

HERITAGE PARK AT PRAIRIE TRAIL PLAT 1

Doc ID: 031064740013 Type: PLT
 Kind: PLAT
 Recorded: 08/12/2016 at 11:02:09 AM
 Fee Amt: \$117.00 Page 1 of 13
 Polk County Iowa
 JULIE H. HAGERTY RECORDER
 1108 2016-00013774
 BK 16132 PG 158-170

HERITAGE PARK AT PRAIRIE TRAIL PLAT 1 LEGAL DESCRIPTION

That part of Outlot U, HERITAGE TOWNHOMES AT PRAIRIE TRAIL PLAT 1, an Official Plat, now included in and forming a part of the City of Ankeny, Polk County, Iowa, AND that part of Outlot X, HERITAGE AT PRAIRIE TRAIL PLAT 2, an Official Plat now included in and forming a part of the City of Ankeny, Polk County, Iowa, AND a tract of land located in part of Parcel "I" of the North Half of Section 26, Township 80 North, Range 24 West of the Fifth Principal Meridian, located in the City of Ankeny, Polk County, Iowa, as shown on the plat of survey recorded in Book 11295, Pages 669-674, now being more particularly described as Parcel N on the Plat of Survey filed September 24, 2015 in Book 15745, Page 156 in the Office of the Polk County Recorder, Polk County, Iowa.

Containing 10.20 acres more or less.

Said parcel is subject to any and all restrictions, covenants and easements of record.

GENERAL NOTES

- Land area : 10.20 acres
- Heritage Park at Prairie Trail Plat 1 is part of the Heritage Park at Prairie Trail Neighborhood Plan approved by the City of Ankeny.
- The developer will be responsible for street light installation.
- 8' sidewalks will be installed on the west side of SW School Street and 5' sidewalks will be required on all other public streets.
- Lots A, B, C, and D shall be dedicated to the City of Ankeny for right-of-way purposes.
- Zoning : Prairie Trail Mixed Use Neighborhood Planned Unit Development (Refer to Planned Urban Development guidelines for additional setback restrictions); Restrictions (I.E., building setbacks, height and bulk regulations, etc.) shown hereon are based on information provided and are subject to interpretation. We cannot certify to a restriction on the basis of an interpretation or the opinion of another party.
- The east line of the Northeast Quarter of Section 26, Township 80 North, Range 24 West is assumed to bear South 00 degrees 08 minutes 51 seconds West.
- No franchise utility transformers, switch gears, pedestals or other cabinetry will be situated within a Public Utility Easement within the front or side yard of any residential lot. The intent for said easement is for distribution purposes only. All such above-ground cabinetry shall be placed within the provided Public Utility Easements located in the rear yards of the residential lots or in future easements created in office or commercial parcels.
- Area by Quarter - Quarter of Section 26 - Township 80 North - Range 24 West
 NE 1/4 of the NE 1/4 of Section 26 - 80 - 24 : 5.65 Acres
 NW 1/4 of the NE 1/4 of Section 26 - 80 - 24 : 0.59 Acres
 Portion of Outlot U, HERITAGE TOWNHOMES AT PRAIRIE TRAIL PLAT 1: 3.79 Acres
 Portion of Outlot X, HERITAGE AT PRAIRIE TRAIL PLAT 2: 0.17 Acres

OWNERS & DEVELOPERS

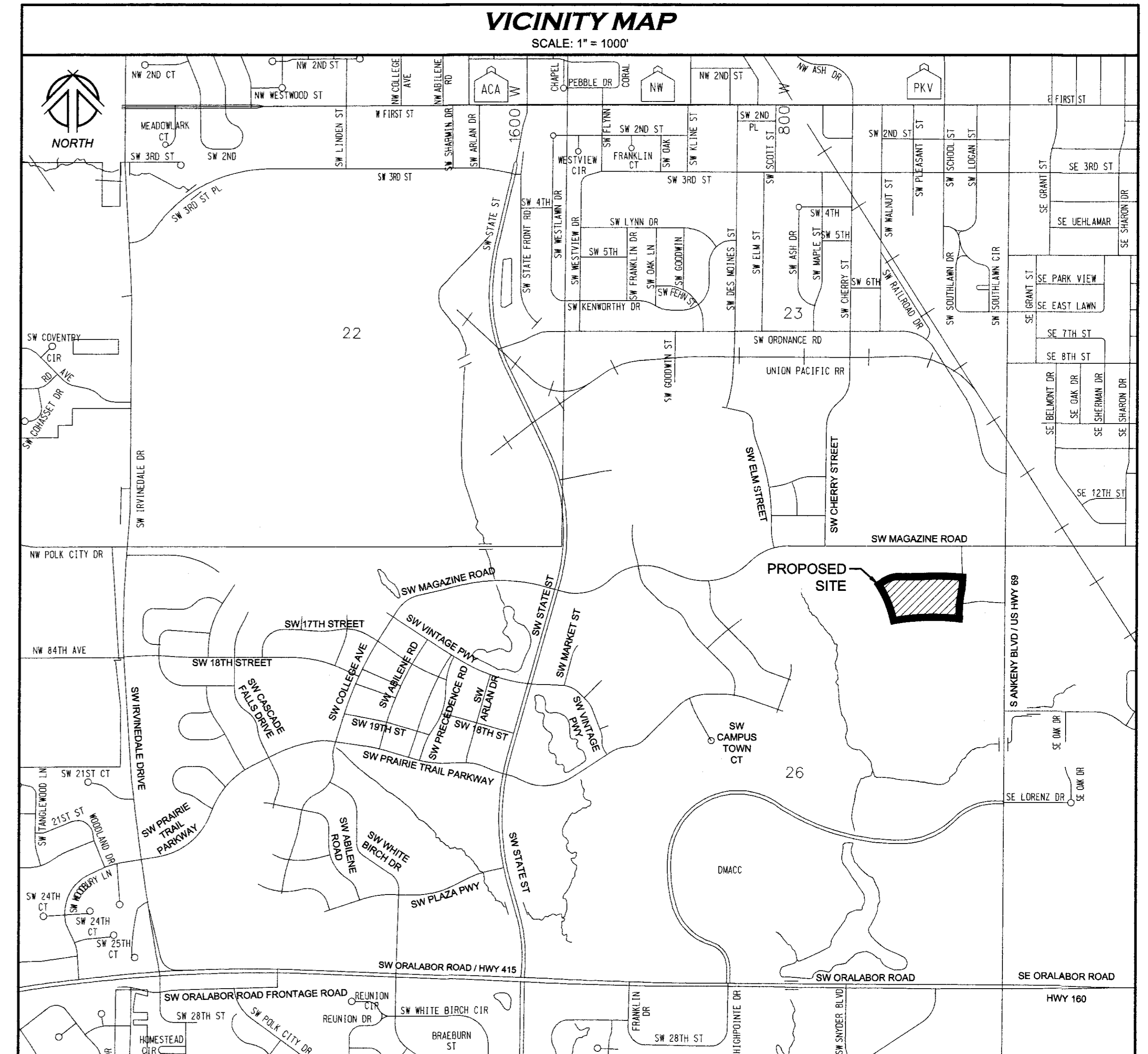
HERITAGE PARK ESTATES, LLC
 6900 Westown Parkway
 West Des Moines, IA 50266
 (515)280-2059

BENCHMARKS

- Cut 'X' in the top of curb located in the southwest quadrant of SW Cherry Street and SW Magazine Road at the midpoint of radius.
 Elevation=973.05' (NAVD88)
- Cut 'X' in the top of curb located in the northwest quadrant of SW School Street and SW 16th Street at the midpoint of radius.
 Elevation=961.98' (NAVD88)

LEGEND

●	Found monument 5/8" IR with red cap #18530 unless otherwise noted
⊕	Found monument 1/2" IR with yellow cap #18643 unless otherwise noted
○	Set monument 5/8" IR with red cap #18530 unless otherwise noted
IR	Round iron rebar (outside diameter)
IP	Round iron pipe (outside diameter)
MPE	Minimum Protection Elevation
E.E.	Electric Easement
P.U.E.	Public Utility Easement
D.E.	Drainage Easement
S.S.E.	Sanitary Sewer Easement
S.T.S.E.	Storm Sewer Easement
W.E.	Water main Easement
G.E.	Gas Easement
(R)	Record dimension
1234	Lot Address
— — — — —	Subject boundary line
— — — — —	Proposed boundary line
- - - - -	Proposed easement line
- - - - -	Existing boundary line
- - - - -	Existing easement line



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 this 1st day of 8-16-2016 by
 JAMIE FITZGERALD, County Auditor
 By: *John Dupps*

APPROVED
 ANKENY CITY COUNCIL
 Date: 8/1/16
 2016-276
P. Demuth City Clerk

I hereby grant administrative approval of the final plat for Heritage Park at Prairie Trail Plat 1 as set forth on the Heritage Park at Prairie Trail Neighborhood Plan Planned Unit Development
 CITY OF ANKENY, IA
 Date: 7/23/2016
 Planning & Building Department

CERTIFICATION	
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 FULLY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.	
SIGNATURE: <i>Tharen J. Helgerson</i>	DATE: 06/27/16
THAREN J. HELGERSON, L.S. NO. 18530	DATE OF SURVEY: 04/15/16
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2016	SHEETS FP-1 & FP-2 ONLY

1250 SW STATE STREET, SUITE A
 ANKENY, IOWA 50023-2555
 (515) 965-0123 phone - (515) 965-3322 fax
 Civil Engineering - Land Surveying
 Landscape Architecture

REVISIONS:
 1) 07/27/15 - TECH REVIEW REVISIONS
 2) 08/04/15 - TECH REVIEW REVISIONS
 3) 08/11/15 - TECH REVIEW REVISIONS
 4) 10/27/15 - REVISION TO REFLECT PARCEL N & O
 5) 02/09/16 - REVISION PUE LOCATIONS/BOUNDARY FOR COULC APPROVAL
 6) 02/17/16 - FINAL PUE PARCEL
 7)

NOTE: NILES ASSOCIATES, INC. INVESTIGATES AND ALL RESPONSIBILITY AND LIABILITY FOR THE ACCURACY OF THE INFORMATION AND DATA PROVIDED HEREON IS THE SOLE RESPONSIBILITY OF THE CLIENT. NILES ASSOCIATES, INC. DOES NOT WARRANT THE ACCURACY OF THE INFORMATION AND DATA PROVIDED HEREON. THE CLIENT AGREES TO HOLD NILES ASSOCIATES, INC. HARMLESS FROM ALL LIABILITY AND DAMAGES OF ANY KIND, INCLUDING REASONABLE ATTORNEY'S FEES AND COSTS, IN CONNECTION WITH ANY DISPUTES OR CONFLICTS WHICH MAY ARISE.

PROJECT NAME: HERITAGE PARK AT PRAIRIE TRAIL PLAT 1
 ANKENY, IOWA
 DESCRIPTION: FINAL PLAT

PROJECT NO.: 15065
 DATE: 07/06/15
 DRAWN BY: TJH
 CHECKED BY: RJS
 SCALE: AS NOTED
 SHEET TITLE: FP-1
 SHEET NO.: 1/2

HERITAGE PARK AT PRAIRIE TRAIL PLAT 1

PUBLIC UTILITY EASEMENT NOTE
 No franchise utility transformers, switch gears, pedestals or other cabinetry will be situated within a Public Utility Easement within the front or side yard of any residential lot. The intent for said easement is for distribution purposes only. All such above-ground cabinetry shall be placed within the provided Public Utility Easements located in the rear yards of the residential lots or in future easements created in office or commercial parcels.

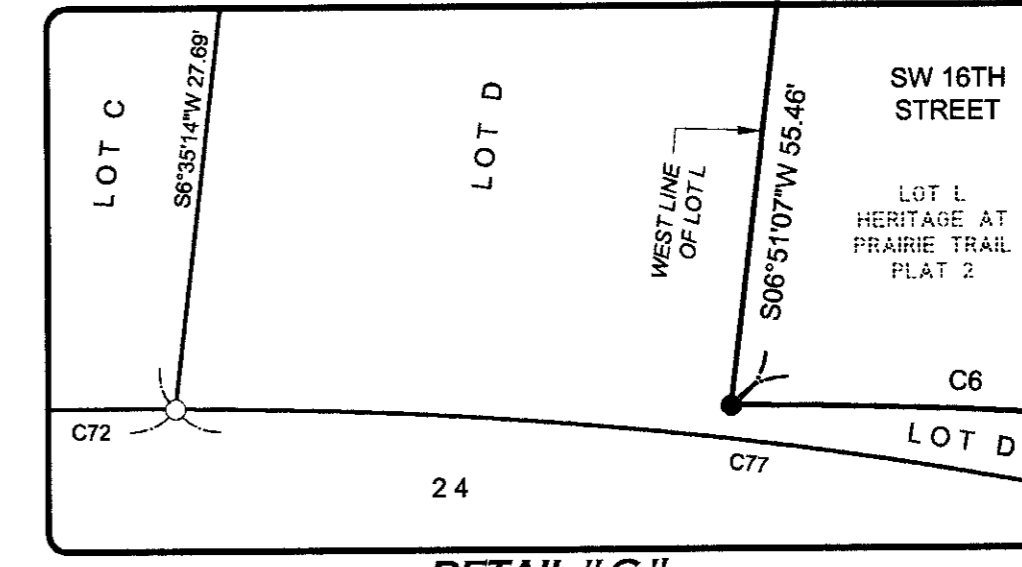
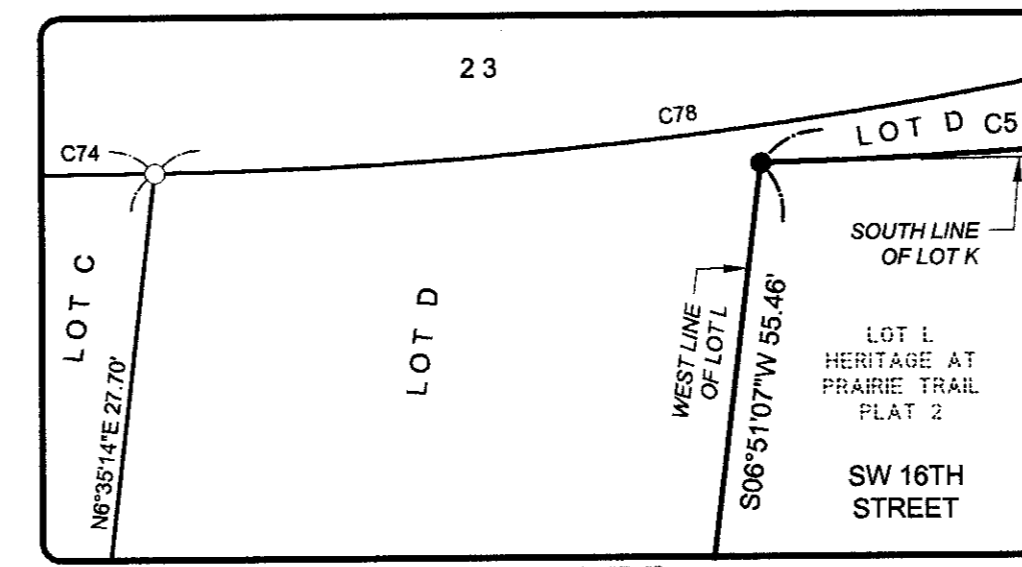
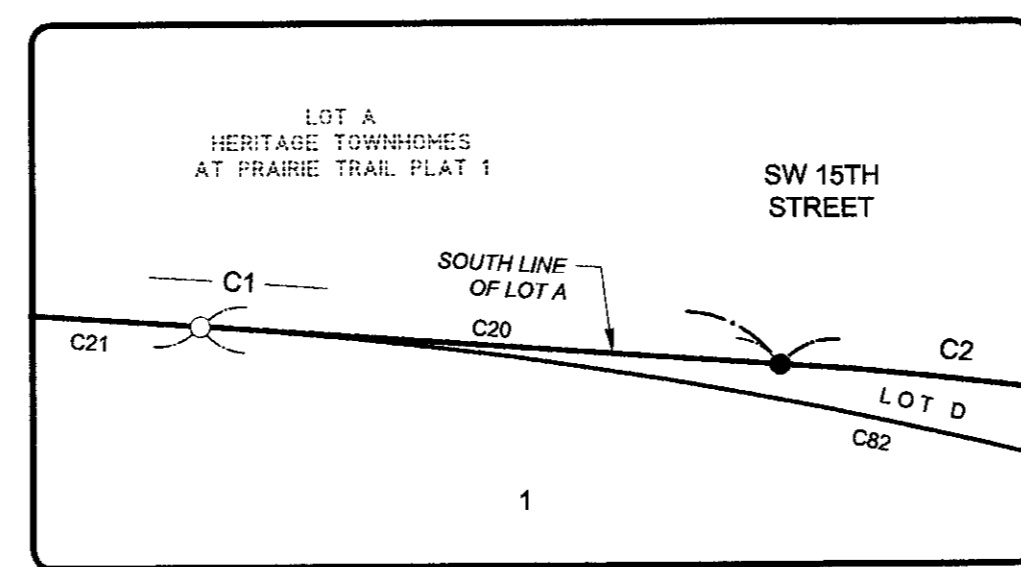
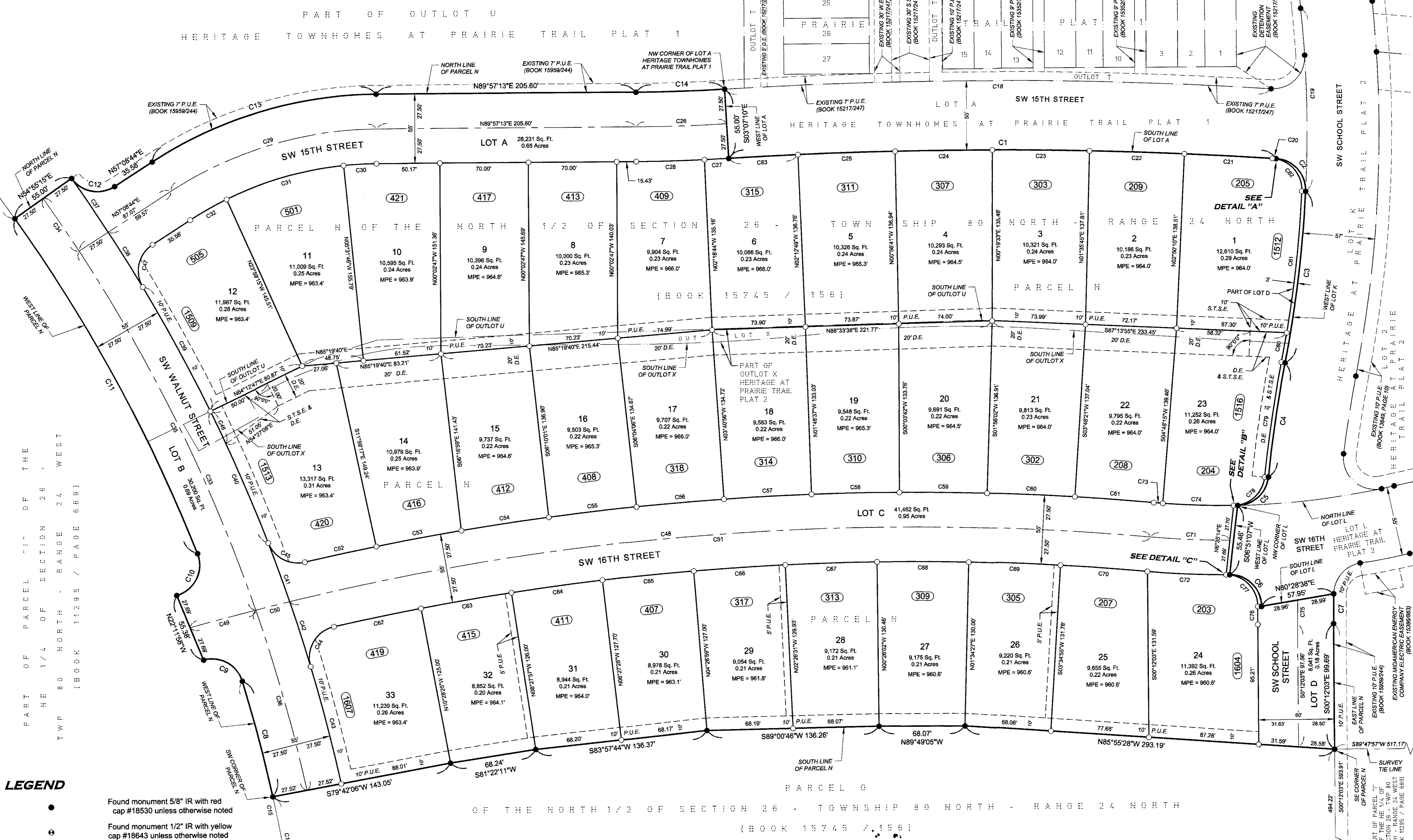
NORTHEAST CORNER OF SECTION 26 - TOWNSHIP 80 NORTH - RANGE 24 WEST
 FOUND BRASS SURVEY MARKER IN CUT "X"
 (BOOK 14614/820)

Curve #	Length	Radius	Delta	Chord Distance	Chord Bearing
C1	433.68'	3472.50'	7°09'20"	433.40'	S89°32'30"E
C1 (R)	433.68'	3472.50'	7°09'20"	433.40'	N89°32'30"W
C2	38.82'	25.00'	88°58'28"	35.04'	S41°28'36"E
C2 (R)	38.82'	25.00'	88°58'28"	35.04'	N41°28'36"W
C3	137.10'	971.50'	8°05'08"	136.99'	S70°31'11"W
C4	91.54'	1058.50'	4°57'17"	91.51'	S83°37'08"W
C4 (R)	91.54'	1058.50'	4°57'17"	91.51'	N83°37'08"E
C5	36.22'	25.00'	83°00'59"	33.14'	S47°38'57"W
C5 (R)	36.22'	25.00'	83°00'59"	33.14'	N47°38'57"E
C6	39.61'	25.00'	90°46'09"	35.59'	S44°45'39"E
C6 (R)	39.61'	25.00'	90°46'09"	35.59'	N44°45'39"W
C7	23.70'	1001.50'	1°21'21"	23.70'	S0°28'38"W
C8	95.02'	1272.50'	4°18'43"	95.00'	N14°26'31"W
C9	38.74'	25.00'	88°46'52"	34.98'	N60°55'18"W
C10	41.83'	25.00'	95°52'29"	37.12'	N26°31'23"E
C11	303.49'	1272.50'	13°39'53"	302.77'	N28°14'48"W
C12	38.30'	25.00'	87°46'31"	34.66'	S78°58'00"E
C13	187.63'	327.50'	32°48'29"	184.98'	N73°32'58"E
C14	70.26'	1310.00'	3°04'23"	70.25'	N88°25'01"E
C15	557.16'	1272.50'	28°05'12"	552.72'	N4°02'16"W
C16	482.13'	1272.50'	20°48'29"	459.60'	N1°53'55"W
C17	100.67'	1272.50'	4°31'59"	100.65'	N37°20'44"W
C18	432.87'	3527.50'	7°01'51"	432.60'	N69°36'15"W
C19	145.49'	971.50'	8°34'51"	145.36'	N11°16'49"W
C20	3.02'	3472.50'	0°03'00"	3.02'	N89°59'19"W
C21	69.71'	3472.50'	1°09'10"	69.71'	N88°35'20"W
C22	75.16'	3472.50'	1°14'24"	75.16'	N87°47'02"W
C23	76.98'	3472.50'	1°16'13"	76.98'	N87°02'21"W
C24	77.01'	3472.50'	1°16'14"	77.00'	S89°41'28"W
C25	76.90'	3472.50'	1°16'08"	76.90'	S88°28'15"W
C26	71.74'	1337.50'	3°04'23"	71.73'	N88°25'01"E
C27	18.23'	1365.00'	0°48'26"	18.23'	N87°17'03"E
C28	53.98'	1365.00'	2°15'57"	53.97'	N88°49'14"E
C29	171.78'	300.00'	32°48'29"	169.44'	S73°32'58"E
C30	26.08'	272.50'	6°28'59"	26.07'	S87°12'43"W
C31	96.84'	272.50'	20°21'44"	96.33'	S74°17'22"W
C32	33.11'	272.50'	6°57'48"	33.09'	S60°37'37"W
C33	517.74'	1300.00'	22°49'08"	514.33'	S23°40'11"E
C34	50.47'	1300.00'	2°13'29"	50.47'	N33°58'00"W
C35	318.41'	1300.00'	14°02'00"	317.61'	N25°50'16"W
C36	148.86'	1300.00'	6°33'39"	148.78'	N15°32'28"W
C37	51.54'	1327.50'	2°13'29"	51.54'	N33°58'00"W
C38	51.54'	1327.50'	2°13'29"	51.54'	N31°44'32"W
C39	112.21'	1327.50'	4°50'34"	112.17'	N28°12'30"W
C40	114.47'	1327.50'	4°56'27"	114.44'	N23°19'00"W
C41	49.43'	1327.50'	2°08'00"	49.43'	N19°46'46"W
C42	54.23'	1327.50'	2°20'28"	54.23'	N17°32'33"W
C43	96.21'	1327.50'	4°09'10"	96.19'	N14°17'45"W
C44	40.99'	25.00'	93°57'06"	36.55'	S30°36'13"W
C45	35.73'	25.00'	81°52'38"	32.76'	S61°47'08"E
C46	28.86'	1327.50'	1°14'13"	28.86'	S25°10'07"E
C47	38.30'	25.00'	87°46'31"	34.66'	S13°19'28"W
C48	767.56'	2100.00'	20°58'31"	763.30'	N85°01'08"E
C49	53.72'	2100.00'	1°27'56"	53.71'	S75°16'51"W
C50	27.81'	2100.00'	0°45'12"	27.81'	S78°23'25"W
C51	886.23'	2100.00'	18°43'23"	883.18'	S86°07'42"W
C52	57.88'	2127.50'	1°33'31"	57.87'	S78°03'21"W
C53	68.51'	2127.50'	1°50'42"	68.51'	S79°49'27"W
C54	69.97'	2127.50'	1°53'04"	69.97'	S81°37'20"W
C55	69.98'	2127.50'	1°53'04"	69.97'	S83°30'25"W
C56	69.38'	2127.50'	1°52'07"	69.38'	S85°23'00"W
C57	69.51'	2127.50'	1°52'19"	69.51'	S87°15'13"W
C58	69.51'	2127.50'	1°52'19"	69.51'	S89°07'32"W
C59	69.51'	2127.50'	1°52'19"	69.51'	N89°00'08"W
C60	69.51'	2127.50'	1°52'19"	69.51'	N87°07'49"W
C61	62.53'	2127.50'	1°41'03"	62.53'	N85°21'08"W
C62	70.42'	2072.50'	1°56'48"	70.42'	S78°33'10"W
C63	72.63'	2072.50'	2°00'28"	72.63'	S80°31'49"W
C64	72.63'	2072.50'	2°00'28"	72.63'	S82°32'18"W
C65	72.63'	2072.50'	2°00'28"	72.63'	S84°32'46"W
C66	72.63'	2072.50'	2°00'28"	72.63'	S86°33'15"W
C67	72.63'	2072.50'	2°00'28"	72.63'	S88°33'44"W
C68	72.63'	2072.50'	2°00'28"	72.63'	S89°25'48"W
C69	72.63'	2072.50'	2°00'28"	72.63'	N87°25'19"W
C70	69.01'	2072.50'	1°54'28"	69.01'	N85°27'51"W
C71	62.89'	630.00'	5°43'11"	62.87'	S87°22'12"E
C72	62.35'	657.00'	5°28'00"	62.33'	S87°13'37"E
C73	7.21'	602.50'	0°41'08"	7.21'	S84°51'11"E
C74	56.23'	602.50'	8°20'48"	56.21'	S87°52'09"E
C75	19.00'	1030.00'	1°03'25"	19.00'	S0°19'40"W
C76	14.32'	1061.50'	0°46'22"	14.32'	S0°11'08"W
C77	39.49'	25.00'	90°30'56"	35.51'	N44°41'09"W
C78	36.36'	25.00'	83°20'07"	33.24'	N47°47'23"E
C79	92.15'	1061.50'	4°58'26"	92.12'	S8°36'32"W
C80	23.82'	968.50'	1°24'33"	23.82'	N10°23'29"E
C81	112.91'	968.50'	6°40'47"	112.85'	N6°20'49"E
C82	38.84'	25.00'	89°01'15"	35.05'	N41°30'12"W
C83	54.90'	3472.50'	0°54'21"	54.90'	S87°20'00"W

LEGEND

- Found monument 5/8" IR with red cap #18530 unless otherwise noted
- Found monument 1/2" IR with yellow cap #18643 unless otherwise noted
- Set monument 5/8" IR with red cap #18530 unless otherwise noted
- IR Round iron rebar (outside diameter)
- IP Round iron pipe (outside diameter)
- MPE Minimum Protection Elevation
- E.E. Electric Easement
- P.U.E. Public Utility Easement
- D.E. Drainage Easement
- S.S.E. Sanitary Sewer Easement
- S.T.S.E. Storm Sewer Easement
- W.E. Water main Easement
- G.E. Gas Easement
- (R) Record dimension
- Lot Address
- Subject boundary line
- Proposed boundary line
- Proposed easement line
- Existing boundary line
- Existing easement line

1234



1250 SW STATE STREET, SUITE A
 ANKENY, IOWA 50023-2555
 (515) 965-0123 phone - (515) 965-3322 fax
 Land Surveying
 Civil Engineering - Land Surveying
 Landscape Architecture

MILLES ASSOCIATES

REVISIONS:
 1. 10/20/15 - TECH REVIEW REVISIONS
 2. 11/10/15 - REVISE LEGAL TO INCLUDE OUTLOT X
 3. 08/03/16 - REVISE LEGAL TO INCLUDE OUTLOT X
 4. 10/02/16 - REVISE TO REFLECT PARCELS IN CUT "X"
 5. 11/02/16 - REVISE TO REFLECT PARCELS IN CUT "X"
 6. 10/27/16 - FINAL ACCEPTANCE
 7. 11/02/16 - FINAL ACCEPTANCE

NOTICE: MILLES ASSOCIATES, INC. WARRANTS THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF. MILLES ASSOCIATES, INC. IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS WHICH MAY BE MADE BY ANY OTHER PARTY. MILLES ASSOCIATES, INC. IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS WHICH MAY BE MADE BY ANY OTHER PARTY. MILLES ASSOCIATES, INC. IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS WHICH MAY BE MADE BY ANY OTHER PARTY.

PROJECT NAME: HERITAGE PARK AT PRAIRIE TRAIL PLAT 1
 ANKENY, IOWA
 DESCRIPTION: FINAL PLAT

NAI NO: 15065
 DATE: 07/06/15
 DRAWN BY: T.J.H.
 CHECKED BY: R.J.S.
 SCALE: AS NOTED
 SHEET TITLE: FP-2
 SHEET NO.: 2/2

Handwritten initials

RETURN TO:

This document was prepared by, and when recorded, return to, Jennifer L. Drake, Hubbell Realty Company, 6900 Westown Parkway, West Des Moines, Iowa 50266-2520, (515) 280-2057

SPACE ABOVE THIS LINE FOR RECORDER

OWNER'S CERTIFICATE

KNOW ALL PERSONS BY THESE PRESENTS: That **HERITAGE PARK ESTATES, LLC**, an Iowa limited liability company, the property owner, caused the real estate described on Exhibit "A" attached hereto, to be subdivided into lots, to be known as "**Heritage Park at Prairie Trail Plat 1**". The undersigned further acknowledges and certifies that the subdivision of said **Heritage Park at Prairie Trail Plat 1** is with its consent and in accordance with its desires.

Heritage Park Estates, 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 Ankeny, 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 **Heritage Park at Prairie Trail Plat 1**.

Dated this 27 day of June, 2016.

HERITAGE PARK ESTATES, LLC
By: **Hubbell Realty Company, Managing Member**

By: *[Signature]*
Joseph F. Pietruszynski, Vice President

By: *[Signature]*
Jennifer L. Drake, Assistant Secretary

STATE OF IOWA)
)SS
COUNTY OF DALLAS)

This instrument was acknowledged before me on June 27 2016, by Joseph F. Pietruszynski and Jennifer L. Drake as the Vice President and Assistant Secretary, respectively, of Hubbell Realty Company, the Managing Member of Heritage Park Estates, LLC, executing the within and foregoing instrument.

Falon Michalski
Notary Public in and for the State of Iowa

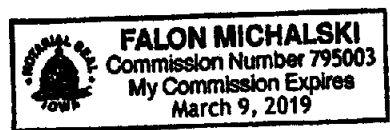


EXHIBIT A

That part of Outlot U, HERITAGE TOWNHOMES AT PRAIRIE TRAIL PLAT 1, an Official Plat, located in the City of Ankeny, Polk County, Iowa, AND that part of Outlot X, HERITAGE AT PRAIRIE TRAIL PLAT 2, an Official Plat, located in the City of Ankeny, Polk County, Iowa, AND a tract of land located in part of Parcel " I " of the North Half of Section 26, Township 80 North, Range 24 West of the Fifth Principal Meridian, located in the City of Ankeny, Polk County, Iowa, as shown on the Plat of Survey recorded in Book 11295, Pages 669-674, now being more particularly described as Parcel N on the Plat of Survey filed September 24, 2015 in Book 15745, Page 156 in the Office of the Polk County Recorder, Polk County, Iowa.

Prepared by, and when recorded return to: Jennifer L. 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 HERITAGE PARK AT PRAIRIE TRAIL PLAT 1

KNOW ALL MEN BY THESE PRESENTS: that, Central Bank, ("Lender") is the present owner of the Mortgagee's interest in that certain Mortgage, granted by Heritage Park Estates, LLC, an Iowa limited liability company, as Mortgagor, to Lender as Mortgagee, dated October 7, 2015 and filed for record in the Office of the Recorder for Polk County, Iowa on October 9, 2015 in Book 15764 at Page 933 of the Polk County Records (the "Mortgage"), which Mortgage create a lien on, among other property, the real property legally described on the attached Exhibit A, which Property is to be platted into a subdivision to be known as "**Heritage Park at Prairie Trail Plat 1**", an Official Plat, now included in and forming a part of the City of Ankeny, Polk County, Iowa. Lender hereby acknowledges that the subdivision of the Property into lots in a plat to be known as **Heritage Park at Prairie Trail Plat 1** is with its consent and in accordance with its desire.

Dated this 23 day of June, 2016.

CENTRAL BANK

By: *Michele Stevens*
Michele Stevens, Vice President

STATE OF IOWA)
)SS.
COUNTY OF Dallas)

On this 23rd day of June, 2016, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared Michele Stevens, to me personally known, who, being by me duly sworn, did say that she is the Vice President of **CENTRAL BANK** executing the within and foregoing instrument; that the instrument was signed on behalf of said bank by authority of its Board of Directors; and said Michele Stevens, as such officer, acknowledged the execution of the instrument to be the voluntary act and deed of the corporation, by it and by her voluntarily executed.

Erica Carico
Notary Public in and for said State

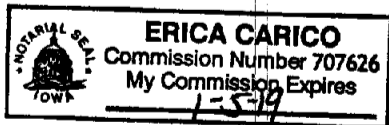


EXHIBIT A

That part of Outlot U, HERITAGE TOWNHOMES AT PRAIRIE TRAIL PLAT 1, an Official Plat, located in the City of Ankeny, Polk County, Iowa, AND that part of Outlot X, HERITAGE AT PRAIRIE TRAIL PLAT 2, an Official Plat, located in the City of Ankeny, Polk County, Iowa, AND a tract of land located in part of Parcel " I " of the North Half of Section 26, Township 80 North, Range 24 West of the Fifth Principal Meridian, located in the City of Ankeny, Polk County, Iowa, as shown on the Plat of Survey recorded in Book 11295, Pages 669-674, now being more particularly described as Parcel N on the Plat of Survey filed September 24, 2015 in Book 15745, Page 156 in the Office of the Polk County Recorder, Polk County, Iowa.

RESOLUTION 2016-276

RESOLUTION ACCEPTING FINAL PLAT, WARRANTY DEED FOR STREETS AND AUTHORIZING COST PARTICIPATION IN AN AMOUNT NOT TO EXCEED \$9,210.00 FOR SIDEWALK AND RAMP WIDENING FOR HERITAGE PARK AT PRAIRIE TRAIL PLAT 1

WHEREAS, the Planning and Building Director of the City of Ankeny, Iowa, administratively approved the final plat for Heritage Park at Prairie Trail Plat 1 on the 23rd day of July, 2016,

WHEREAS, the City Council granted preliminary approval for Heritage Park at Prairie Trail Plat 1 on April 4, 2016,

WHEREAS, the attorney's title opinion and warranty deed for streets have been submitted and approved by the Planning and Building Director of the City of Ankeny, Iowa.

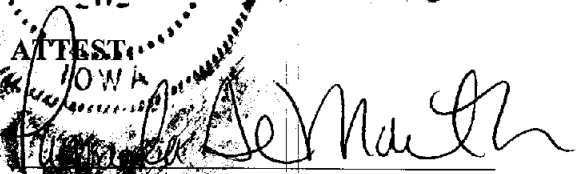
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANKENY, IOWA:

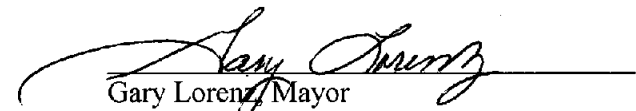
1. That the final plat for Heritage Park at Prairie Trail Plat 1 is hereby approved.
2. That the Warranty Deed for streets is hereby accepted.
3. That City cost participation for sidewalk and ramp widening in an amount not to exceed \$9,210 is authorized.

PASSED AND APPROVED this 1st day of August, 2016.

ANKENY

ATTEST
IOWA


Pamela DeMouth, City Clerk


Gary Lorenz, Mayor



B. J. Miller
BJMiller@davisbrownlaw.com
phone: 515-246-7877
West Des Moines Office

August 8, 2016

City of Ankeny
410 West First Street
Ankeny, Iowa 50023

Heritage Park Estates, LLC
c/o Hubbell Realty Company
6900 Westown Parkway
West Des Moines, IA 50266

Ladies and Gentlemen:

I

We have examined an Abstract of Title commencing with the Root of Title entry and ending with Pencil Notes No. 690256 prepared by Iowa Title Company and certified that it reflects all matters up to July 25, 2016, at 6:00 a.m. and relating to the following property:

That part of Outlot U, HERITAGE TOWNHOMES AT PRAIRIE TRAIL PLAT 1, an Official Plat, located in the City of Ankeny, Polk County, Iowa, AND that part of Outlot X, HERITAGE AT PRAIRIE TRAIL PLAT 2, an Official Plat, located in the City of Ankeny, Polk County, Iowa, AND a tract of land located in part of Parcel "I" of the North Half of Section 26, Township 80 North, Range 24 West of the Fifth Principal Meridian, located in the City of Ankeny, Polk County, Iowa, as shown on the plat of survey recorded in Book 11295, Pages 669-674, now being more particularly described as Parcel N on the Plat of Survey filed September 24, 2015 in Book 15745, Page 156 in the Office of the Polk County Recorder, Polk County, Iowa.

To be known after platting as Heritage Park at Prairie Trail Plat 1.

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

HERITAGE PARK ESTATES, LLC, an Iowa limited liability company

EXCEPT THAT it is subject to the following:

1. **MORTGAGES AND LIENS.** The abstract reveals the following mortgages listed in order of their priority:

#2639279 v.3
DAVIS BROWN KOEHN SHORS & ROBERTS P.C.

PHONE 515.288.2500
FAX 515.243.0654
DAVISBROWN.LAW.COM

THE DAVIS BROWN TOWER, 215 10TH ST., STE. 1300, DES MOINES, IA 50309
THE HIGHLAND BUILDING, 4201 WESTOWN PKWY., STE. 300, WEST DES MOINES, IA 50266
THE AMES OFFICE, 2605 NORTHRIDGE PKWY., STE. 101, AMES, IA 50010
THE EMMETSBURG OFFICE, 3004 MAIN ST., P.O. BOX 314, EMMETSBURG, IA 50536

- a) There is shown a mortgage dated October 7, 2015, filed October 9, 2015, in Book 15764, Page 933, of the Polk County Recorder's records from Heritage Park Estates, LLC, to Central Bank, which is a lien on the property under examination. **You will need to obtain the lender's consent to this plat.**
- b) There is shown an UCC Financing Statement filed October 9, 2015, in Book 15764, Page 949, of the Polk County Recorder's records from Heritage Park Estates, LLC, to Central Bank, which is a lien on the property under examination. **You will need to obtain the lender's consent to this plat.**

2. **REAL ESTATE TAXES.** The Abstractor states that all real estate taxes assessed against the property under examination have been paid in full up to and including taxes for fiscal year 2015-2016, i.e. those taxes payable by installments due September 30, 2015 and March 31, 2016 all are shown as paid.

3. **SEARCHES.** The abstractor has conducted ten-year judgment lien searches against the owners and nothing is shown except as set forth above.

4. **EASEMENTS AND RESERVATIONS.** The abstracts reveals the following easements and restrictions of record in the Office of the Polk County Recorder:

- a) City of Ankeny, Iowa Zoning Ordinance;
- b) Underground Electric Easements in favor of MidAmerican Energy Company filed October 3, 2011 in Book 13992, Page 549 and on October 27, 2011 in Book 14027, Page 527. Both easements describe this property in the general property description but do not identify portions of this property in the specific easement grant;
- c) Easements, set back requirements, and development notes for Heritage at Prairie Trail Plat 2 filed May 12, 2011, in Book 13849, Page 10;
- d) Easements, set back requirements, and development notes for Heritage Townhomes at Prairie Trail Plat 1 filed in Book 15217, Page 247.
- e) Plat of Survey for Parcel N filed September 24, 2015 in Book 15745, Page 156.
- f) Permanent Public Utility Easement dated August 3, 2015, filed April 13, 2016, in Book 15959, Page 244.

5. **COVENANTS**. The abstract reveals the following covenants of record:
- a) Agreement for Restrictive Covenants in favor of Hy-Vee, Inc. filed September 14, 2007 in Book 12373, Page 391 preventing the demise, lease, sublease or permit of property within the development to a convenience, drug or grocery store, except to the extent the grocery store does not exceed 15,000.00. It was re-recorded on September 19, 2007 in Book 12373, page 391.
 - b) Declaration of Covenants, Conditions and Restrictions Regarding the Prairie Trail Scholarship Fund filed September 19, 2007 in book 12379, Page 361 obligating owners of the property to pay the DMACC Foundation 0.5% of the sales price upon any transfer. Those Covenants were amended by the Amended and restated Declaration of Covenants, Conditions and Restrictions Regarding the Prairie Trail Scholarship Fund filed December 27, 2011 in Book 14103, Page 853.
 - c) Declaration of Covenants, Conditions and Restrictions filed September 19, 2007 in Book 12379, Page 370 identifying the property is a member of the Prairie Trail Owners Association, Inc. and subject to payment of assessments to the same. First Amendment to Declaration of Covenants, Conditions and Restrictions for Prairie Trail Properties filed January 24, 2013, in Book 14627, Page 98. Corrected Revised and Restated Declaration of Covenants, Conditions and Restrictions, filed October 14, 2015, in Book 15770, Page 68.
 - d) Second Amendment to Declaration of Covenants filed September 18, 2015 in Book 15738, Page 152.

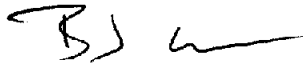
GENERAL MATTERS

- (a) This Opinion is prepared for purposes of complying with Section 354.11 of the Iowa Code and only shows information of record that is required by Section 354.11.
- (b) This opinion does not cover matters which are not included in the abstract, and you should determine for yourself if any of the following items may be a problem:
 - (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.

Sincerely,

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

A handwritten signature in black ink, appearing to read 'B.J. Miller', with a long horizontal flourish extending to the right.

B.J. Miller

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:

HERITAGE PARK AT PRAIRIE TRAIL PLAT 1 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

HERITAGE PARK ESTATES, LLC,

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

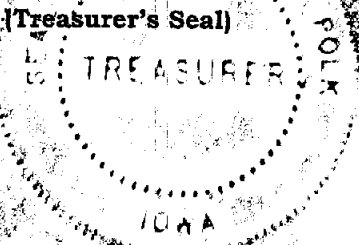
Dated at Des Moines, IA , Thursday, August 11, 2016 .

MARY MALONEY
POLK COUNTY TREASURER

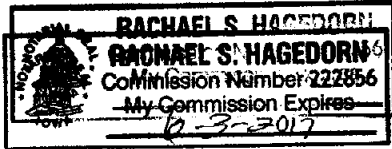
Subscribed and sworn to before me on this
11 day of August, 2015.

by *Kelli [Signature]*
 Deputy

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



(Notary Seal)



PREPARED BY: Rebecca Lawrence, Property Description Specialist

EXHIBIT A

That part of Outlot U, HERITAGE TOWNHOMES AT PRAIRIE TRAIL PLAT 1, an Official Plat, located in the City of Ankeny, Polk County, Iowa, AND that part of Outlot X, HERITAGE AT PRAIRIE TRAIL PLAT 2, an Official Plat, located in the City of Ankeny, Polk County, Iowa, AND a tract of land located in part of Parcel "T" of the North Half of Section 26, Township 80 North, Range 24 West of the Fifth Principal Meridian, located in the City of Ankeny, Polk County, Iowa, as shown on the plat of survey recorded in Book 11295, Pages 669-674, now being more particularly described as Parcel N on the Plat of Survey filed September 24, 2015 in Book 15745, Page 156 in the Office of the Polk County Recorder, Polk County, Iowa.