



**AGENDA**  
**CITY OF CEDAR FALLS, IOWA**  
**PLANNING AND ZONING COMMISSION MEETING**  
**WEDNESDAY, NOVEMBER 06, 2019**  
**5:30 PM AT CITY HALL**

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**Call to Order and Roll Call**

**Approval of Minutes**

1. Planning and Zoning Commission Minutes of October 23, 2019.

**Public Comments**

**Old Business**

**New Business**

2. **Site Plan Amendment and First Amendment to Conditional Zoning Agreement: Mills Fleet Farm Signage Plan at 400 W. Ridgeway Avenue**

**Location:** Southwest corner of Highway 58 and W. Ridgeway Avenue

**Applicant:** Midland Atlantic Development Company, LLC, Developer; Mills Properties LLC, Tenant; VEREIT Real Estate L.P., property owner

**Previous discussion:** None

**Recommendation:** Recommend Approval

**P&Z Action:** Review and make a recommendation to City Council

**Commission Updates**

**Adjournment**

Reminders:

- \* November 20<sup>th</sup> Planning & Zoning Commission Meetings
- \* December 4<sup>th</sup> and December 18<sup>th</sup> Planning & Zoning Commission Meetings
- \* November 18<sup>th</sup> City Council Meetings
- \* January 22 –Training Session - Conflict of Interest and Ex Parte Communication (Joint meeting with Board of Adjustment)

**Cedar Falls Planning and Zoning Commission  
Regular Meeting  
October 23, 2019  
City Hall Council Chambers  
220 Clay Street, Cedar Falls, Iowa**

**MINUTES**

The Cedar Falls Planning and Zoning Commission met in regular session on Wednesday, October 23, 2019 at 5:30 p.m. in the City Hall Council Chambers, 220 Clay Street, Cedar Falls, Iowa. The following Commission members were present: Adkins, Holst, Larson, Leeper, Lynch, Prideaux and Saul. Hartley and Wingert were absent. Karen Howard, Community Services Manager and Jadevsinh Atodaria, Planner I, were also present.

- 1.) Chair Holst noted the Minutes from the October 9, 2019 regular meeting are presented. Mr. Leeper made a motion to approve the Minutes as presented. Ms. Saul seconded the motion. The motion was approved unanimously with 7 ayes (Adkins, Holst, Larson, Leeper, Lynch, Prideaux and Saul), and 0 nays.
  
- 2.) The first item of business was the *Imagine Downtown!* Vision Plan. Chair Holst introduced the item and Ms. Howard noted that late correspondence was received from Community Main Street. She then provided background information and addressed some of the comments and questions from the last meeting. She discussed the study area and how the boundaries were created, as it was noted that it is a bigger area than most people would have expected. When the boundaries were set up, they were thinking about how to transition from downtown into the surrounding neighborhoods, as well as looking at the zoning districts. She also addressed concerns mentioned with regard to how much public outreach was done. She displayed a list detailing the planning process and discussed the various opportunities to weigh in on the plan.

Ms. Howard discussed the City Council Project priorities, which include creating a vision plan to manage change over time and basing the plan on broad community input. The Council wants to create a safe and welcoming process to explore ideas and to base the plan on market realities, changing demographics and diversity of issues, including future technology, transportation and housing needs. The idea is to build on success and maintain a unique sense of place while encouraging economic development based on the vision, as well as to establish clear and objective zoning standards to achieve the adopted community vision.

Ms. Howard also noted the big ideas that were brought forward by the public, which included improved walkability for safety, connectivity and comfort. It was also a priority to respect historic character, add street trees and other green space, and to re-think parking. Added housing options for all ages and making biking easier beyond the trails was also suggested. She discussed visualizing change and how to address it when it does occur, noting that matching the current zoning with the Community's vision is important. There is also a need for a plan and a zoning code that address change when it occurs. The plan will help to visualize the relationship between buildings and

the street and create the unique sense of place that is Downtown Cedar Falls. She cited examples from the plan to give an idea of potential proposals. Ms. Howard also discussed the street section of the plan, particularly the Main Street corridor. She noted that the plan indicates how a 4 to 3-lane conversion would help to achieve some of goals of the plan to provide a more comfortable space for pedestrians, add street trees, and on-street bike lanes. However, she noted that continued discussion and study and discussion would take place as the City gets into more detailed design of the corridor.

Ms. Howard spoke to the comments received from the Community Main Street requesting additional language be added to the plan to emphasize preservation and adaptive re-use of existing buildings. Howard indicated that staff worked with the consultant to identify specific places in the plan where these points could be emphasized. She noted that one of the “big ideas” highlighted in the plan is to “respect the historic character” and described the implementation strategies listed in the plan to help achieve this goal. The ideas include: re-use of buildings and preserving significant architecture, establishing zoning to respect the scale and character of the historic context, making sure rules enable small scale infill and redevelopment and management of the scale and massing of buildings to transition between Downtown and nearby neighborhoods.

In response to Community Main Street’s inquiry about whether the Downtown Vision Plan is consistent with the recent Downtown Parking Study, Howard noted that the Vision Plan calls for building on the recommendations of the Downtown Parking Study. She presented the list of long term strategies from the Parking Study, including the potential need to monetize on-street parking in the future to support structured parking (parking ramp), re-evaluation of zoning requirements for downtown residential developments and exploring potential public/private partnerships with developers to create additional public parking. These are all the same things that are noted in the Downtown Vision Plan.

Ms. Howard briefly showed the character map and the overarching recommendations of the plan. She also discussed setting the stage for new zoning and the general timeline for completing the zoning code work.

Carol Lilly, Community Main Street, thanked staff and the Commission for their effort and read a copy of the letter submitted to the Commission (attached). She noted that a team from their Board and from their design committee met, went through the plan and provided comments. They would like to ensure that the parking study and the Vision Plan are working together, particularly with regard to monetizing parking. She also noted that they would like to see emphasis on adaptive re-use. Ms. Howard stated that staff is in agreement. Mr. Holst asked if the comments from Community Main Street will be addressed in the plan. Ms. Howard indicated that the additional language suggested by staff in response to Community Main Street’s request could be added to the draft plan at the direction of the Commission. Ms. Lilly also wanted to clarify that preserve and respect are not the same and would like to ensure that the character is preserved as well as respected. Mr. Holst also asked if Community Main Street had any thoughts regarding how the historic homes are designated within the Overman Park area. Ms. Lilly noted that it was brought up because she wanted to know if the

intent was to landmark individual properties, and noted that they there was discussion of local historic designation during the process of adopting the National Historic District designation in the downtown and there not being support at the time, so advised to be cautious about local historic designation. Ms. Howard stated that the intent of the plan is to take care in setting up the new zoning so that new development envisioned by the plan is made easier, while avoiding unintended consequences for historic buildings.

Mike Hayworth, 1508 Orchard Drive, noted that he would like to the boundaries expanded for the single-family conversion incentive program.

Mr. Holst inquired whether the motion for approval should include the additional language outlined in the staff presentation. Howard stated that if the Commission agrees with the additional language it should be included in the motion to approve.

Mr. Leeper commended City staff for taking on this project and thanked them for their work.

Mr. Leeper made a motion to approve the item with the additional verbiage outlined in the staff presentation. Ms. Prideaux seconded the motion. The motion was approved unanimously with 7 ayes (Adkins, Holst, Larson, Leeper, Lynch, Prideaux and Saul), and 0 nays.

- 3.) As there were no further comments, Ms. Saul made a motion to adjourn. The motion was approved unanimously with 7 ayes (Adkins, Holst, Larson, Leeper, Lynch, Prideaux and Saul), and 0 nays.

The meeting adjourned at 6:18 p.m.

Respectfully submitted,

Karen Howard  
Community Services Manager

Joanne Goodrich  
Administrative Clerk



310 East 4th Street  
Cedar Falls, IA 50613

Phone: 319-277-0213  
www.communitymainstreet.org

October 23, 2019

Members of Planning and Zoning and City Staff,

The Cedar Falls' Downtown District is a thriving neighborhood within the Cedar Valley. As the restored center of the city, the downtown district is a vibrant community for living, working, shopping, dining, entertainment and exploring our past. To quote the Imagine Downtown Vision Plan, "City leadership, Community Main Street, and local business owners have worked together to revitalize Main Street and create a vibrant destination for boutique shopping, restaurants, and other entertainment opportunities." This plan itself is another example of the collaborative efforts taken to maintain and grow the economic vitality of the downtown commercial district and its surrounding area.

Following the Main Street approach to economic development, adopted by the city and CMS in 1987, the assessed value of the district has since increased by 821%. Using this approach throughout the historic neighborhood, the rehabilitated buildings provide a "community DNA" that serves to connect our collective past with our contemporary lives. Considering our role as leaders in this approach for commercial development, today, we are writing to share our thoughts of the Imagine Downtown Cedar Falls Vision Plan draft currently under consideration. Even a quick glance through the plan makes one excited for the future of the downtown. Our observations are as follows:

**2019-2020  
Board of Directors:**

**Amy Mohr - Chair**  
**Natalie Brown**  
**Matt Dunning**  
**Crystal Ford**  
**Wynette Froehner**  
**Lexie Heath**  
**Ty Kimble**  
**Audrey Kittrell**  
**Dan Lynch**  
**Jessica Marsh**  
**Clark Rickard**  
**Stephanie Sheetz**  
**Julie Shimek**  
**Mark Showalter**  
**Brad Strouse**

- The "character areas" established in the plan are well thought out and have captured the essence of the established building stock.
- District gateways and a complimentary, well-planned transition into the neighborhood are critical to connectivity between downtown and the greater community.
- We applaud the recommendation to respect the historic character of the district, which is mentioned several times in the document. Including an emphasis on the preservation of the historic character merits strong consideration by the commission.
- "What if" designs in the prototypical sites section focus more heavily on new construction rather than adaptive reuse of existing structures and the images used exemplify this approach. In this section, we encourage including adaptive reuse visuals within the document to portray the option of reuse along with the new development examples.
- The parking recommendations in this document are different from the recommendations of the parking study. Which approach will be used when developing code? Adopting two different approaches to tackle parking in the district is problematic and does not provide city staff with proper direction to develop code.
- We wholeheartedly agree that building height affects neighborhood character. We encourage use of existing historical structures be used to define the height limits on new construction, such as the Oster Regent Theatre example on page 35.
- Although we typically defer to the Overman Park Neighborhood Association to be the voice for district residents, we noticed and felt the need to comment on the suggestion of specific designations for historic homes. Who determines the designation and what specifically does that mean?

We sincerely thank city staff, elected officials, commission members and community volunteers for investing both financial resources and time into creating the plan. Knowing future city code over both existing buildings and new construction projects will be based upon its contents, we recognize the level of importance the visioning document carries.

We encourage the community to continue pursuing the current due diligence that is underway in devising an appropriate final draft that meets the challenges of future development while maintaining and supporting the existing built infrastructure and capitalizing on the potential of adaptive reuse.

In summary, we request your careful consideration of our suggestions as you finalize the draft of the Imagine Downtown Cedar Falls Vision Plan you ultimately recommend city council adopt.

With best regards,

Carol Lilly  
Executive Director

Amy Mohr  
Board Chair





**DEPARTMENT OF COMMUNITY DEVELOPMENT**

**City of Cedar Falls**  
220 Clay Street  
Cedar Falls, Iowa 50613  
Phone: 319-273-8600  
Fax: 319-273-8610  
www.cedarfalls.com

**MEMORANDUM**

*Planning & Community Services Division*

**TO:** Planning and Zoning Commission  
**FROM:** David Sturch, Planner III  
**DATE:** October 31, 2019  
**SUBJECT:** First Amendment to Conditional Zoning Agreement at the southwest corner of Highway 58 and West Ridgeway Avenue

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**REQUEST:** Site Plan Amendment and First Amendment to the Conditional Zoning Agreement: Mills Fleet Farm signage plan at 400 W. Ridgeway Avenue

**PETITIONER:** Midland Atlantic Development Company, LLC, Developer; Mills Properties LLC, Tenant; VEREIT Real Estate L.P., property owner

**LOCATION:** Southwest corner of Highway 58 and West Ridgeway Avenue

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PROPOSAL

It is proposed to amend the signage plan for the Mills Fleet Farm store at 400 W. Ridgeway Avenue. The Fleet Farm store wishes to move their pylon sign to an area that located in a corridor preservation zone established by the Iowa DOT. This request includes a site plan amendment as well as an amendment to the Conditional Zoning Agreement for the development.

BACKGROUND

The Mills Fleet Farm development at the southwest corner of Highway 58 and W. Ridgeway Avenue was rezoned in the fall of 2018. The rezoning included a zoning agreement that listed a number of conditions including, sidewalk, street, intersection and traffic improvements as well as setting aside an area identified on the final plat for future right of way in the event that Highway 58 and 20 were reconstructed with a controlled access and interchange improvements. This corridor preservation zone was established by the Iowa DOT during the study of the Highway 58 corridor from Greenhill Road to Highway 20.

Following the rezoning, a site plan was reviewed and approved by the Planning and Zoning Commission and City Council. The site plan identified the location of the building, parking areas, access drives, landscaping and signage. The site grading started in December of 2018 when the plan was approved. The high point was along the southern edge and the property was regraded in order to level the site. The grading of the property actually depressed the store and parking lot below the original ground elevation along Highway 20. The pylon sign was located

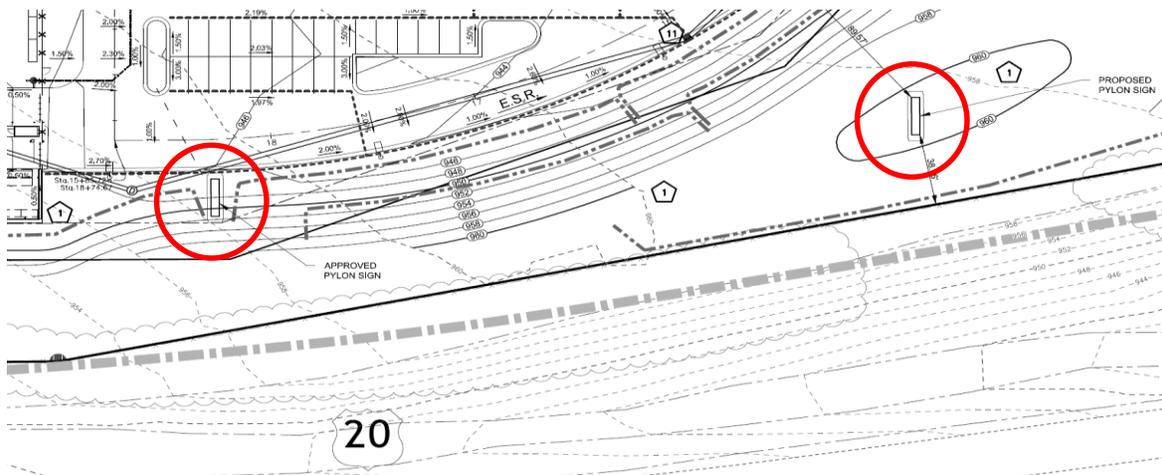
near the southeast corner of the building, which is approximately 12 feet below the adjacent grade of the property. The pylon sign, only 25 feet in height, will not be visible to Highway 20. It should be noted that the height of the building next to the sign is approximately 25 feet. Over the past few months, the developer worked with city staff to come up with the solution to the signage issue. One solution was to amend the site plan for a 40 foot tall pylon sign. Staff encouraged the developer against this course of action since the ordinance would not allow a taller sign in this area which leads to investigating other options and locations for the pylon sign. Staff suggested moving the sign to the south to place it at the top of the embankment. The developers engineer reviewed this proposal and determined that the grading/slope would prohibit the placement of the sign and it could lead to a higher cost of installation. These decisions ultimately lead to the final placement of the sign, which is in Tract E at the top of the embankment and on level ground and 12 feet higher than the original location.



**ANALYSIS**

Eventually, the petitioners made a request to relocate the pylon sign to the top of the bank with better visibility to the adjacent highways. The sign would be located on Tract E of the final plat, which is 9.5 acres at the southeast corner of the development site. This Tract is part of the Highway 58 corridor preservation zone established by the Iowa Department of Transportation.

The property is located in a HWY-1 zoning district and the Highway 20 overlay zoning district. The signage standards for the overlay zoning district is 25 feet in height and 200 square feet in area. The Mills Fleet Farm sign is 25 feet in height and 200 square feet in area. The original location placed the bottom of the sign at an elevation of 948 feet or 12 feet below the top of the bank along Highway 20. See grading plan below.



The proposed location is at the top of the berm and placed at a final elevation of 960 feet will provide visibility to the adjacent highways. The Iowa DOT does not object to the proposed location of the pylon sign with the understanding that the owner will be responsible to relocate the sign if the Iowa DOT would utilize Tract E for highway purposes. Therefore, an amendment to the original Conditional Zoning Agreement must be presented and approved by the Planning and Zoning Commission and City Council. Section 3b of said agreement states that no structure, fence, building, hard surfacing, driveways or sidewalks shall be placed in the area that is identified as future ROW, which in this case is Tract E of the final plat. The proposed pylon sign is considered a structure. The applicant submitted a letter stating that the tenant (Mills Fleet Farm) is responsible for moving the sign in the event that the Tract is needed for highway improvements.

### STAFF RECOMMENDATION

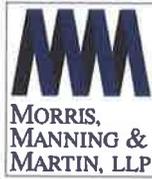
The Community Development Department recommends approval of the Mills Fleet Farms pylon sign relocation and the amendment to the Conditional Zoning Agreement.

### PLANNING & ZONING COMMISSION SUMMARY

Vote

11/6/2019

xc: Applicant letter of request  
Original sign location site plan  
Proposed sign location and grading plan  
Iowa DOT letter of support  
First Amendment of Conditional Zoning Agreement  
Original rezoning Ordinance and Conditional Zoning Agreement  
Final Plat



October 30, 2019

**VIA EMAIL**

Mr. Shane Graham  
 Economic Development Coordinator  
 City of Cedar Falls  
 220 Clay Street  
 Cedar Falls, Iowa 50613  
[Shane.graham@cedarfalls.com](mailto:Shane.graham@cedarfalls.com)

Re: The Pointe at Henry Farms located in Cedar Falls, Black Hawk County, Iowa (the “**Property**”) - P.1 Pylon Sign Relocation Request (Updated)

Dear Shane,

On behalf of VEREIT Real Estate L.P., the fee owner of the above-referenced Property (“**Owner**”), we hereby request the City’s permission to relocate the currently planned location of the 25 foot P.1 pylon sign that is part of The Pointe at Henry Farms development in Cedar Falls (the “**Pylon Sign**”). The grade of the Property at the current Pylon Sign location is such that the Pylon Sign will not be visible from Highway 20. The grade at the current location is 948 feet while the grade along the Highway is 960 feet, which would result in the Pylon Sign sitting 12 feet below the Highway. Additionally, there is a 6 foot high fence in the right of way, so the Pylon Sign (including the entire LED portion) will not be visible from the currently planned location.

We request to move the location of the Pylon Sign to a higher elevation on the Property as depicted on the attached drawing and designated as the “Proposed Pylon Sign”, where the grade of the Property is 960 feet. We recognize that the newly proposed location is within Tract E of the development, which such Tract prohibits structures of any kind without IDOT approval, per the Hwy-1 Highway Commercial Zoning District Development Agreement dated December 3, 2018 by and between Owner, the City, Midland Atlantic Development Company, LLC, as developer, and Mills Properties LLC (aka Fleet Farm), as tenant (“**Tenant**”) (the “**Development Agreement**”). Please find attached a letter from the IDOT approving the current request to relocate the planned location of the Pylon Sign so long as Tenant agrees, at its expense, to relocate the Pylon Sign in the future as may be required by the IDOT for future roadway improvements.

As provided in Section 2 of the Development Agreement, the City acknowledged and agreed that pursuant to the terms of the Lease (as defined in the Development Agreement) Fleet Farm would be responsible for all development obligations with respect to the Property, and Tenant assumed all duties and obligations of Owner under the Development Agreement. Owner hereby agrees to cause Tenant to relocate the Pylon Sign in the future if required for future IDOT roadway improvements within Tract E. Further, by Tenant’s signature below, Tenant acknowledges and agrees that it assumes and shall be responsible for all duties and obligations (including any cost or

expense) in connection with the future relocation of the Pylon Sign as may be required by the IDOT.

Please let me know if you have any questions or concerns regarding this request.

Sincerely,



Kara Adler  
Morris, Manning & Martin, LLP  
Attorney for Owner

**ACKNOWLEDGED AND AGREED TO BY:**

**Tenant:**

Mills Properties LLC,  
a Delaware limited liability company



By: \_\_\_\_\_  
Name: Tom Carrico  
Title: VP Real Estate and Construction

cc: Todd J. Weiss, Esq., VEREIT  
Tom Carrico, Fleet Farm  
Ann C. Chandler, Esq., Attorney for Fleet Farm  
Nicole Chimento, Midland Atlantic

# Fleet Farm

EXTERIOR SIGN ELEVATIONS

08.10.2018

CEDAR FALLS, IA



**FREESTANDING SIGNS**

**P.1 D/F INTERNALLY ILLUMINATED PYLON SIGN**



58

27

P.1



SCALE: 1"=200'-0"

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EST #: 4743-R2  
DATE: 06.25.2018  
DESIGNER: A. McKinney  
SALES REP: N. Lison  
PROJ MGR: D. LaCrosse

REV.	DATE	BY	DESCRIPTION
1	07.26.18	WAM	REVISE P.1, M.1 SIGN HEIGHTS, SQ. FT.: DELETE SOUTH & WEST ELE C-STORE SIGNS, ADD M.2
2	08.10.18	WAM	REVISE SITE PLAN / SIGN LOCATIONS; REVISE ELEVATIONS, SIGNAGE
3	00.00.00	XX	XXXX
4	00.00.00	XX	XXXX
5	00.00.00	XX	XXXX
6	00.00.00	XX	XXXX
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CLIENT APPROVAL	DATE
LANDLORD APPROVAL	DATE
QC	



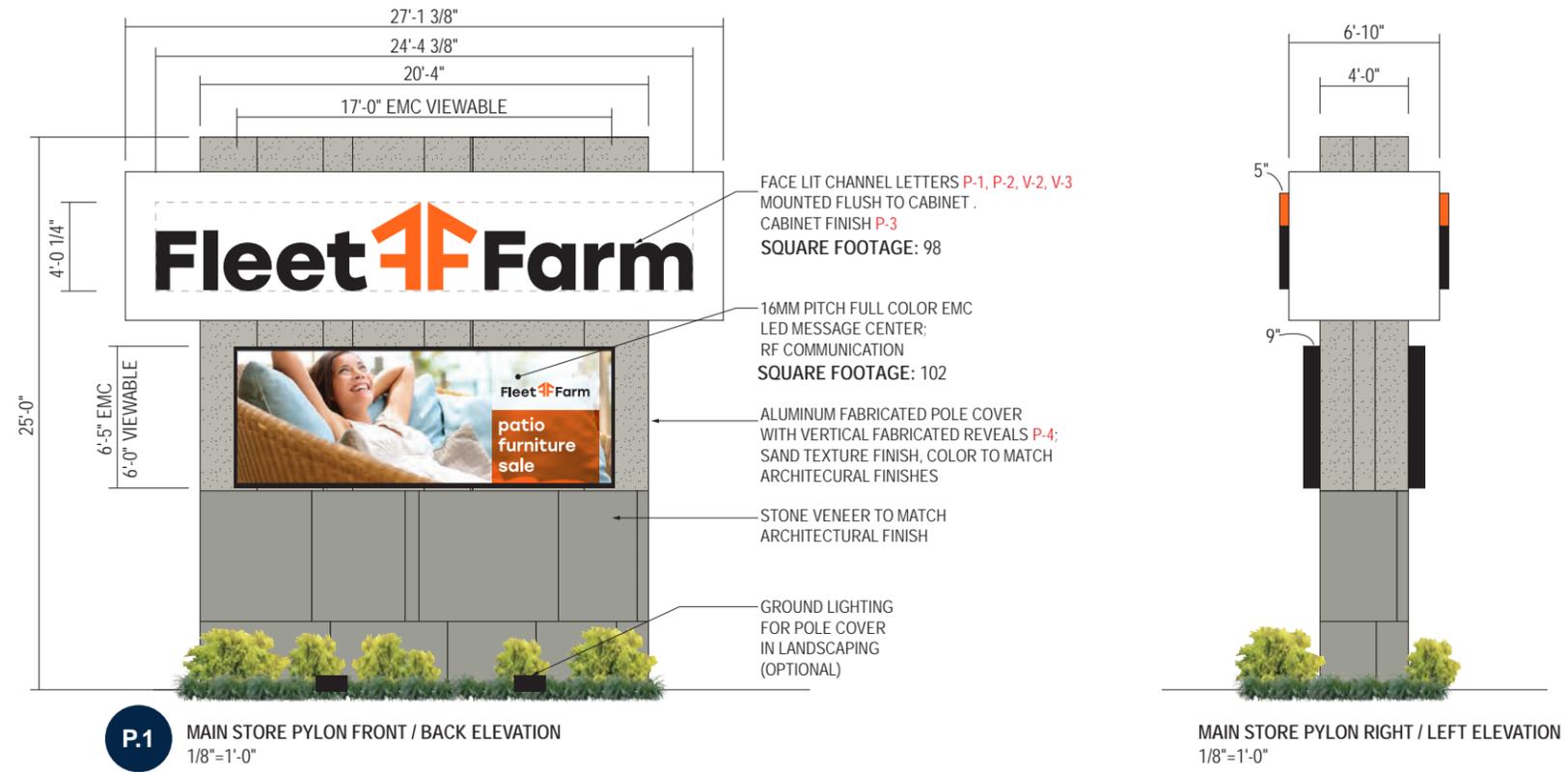
Fleet Farm  
Black Hawk County  
Cedar Falls, IA

DESIGN PHASE: CONCEPTUAL

SHEET NUMBER

0.0

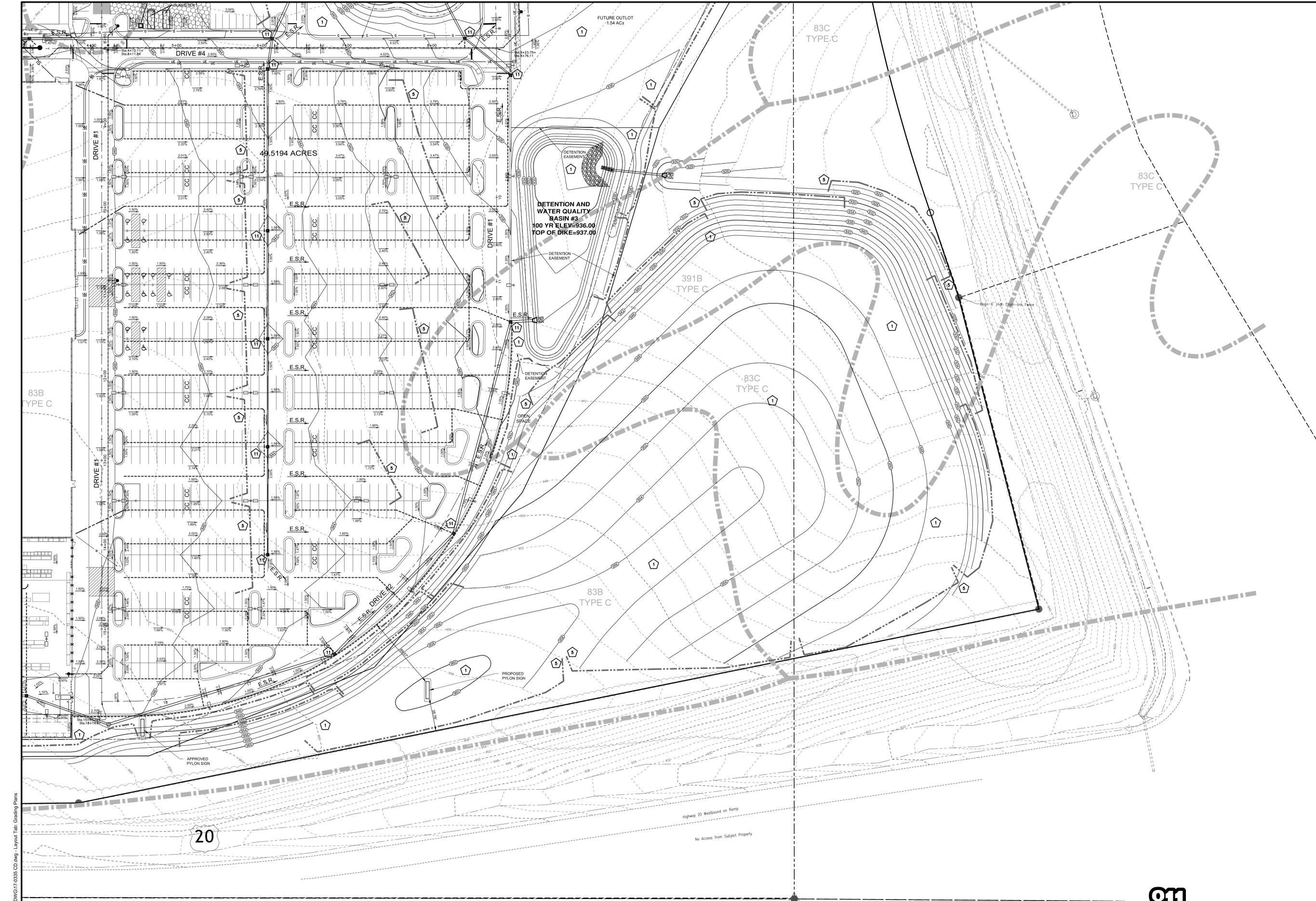
12



COLORS/FINISHES

- P-1 MP BLACK, SATIN FINISH
- P-2 MP TO MATCH PMS 165C, SATIN FINISH
- V-2 3M 3630-84 TANGERINE TRANSLUCENT
- V-3 3M 3635-222 DUAL COLOR FILM
- P-3 MP TO MATCH BENJAMIN MOORE OC-65 CHANTILLY LACE
- P-4 MP TO MATCH PRE-CAST WALL PANEL (T.B.D.)

<h2 style="margin: 0;">JONES SIGN</h2> <p style="margin: 0;">Your Vision. Accomplished.</p> <p style="margin: 0;">WWW.JONESSIGN.COM</p>	<p>EST #: 4743-R2</p> <p>DATE: 06.25.2018</p> <p>DESIGNER: A. McKinney</p> <p>SALES REP: N. Lison</p> <p>PROJ MGR: D. LaCrosse</p>	<table border="1" style="width: 100%; border-collapse: collapse; font-size: 8px;"> <thead> <tr> <th>REV.</th> <th>DATE</th> <th>BY</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr><td>1</td><td>07.26.18</td><td>WAM</td><td>REVISE P.1, M.1 SIGN HEIGHTS, SQ. FT.; DELETE SOUTH &amp; WEST ELE C-STORE SIGNS, ADD M.2</td></tr> <tr><td>2</td><td>08.10.18</td><td>WAM</td><td>REVISE SITE PLAN / SIGN LOCATIONS; REVISE ELEVATIONS, SIGNAGE</td></tr> <tr><td>3</td><td>00.00.00</td><td>XX</td><td>XXXX</td></tr> <tr><td>4</td><td>00.00.00</td><td>XX</td><td>XXXX</td></tr> <tr><td>5</td><td>00.00.00</td><td>XX</td><td>XXXX</td></tr> <tr><td>6</td><td>00.00.00</td><td>XX</td><td>XXXX</td></tr> <tr><td>7</td><td>00.00.00</td><td>XX</td><td>XXXX</td></tr> <tr><td>8</td><td>00.00.00</td><td>XX</td><td>XXXX</td></tr> <tr><td>9</td><td>00.00.00</td><td>XX</td><td>XXXX</td></tr> <tr><td>10</td><td>00.00.00</td><td>XX</td><td>XXXX</td></tr> </tbody> </table>	REV.	DATE	BY	DESCRIPTION	1	07.26.18	WAM	REVISE P.1, M.1 SIGN HEIGHTS, SQ. FT.; DELETE SOUTH & WEST ELE C-STORE SIGNS, ADD M.2	2	08.10.18	WAM	REVISE SITE PLAN / SIGN LOCATIONS; REVISE ELEVATIONS, SIGNAGE	3	00.00.00	XX	XXXX	4	00.00.00	XX	XXXX	5	00.00.00	XX	XXXX	6	00.00.00	XX	XXXX	7	00.00.00	XX	XXXX	8	00.00.00	XX	XXXX	9	00.00.00	XX	XXXX	10	00.00.00	XX	XXXX	<table border="1" style="width: 100%; border-collapse: collapse; font-size: 8px;"> <tr> <td style="width: 50%;">CLIENT APPROVAL</td> <td style="width: 50%;">DATE</td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td>LANDLORD APPROVAL</td> <td>DATE</td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td>QC</td> <td> </td> </tr> </table>	CLIENT APPROVAL	DATE			LANDLORD APPROVAL	DATE			QC			<p>Fleet Farm</p> <p>Black Hawk County</p> <p>Cedar Falls, IA</p> <p>DESIGN PHASE: CONCEPTUAL</p>	<p>SHEET NUMBER</p> <h1 style="margin: 0;">5.0</h1> <div style="border: 1px solid black; width: 20px; height: 20px; text-align: center; margin: 0 auto;">13</div>
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Plot time: Oct 21, 2019 - 2:36pm  
 Drawing name: I:\2017\17-0335\CD\DWG17-0335-CD.dwg - Layout Tab: Grading Plans

**LEGEND**

- SEEDING & MULCHING
- SILT FENCE OR MULCH BERM
- INLET PROTECTION



LOCATION OF ALL EXISTING UTILITIES TO BE DETERMINED IN THE FIELD PRIOR TO CONSTRUCTION

<p><b>HENRY PROPERTY</b>          BLACK HAWK COUNTY          CITY OF CEDAR FALLS          CEDAR FALLS, IOWA</p> <p><b>GRADING AND EROSION CONTROL PLAN</b></p>									
<p><b>bayer becker</b>          6800 Tylerville Road, Suite A          Mason, OH 45040 - 513.336.6600</p>	<p>Drawing: 17-0335-CD          Drawn by: GJK          Checked by:          Issue Date: 08-05-19          Sheet: <b>C5.2</b></p>								
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Item</th> <th style="width: 80%;">Revision Description</th> <th style="width: 10%;">Date</th> <th style="width: 10%;">Drawn/Chk</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>REVISE PER CITY COMMENT</td> <td>10-21-19</td> <td>GJK</td> </tr> </tbody> </table>		Item	Revision Description	Date	Drawn/Chk	1	REVISE PER CITY COMMENT	10-21-19	GJK
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1	REVISE PER CITY COMMENT	10-21-19	GJK						

September 27, 2019

Shane Graham  
Economic Development Coordinator  
City of Cedar Falls  
220 Clay Street  
Cedar Falls, IA 50613

Dear Mr. Graham,

I have been able to review Fleet Farm's request to change the location of the pylon sign and I am agreeable to allowing the sign to be placed on the higher grade of Tract E, as proposed on the updated site plan. We do not currently have a plan for the interchange. I am willing to work with the development as necessary, to be prepared for opening and address the relocation of the sign in the future at the expense and responsibility of Fleet Farm at the time the interchange is constructed. My approval of the sign placement is based on the agreement Fleet Farm is fully responsible for a future relocation and contingent on the city agreeing to allow the amendment to their agreement with Fleet Farm that reserved the "Future R/W" from being developed.

If you have any questions or need additional information, you may contact me at 641-423-7584.

Thank you.

Sincerely,



Nickolas J. Humpal, P.E.  
Assistant District Engineer

NH/ac

**FIRST AMENDMENT TO CONDITIONAL ZONING AGREEMENT**

THIS FIRST AMENDMENT TO CONDITIONAL ZONING AGREEMENT (this “Amendment”) is made as of \_\_\_\_\_, 20\_\_\_\_ (the “**Effective Date**”), by and between Midland Atlantic Development Company, LLC, a Ohio limited liability company (“**Applicant**”), CITY OF CEDAR FALLS (“**City**”), Mills Properties LLC, a Delaware limited liability company (“**Tenant**”) and VEREIT Real Estate L.P. (property owner).

**WITNESSETH:**

WHEREAS, Applicant and City are parties to that certain Conditional Zoning Agreement dated September 25, 2018 (the “**Agreement**”), pursuant to which City Agreements certain property known as the “**Premises**” (as more particularly defined in the Agreement) which such property is located in Cedar Falls, Black Hawk County, Iowa; and

WHEREAS, Applicant and City desire to modify and amend certain terms and conditions of the Agreement;

NOW, THEREFORE, for and in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Applicant and City, intending to be legally bound, hereby agree as follows:

1. Capitalized Terms. All terms used in this First Amendment with an initial capital letter which are not otherwise defined herein shall have the meanings given to such terms in the Agreement.
2. Modification to the Area Shown as Future R/W. Applicant, as developer, with the consent of City, agree to hereby modify the Agreement to permit the P.1 Pylon sign to be installed in the area designated as Future R/W in the location as shown on Exhibit A until such time as the Iowa DOT acquires the land for Future R/W. Fleet Farm (“**Tenant**”) hereby agrees to pay for any costs associated with relocating the P.1 Pylon sign in the future. Iowa DOT has agreed to permit such relocation by way of letter dated September 27, 2019 attached hereto as Exhibit B.
3. Agreement in Full Force and Effect. The Agreement, as hereby amended, is hereby ratified, confirmed and continued in all respects, and all covenants, terms and conditions of the Agreement, as hereby amended, are hereby incorporated herein by this reference.
4. Applicable Law. This Amendment shall be governed by and construed in accordance with the internal laws of the state in which the Premises are located, without regard to principles of conflicts of law.
5. Transferees, Successors and Assigns. This Amendment shall inure to the benefit of and shall be binding upon Applicant, City, Tenant and their respective successors and assigns.

6. Execution Counterparts. This Amendment may be executed in multiple counterparts (including copies sent to a party by email in portable document format (pdf)), each of which shall be deemed an original and together which shall constitute one and the same instrument.

[REMAINDER OF PAGE INTENTIONALLY BLANK. SIGNATURES TO FOLLOW.]

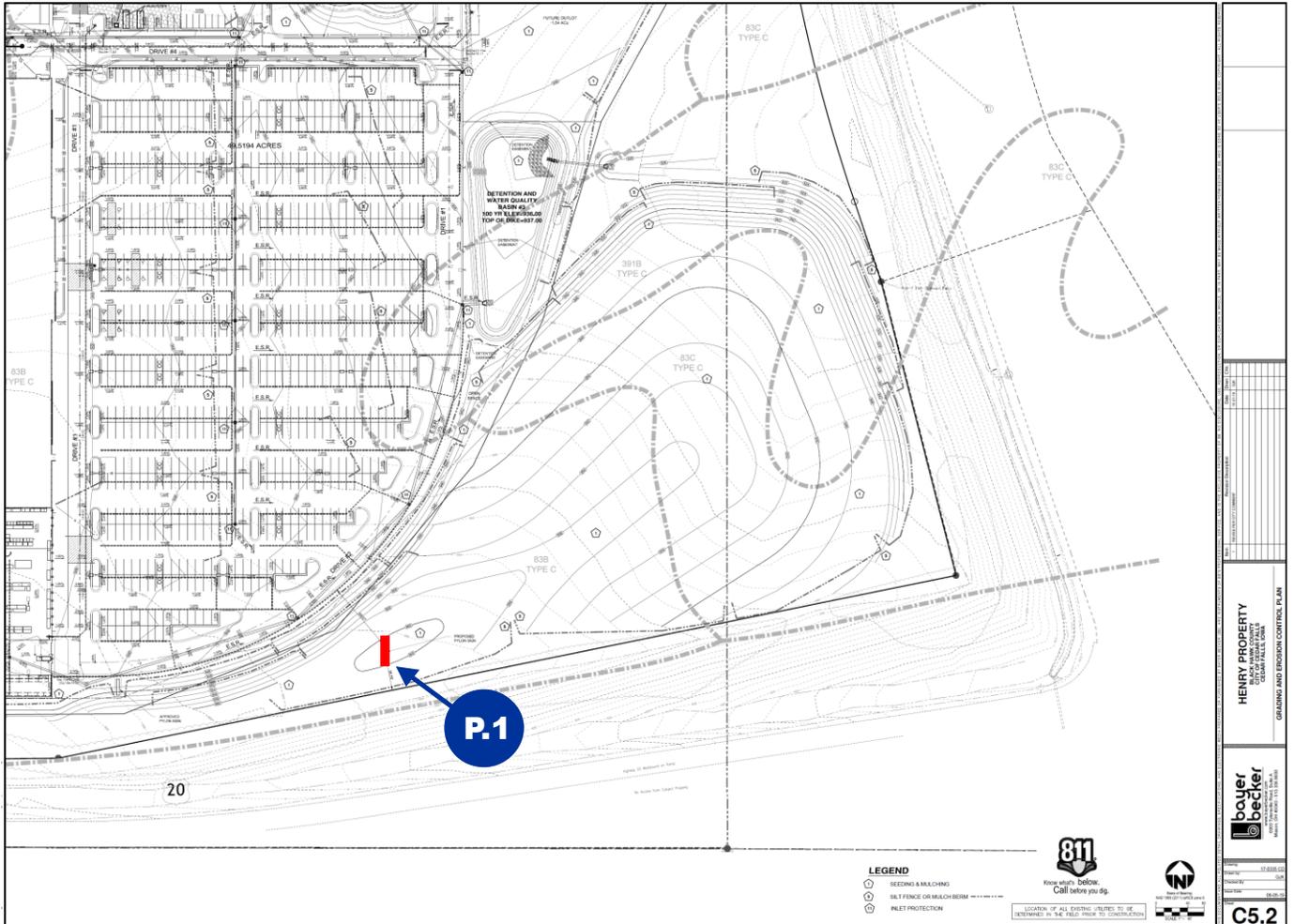








EXHIBIT A



**EXHIBIT B**



September 27, 2019

Shane Graham  
Economic Development Coordinator  
City of Cedar Falls  
220 Clay Street  
Cedar Falls, IA 50613

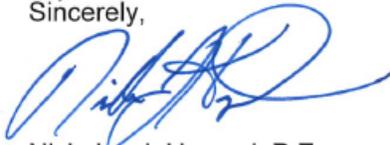
Dear Mr. Graham,

I have been able to review Fleet Farm's request to change the location of the pylon sign and I am agreeable to allowing the sign to be placed on the higher grade of Tract E, as proposed on the updated site plan. We do not currently have a plan for the interchange. I am willing to work with the development as necessary, to be prepared for opening and address the relocation of the sign in the future at the expense and responsibility of Fleet Farm at the time the interchange is constructed. My approval of the sign placement is based on the agreement Fleet Farm is fully responsible for a future relocation and contingent on the city agreeing to allow the amendment to their agreement with Fleet Farm that reserved the "Future R/W" from being developed.

If you have any questions or need additional information, you may contact me at 641-423-7584.

Thank you.

Sincerely,



Nickolas J. Humpal, P.E.  
Assistant District Engineer

NH/ac

Prepared by: Shane Graham, Planner II, 220 Clay Street, Cedar Falls, IA 50613 (319) 273-8600

ORDINANCE NO. 2933

AN ORDINANCE REPEALING SECTION 29-107, DISTRICT BOUNDARIES OF DIVISION I, GENERALLY OF ARTICLE III, DISTRICTS AND DISTRICT REGULATIONS OF CHAPTER TWENTY-NINE (29) ZONING, OF THE CODE OF ORDINANCES, OF THE CITY OF CEDAR FALLS, IOWA, AND RE-ENACTING SAID SECTION 29-107 OF SAID ORDINANCE, AS AMENDED, SO AS TO APPLY AND INCLUDE TO THE CHANGE IN THE ZONING MAP OF THE CITY OF CEDAR FALLS, IOWA, AS PROVIDED BY THIS ORDINANCE

WHEREAS, the applicant, Midland Atlantic Development Company, has requested a rezoning of property located at the southwest corner of the intersection of W Ridgeway Avenue and Highway 58 in Cedar Falls, Iowa from A-1(Agricultural) to HWY-1 (Highway Commercial); and

WHEREAS, the Comprehensive Plan indicates that this property is designated for future commercial use; and

WHEREAS, the Planning and Zoning Commission has reviewed the proposed rezoning and determined that it complies with the Comprehensive Plan provided that it meets conditions addressing the need for sidewalk, street, intersection, and traffic control improvements necessary to provide for safe and efficient pedestrian and traffic control and circulation; and

WHEREAS, Iowa Code Section 414.5 provides that as a part of an ordinance changing land from one zoning district to another zoning district, a city council may impose conditions on a property owner which are in addition to existing regulations, if the additional conditions have been agreed to in writing by the property owner before the public hearing required by Iowa Code Section 414.5, or any adjournment of the hearing, and if the conditions are reasonable, and are imposed to satisfy public needs which are directly caused by the requested change; and

WHEREAS, the owners of the property to be rezoned and applicant have agreed that the property shall be developed in accordance with the terms and conditions of the

Conditional Zoning Agreement attached hereto to ensure appropriate development in this area of the city.

WHEREAS, the City Council of the City of Cedar Falls, Iowa, finds that, as a condition of the approval of the rezoning request, certain conditions must be imposed on the property owner and on the property which the City Council finds are reasonable and necessary in order to satisfy public needs which would be directly caused by the rezoning of the property as described herein; and

WHEREAS, the City Council of Cedar Falls, Iowa, deems it to be in the best interests of the City of Cedar Falls, Iowa, to approve said rezoning, subject however, to the conditional zoning agreement attached hereto and incorporated herein; and

WHEREAS, the said Section 29-107, District Boundaries of Division I, Generally, of Article III, Districts and District Regulations, of Chapter Twenty-nine (29), Zoning, of the Code of Ordinances of the City of Cedar Falls, Iowa, provides that the zoning map of the City of Cedar Falls, Iowa, attached thereto, is incorporated into and made a part of said Ordinance;

WHEREAS, notice of public hearing has been published, as provided by law, and such hearing held on the proposed amendment; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR FALLS, IOWA:

Section 1. That the following described real estate:

All that part of the East ½ of the Northwest Fractional Quarter of Section 2, Township 88 North, Range 14 West of the 5th P.M., Black Hawk County, Iowa, lying Northerly of Highway No. 20 described in 539 LD 76 and 571 LD 973, except those parts conveyed for public highway in 113 LD 199 and 539 LD 85, and also except that part thereof conveyed to the City of Cedar Falls, Iowa, in Doc. No. 2011-00009788.

AND

All that part of the West ½ of the Northeast Fractional Quarter of Section 2, Township 88 North, Range 14 West of the 5th P.M., Black Hawk County, Iowa, lying Northerly and Westerly of Highway No. 20 described in 539 LD 76 and lying Westerly and Southerly of the public highway described in 569 LD 205 and 539 LD 85.

Be and the same is hereby removed from the A-1 Agricultural District and added to the HWY-1 Highway Commercial District, subject however, to the conditions set forth in the conditional zoning agreement attached hereto, and by this reference incorporated herein as fully as though set out word for word in this ordinance, which conditions are hereby imposed upon the property owner, his successors and assigns, and upon the above-described real estate, and shall run with the land.

Section 2. That the zoning map of the City of Cedar Falls, Iowa, be and the same is hereby amended to show the property described in Section 1, above, as now being in the

HWY-1 Highway Commercial District, and the amended map is hereby ordained to be the zoning map of the City of Cedar Falls, Iowa, as amended.

Section 3. That said Section 29-107, District Boundaries of Division I, Generally, of Article III, Districts and District Regulations, of Chapter Twenty-nine (29), Zoning, of the Code of Ordinances of the City of Cedar Falls, Iowa, be and the same is hereby repealed and hereby re-enacted in the identical language as the same now is, in order that the same shall apply to and include the change hereby made in the zoning map of the City of Cedar Falls, Iowa.

INTRODUCED: \_\_\_\_\_ October 1, 2018 \_\_\_\_\_

PASSED 1<sup>ST</sup> CONSIDERATION: \_\_\_\_\_ October 1, 2018 \_\_\_\_\_

PASSED 2<sup>ND</sup> CONSIDERATION: \_\_\_\_\_ October 15, 2018 \_\_\_\_\_

PASSED 3<sup>RD</sup> CONSIDERATION: \_\_\_\_\_ November 5, 2018 \_\_\_\_\_

ADOPTED: \_\_\_\_\_ November 5, 2018 \_\_\_\_\_

  
 \_\_\_\_\_  
 James P. Brown, Mayor

ATTEST:

  
 \_\_\_\_\_  
 Jacqueline Danielsen, MMC, City Clerk

## Conditional Zoning Agreement

This agreement is made between the City of Cedar Falls, Iowa, a municipal corporation (hereinafter "City"), Ronald Henry, Patricia Gordon, and Leigh Anne Cox (hereinafter "Owners"), and Midland Atlantic Development Company, LLC, an Ohio limited liability company (hereinafter "Applicant").

Whereas, Owners are the legal title holders of approximately 50 acres of land within the City located at the southwest corner of W Ridgeway Avenue and Iowa Highway 58; and

Whereas, Owners have entered into a Contract to sell the Property described below to Applicant, which Contract is subject to Applicant securing all City approvals for the development of the Property, including the rezoning of the Property; and

Whereas, the Applicant, with Owners' consent, has requested the rezoning of said land from A-1 (Agricultural) to HWY-1 (Highway Commercial); and

Whereas, the Planning and Zoning Commission has determined that, with appropriate conditions regarding sidewalk, street, intersection, and traffic control improvements necessary to provide for safe and efficient pedestrian and traffic control and circulation, the requested zoning is consistent with the Comprehensive Plan; and

Whereas, Iowa Code §414.5 (2017) provides that the City of Cedar Falls may impose reasonable conditions on granting a rezoning request, in addition to existing regulations, in order to satisfy public needs caused by the requested zoning change; and

Whereas, the Owners and Applicant acknowledge that the requested rezoning will significantly increase vehicular traffic to and from the rezoned area as well as on adjacent public roadways and also lead to additional pedestrian traffic within the rezoned area; and

Whereas, the Owners and Applicant acknowledge that certain conditions and restrictions are reasonable to ensure that the development of the property is consistent with the Comprehensive Plan, including sidewalk, street, intersection, and traffic control improvements to provide for safe and efficient pedestrian and traffic control and circulation, the need for which will be caused by the upzoning of the site from A-1, Agricultural to HWY-1, Highway Commercial; and

Whereas, once Applicant has obtained all City approvals it deems necessary for the development of the Property, Owners shall convey the Property to Applicant, whereupon all obligations, including the obligations set forth in this Agreement, shall become the responsibility of Applicant, not of Owners; and

Whereas, Applicant agrees to develop this property in accordance with the terms and conditions of a Conditional Zoning Agreement.

Now, therefore, in consideration of the mutual promises contained herein, the parties agree as follows:

1. Owners are the legal title holders of the property legally described as:

All that part of the East ½ of the Northwest Fractional Quarter of Section 2, Township 88 North, Range 14 West of the 5th P.M., Black Hawk County, Iowa, lying Northerly of Highway No. 20 described in 539 LD 76 and 571 LD 973, except those parts conveyed for public highway in 113 LD 199 and 539 LD 85, and also except that part thereof conveyed to the City of Cedar Falls, Iowa, in Doc. No. 2011-00009788.

AND

All that part of the West ½ of the Northeast Fractional Quarter of Section 2, Township 88 North, Range 14 West of the 5th P.M., Black Hawk County, Iowa, lying Northerly and Westerly of Highway No. 20 described in 539 LD 76 and lying Westerly and Southerly of the public highway described in 569 LD 205 and 539 LD 85.

(hereinafter the "Property")

2. The Owners and Applicant acknowledge that the City wishes to ensure conformance to the principles of the Comprehensive Plan and the HWY-1, Highway Commercial district plan. Further, the parties acknowledge that Iowa Code §414.5 (2017) provides that the City of Cedar Falls may impose reasonable conditions on granting a rezoning request, in addition to the existing regulations, in order to satisfy public needs caused by the requested change.
3. In consideration of the City's rezoning of the Property, Owners and Applicant agree that development of the Property will conform to all other requirements of the zoning chapter of the City's Code of Ordinances, as well as the following conditions:
  - a. All street, intersection, traffic control improvements and any additional right-of-way necessary to provide for safe and efficient traffic control and circulation to serve the long term needs of the subject development at full build out of the Property without causing undue traffic circulation and congestion problems along the adjacent public street corridors must be dedicated, constructed, and accepted prior to issuance of an occupancy permit for any portion of development on the Property. Further, these improvements shall be specified and delineated in a developmental agreement between the Applicant or the then-owner of the property and the City prior to approval of the first site plan for development of the property.
  - b. The area shown as "Future R/W (right-of-way)" on the concept site plan attached as Exhibit A shall remain as open space and shall not be developed with any structures, fences, buildings, hard surfacing, driveways or sidewalks. The parties acknowledge that there is value to the "Future R/W (right-of-way)" area. In the event the Iowa Department of Transportation (DOT) abandons plans to utilize the "Future R/W (right-of-way)" area, Applicant shall have the right to petition the City for an amendment to this agreement to allow development of the "Future R/W (right-of-way)" area. Further, this Section does not constitute a "taking," or Applicant's consent to any such taking. The Section does not waive Applicant's rights to due process and compensation by the Iowa DOT, or other parties, in the event the "Future R/W (right-of-way)" area is acquired by eminent domain or other means.
  - c. If and when the abutting property to the west of the subject Property ever redevelops with commercial uses, a 20-foot wide cross-access drive shall be constructed by Applicant, or the then-owner of the Property, at its expense within a 30-foot wide

cross-access easement. Said easement shall be established with the first site plan approved on the Property. If Applicant, or the then-owner of the Property, does not construct the 20-foot wide cross-access drive, within the earlier of (i) 180 days of notice from the City, or (ii) the date upon which a Certificate of Occupancy is granted for the abutting property, the City may cause such cross-access drive to be constructed, and the City may then assess the Applicant, or the then-owner of the Property, for the cost of such construction, and the cost of such construction shall be a lien on the Property to be collected in the same manner as property taxes.

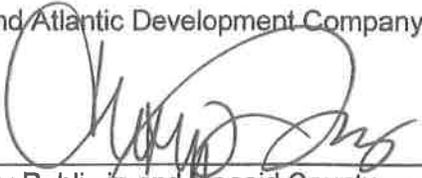
- d. A 5-foot wide sidewalk shall be installed along the entire frontage of the Property that abuts W. Ridgeway Avenue. The City will work with the Applicant to determine the best location for the easternmost sidewalk segment to provide for safe pedestrian access to the corner of W. Ridgeway Avenue and Highway 58. The installation of the sidewalk shall be completed by the Applicant, or then-owner at its expense, prior to issuance of an occupancy permit for the first building constructed on the development site.
  - e. Sidewalks shall be installed throughout the interior of the Property to provide a continuous sidewalk network between all the commercial buildings on the Property. A sidewalk network plan shall be submitted with the application for the first site plan. Sidewalks may be installed in phases that correspond to phases of construction of each building site with sidewalks completed prior to issuance of an occupancy permit for each building site. Connecting sidewalks between building sites shall be installed as development occurs so pedestrian routes are present between buildings prior to issuance of occupancy permits.
4. The City and Applicant acknowledge and agree that upon conveyance of title to the Property by Owners to Applicant, pursuant to the Contract of sale between Owners and Applicant, all legal obligations that are imposed upon Owners by the terms of this Conditional Zoning Agreement, shall become the sole legal responsibility and obligation of Applicant, or the then-owner of the Property, and Owners shall be released from any and all such obligations.
  5. The Owners, Applicant and City acknowledge that the conditions contained herein are reasonable conditions to impose on the land under Iowa Code §414.5 (2017), and that said conditions satisfy public needs that are caused by the requested zoning change.
  6. The Owners, Applicant and City acknowledge that in the event the Property is transferred, sold, redeveloped, or subdivided, all redevelopment will conform with the terms of this Conditional Zoning Agreement.
  7. The parties acknowledge that this Conditional Zoning Agreement shall be deemed to be a covenant running with the land and with title to the land, and shall remain in full force and effect as a covenant with title to the land, unless or until released of record by the City of Cedar Falls.
  8. The parties further acknowledge that, except as provided for in Paragraph 4 of this Agreement, this agreement shall inure to the benefit of and bind all successors, representatives, and assigns of the parties, including, but not limited to, the "then-owner" referred to herein.



**Corporate Acknowledgement:**

STATE OF Ohio )  
COUNTY OF Hamilton ) ss:

This instrument was acknowledged before me on the 25<sup>th</sup> day of September, 2018  
by John Silverman as Executive Manager of Midland Atlantic Development Company, LLC.



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



**CATHY L. SPARKS**  
Notary Public, State of Ohio  
My Commission Expires 07-30-2023

Ronald Henry  
By: Ronald Henry, Owner

STATE OF IOWA )  
 )ss:  
COUNTY OF BLACK HAWK )

This record was acknowledged before me on the 21<sup>st</sup> day of September, 2018, by Ronald Henry.



Mary Ann Miller  
Notary Public in and for the State of Iowa

My commission expires: May 11, 2019

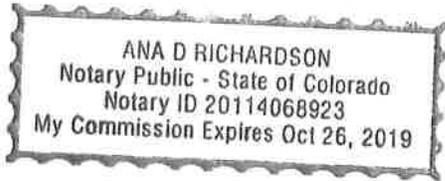
Patricia Gordon  
By: Patricia Gordon, Owner

STATE OF COLORADO     )  
  )ss:  
COUNTY OF Jefferson     )

This record was acknowledged before me on the 19<sup>th</sup> day of September, 2018, by Patricia Gordon.

A Richardson  
Notary Public in and for the State of Colorado

My commission expires: 10/26/19



*Leigh Anne Cox*

By: Leigh Anne Cox, Owner

STATE OF ALASKA )  
COUNTY OF FNSB )ss:

This record was acknowledged before me on the 18<sup>th</sup> day of September, 2018, by Leigh Anne Cox.

*D. Freling*

Notary Public in and for the State of Alaska

My commission expires: 06-07-2020



**Final Plat**  
**The Pointe at Henry Farms**  
 Cedar Falls, Black Hawk County, Iowa

Part of the East 1/2, NW Frc 1/4 &  
 Part of the West 1/2, NE Frc 1/4  
 Section 2-T88N-R14W  
 Cedar Falls, Black Hawk County, Iowa

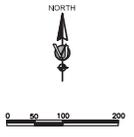
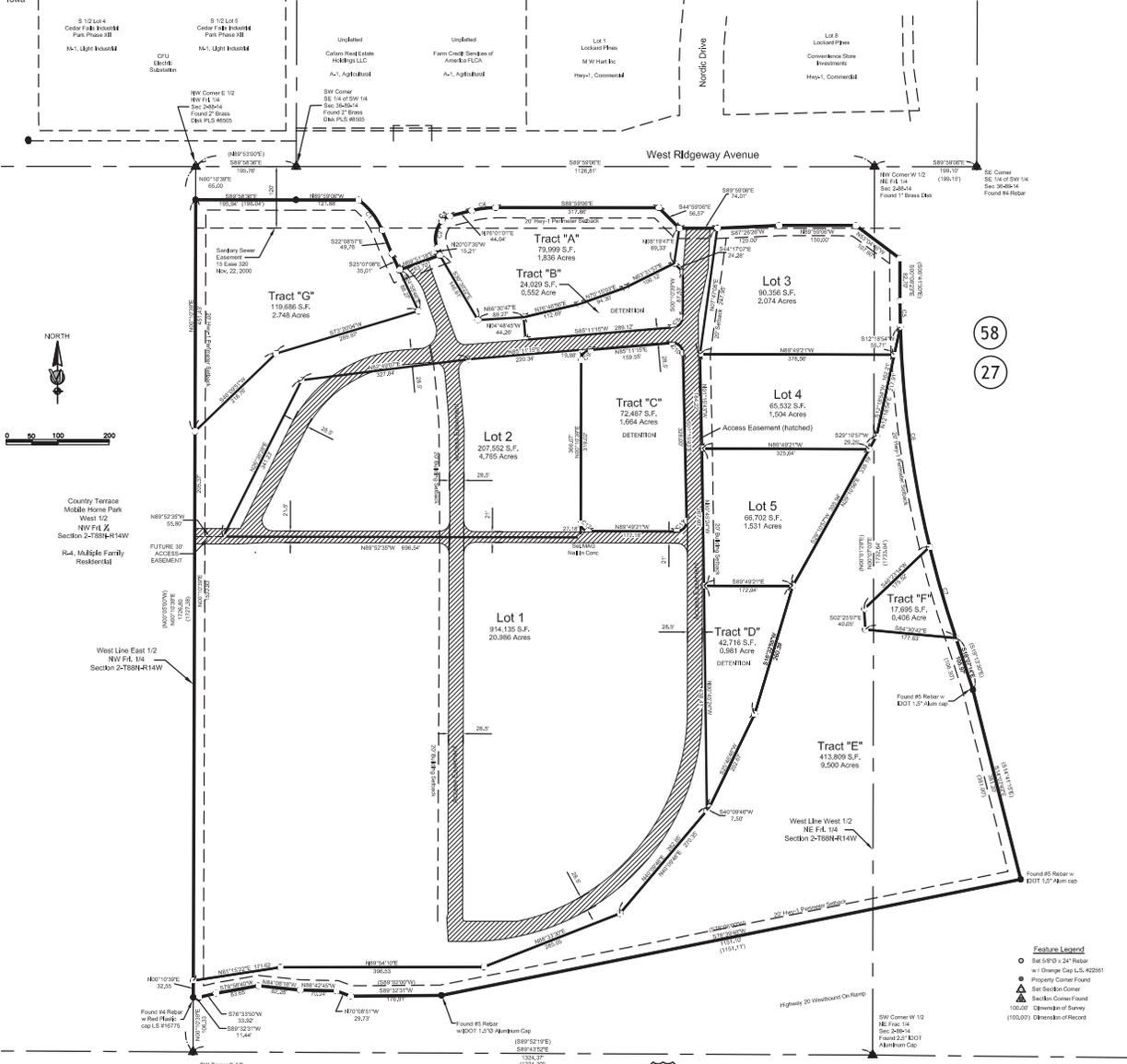
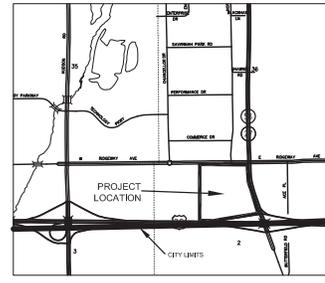
**Legal Description**

All that part of the East 1/2 of the Northwest Fractional Quarter of Section 2, Township 88 North, Range 14 West of the 5th P.M., Black Hawk County, Iowa, lying Northerly of Highway No. 20 described in 539 LD 76 and 571 LD 973, except those parts conveyed for public highway in 113 LD 199 and 539 LD 85, and also except that part thereof conveyed to the City of Cedar Falls, Iowa, in Doc. No. 2011-0009788.

AND

All that part of the West 1/2 of the Northeast Fractional Quarter of Section 2, Township 88 North, Range 14 West of the 5th P.M., Black Hawk County, Iowa, lying Northerly and Westerly of Highway No. 20 described in 539 LD 76 and lying Westerly and Southerly of the public highway described in 569 LD 205 and 539 LD 85.

Excepting therefrom acquisition Parcel "C" for the West Ridgeway Reconstruction project, Project RC-293-3172, in the Northwest Fractional Quarter and the Northeast Fractional Quarter of Section 2, Township 88 North, Range 14 West, Black Hawk County, Iowa, as described in the Quit Claim Deed filed June 10, 2019 in Doc. #2019 018572, and the Special Warranty Deed filed June 18, 2019 in Doc. #2019 018909 in the records of Black Hawk County, Iowa



Country Terrace  
 Mobile Home Park  
 West 1/2  
 NW Frc 1/4  
 Section 2-T88N-R14W  
 R-4, Multiple Family  
 Residential

West Line East 1/2  
 NW Frc 1/4  
 Section 2-T88N-R14W

CURVE TABLE					
CURVE	LENGTH	DELTA	RADIUS	CHORD	DIRECTION
C1	75.27	3103.49°	138.83	74.35	N37°41'46"W
C2	56.80	581.00°	34.00	53.25	S10°14'53"W
C3	18.31	361.00°	29.00	18.01	S57°52'24"W
C4	47.41	1490.07°	194.00	47.29	S83°00'57"W
C5	50.40	1237.42°	2070.00	50.40	S00°00'12"E
C6	433.70	14007.18°	2070.00	433.81	S07°34'16"E
C7	185.42	6077.58°	2070.00	185.30	S10°00'22"E
C8	29.47	6070.56°	20.00	27.03	N42°40'32"E
C9	28.83	6000.36°	19.50	26.35	S42°40'37"W
C10	31.84	6333.00°	19.50	28.42	N48°00'14"W
C11	31.12	6130.21°	19.50	27.92	N44°52'28"E
C12	22.78	9000.00°	14.50	20.51	S44°48'21"E

AREA TABLE			
LOT #	NW Frc 1/4	NE Frc 1/4	TOTAL
LOT 1	20.98 AC	205.54	226.52 AC
LOT 2	4.76 AC	0.00 AC	4.76 AC
LOT 3	5.65 AC	0.00 AC	5.65 AC
LOT 4	1.42 AC	0.00 AC	1.42 AC
LOT 5	1.03 AC	0.00 AC	1.03 AC
TRACT A	0.86 AC	0.00 AC	0.86 AC
TRACT B	0.55 AC	0.00 AC	0.55 AC
TRACT C	0.86 AC	0.00 AC	0.86 AC
TRACT D	0.08 AC	0.00 AC	0.08 AC
TRACT E	0.44 AC	0.00 AC	0.44 AC
TRACT F	0.01 AC	0.00 AC	0.01 AC
TRACT G	0.01 AC	0.00 AC	0.01 AC
TRACT H	0.01 AC	0.00 AC	0.01 AC
TOTAL	44.69 AC	0.00 AC	44.69 AC

**Notes:**  
 1. The South line of East 1/2 of the NW Frc 1/4 of Section 2-T88N-R14W was assumed to be 569-022-11W, 588 by the Iowa Registered Coordinate System, Zone 9.  
 2. All measurements are in US Survey Feet and decimal thereof.  
 3. The error of closure is better than 1:25000.  
 4. Found property encumbrances were as follows: Public Plank Cop. LD 8503, unless noted otherwise.  
 5. Proposed SDCER Real Estate, L.P.  
 6. Survey Requested by: Bob Decker, Water Becker  
 7. Public book was consulted: 192923  
 8. Proposed gas, electric, and communication lines are shown as provided by:  
 9. All other encumbrances are shown as shown on both sections as located.  
 10. Wellhead as shown as indicated by the Wellhead Callout Report by V.J. Engineering, updated December 11, 2018, 1884-1885-1886-1887-1888-1889-1890-1891-1892-1893-1894-1895-1896-1897-1898-1899-1900-1901-1902-1903-1904-1905-1906-1907-1908-1909-1910-1911-1912-1913-1914-1915-1916-1917-1918-1919-1920-1921-1922-1923-1924-1925-1926-1927-1928-1929-1930-1931-1932-1933-1934-1935-1936-1937-1938-1939-1940-1941-1942-1943-1944-1945-1946-1947-1948-1949-1950-1951-1952-1953-1954-1955-1956-1957-1958-1959-1960-1961-1962-1963-1964-1965-1966-1967-1968-1969-1970-1971-1972-1973-1974-1975-1976-1977-1978-1979-1980-1981-1982-1983-1984-1985-1986-1987-1988-1989-1990-1991-1992-1993-1994-1995-1996-1997-1998-1999-2000-2001-2002-2003-2004-2005-2006-2007-2008-2009-2010-2011-2012-2013-2014-2015-2016-2017-2018-2019-2020-2021-2022-2023-2024-2025-2026-2027-2028-2029-2030-2031-2032-2033-2034-2035-2036-2037-2038-2039-2040-2041-2042-2043-2044-2045-2046-2047-2048-2049-2050-2051-2052-2053-2054-2055-2056-2057-2058-2059-2060-2061-2062-2063-2064-2065-2066-2067-2068-2069-2070-2071-2072-2073-2074-2075-2076-2077-2078-2079-2080-2081-2082-2083-2084-2085-2086-2087-2088-2089-2090-2091-2092-2093-2094-2095-2096-2097-2098-2099-2100-2101-2102-2103-2104-2105-2106-2107-2108-2109-2110-2111-2112-2113-2114-2115-2116-2117-2118-2119-2120-2121-2122-2123-2124-2125-2126-2127-2128-2129-2130-2131-2132-2133-2134-2135-2136-2137-2138-2139-2140-2141-2142-2143-2144-2145-2146-2147-2148-2149-2150-2151-2152-2153-2154-2155-2156-2157-2158-2159-2160-2161-2162-2163-2164-2165-2166-2167-2168-2169-2170-2171-2172-2173-2174-2175-2176-2177-2178-2179-2180-2181-2182-2183-2184-2185-2186-2187-2188-2189-2190-2191-2192-2193-2194-2195-2196-2197-2198-2199-2200-2201-2202-2203-2204-2205-2206-2207-2208-2209-2210-2211-2212-2213-2214-2215-2216-2217-2218-2219-2220-2221-2222-2223-2224-2225-2226-2227-2228-2229-2230-2231-2232-2233-2234-2235-2236-2237-2238-2239-2240-2241-2242-2243-2244-2245-2246-2247-2248-2249-2250-2251-2252-2253-2254-2255-2256-2257-2258-2259-2260-2261-2262-2263-2264-2265-2266-2267-2268-2269-2270-2271-2272-2273-2274-2275-2276-2277-2278-2279-2280-2281-2282-2283-2284-2285-2286-2287-2288-2289-2290-2291-2292-2293-2294-2295-2296-2297-2298-2299-2300-2301-2302-2303-2304-2305-2306-2307-2308-2309-2310-2311-2312-2313-2314-2315-2316-2317-2318-2319-2320-2321-2322-2323-2324-2325-2326-2327-2328-2329-2330-2331-2332-2333-2334-2335-2336-2337-2338-2339-2340-2341-2342-2343-2344-2345-2346-2347-2348-2349-2350-2351-2352-2353-2354-2355-2356-2357-2358-2359-2360-2361-2362-2363-2364-2365-2366-2367-2368-2369-2370-2371-2372-2373-2374-2375-2376-2377-2378-2379-2380-2381-2382-2383-2384-2385-2386-2387-2388-2389-2390-2391-2392-2393-2394-2395-2396-2397-2398-2399-2400-2401-2402-2403-2404-2405-2406-2407-2408-2409-2410-2411-2412-2413-2414-2415-2416-2417-2418-2419-2420-2421-2422-2423-2424-2425-2426-2427-2428-2429-2430-2431-2432-2433-2434-2435-2436-2437-2438-2439-2440-2441-2442-2443-2444-2445-2446-2447-2448-2449-2450-2451-2452-2453-2454-2455-2456-2457-2458-2459-2460-2461-2462-2463-2464-2465-2466-2467-2468-2469-2470-2471-2472-2473-2474-2475-2476-2477-2478-2479-2480-2481-2482-2483-2484-2485-2486-2487-2488-2489-2490-2491-2492-2493-2494-2495-2496-2497-2498-2499-2500-2501-2502-2503-2504-2505-2506-2507-2508-2509-2510-2511-2512-2513-2514-2515-2516-2517-2518-2519-2520-2521-2522-2523-2524-2525-2526-2527-2528-2529-2530-2531-2532-2533-2534-2535-2536-2537-2538-2539-2540-2541-2542-2543-2544-2545-2546-2547-2548-2549-2550-2551-2552-2553-2554-2555-2556-2557-2558-2559-2560-2561-2562-2563-2564-2565-2566-2567-2568-2569-2570-2571-2572-2573-2574-2575-2576-2577-2578-2579-2580-2581-2582-2583-2584-2585-2586-2587-2588-2589-2590-2591-2592-2593-2594-2595-2596-2597-2598-2599-2600-2601-2602-2603-2604-2605-2606-2607-2608-2609-2610-2611-2612-2613-2614-2615-2616-2617-2618-2619-2620-2621-2622-2623-2624-2625-2626-2627-2628-2629-2630-2631-2632-2633-2634-2635-2636-2637-2638-2639-2640-2641-2642-2643-2644-2645-2646-2647-2648-2649-2650-2651-2652-2653-2654-2655-2656-2657-2658-2659-2660-2661-2662-2663-2664-2665-2666-2667-2668-2669-2670-2671-2672-2673-2674-2675-2676-2677-2678-2679-2680-2681-2682-2683-2684-2685-2686-2687-2688-2689-2690-2691-2692-2693-2694-2695-2696-2697-2698-2699-2700-2701-2702-2703-2704-2705-2706-2707-2708-2709-2710-2711-2712-2713-2714-2715-2716-2717-2718-2719-2720-2721-2722-2723-2724-2725-2726-2727-2728-2729-2730-2731-2732-2733-2734-2735-2736-2737-2738-2739-2740-2741-2742-2743-2744-2745-2746-2747-2748-2749-2750-2751-2752-2753-2754-2755-2756-2757-2758-2759-2760-2761-2762-2763-2764-2765-2766-2767-2768-2769-2770-2771-2772-2773-2774-2775-2776-2777-2778-2779-2780-2781-2782-2783-2784-2785-2786-2787-2788-2789-2790-2791-2792-2793-2794-2795-2796-2797-2798-2799-2800-2801-2802-2803-2804-2805-2806-2807-2808-2809-2810-2811-2812-2813-2814-2815-2816-2817-2818-2819-2820-2821-2822-2823-2824-2825-2826-2827-2828-2829-2830-2831-2832-2833-2834-2835-2836-2837-2838-2839-2840-2841-2842-2843-2844-2845-2846-2847-2848-2849-2850-2851-2852-2853-2854-2855-2856-2857-2858-2859-2860-2861-2862-2863-2864-2865-2866-2867-2868-2869-2870-2871-2872-2873-2874-2875-2876-2877-2878-2879-2880-2881-2882-2883-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