



Document 2016 1268

Book 2016 Page 1268 Type 06 024 Pages 16
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LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

Prepared by: KTragesser, City of West Des Moines Development Services, P.O. Box 65320, West Des Moines, IA 50265-0320, 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, P. O. Box 65320, West Des Moines, IA 50265-0320

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, APPROVING AND RELEASING THE FINAL PLAT, LINDSEY FARM PLAT 2 (FP-003018-2065) FOR THE PURPOSE OF PLATTING PROPERTY INTO TWO LOTS FOR SINGLE FAMILY DEVELOPMENT

WHEREAS, pursuant to the provisions of Title 10, Subdivision Regulations and Title 9, Zoning Chapter 1 et seq, of the West Des Moines Municipal Code, Frank Lindsey, has requested approval for a Final Plat (FP-003018-2016) for that 10.00 acres located at 1027 Timber Brook Avenue for the purpose of subdividing the property into two lots for single family development;

Legal Description

See Exhibit B

WHEREAS, studies and investigations were made, and staff reports and recommendations were submitted which are made a part of this record and herein incorporated by reference;

WHEREAS, the West Des Moines Plan and Zoning Commission has reviewed the Preliminary Plat for Lindsey Farm Plat 1 and recommended approval on April 27, 2015;

WHEREAS, the Final Plat that was submitted for review was determined to be generally consistent with the Preliminary Plat for Lindsey Farm Plat 1 that was reviewed and approved by the City Council on May 4, 2015;

WHEREAS, on April 4, 2016, this City Council held a duly-noticed meeting to consider the application for Lindsey Farm Plat 2 Final Plat;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings of consistency with the Comprehensive Plan as stated in the staff report, or as amended orally at the City Council meeting, are adopted.

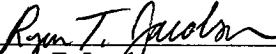
SECTION 2. Final Plat, Lindsey Farm Plat 1 is approved, subject to compliance with all the conditions in the staff report, including conditions added at the meeting, if any, and attached hereto as Exhibit "A". Violation of any such conditions shall be grounds for revocation of the entitlement, as well as any other remedy which is available to the City.

16-04-04-19

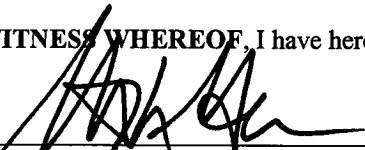
SECTION 3. This resolution does release the Lindsey Farm Plat 2 Final Plat for recordation. The City Council of West Des Moines directs the City Clerk to release said plat for recordation in accordance with said City Council approval of the final plat on April 4, 2016, and Roll Call No. 16-113.

CERTIFICATE

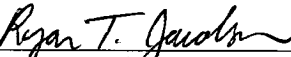
I, Ryan T. Jacobson, City Clerk for said City, hereby certify that at a meeting of the City Council of said City of West Des Moines, held on April 4, 2016, among other proceedings, Roll Call No. 16-113 approved said plat on April 4, 2016, and released said Final Plat for recordation.


 Ryan T. Jacobson
 City Clerk

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of April 2016.


 Steven K. Gaer, Mayor

ATTEST:


 Ryan T. Jacobson
 City Clerk

COUNCIL ACTION	YEAS	NAYS	ABST.	ABSENT
TREVILLYAN	✓			
MICKELSON				✓
TRIMBLE	✓			
MESSERSCHMIDT	✓			
SANDAGER	✓			
MOTION BY	Trimble			
SECOND BY:	Messerschmidt			
ROLL CALL #	16-113			

EXHIBIT A
Conditions of Approval

1. That the City Council waive the requirement for an agreement and waiver for public improvements including but not limited to the reconstruction of Timberbrook Avenue, the installation of public sidewalks, and the installation of street lights along public streets adjacent to this development.
2. That the west roadway be allowed which exceeds the City's maximum dead end length until such time that the roadway can be extended to connect to a secondary roadway as shown on the City's Ultimate Streets Plan. In the interim, access roads should be 20 feet in width, constructed and surfaced with materials that will withstand 75,000 pounds of gross vehicle weight, and maintain a vertical clearance of 14 feet.
3. That the City Council waive the requirement for the installation of dry sewers and the requirements for sanitary sewer easements.
4. That the property owner acknowledge that Lindsey Farm Plat 2 will be the last plat approved for the Lindsey Farm Plat 1 subdivision with waivers of subdivision requirements.

EXHIBIT B

PROPERTY DESCRIPTION:

AN OFFICIAL REPLAT OF LOT 3 IN LINDSEY FARM PLAT ONE, AN OFFICIAL PLAT, MADISON COUNTY, IOWA; CONTAINING 10.00 ACRES INCLUDING 0.12 ACRES FOR PUBLIC ROADWAY EASEMENT.

SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS OF RECORD.

SAID TRACT OF LAND CONTAINING 10.00 ACRES INCLUDING 0.12 ACRES FOR PUBLIC ROAD RIGHT-OF-WAY EASEMENT.



BRICK GENTRY P.C.

ATTORNEYS & COUNSELORS at LAW

CLIFFORD S. SWARTZ
ATTORNEY

T: 515-274-1450
F: 515-274-1488
cliff.swartz@brickgentrylaw.com

April 25 , 2016

Mayor and Members of City Council
City of West Des Moines
4200 Mills Civic Parkway
West Des Moines, IA 50265

✓ Madison County Board of Supervisors
Madison County Courthouse – First Floor
112 N. John Wayne Drive
Winterset, IA 50273

RE: Lindsey Farm Plat Two
Abstract # 7600202 by Madison County Abstract Company

Dear Sir or Madam:

This will certify that on this date, I have examined the Abstract of Title for the following described real property:

See Exhibit A Attached Hereto

This opinion is prepared for use in connection with the platting of property described above, said property to be known as Lindsey Farm Plat Two, an Official Plat, Madison County, Iowa. Said opinion may be relied upon by all parties intending to benefit from this opinion, as prescribed in Iowa Code Chapter 354 (2015).

For purposes of rendering this opinion, we have examined the Abstract of Title for the real estate described above as prepared by Iowa Title Company from October 17, 2013, at 8:00 a.m. to the date of April 13, 2016, at 8:00 a.m. Our opinion covers only matters applying herein to that date based on the Iowa Title Standards and the laws of the State of Iowa.

Based on our examination of the Abstract of Title and the records of Dallas County, we find good and merchantable title to be vested of record in **Frank J Lindsey and Kathryn M Lindsey, a Married Couple, as joint tenants with full rights of survivorship and not as tenants in common**, subject, however, to the following comments and objections:

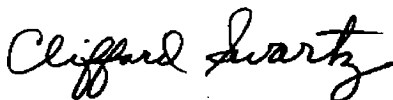
1. **MORTGAGE.** At Entry No. 46 of Abstract No. 05772630 appears a Mortgage , filed **November 19 2015, in Book 2015, Page 3515**, in the **Madison County Recorder's Office from Frank J. Lindsey and Kathryn M. Lindsey, husband and wife, to Luana Savings Bank** . This Mortgage remains unsatisfied of record and constitutes a first and paramount lien on the property under examination. This mortgage was amended by agreement filed on **February 8, 2016 in Book 2016, Page 351.**
2. You are advised that the real estate taxes are paid in full up to and including the 2014/2015 fiscal year as to Parcel No. 040010544014000 are shown as paid for the first

installment. The taxes for the second installment of this fiscal year have either been paid or check for those taxes is included with this opinion.

3. **Easements**. The abstract shows the following easements and related agreements of
 - a. An easement to the Warren Water District saw the record on November 17, 2014 In Book 2014, Page 2894.
 - b. Surface discharging wastewater treatment system agreement with the Madison County Board of Health is filed on June 5, 2015 In Book 2015, Page 1554.
 - c. An easement to Warren Water District is filed on November 23, 2015 in Book 2015, Page 3122.
4. You are advised that the abstractor has conducted all necessary searches against the titleholder and all prior titleholders to the date of the latest continuation of the Abstract and finds nothing except as otherwise shown in this opinion.
5. The property is under examination is subject to the zoning ordinances of the City of West Des Moines and Madison County, Iowa. You should contact the Planning and Zoning Office of that city to determine the exact specification for zoning purposes and to determine whether or not your proposed use is in compliance with said zoning ordinances.
6. An examination of the index in the Madison County Recorder's Office for federal tax liens, income tax liens, retail sales liens, and unemployment contribution liens reveals that there are no such liens affecting the above-described real estate.
7. You are advised that an examination of the personal property tax files in the Madison County Recorder's Office have revealed that there are no personal property tax liens affecting the property under examination.
8. We hereby certify that the property described herein is free from encumbrances, other than set forth in this opinion and that this opinion may be relied upon by the City of West Des Moines, Iowa and other governmental agencies, such as Madison County, for purposes of submittal of Lindsey Farm Plat Two, an Official Plat, Madison County, Iowa.

Respectfully Submitted,

Brick, Gentry, Bowers,
Swartz, & Levis, P.C.



Clifford S. Swartz

Exhibit A

Legal Description Lindsey Farm Plat Two

Lot 3 in Lindsey Farm Plat One(1), an Official Plat located in the Northwest Quarter (1/4) of the Northwest Fractional Quarter (1/4) of Section Five (5), Township Seventy-Seven (77) North, Range Twenty-Six (26) West of the 5th PM , Madison County, Iowa

CERTIFICATE OF TREASURER OF MADISON COUNTY, IOWA

STATE OF IOWA)
) ss:
COUNTY OF MADISON)

I, Jana Corkrean, Treasurer of Madison County, having examined the records of my office, in accordance with the provision of Section 354 I.C.A., 2000, pertaining to real properties as specifically set forth in Exhibit "A" attached hereto and made a part hereof, which is to be known as Lindsey Farm Plat Two, do hereby certify that same is free from real estate taxes;

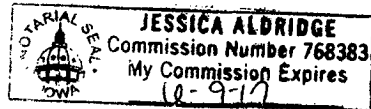
Nor are there any personal taxes due and payable against Frank J. Lindsey or Kathryn M. Lindsey, the record titleholders of said real estate, and that the above real estate is free from all taxes and special assessments so far as the records of the Madison County Treasurer, Madison County, Iowa so reveal.

DATED this 14 day of April, 2016.

TREASURER, MADISON COUNTY

By Jana Corkrean
Deputy Treasurer

Subscribed and sworn to before me this 14 day of April, 2016.



Jana Aldridge
Notary Public in and for the State of Iowa

Exhibit A

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Prepared by: Clifford S. Swartz, 6701 Westown Pkwy., Ste. 100, West Des Moines, IA 50266 (515) 274-1450
Return to: Clifford S. Swartz, 6701 Westown Parkway, Ste. 100, West Des Moines, IA 50266

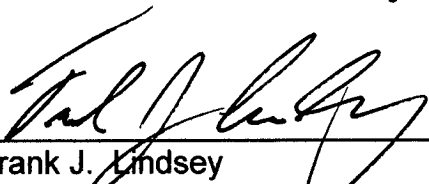
CONSENT OF RECORD TITLEHOLDER

The undersigned, Frank J. Lindsey and Kathryn M. Lindsey, first duly sworn, depose and state that we are the legal fee titleholders to that property hereinafter legally described in Exhibit "A", attached hereto, and by this reference incorporated and made a part hereof, to be a part of the preliminary and final plat entitled "Lindsey Farm Plat One", to become, subsequent to recording of the same, an Official Plat included in and forming a part of Madison County, Iowa.

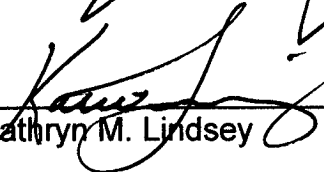
The undersigned voluntarily executed this consent to platting, to be received, filed, and made a part of the permanent record pursuant to the subdivision and zoning ordinances of the City of West Des Moines, Iowa, as well as records of Madison County, Iowa, to evidence the undersigneds' consent to the preliminary and final plat of Lindsey Farm Plat Two, an Official Plat, now included in and forming a part of Dallas County, Iowa.

The undersigned owners state that this Plat has been prepared with their free consent and in accordance with their desire.

The undersigned acknowledge the execution of this Consent to Plat this ____ day of June, 2016.



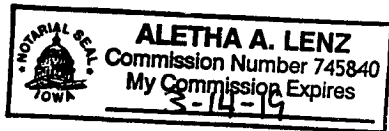
Frank J. Lindsey

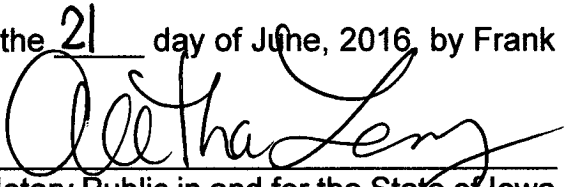


Kathryn M. Lindsey

STATE OF IOWA)
COUNTY OF Dallas) ss:

Signed and sworn to (or affirmed) before me on the 21 day of June, 2016, by Frank J. Lindsey and Kathryn M. Lindsey.





Notary Public in and for the State of Iowa
My Commission Expires: 3-14-19.

Exhibit A

Legal Description Lindsey Farm Plat Two

Lot 3 in Lindsey Farm Plat One(1), an Official Plat located in the Northwest Quarter (1/4) of the Northwest Fractional Quarter (1/4) of Section Five (5), Township Seventy-Seven (77) North, Range Twenty-Six (26) West of the 5th PM , Madison County, Iowa

Prepared by: Clifford S. Swartz, 6701 Westown Pkwy, Ste. 100, West Des Moines, IA 50266(515) 274-1450
Return to: Clifford S. Swartz, 6701 Westown Pkwy, Ste. 100, West Des Moines, IA 50266

CONSENT TO PLAT BY MORTGAGEE

As legal holder and owner of all the notes and other evidence of indebtedness secured by a mortgage recorded on November 19, 2015 in Book 2015 Page 3515 in the records of the office of the Madison County Recorder, Madison County, Iowa, the undersigned, Luana Savings Bank and by its duly authorized officers, hereby consents to the preliminary and final plat to be entitled as Lindsey Farm Plat Two, to become an Official Plat, included in and forming a part of the City of West Des Moines, Iowa, said plat being more particularly described in Exhibit "A" attached hereto and by this reference incorporated and made a part hereof.

The undersigned Mortgagee consents to the preliminary and final platting procedure of said property in Exhibit "A", pursuant to the subdivision and zoning ordinance of the City of West Des Moines and Madison County, Iowa, and requests that this Consent to Plat, as to the said Exhibit "A", be received, filed, and made a part of the permanent records of the Madison County, Iowa, as to any and all present and/or subsequent plats, now or hereafter filed, as to said property more fully and legally described in Exhibit "A".

The undersigned Mortgagee states that this Plat has been prepared with its full

consent and in accordance with its desire.

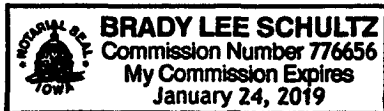
DATED this 20 day of April, 2016, in the City of Clive,
Dallas County, State of Iowa.

MORTGAGEE
Luana Savings Bank

By [Signature] - Blake Schultz
Its Senior Vice President

STATE OF IOWA, Dallas COUNTY, ss:

On this 20 day of April, 2016, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Blake Schultz to me personally known, who being by me duly sworn, did say that he/she is the Senior Vice President of Luana Savings Bank; that said instrument was signed on behalf of the corporation by authority of its Board of Directors; and that _____ as such officer acknowledged the executive of the foregoing instrument to be the voluntary act and deed of the corporation, by it and by him/her voluntarily executed.



[Signature]
Notary Public in and for the State of Iowa

Exhibit A

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LINDSEY FARM PLAT TWO

FINAL PLAT

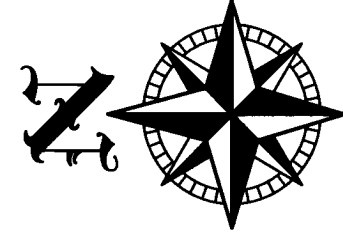
PROPERTY DESCRIPTION:

AN OFFICIAL REPLAT OF LOT 3 IN LINDSEY FARM PLAT ONE, AN OFFICIAL PLAT, MADISON COUNTY, IOWA, CONTAINING 10.00 ACRES INCLUDING 0.12 ACRES FOR PUBLIC ROADWAY EASEMENT.
 SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS OF RECORD.
 SAID TRACT OF LAND CONTAINING 10.00 ACRES INCLUDING 0.12 ACRES FOR PUBLIC ROAD RIGHT-OF-WAY EASEMENT.

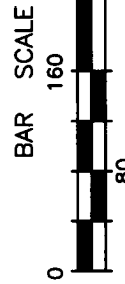
OWNER: FRANK LINDSEY
 ADDRESS: 1007 TIMBER BROOK AVENUE
 VAN METER, IA 50261
 CURRENT USE: RESIDENTIAL
 ZONING: UNZONED
 COMP. PLAN: LOW DENSITY RESIDENTIAL

LISA SMITH, COUNTY RECORDER
 MADISON COUNTY IOWA

LOT 1 OF SEC. 6 T7N R26W
 OWNER: PATRICIA CLUSTER & CONNIE WALLER
 ADDRESS: 2973 105TH STREET
 VAN METER, IA 50261
 CURRENT USE: AGRICULTURE
 ZONING: UNZONED
 COMP. PLAN: SINGLE FAMILY



SCALE: 1" = 160'



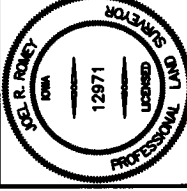
LEGEND:

- INDICATES PLAT CORNER FOUND 5/8" RE-ROD WITH ORANGE PLASTIC ID #12971
- ⊙ INDICATES PLAT CORNER FOUND 3/4" IRON PIPE WITH ORANGE PLASTIC ID #12971
- INDICATES PROPERTY CORNER FOUND 5/8" IRON ROD WITH YELLOW PLASTIC ID #7844
- INDICATES LOT CORNER PLACED 3/4" IRON PIPE WITH ORANGE PLASTIC ID. #12971
- R INDICATES RECORD DISTANCE
- M INDICATES MEASURED DISTANCE
- BL BUILDING LINE
- FY FRONT YARD
- SY SIDE YARD
- ROW RIGHT-OF-WAY
- EASE EASEMENT
- [MPE] MINIMUM PROTECTION ELEVATION
- INDICATES LOT ADDRESS

BENCH MARKS:

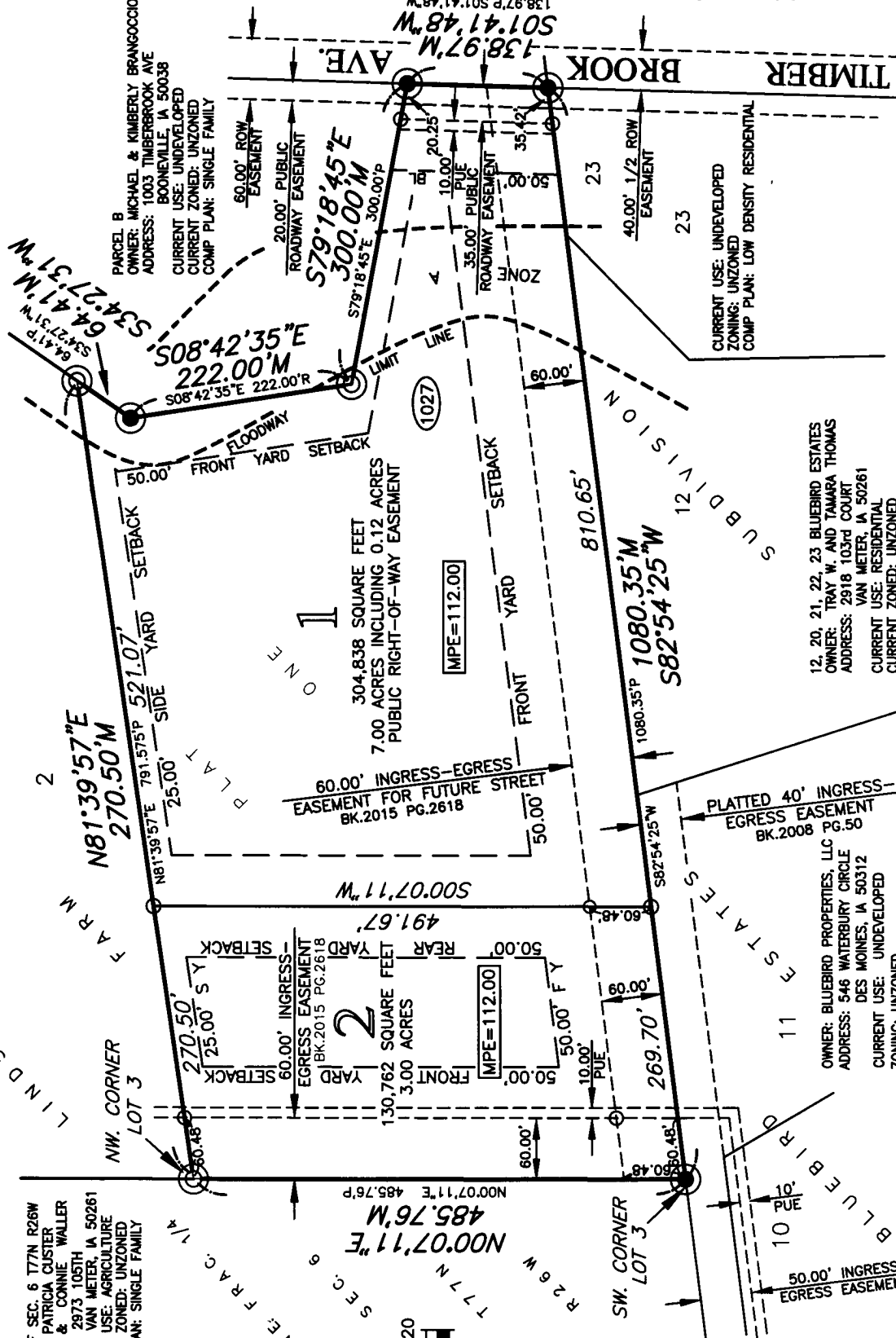
- CITY OF WEST DES MOINES BENCHMARK No. 106 INTERSECTION OF 105TH STREET AND WILDROSE LANE, SOUTH OF THE INTERSECTION, 4 FEET EAST OF THE CENTERLINE OF WILDROSE AVENUE EXTENDED, 2.5 FEET NORTH OF THE EAST/WEST FENCE ELEVATION=189.95 (CITY OF WEST DES MOINES DATUM)
- CITY OF WEST DES MOINES BENCHMARK No. 107 INTERSECTION OF 105TH STREET AND WOODLAND LANE, NORTH OF THE INTERSECTION, 21 FEET WEST OF THE CENTERLINE OF WOODLAND AVENUE EXTENDED, 2.5 FEET SOUTH OF THE EAST/WEST FENCE ELEVATION=221.26 (CITY OF WEST DES MOINES DATUM)

PROPRIETOR/SURVEY FOR:
 FRANK JAMES LINDSEY
 3700 BEISSER DRIVE
 SUITE A
 GRIMES, IOWA 50111
 PHONE: 515.986.5566



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED BY ME AND THE RELATED SURVEY WORK WAS PERFORMED UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA. LICENSE RENEWAL DATE: 31 DEC. 2017
 PAGES COVERED BY THIS SEAL: THIS PAGE ONLY

SIGNED: *Joel R. Romey* DATE: 09/06/16
 JOEL R. ROMEY P.L.S. 12971



OWNER: BLUEBIRD PROPERTIES, LLC
 ADDRESS: 546 WATERBURY CIRCLE
 DES MOINES, IA 50312
 CURRENT USE: UNDEVELOPED
 ZONING: UNZONED
 COMP. PLAN: LOW DENSITY RESIDENTIAL

12, 20, 21, 22, 23 BLUEBIRD ESTATES
 OWNER: TRAY W. AND TAMARA THOMAS
 ADDRESS: 2918 103RD COURT
 VAN METER, IA 50261
 CURRENT USE: RESIDENTIAL
 ZONING: UNZONED
 COMP. PLAN: LOW DENSITY RESIDENTIAL

FLOOD ZONE:

A PORTION OF THIS PROPERTY LIES WITHIN ZONE "A", SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD IN ACCORDANCE WITH THE FLOOD INSURANCE RATE MAP FOR MADISON COUNTY, IOWA, PANEL 75 OF 400 MAP NUMBER 19121C0075C, WITH AN EFFECTIVE DATE OF OCTOBER 6, 2010 AND IS SHOWN ON THE PLAT. THE MAJORITY OF THE PROPERTY IS OUTSIDE THE SPECIAL FLOOD HAZARD AREA.

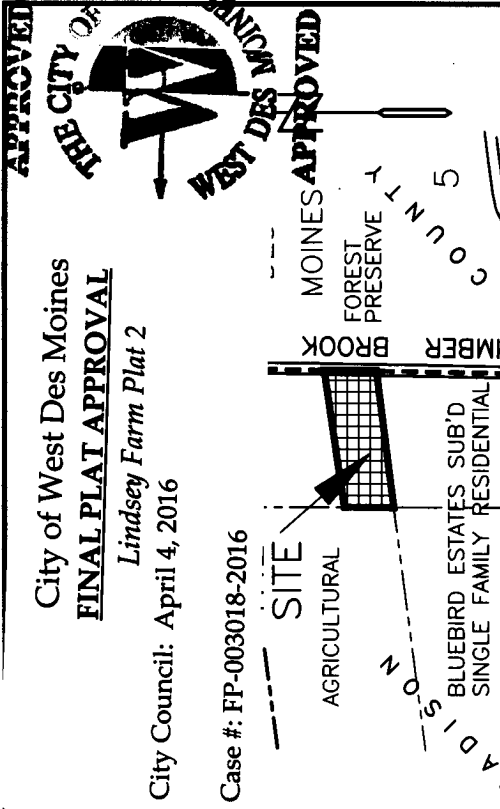
OWNER: RACON RIVER LAND CO LLC
 ADDRESS: C/O KNAPP PROPERTIES INC.
 5000 WESTOWN PARKWAY
 SUITE 400
 WEST DES MOINES, IA 50266
 CURRENT USE: AGRICULTURE
 CURRENT ZONED: UNZONED
 COMP PLAN: SINGLE FAMILY

WEST DES MOINES
 COMPREHENSIVE PLAN:
 SINGLE FAMILY RESIDENTIAL
 MADISON COUNTY ZONING:
 AGRICULTURAL

BULK REGULATIONS:
 MADISON COUNTY
 LOT SIZE = 40,000 SQUARE FEET
 LOT WIDTH = 150 FEET
 FRONT YARD SETBACK = 50 FEET
 REAR YARD SETBACK = 50 FEET
 SIDE YARD SETBACK = 25 FEET
 NOTE: MADISON COUNTY SETBACK REQUIREMENTS EITHER MATCH OR EXCEED THE CITY OF WEST DES MOINES SETBACK REQUIREMENTS FOR RESIDENTIAL ESTATE DISTRICT

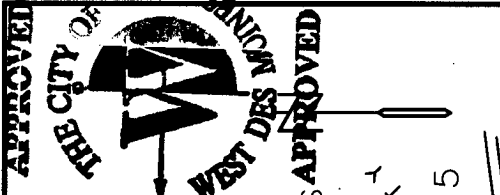
Raccoon Valley
 Land Surveying
 33235 L Avenue Adel Iowa
 Phone: 515.493.8317

City of West Des Moines
 FINAL PLAT APPROVAL
 Lindsey Farm Plat 2
 City Council: April 4, 2016
 Case #: FP-003018-2016



NOTES:

- THIS PLAT HAS AN ERROR COLLURE OF LESS THAN 1 FOOT IN 10,000 FEET AND EACH LOT WITHIN THIS PLAT HAS AN ERROR COLLURE OF LESS THAN 1 FOOT IN 5,000 FEET. ALL MONUMENTS PLACED ARE A 3/4" DIAMETER IRON PIPE WITH AN ORANGE PLASTIC IDENTIFICATION CAP No. 12971.
- LOTS WITHIN THIS SUBDIVISION ARE SUBJECT TO FUTURE ASSESSMENTS IMPOSED BY THE CITY OF WEST DES MOINES FOR PUBLIC INFRASTRUCTURE INCLUDING BUT NOT LIMITED TO SANITARY SEWER, WATER MAIN, AND STREET EXTENSIONS AND IMPROVEMENTS.
- FIRE HYDRANTS SHALL BE INSTALLED ONCE WARREN WATER DISTRICT CAN PROVIDE FLOWS ADEQUATE TO SERVE FIRE HYDRANTS AND WHEN THE DEVELOPMENT IS ANNEXED INTO THE CITY OF WEST DES MOINES.
- OWNERS OF 8,000 SQUARE FEET OR LARGER INCLUDING THE GARAGE AREA SHALL REQUIRE FIRE SPRINKLER SYSTEMS.
- SIGNING, PAVEMENT MARKINGS, AND OTHER TRAFFIC CONTROL DEVICES ON THE STREET SYSTEM SHALL BE IN ACCORDANCE WITH THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD), FEDERAL HIGHWAY ADMINISTRATION).
- UPON NOTICE BY THE CITY OF WEST DES MOINES, IF THE PROPERTY IS WITHIN THE CORPORATE LIMITS OF WEST DES MOINES AND TIMBER BROOK AVENUE IS TO BE RECONSTRUCTED, OWNERS WITHIN THE DEVELOPMENT MAY BE ASSESSED FOR PUBLIC STREET PAVING, PUBLIC STORM SEWER AND SANITARY SEWER, PUBLIC SIDEWALKS OR TRAILS AND STREET LIGHTING.
- BASIS OF BEARINGS FOR THIS SUBDIVISION ARE IN ACCORDANCE WITH A PLAT OF SURVEY FILED IN THE MADISON COUNTY RECORDER'S OFFICE IN BOOK 2001 AT PAGE 1965.
- THE EXISTING 20 FEET WIDE PUBLIC ROADWAY EASEMENT FOR TIMBER BROOK AVENUE IS SHOWN IN ACCORDANCE WITH THE RECORDS INCLUDED IN THE MADISON COUNTY ENGINEER'S RIGHT-OF-WAY BOOK AND IS NOT RECORDED OTHERWISE.
- THE EXISTING HOUSE STRUCTURE ON LOT 1 IS LOCATED ABOVE THE MINIMUM PROTECTION AS PROVIDED BY THE IOWA DEPARTMENT OF NATURAL RESOURCES.



APPROVED