



Document 2007 4202

Book 2007 Page 4202 Type 06 044 Pages 18

Date 11/19/2007 Time 4:05 PM

Rec Amt \$92.00 Aud Amt \$5.00

INDX

ANNO

SCAN

LISA SMITH, COUNTY RECORDER  
MADISON IOWA

CHEK

Prepared by: Susan J. Ugolini, 105 Main St. SE, Bondurant, IA 50035 515-967-1769

**OWNER'S CONSENT TO PLAT  
FOX BEND PLAT 1**

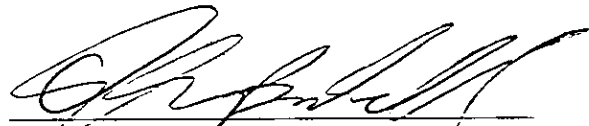
KNOW ALL MEN BY THESE PRESENTS:

The undersigned, Oliver Bardwell, hereby certifies, states, and acknowledges that Barad Development Inc., an Iowa corporation, is the proprietor and record titleholder of certain real estate situated in Madison County, Iowa, more particularly described as follows:

Part of the Northwest Quarter (NW ¼) of the Southeast Quarter (SE ¼) of Section 29, Township 76 North, Range 26 West of the 5<sup>th</sup> P.M., Madison County, Iowa; more particularly described as shown on Exhibit A, attached hereto and by this reference made a part hereof.

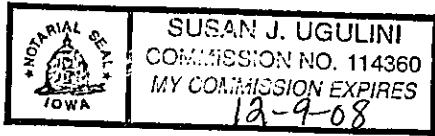
To be subdivided and platted as Fox Bend Plat 1, an Official Plat, now included in and forming a part of the City of Patterson, Madison County, Iowa, as it appears on the accompanying plat and is done so with the free consent and in accordance with the desire of said owner.

Dated this 17 day of October, 2007.

  
Oliver Bardwell

STATE OF IOWA            )  
  )SS:  
COUNTY OF MADISON    )

On this 17 day of October, 2007, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Oliver Bardwell, to me personally known, who being by me duly sworn, did say that he is the President; that no seal has been procured by said corporation; that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors; and that the said Oliver Bardwell, as such officer, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by him voluntarily executed.



*Susan J. Ugolini*  
\_\_\_\_\_  
Notary Public in and for the State of Iowa

My Commission expires: 12-9-08

EXHIBIT A -- FOX BEND PLAT 1

**LEGAL DESCRIPTION**

Beginning at the Southwest Corner of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of Section 29, Township 76 North, Range 26 West of the 5th P.M., Madison County, Iowa;  
thence South 89°57'41" East, a distance of 30.00 feet;  
thence North 00°01'06" East, a distance of 1430.47 feet;  
thence North 86°41'51" East, a distance of 780.09 feet;  
thence North 00°17'25" West, a distance of 479.24 feet;  
thence South 86°42'27" West, a distance of 809.55 feet;  
thence North 00°13'16" West, a distance of 71.33 feet;  
thence North 84°48'47" East, a distance of 1322.02 feet;  
thence South 00°06'24" East, a distance of 662.32 feet;  
thence South 00°15'44" East, a distance of 1532.75 feet, to the Northerly Right of Way line of State Highway 92;  
thence South 81°07'45" West along said Northerly Right of Way of Highway 92, a distance of 296.19 feet;  
thence South 77°39'28" West along said Northerly Right of way of Highway 92, a distance of 335.06 feet to the beginning of a curve concave to the north having a radius of 1467.89 feet and a central angle of 28°42'56" and being subtended by a chord which bears North 75°20'11" West 728.00 feet;  
thence westerly and northwesterly along said curve, a distance of 735.68 feet;  
thence North 02°05'28" East, a distance of 29.10 feet to the Point of Beginning.  
Containing 56.44 ACRES, more or less.

**SUSAN J. UGULINI  
ATTORNEY AT LAW  
105 MAIN ST. SE  
P.O. BOX 36  
BONDURANT, IOWA 50035  
(515) 967-1769  
FAX (515) 967-8651**

**Platting Title Opinion**

November 8, 2007

City of Patterson  
Patterson City Hall  
Patterson, Iowa

Re: Barad Development Inc.  
Property to be Platted as Fox Bend Plat 1

This is to certify that I have examined the attached abstract of title from Root of Title prepared by Madison County Abstract Company No. 29762652 continued to November 7, 2007 at 8:00 A.M., covering the following described real estate:

**Part of the Northwest Quarter (NW ¼) of the Southeast Quarter (SE ¼) of Section 29, Township 76 North, Range 26 West of the 5<sup>th</sup> P.M., now included in and forming a part of the City of Patterson, Madison County, Iowa, containing 56.44 acres, more or less; more particularly described as shown on Exhibit A, attached hereto and by this reference made a part hereof;**

And based upon the abstract I report title to the property in the name of

**Barad Development LLC;**

Subject to the following:

1. **MORTGAGE:** At Entry No. 45 of the abstract, there appears a mortgage in the amount of \$560,000.00 executed by Barad Development Inc., in favor of Liberty Bank, F.S.B., dated September 26, 2006, filed September 27, 2006 in Book 2006, Page 3961 of the Madison County, Iowa records.
2. **MORTGAGE:** At Entry No. 50 of the abstract, there appears a mortgage in the amount of \$1,470,000.00 executed by Barad Development Inc., in favor of Liberty Bank, F.S.B., dated April 24, 2007, filed April 27, 2007 in Book 2007, Page 1718 in the Madison County, Iowa records.
3. **DEVELOPMENT AGREEMENT:** At Entry No. 55 of the abstract, there appears a Development Agreement dated April 24, 2007 and filed June 21, 2007

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Plat title opinion

Fox Bend Plat 1

Barad Development Inc.

in Book 2007, Page 2513 in the Madison County, Iowa records, which assigns tax increment financing payments from the City of Patterson to Liberty Bank, F.S.B.

4. **SEARCHES:** No new searches have been made against anyone outside the chain of title. There appear no liens against the present titleholder except as may be noted in this opinion.
5. **REAL ESTATE TAXES:** 2006-2007 fiscal year taxes assessed in Patterson: Parcels #450082926020000, #45008298001000, #450082980020000: first installment paid; second installment paid.
6. **EASEMENT:** At Entry No. 6 of the abstract, there appears an easement granted to Northwestern Bell Telephone Company, filed October 8, 1962 in Deed Record 91 at Page 636 in the Madison County, Iowa records.
7. **EASEMENT:** At Entry No. 11 of the abstract, there appears an easement granted to Northwestern Bell Telephone Company, filed November 19, 1979 in Deed Record 112, Page 746 in the Madison County, Iowa records.
8. **EASEMENT:** At Entry No. 17 of the abstract, there appears an easement granted to the City of Indianola Municipal Electric Utility filed October 21, 1991 in Deed Record 127, Page 569 in the Madison County, Iowa records.
9. **ZONING:** The property is subject to the zoning ordinances of the City of Patterson, Madison County, Iowa.

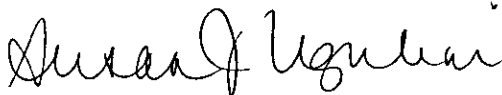
**GENERAL EXCEPTIONS:** There are certain matters which cannot be ascertained from an examination of the abstract and which may affect your use of, enjoyment of and rights in and to the real estate under examination. Accordingly, this title opinion is subject to and you must take notice of the following:

- A. Matters which would be revealed by an accurate survey and inspection of the premises such as encroachments, overlaps, and boundary line disputes. Further, access to public streets and the correctness of lot area and boundary lines cannot be assured by this opinion.
- B. You are charged with notice of the rights of persons in possession of the real estate or any portion thereof.

Page 3  
Plat title opinion  
Fox Bend Plat 1  
Barad Development Inc.

- C. The real estate under examination is subject to the zoning ordinances of the city or county stated above. You should determine whether the real estate complies with the applicable zoning ordinances.
- D. Persons furnishing labor or materials for improvement of the real estate within the last 90 days may be entitled to file a mechanic's lien if not paid. In such event, your lien or title may be subject to such mechanic's lien.
- E. Special assessments, preliminary assessments, and deficiency assessments are a lien from the certification by the city or the county or other taxing jurisdiction to the County Treasurer. The lien for such assessments has priority equivalent to real estate taxes. Such a lien may not be shown in the abstract but may attach against the real estate for work preliminarily approved by the City Council.
- F. Charges for certain municipal services provided by a city prior to your ownership, such as solid waste and sewage disposal, may be a lien against the real estate when certified to the County Treasurer's Office. Such a lien has priority equivalent to real estate taxes.
- G. The abstract does not disclose the existence of hazardous substances, hazardous waste, hazardous materials, pollutants, contaminants, underground storage tanks, drainage wells, active or abandoned water wells and other environmentally-regulated activities. You are cautioned that federal, state and local legislation may permit injunctive relief, and require removal and remedial actions, or other clean up, and may create a lien for the same.
- H. Searches for judgments by the abstracter are limited to a ten-year period, however, certain installment judgments such as child support and alimony rendered in a decree of dissolution more than ten years ago are a lien on the real estate of the obligor for ten years after the installment becomes due.

Respectfully submitted,



Susan J. Ugolini  
Title Guaranty #1705  
SJU/sf

EXHIBIT A -- FOX BEND PLAT 1

**LEGAL DESCRIPTION**

Beginning at the Southwest Corner of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of Section 29, Township 76 North, Range 26 West of the 5th P.M., Madison County, Iowa;  
thence South 89°57'41" East, a distance of 30.00 feet;  
thence North 00°01'06" East, a distance of 1430.47 feet;  
thence North 86°41'51" East, a distance of 780.09 feet;  
thence North 00°17'25" West, a distance of 479.24 feet;  
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thence South 00°06'24" East, a distance of 662.32 feet;  
thence South 00°15'44" East, a distance of 1532.75 feet, to the Northerly Right of Way line of State Highway 92;  
thence South 81°07'45" West along said Northerly Right of Way of Highway 92, a distance of 296.19 feet;  
thence South 77°39'28" West along said Northerly Right of way of Highway 92, a distance of 335.06 feet to the beginning of a curve concave to the north having a radius of 1467.89 feet and a central angle of 28°42'56" and being subtended by a chord which bears North 75°20'11" West 728.00 feet;  
thence westerly and northwesterly along said curve, a distance of 735.68 feet;  
thence North 02°05'28" East, a distance of 29.10 feet to the Point of Beginning.  
Containing 56.44 ACRES, more or less.

Prepared by: Susan J. Ugulini, 105 Main St. SE, Bondurant, IA 50035 515-967-1769

**MORTGAGEE'S CONSENT TO PLAT  
FOX BEND PLAT 1**

KNOW ALL MEN BY THESE PRESENTS:

That we, the undersigned, Brian G. Jones, as \_\_\_\_\_, and \_\_\_\_\_, as \_\_\_\_\_, for and on behalf of Liberty Bank, F.S.B., an Iowa corporation, do hereby state, acknowledge, and certify that Liberty Bank F.S.B., is the mortgagee of record to the following legally described real estate, to-wit:

Part of the Northwest Quarter (NW ¼) of the Southeast Quarter (SE ¼) of Section 29, Township 76 North, Range 26 West of the 5<sup>th</sup> P.M., Madison County, Iowa; which includes the parcel more particularly described as shown on Exhibit A, attached hereto and by this reference made a part hereof.

That as mortgagee, Liberty Bank, F.S.B., does hereby consent to the above property to be subdivided and platted, and become known as FOX BEND PLAT 1.

We further certify that the said plat is done with the free consent, and in accordance with, the desires of the mortgagee herein.

Dated this 29<sup>th</sup> day of October, 2007.

LIBERTY BANK, F.S.B.

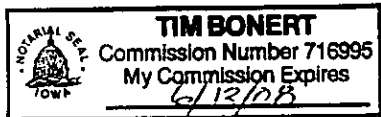
BY: \_\_\_\_\_  
Brian G. Jones

BY: \_\_\_\_\_



STATE OF IOWA )  
 )SS:  
COUNTY OF POLK )

On this 29<sup>th</sup> day of October, 2007, before me, the undersigned, a Notary public in and for the State of Iowa, personally appeared Brian Tass and \_\_\_\_\_, to me personally known, who, being by me duly sworn, did say that they are the Vice President and \_\_\_\_\_, respectively, for and on behalf of Liberty Bank F.S.B., an Iowa corporation, that said instrument was signed on behalf of said corporation by authority of its Board of Directors, and that the said Vice President and \_\_\_\_\_, as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it, and by them, voluntarily executed.



Tim Bonert  
Notary Public in and for the State of Iowa

My Commission expires: 6/13/08

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**CERTIFICATE OF TREASURER OF MADISON COUNTY, IOWA**

STATE OF IOWA            )  
  )   SS:  
COUNTY OF MADISON    )

I, G. JoAnn Collins, Treasurer of Madison 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:

**FOX BEND PLAT 1  
An Official Plat, Madison 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

**BARAD DEVELOPMENT INC.,**

Who is the record title holder of said real estate.

Dated at Winterset, Iowa, this 14<sup>th</sup> day of November, 2007.

**G. JOANN COLLINS  
MADISON COUNTY TREASURER**

Subscribed and sworn to before  
me on this 14<sup>th</sup> day of November  
\_\_\_\_\_, 2007.

By: G. JoAnn Collins  
G. JoAnn Collins

(TREASURER'S SEAL)

Lisa K. Smith  
Notary Public in and for Madison  
County, Iowa

(NOTARY SEAL)

Prepared by: Susan J. Ugulini, Attorney at Law, 105 Main St. SE, Bondurant, IA 50035



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**APPROVAL OF SUBDIVISION PLAT NAME BY  
MADISON COUNTY AUDITOR**

DATE 11-19-07

The Madison County Auditor's Office has reviewed the final plat of:

Fox Bend Plat 1

Pursuant to Iowa Code 3454.6(2) and 354.11(6), we approve of the subdivision name or title and have no objections to this subdivision plat being recorded.

Signed

John Walsh

County Auditor of Madison County, Iowa

EXHIBIT A -- FOX BEND PLAT 1

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**Resolution: #2007-04**

**Date: August 20, 2007**

**Whereas:** BE IT RESOLVED, by the City Council of the City of Patten<sup>e</sup>son, Madison County, Iowa:

**Whereas:** That the Final Plat for Fox Bend Plat 1, is hereby approved as presented.

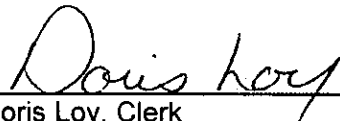
Moved by Carr Second by Hathaway to adopt.

Council Action	Yeas	Nays	Pass	Absent
Carr	✓			
Hathaway	✓			
Hetzel	✓			
Shaut	✓			
Motion carried				
				
Rollie Robbins, Mayor				

**CERTIFICATE**

I, Doris Loy, City Clerk of said City hereby certify that at a meeting of the City Council held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand the day and year above written.

  
Doris Loy, Clerk

8-21-2007  
Date

EXHIBIT A -- FOX BEND PLAT 1

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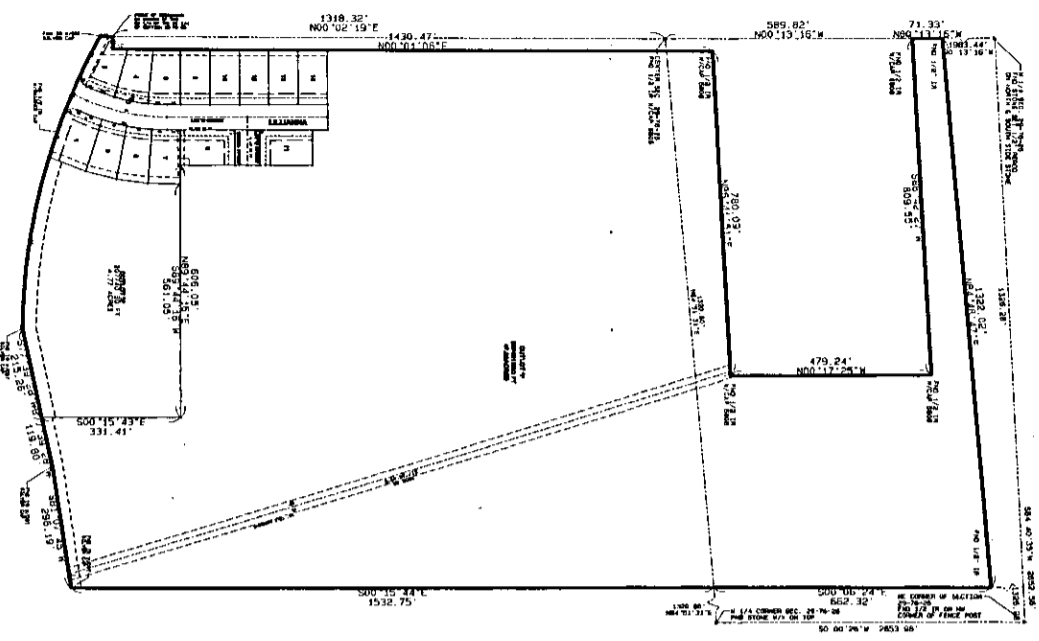
thence North 02°05'28" East, a distance of 29.10 feet to the Point of Beginning.

Containing 56.44 ACRES, more or less.



# FOX BEND PLAT 1 (FINAL PLAT) CITY OF PATTERSON, IOWA

PROJECT TITLE: FOX BEND PLAT 1 PROJECT #: 202050



LOT	AREA	OWNER	REMARKS
1	1.23	...	...
2	1.23	...	...
3	1.23	...	...
4	1.23	...	...
5	1.23	...	...
6	1.23	...	...
7	1.23	...	...
8	1.23	...	...
9	1.23	...	...
10	1.23	...	...
11	1.23	...	...
12	1.23	...	...
13	1.23	...	...
14	1.23	...	...
15	1.23	...	...
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17	1.23	...	...
18	1.23	...	...
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42	1.23	...	...
43	1.23	...	...
44	1.23	...	...
45	1.23	...	...
46	1.23	...	...
47	1.23	...	...
48	1.23	...	...
49	1.23	...	...
50	1.23	...	...

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Beginning at the Southeast Corner of the Northwest Quarter (NW 1/4) of the Northwest Quarter (SE 1/4) of Section 28, Township 26 North, Range 26 West, of the 1st S.M., Madison County, Iowa; thence North 00°11'06" East, a distance of 1430.47 feet to the center of the right-of-way of Highway 92; thence South 88°42'12" West, a distance of 809.55 feet to the center of the right-of-way of Highway 92; thence North 00°09'24" East, a distance of 1322.02 feet to the center of the right-of-way of Highway 92; thence South 88°07'48" West, a distance of 809.55 feet to the center of the right-of-way of Highway 92; thence South 77°39'20" West, a distance of 1430.47 feet to the center of the right-of-way of Highway 92; thence North 00°11'06" East, a distance of 1430.47 feet to the center of the right-of-way of Highway 92; thence North 00°11'06" East, a distance of 1430.47 feet to the center of the right-of-way of Highway 92; containing 56.44 acres, more or less.

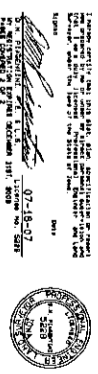
**GENERAL NOTES**  
1. SITE INFORMATION - LOT OWNERS ARE RESPONSIBLE FOR OBTAINING NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.  
2. UTILITIES - THE ENGINEER HAS CONDUCTED VISUAL SURVEYS AND HAS NOTED THE LOCATION OF EXISTING UTILITIES. THE LOCATION OF UTILITIES IS INDICATED BY THE DOTTED LINES.  
3. EROSION CONTROL - EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION AND MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT.  
4. TREE PROTECTION - EXISTING TREES SHALL BE PROTECTED AND MAINTAINED THROUGHOUT CONSTRUCTION AND MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT.  
5. ADJACENT PROPERTIES - THE ENGINEER HAS CONDUCTED VISUAL SURVEYS OF ADJACENT PROPERTIES AND HAS NOTED THE LOCATION OF EXISTING UTILITIES AND STRUCTURES.  
6. EASEMENTS - THE ENGINEER HAS CONDUCTED VISUAL SURVEYS AND HAS NOTED THE LOCATION OF EXISTING EASEMENTS.  
7. RECORD DRAWING - THIS DRAWING IS THE RECORD DRAWING FOR THE PROJECT.

Document 2007 4202  
Book 2007 Page 4202 Type 06 044 Pages 18  
Date 11/19/2007 Time 4:05 PM  
Rec Amt \$92.00 Aud Amt \$5.00

LISA SMITH, COUNTY RECORDER  
MADISON IOWA

INDEX  
ANNOUNCEMENT  
SCAN  
CHECK

**CONTACT INFORMATION**  
SITE OWNER: ...  
ENGINEER: ...  
PROJECT TITLE: ...



**CERTIFICATION**  
I, the undersigned, being a duly qualified and licensed Professional Engineer in the State of Iowa, do hereby certify that the foregoing is a true and correct copy of the original as shown to me by the applicant.

**LEGEND**  
--- EXISTING CURB  
--- EXISTING SIDEWALK  
--- EXISTING DRIVE  
--- EXISTING UTILITY  
--- EXISTING EASEMENT  
--- EXISTING STRUCTURE  
--- EXISTING TREE  
--- EXISTING FENCE  
--- EXISTING WALL  
--- EXISTING POST  
--- EXISTING SIGN  
--- EXISTING LIGHT  
--- EXISTING SIGN  
--- EXISTING LIGHT

**PROJECT TITLE/COMMENTS/REVISIONS**

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