAST ALONG SAID NORTH LINE, 169.67 FEET; THENCE EASTERLY ALONG SAID NORTH LINE AND A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 465.00 FEET, WHOSE ARC LENGTH IS 170.97 FEET AND WHOSE CHORD BEARS SOUTH 79°30'13" EAST, 170.01 FEET; THENCE NORTH 89°57'47" EAST ALONG SAID NORTH LINE, 26.41 FEET; THENCE SOUTH 00°02'13" EAST, 212.05 FEET; THENCE SOUTH 80°32'34" EAST, 10.93 FEET; THENCE EASTERLY ALONG A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 250.00 FEET, WHOSE ARC LENGTH IS 41.95 FEET AND WHOSE CHORD BEARS SOUTH 85°20'59" EAST, 41.90 FEET; THENCE NORTH 89°50'37" EAST, 80.74 FEET TO THE EAST LINE OF SAID OUTLOT 'U'; THENCE SOUTH 00°00'00" EAST ALONG SAID EAST LINE, 508.62 FEET TO THE SOUTHEAST CORNER OF SAID OUTLOT 'U'; THENCE NORTH 90°00'00" WEST ALONG THE SOUTHERLY LINE OF SAID OUTLOT 'U', 1038.91 FEET; THENCE NORTH 36°58'34" WEST ALONG SAID SOUTHERLY LINE, 654.02 FEET; THENCE NORTH 89°59'57" WEST ALONG SAID SOUTHERLY LINE, 121.53 FEET TO THE SOUTHWEST CORNER OF SAID OUTLOT 'U'; THENCE NORTH 00°00'03" EAST ALONG THE WEST LINE OF SAID OUTLOT 'U', 140.65 FEET TO THE SOUTHWEST CORNER OF CROSSHAVEN PLAT 8; THENCE SOUTH 89°59'57" EAST ALONG THE SOUTHERLY LINE OF SAID CROSSHAVEN PLAT 8, A DISTANCE OF 140.00 FEET; THENCE SOUTH 62°21'32" EAST ALONG SAID SOUTHERLY LINE, 35.11 FEET; THENCE SOUTHERLY ALONG SAID SOUTHERLY LINE AND A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 655.00 FEET, WHOSE ARC LENGTH IS 4.30 FEET AND WHOSE CHORD BEARS SOUTH 12°55'01" EAST, 4.30 FEET; THENCE NORTH 76°53'42" EAST ALONG SAID SOUTHERLY LINE, 120.00 FEET; THENCE SOUTHERLY ALONG SAID SOUTHERLY LINE AND A CURVE CONCAVE EASTERLY WHOSE RADIUS IS 535.00 FEET, WHOSE ARC LENGTH IS 6.93 FEET AND WHOSE CHORD BEARS SOUTH 13°28'34" EAST, 6.93 FEET; THENCE NORTH 90°00'00" EAST ALONG SAID SOUTHERLY LINE, 139.29 FEET TO THE POINT OF BEGINNING AND CONTAINING 22.84 ACRES (995,035 SQUARE FEET) THE PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.