



AGENDA
CITY OF CEDAR FALLS, IOWA
PLANNING AND ZONING COMMISSION MEETING
WEDNESDAY, JULY 27, 2022
5:30 PM AT CEDAR FALLS COMMUNITY CENTER, 528 MAIN STREET

Call to Order and Roll Call

Approval of Minutes

1. Planning and Zoning Commission Regular Meeting Minutes of July 13, 2022

Public Comments

Old Business

2. **Preliminary and Final Plats – Western Home Communities 10th Addition (PP22-001 / FP22-002)**
Location: Along Wild Rye Way between Prairie Parkway and Bluebell Road
Applicant: Western Home Communities; Wayne Claassen Engineering
Previous Discussion: July 13, 2022
Recommendation: *Approval, subject to resolution of any remaining technical issues*
P&Z Action: *Discuss and make a recommendation to City Council*

Commission Updates

Adjournment

Reminders:

- * August 10 and August 24 - Planning & Zoning Commission Meetings
- * August 1 and August 15 - City Council Meetings

**Cedar Falls Planning and Zoning Commission
Regular Meeting
July 13, 2022
Cedar Falls, Iowa**

MINUTES

The Cedar Falls Planning and Zoning Commission met in regular session on July 13, 2022 at 5:30 p.m. at the Community Center. The following Commission members were present: Crisman, Hartley, Holst, Larson, Leeper, Lynch and Moser. Grybovych and Saul were absent. Karen Howard, Community Services Manager, Thomas Weintraut, Planner III and Jaydevsinh Atodaria, Planner I, were also present.

- 1.) Chair Leeper noted the Minutes from the June 22, 2022 regular meeting are presented. Ms. Lynch made a motion to approve the Minutes as presented. Ms. Crisman seconded the motion. The motion was approved unanimously with 7 ayes (Crisman, Hartley, Holst, Larson, Leeper, Lynch and Moser), and 0 nays.

- 2.) The first item of business was a HWY-1 District site plan for Veridian Credit Union. Chair Leeper introduced the item and Mr. Atodaria provided background information. He explained that the site is located at 1000 Brandilynn Boulevard and it is proposed to build a 3,666 square foot Veridian Credit Union building with a drive thru area on 1.21 acres of land. Public sidewalk along Brandilynn Blvd. would be extended east to the shared private drive of the subdivision by the developer to provide pedestrian connectivity and access to the building. Mr. Atodaria discussed site lighting, landscaping, monument sign and dumpster enclosure and design review of the proposed site plan. He noted the applicant submitted a request for changes in the landscaping plan the day before the meeting and staff has not had a chance to review them for compliance. He spoke about stormwater management and how runoff will be collected. Staff recommends approval subject to any comments or direction by the Commission and conformance to all city staff recommendations and technical requirements, including review of the revised landscaping plan for compliance with City Code. Mr. Holst commented that if large changes have been made to the landscaping plan he would like to see staff bring it back to the Commission.

Mr. Larson made a motion to approve the plan subject to satisfying details for landscaping plan. Ms. Lynch seconded the motion. The motion was approved unanimously with 7 ayes (Crisman, Hartley, Holst, Larson, Leeper, Lynch and Moser), and 0 nays.

- 3.) The next item for consideration by the Commission was the preliminary and final plats for Western Home Communities 10th Addition. Chair Leeper introduced the item and Mr. Weintraut provided background information. He explained that the commission has seen part of this site recently during a master plan update earlier this year. The property is located between Prairie Parkway and Bluebell Road. The plan is to have nine duplexes on the lot to the south and ten on the north of Wild Rye Way, part of which will have private access easement for a portion of Lot 1 on the east side. He discussed public improvements and stormwater plans, as well as setbacks and easements. Mr. Weintraut went over technical comments, explaining that stormwater drainage easements will be needed to delineate the areas on the property reserved for stormwater drainage. The existing water services that are stubbed into existing lots must be abandoned at the water main if not reused. The developer is responsible for the construction of an additional water main and fire hydrant, as well as the services, for the proposed villa sites on the original Lot 29 and 31. Private sanitary sewer lines will be required to serve each duplex. There are minor corrections that are needed for clarity and legibility of the plat. The item will be for discussion only at this time. Mr. Holst and Ms.

Lynch recused themselves from the item due to conflicts of interest. The item was moved on to the next meeting.

- 4.) As there were no further comments, Ms. Lynch made a motion to adjourn. Ms. Crisman seconded the motion. The motion was approved unanimously with 7 ayes (Crisman, Hartley, Holst, Larson, Leeper, Lynch and Moser), and 0 nays.

The meeting adjourned at 5:45 p.m.

Respectfully submitted,


Karen Howard
Community Services Manager


Joanne Goodrich
Administrative Assistant



DEPARTMENT OF COMMUNITY DEVELOPMENT

City of Cedar Falls
 220 Clay Street
 Cedar Falls, Iowa 50613
 Phone: 319-273-8606
 Fax: 319-273-8610
 www.cedarfalls.com

MEMORANDUM

Planning & Community Services Division

TO: Planning & Zoning Commission
FROM: Thom Weintraut, AICP, Planner III
 Matthew Tolan, EI, Civil Engineer II
DATE: July 22, 2022
SUBJECT: Western Home Community Tenth Addition preliminary and final plat.

REQUEST: Request to approve the preliminary and final plat for Western Home Communities Tenth Addition, Cases #PP22-001 and #FP22-002

PETITIONER: Western Home Independent Living Services, Inc., owner; Western Home Communities, developer; Wayne Claassen Engineering and Surveying, Inc., Engineer

LOCATION: The property is located on the north and south side of Wild Rye Way between Prairie Parkway and Bluebell Road.

PROPOSAL

The petitioner has submitted a preliminary and final plat application concurrently to replat Lots 16 and 21 thru 31 and Parcel 'B' of Pinnacle Prairie Business Center North and a remnant parcel, Parcel 'D,' into two lots for the expansion of the Western Home Communities. The property is located on the north and south side of Wild Rye Way between Prairie Parkway and Bluebell Road. Lot 1 on the south side of Wild Rye Way will contain nine (9) duplex units and Lot 2 on the north side will have ten (10) duplex units. The lots will have individual driveway access from Bluebell Road and Wild Rye Way in addition to an access easement from Wild Rye Way serving four (4) of the duplex units at the southeast corner of Lot 1. The MercyOne Bluebell Clinic is located west of the site, Dr. Shawn Reese Periodontics to the north, Cedar Valley OrthoAgility Center and the Parkway Family Dentistry office to the east, and the Western Homes Communities to the south.



BACKGROUND

The property is part of the Pinnacle Prairie Master Plan development which was initially approved by the City in 2004 with amendments made in 2015, 2021 and most recent amendment in June of 2022 to allow the expansion of the Western Home Communities. This area of the Master Plan was amended from Multi-Family and Mixed Use to Western Home; however, because the underlying zoning is MU: Mixed Use, no zoning changes were necessary to allow this type of development. With the most recent amendment, Western Homes submitted a concept plan with the layout of the residential buildings as part of the review process for the Master Plan amendment and since the public infrastructure is already in place the concept plan was recommended for approval as a site plan at that time.

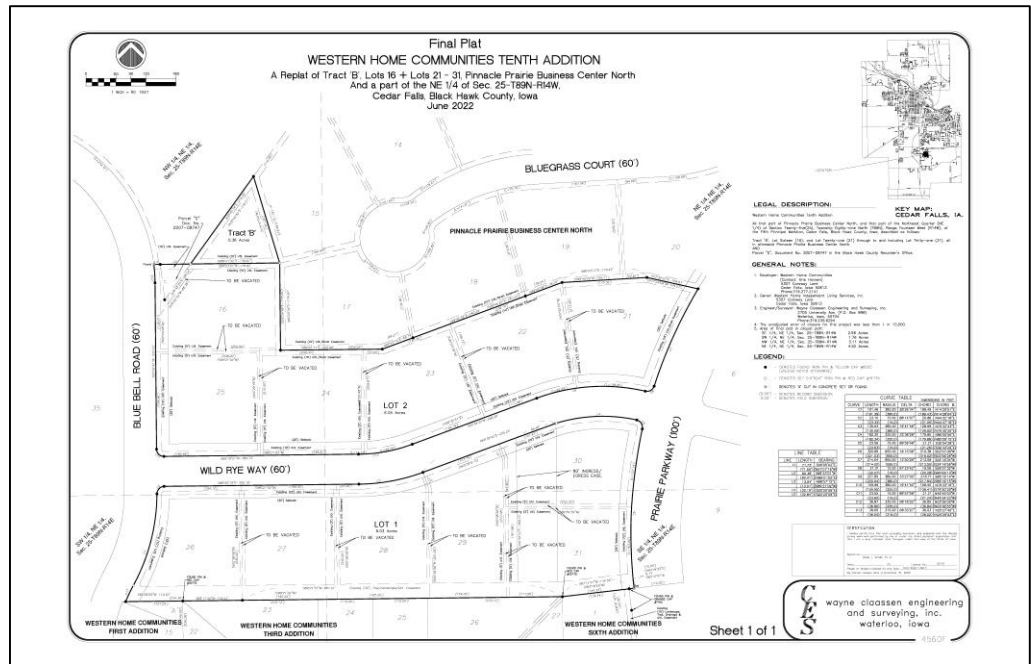


The preliminary and final plats are the final two steps in the process for the construction of the duplexes, which will be managed by Western Home Communities in a similar manner as their previous additions.

A storm water plan was created for the final plat of Pinnacle Prairie Business Center North and storm sewers constructed accordingly. An updated stormwater management plan has been submitted for the proposed residential development.

ANALYSIS

The petitioner, Western Home Communities, proposes a preliminary and final plat for Western Home Communities Tenth Addition; a Replat of Tract "B", Lots 16, + 21 – 31 and Tract 'B' Pinnacle Prairie Business Center North. The total acreage for the two lots is 12.09 acres. Again, the site is located on the north and south side of Wild Rye Way between Bluebell Road and Prairie Parkway. The property is zoned Mixed Use (MU). The proposed plat is consistent with the approved Pinnacle Prairie MU District Master Plan, recently amended.



The public improvements, including streets, water and sewer mains, storm sewers, and a segment of the Pinnacle Prairie Trail, were constructed with the previous subdivision, Pinnacle Prairie Business Center North, which was approved in May 2015. The only remaining public infrastructure to be installed is the public sidewalks, which will be constructed at the time the dwelling units are built. The Deed of Dedication notes that a private association will be established to maintain the private drive, stormwater detention facilities, greenspace and common shared property.

With regard to stormwater management for the new residential development, stormwater will be directed to a series of private detention basins that will drain into the existing storm sewers constructed previously. As is typical, a maintenance and repair agreement between the developer and the City will be required at the time City Council approves the final plat.

The front setbacks are provided on the plat and all structures will be 25 feet from the right-of-way. The side and rear yard setbacks will be determined by the width of the drainage and utility easements. Since the Commission's July 13th meeting, the developer has delineated the stormwater and drainage easements on both the preliminary and final plats, which addresses a deficiency noted in the previous staff report.

Since the last meeting, staff worked with the applicant to amend the Deed of Dedication to follow the final edits of the preliminary plat and final plat (see attached). The applicant has supplied the following required documents for a final plat including the Surveyor Certificate, Black Hawk County Auditor approval of the subdivision name, and the final plat. The property owner does not have a mortgage on the property; therefore a statement from a lienholder is not required. An Attorney's Title Opinion has now been submitted.

The City Code states that the final plat must be in substantial conformance with the preliminary plat. The proposed final plat is conforming to the preliminary plat and the necessary revisions have been made to address previously noted deficiencies and technical issues on both the preliminary and final plats.

TECHNICAL COMMENTS

City technical staff, including Cedar Falls Utilities (CFU) personnel, has noted the following:

Stormwater drainage easements have now been added to the plats in the areas along the west, south and northeast portions of Lot 1 and along the north side of Lot 2 to delineate the areas on the property reserved for stormwater drainage. Staff worked with the applicant to make the necessary changes to the Deed of Dedication to reflect maintenance of all private utilities and stormwater maintenance. In addition, a number of minor corrections were made for clarity and legibility.

CFU states that the water, gas, and communication services are available to the site. There are existing 8" water services stubbed into the existing lots, which if not reused, shall be abandoned at the water main according to the water service policy. The developer is responsible for the construction of an additional water main and fire hydrant and services for the proposed villa sites on original Lot 31 and the south half of original Lot 29. Private sanitary sewer lines will be constructed to serve each duplex and extended along the private drive that serves the duplexes in the southeast corner of the subdivision.

It is anticipated that these plats will be considered at the August 15 City Council meeting, provided that the following necessary documents are submitted to the City by the agreed upon submittal deadline.

1. 2 original copies of the DOD with wet signatures.
2. A Maintenance and Repair Agreement as per City requirements.
3. 6 full sized, stamped final plats with wet signatures.
4. An updated AutoCAD file and 11 x 17 pdf.
5. An additional wet signed surveyor's certificate.

STAFF RECOMMENDATION

Staff recommends approval of PP22-001 and FP22-002, a preliminary and final plat for the Western Homes 10th Addition, subject to the following conditions:

- 1) Any comments or direction specified by the Planning & Zoning Commission.
- 2) Conformance with all city staff recommendations and technical requirements.

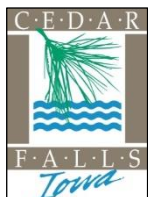
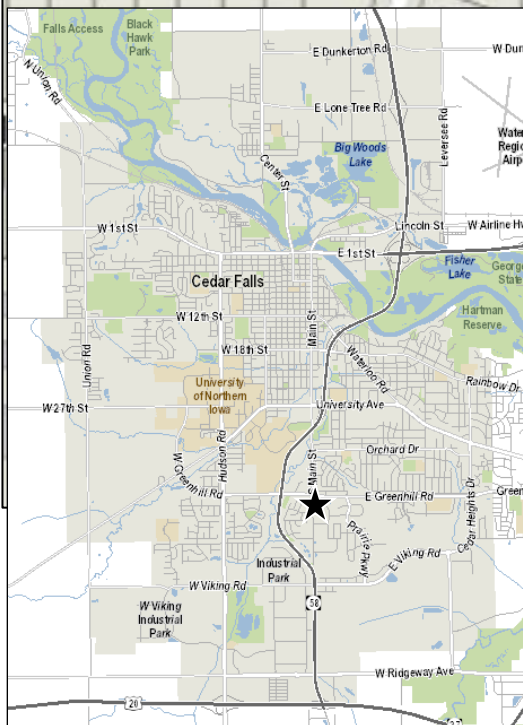
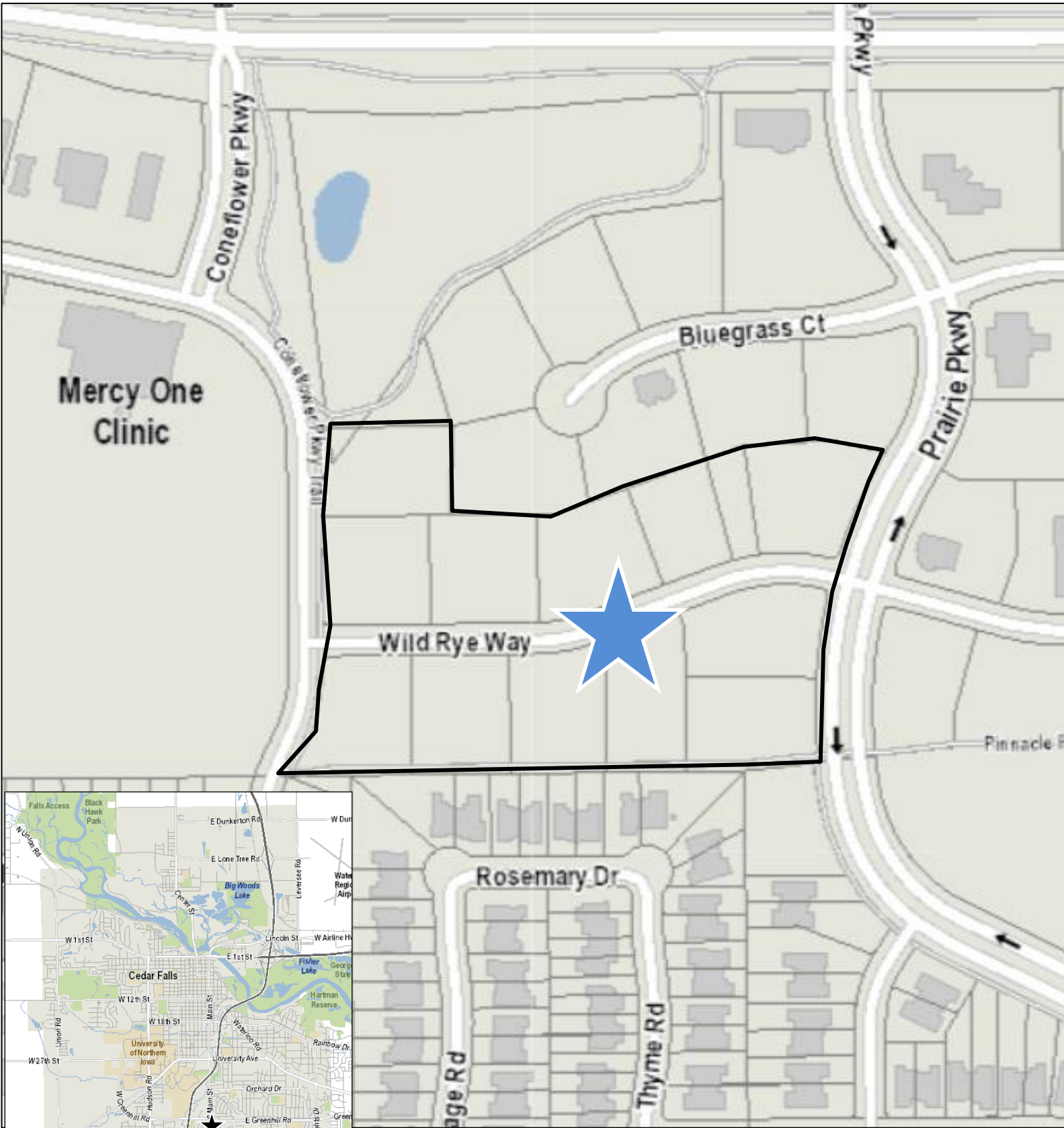
PLANNING AND ZONING

Discussion

7/13/2022

Chair Leeper introduced the item and Mr. Weintraut provided background information. He explained that the commission has seen part of this site recently during a master plan update earlier this year. The property is located between Prairie Parkway and Bluebell Road. The plan is to have nine duplexes on the lot to the south and ten on the north of Wild Rye Way, part of which will have private access easement for a portion of Lot 1 on the east side. He discussed public improvements and stormwater plans, as well as setbacks and easements. Mr. Weintraut went over technical comments, explaining that stormwater drainage easements will be needed to delineate the areas on the property reserved for stormwater drainage. The existing water services that are stubbed into existing lots shall be abandoned at the water main if not reused. The developer is responsible for the construction of an additional water main and fire hydrant, as well as the services, for the proposed villa sites on the original Lot 29 and 31. Private sanitary sewer lines will be required to serve each duplex. There are minor corrections that are needed for clarity and legibility of the plat. The item will be for discussion only at this time. Mr. Holst and Ms. Lynch abstained from the item. The item was moved on to the next meeting.

Attachments: Location map
Preliminary Plat
Final Plat
Deed of Dedication



Preliminary and Final Plat for Western Home Communities 10th Addition



2021 Aerial Image

Preliminary Plat

WESTERN HOME COMMUNITIES TENTH ADDITION

A Replat of Tract 'B', Lots 16 + Lots 21 - 31, Pinnacle Prairie Business Center North
And a part of the NE 1/4 of Sec. 25-T89N-R14W,
Cedar Falls, Black Hawk County, Iowa
July 2022

LEGEND:

- 0.00' - DENOTES RECORD DIMENSION
- S - DENOTES EXISTING SUBRAIN
- ST - DENOTES EXISTING STORM SEWER LINE
- SA - DENOTES EXISTING SANITARY SEWER LINE
- WAT - DENOTES EXISTING WATER LINE
- ⊙ - DENOTES EXISTING SAN. SEWER MANHOLE
- ☆ - DENOTES LIGHT POLE
- ⊠ - DENOTES ELECTRIC BOX
- ⊡ - DENOTES TELEVISION BOX
- ⊢ - DENOTES TELEPHONE BOX
- ⊕ - DENOTES FIRE HYDRANT
- ⊗ - DENOTES WATER VALVE
- - - - - DENOTES EXISTING CONTOUR LINE
- 950- - - DENOTES PROPOSED CONTOUR LINE
- 24 - DENOTES EXISTING LOT NUMBER
- LOT 2 - DENOTES PROPOSED LOT NUMBER

LEGAL DESCRIPTION:

Western Home Communities Tenth Addition

All that part of Pinnacle Prairie Business Center North, and that part of the Northeast Quarter (NE 1/4) of Section Twenty-five(25), Township Eighty-nine North (T89N), Range Fourteen West (R14W), of the Fifth Principal Meridian, Cedar Falls, Black Hawk County, Iowa, described as follows:

Tract 'B', Lot Sixteen (16), and Lot Twenty-one (21) through to and including Lot Thirty-one (31), all in aforesaid Pinnacle Prairie Business Center North.
AND
Parcel "D", Document No. 2007-08747 in the Black Hawk County Recorder's Office.

GENERAL NOTES:

1. Developer: Western Home Communities
(Contact: Kris Hansen)
5307 Caraway Lane
Cedar Falls, Iowa 50613
Phone: 319.277.2141
2. Owner: Western Home Independent Living Services, Inc.
5307 Caraway Lane
Cedar Falls, Iowa 50613
3. Engineer/Surveyor: Wayne Claassen Engineering and Surveying, Inc.
2705 University Ave. (P.O. Box 898)
Waterloo, Iowa, 50704
Phone: 319.235.6294
4. The unadjusted error of closure for this project was less than 1 in 10,000.
5. Electrical service is by Cedar Falls Utilities.
6. Gas service is by Cedar Falls Utilities.
7. Cable television service is by Cedar Falls Utilities AND Mediacom.
8. Telephone service is by Qwest.
9. Existing Zoning: MU Mixed Use Residential
10. Flood information of subject property:
This Preliminary Plat is located Zone X which is areas determined to be outside the 0.2% annual chance floodplain. Firm Flood Insurance Rate Map Community-Panel number 19013C0277F, effective date July 18, 2011.
11. No wetlands are present on this property.
12. Sanitary sewer main, water main, and street paving are existing and will be used as constructed.
13. Existing sanitary sewer service and water service may be revised. Proposed revisions to be submitted to Cedar Falls Engineering Department with Site Construction Plans.
14. Some storm sewer structures, fire hydrants, street lighting, electrical and communications equipment may be revised. Proposed revisions to be submitted to Cedar Falls Engineering Department with Site Construction Plans and CFU as applicable.
15. Lot 16, and Lots 21 - 31 will be vacated by this Subdivision Plat. Tract 'B' will not be a part of Lot 02. Parcel "D" will be a part of Lot Two.
16. Minimum low opening elevations of each lot will be shown on construction plans.
17. Final storm water management plan will be submitted with construction plans.
18. Existing easements between existing lot lines will be vacated.
19. There are no environmental features that require maintaining/mitigating within this plat. The area to be disturbed exceeds 1 acre. A NPDES permit will be obtained prior to construction.
20. Proposed topographic slopes are 0% - 10% and suitable for proposed development.
21. The area will be seeded, sodded and landscaped to protect disturbed areas.
22. There are no environmental issues.
23. Part of the recreational bike trail lies upon Tract 'B'.

LIST OF OWNERS LOCATED WITHIN 200 FEET OF PROPERTY

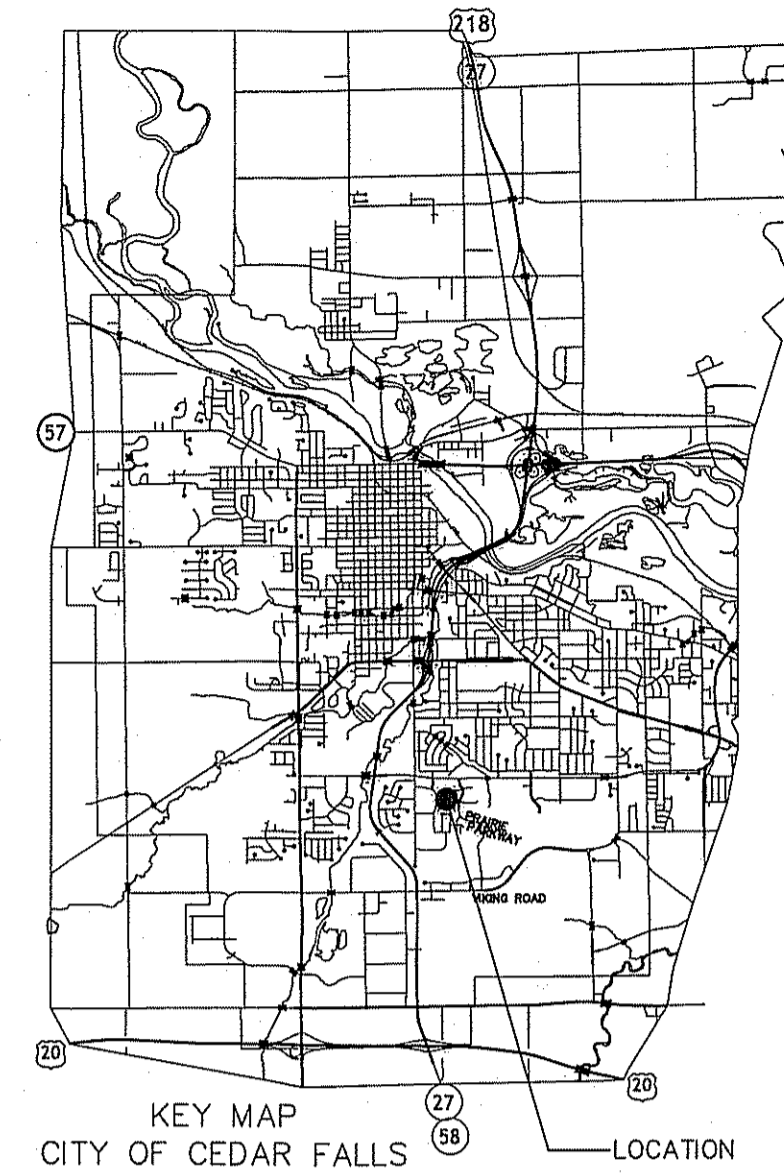
①	COVENANT MEDICAL CENTER INC. 3421 W. 9th STREET WATERLOO, IOWA 50702
②	CITY OF CEDAR FALLS 220 CLAY STREET CEDAR FALLS, IOWA 50613
③	WESTERN HOME INDEPENDENT LIVING SERVICE INC. 5307 CARAWAY LANE (ATTN: KELLY MEIER CFO) CEDAR FALLS, IOWA 50613
④	REESE FAMILY PROPERTIES, LLC 1125 LAKE RIDGE DRIVE CEDAR FALLS, IOWA 50613
⑤	JAB BLASTS LLC 4512 PRAIRIE PARKWAY CEDAR FALLS, IOWA 50613
⑥	C AND T PROPERTIES LLC 2229 GREENWOOD AVE. CEDAR FALLS, IOWA 50613
⑦	GREENWILL ESTATES (ATTN: JESSICA SLUK) 1057 20th STREET AURORA, IL 60504-7914

LOT AREAS:

LOT NO.	AREA
1	6.03 Acres
2	6.06 Acres
Tract "B"	0.36 Acres
TOTAL	12.45 Acres

BENCHMARK:

1. 'X' CUT ON FLANGE BOLT OF FIRE HYDRANT LOCATED AT SW INTERSECTION OF WILD RYE WAY AND PRAIRIE PARKWAY. ELEVATION = 951.89



Wayne Claassen Engineering and Surveying, Inc.



2705 University Avenue • P.O. Box 898 • Waterloo, Iowa 50701
Phone: (319) 235-6294 Fax: (319) 235-0028

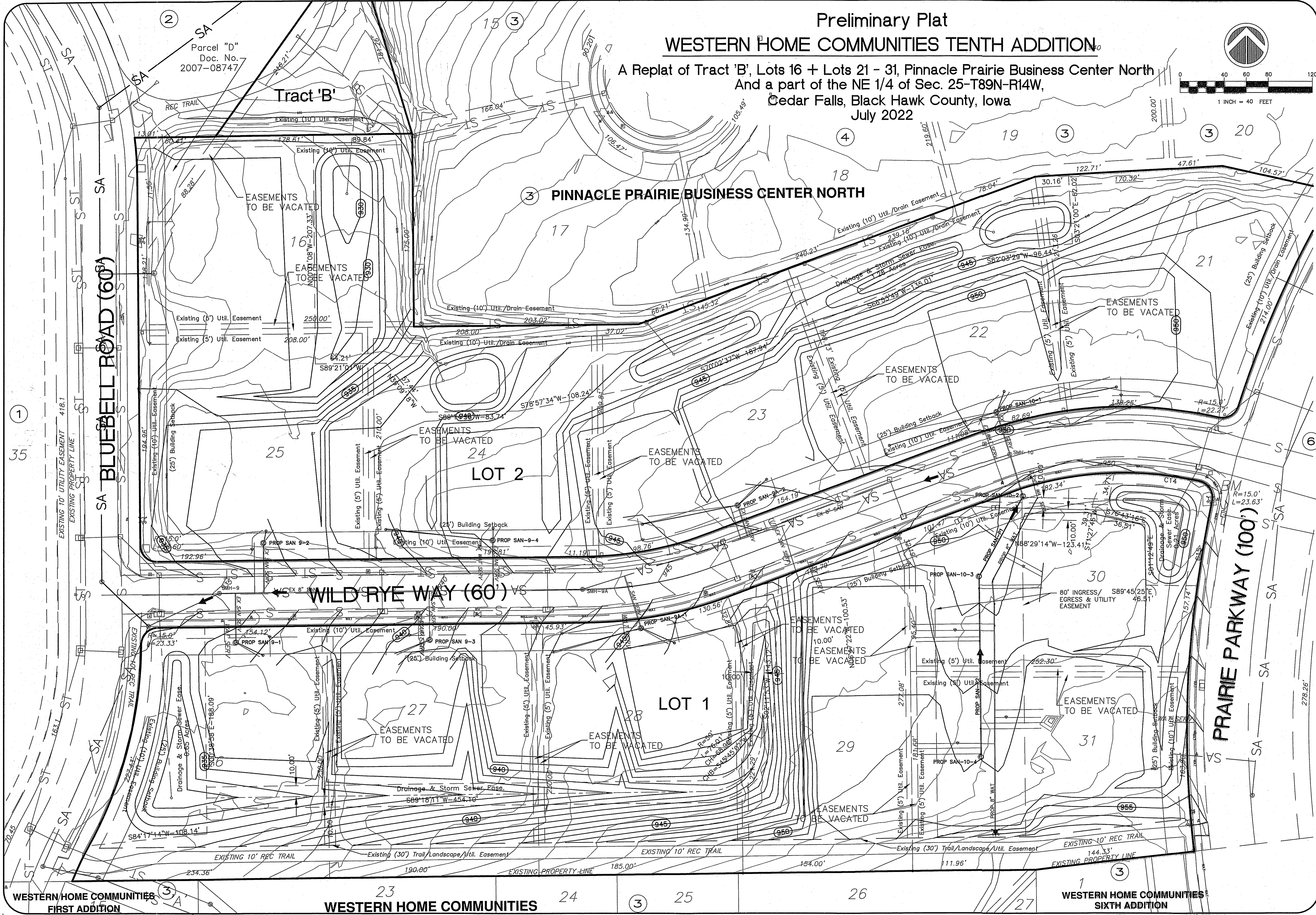
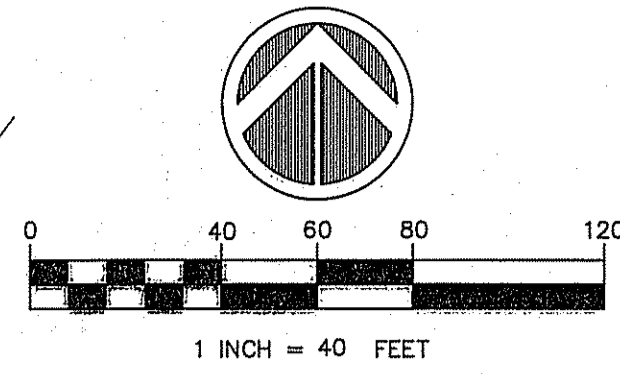
PK	770	PG.	01	DR.	D.L.S.	DATE	02.22
FILE NO.	4560P	CK'D	W.J.C.	DATE	02.22		
DATE PLOTTED	07.22.22	FILENAME	0901_Prel_Plat.DWG	REVISIONS:			
				1. 02.26.22- Revised as per City letter dated 2-21-22			
				2. 03.21.22- Revised as per City letter dated 3-16-22			
				3. 07.11.22- Revised as per City letter dated 7-8-22			
				4. 07.22.22- Revised as per City comments			

Preliminary Plat
WESTERN HOME COMMUNITIES TENTH ADDITION
A Replat of Tract 'B', Lots 16 + Lots 21 - 31, Pinnacle Prairie Business Center North
And a part of the NE 1/4 of Sec. 25-T89N-R14W,
Cedar Falls, Black Hawk County, Iowa
April 2022

sheet
1 of 3
4560P

Preliminary Plat WESTERN HOME COMMUNITIES TENTH ADDITION

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And a part of the NE 1/4 of Sec. 25-T89N-R14W,
Cedar Falls, Black Hawk County, Iowa
July 2022



Wayne Claassen Engineering and Surveying, Inc.
2705 University Avenue • P.O. Box 898 • Waterloo, Iowa 50701
Phone: (319) 235-6294 Fax: (319) 235-0028

FILE NO. 4560P
DATE PLOTTED 07/22/22
1. 09.25.22- Revised as per City letter dated 2-21-22
2. 03.21.22- Revised as per City letter dated 3-16-22
3. 07.11.22- Revised as per City letter dated 7-8-22
4. 07.22.22- Revised as per City comments

Preliminary Plat
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sheet
2 of 3
4560P

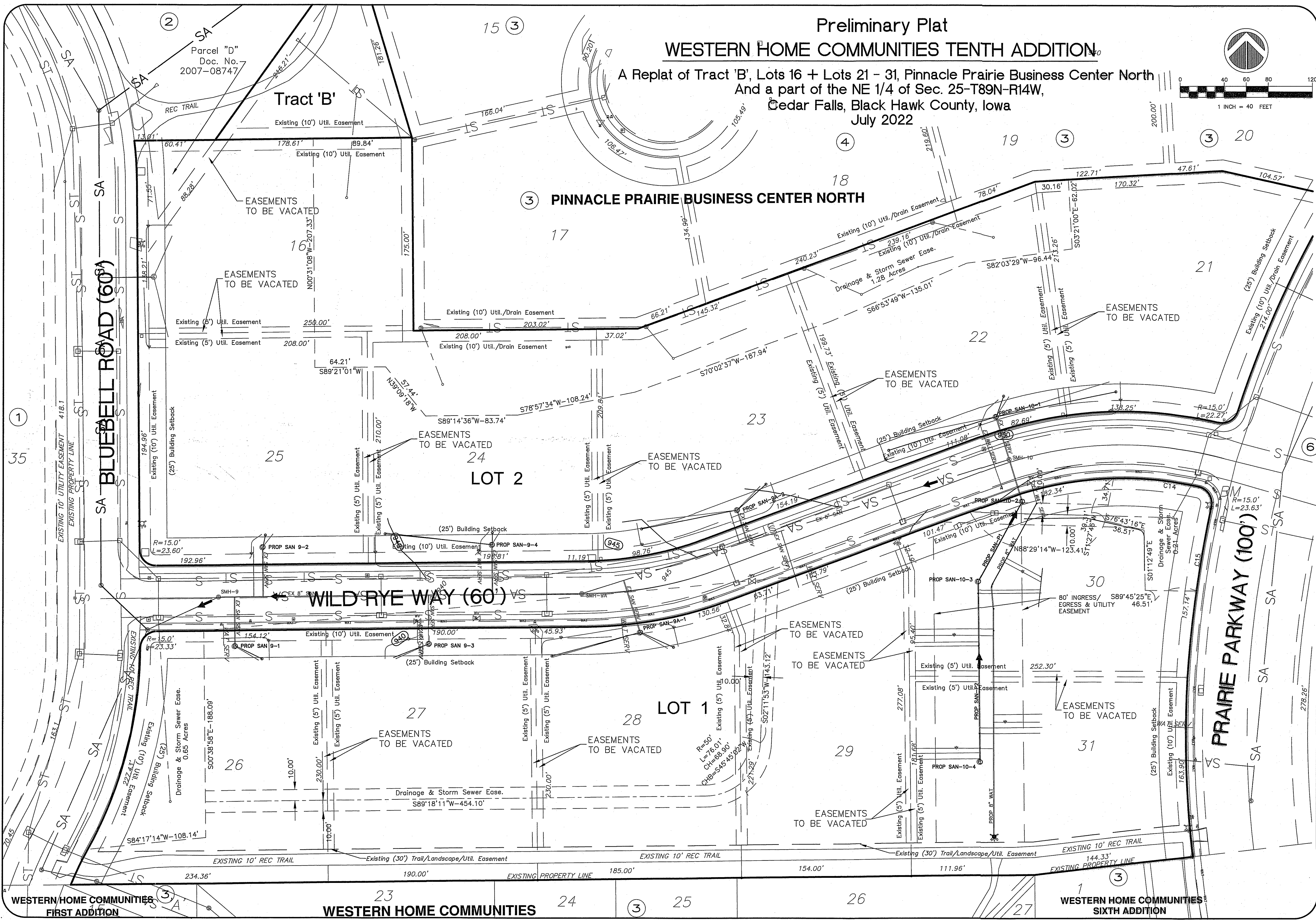
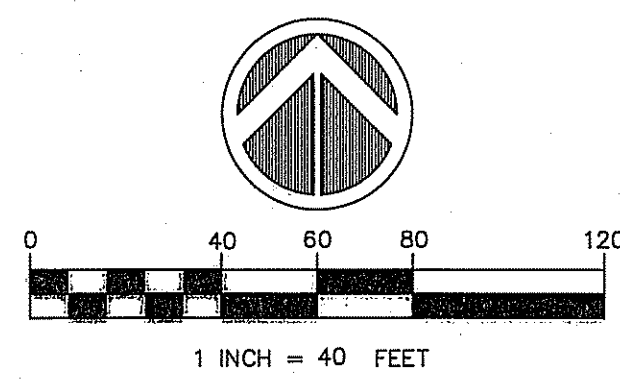
WESTERN HOME COMMUNITIES
FIRST ADDITION

WESTERN HOME COMMUNITIES

WESTERN HOME COMMUNITIES
SIXTH ADDITION

Preliminary Plat WESTERN HOME COMMUNITIES TENTH ADDITION

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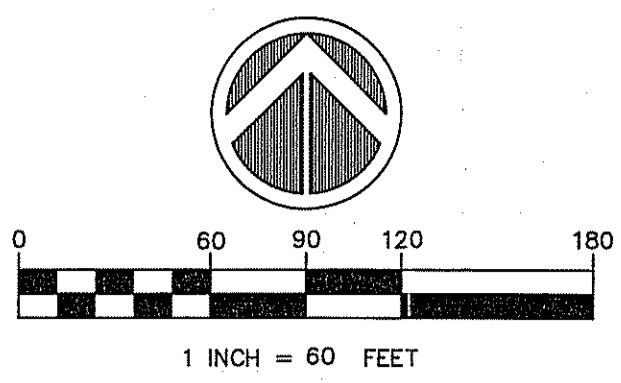


Wayne Claassen Engineering and Surveying, Inc.
2705 University Avenue • P.O. Box 898 • Waterloo, Iowa 50701
Phone: (319) 235-6284 Fax: (319) 235-0028



PK.	NO.	PG.	01	DR.	D.L.S.	DATE
4560P	770	4560P	01	DR.	D.L.S.	02.22
FILE NO. 4560P CKD W.A.L.C. DATE 02.22						
DATE PLOTTED: 07.22.22 - FILENAME: IOWA PRE PLAT.DWG						
REVISIONS:						
1. 02.25.22 - Revised as per City letter dated 2-21-22						
2. 03.21.22 - Revised as per City letter dated 3-16-22						
3. 07.11.22 - Revised as per City letter dated 7-8-22						
4. 07.22.22 - Revised as per City comments						

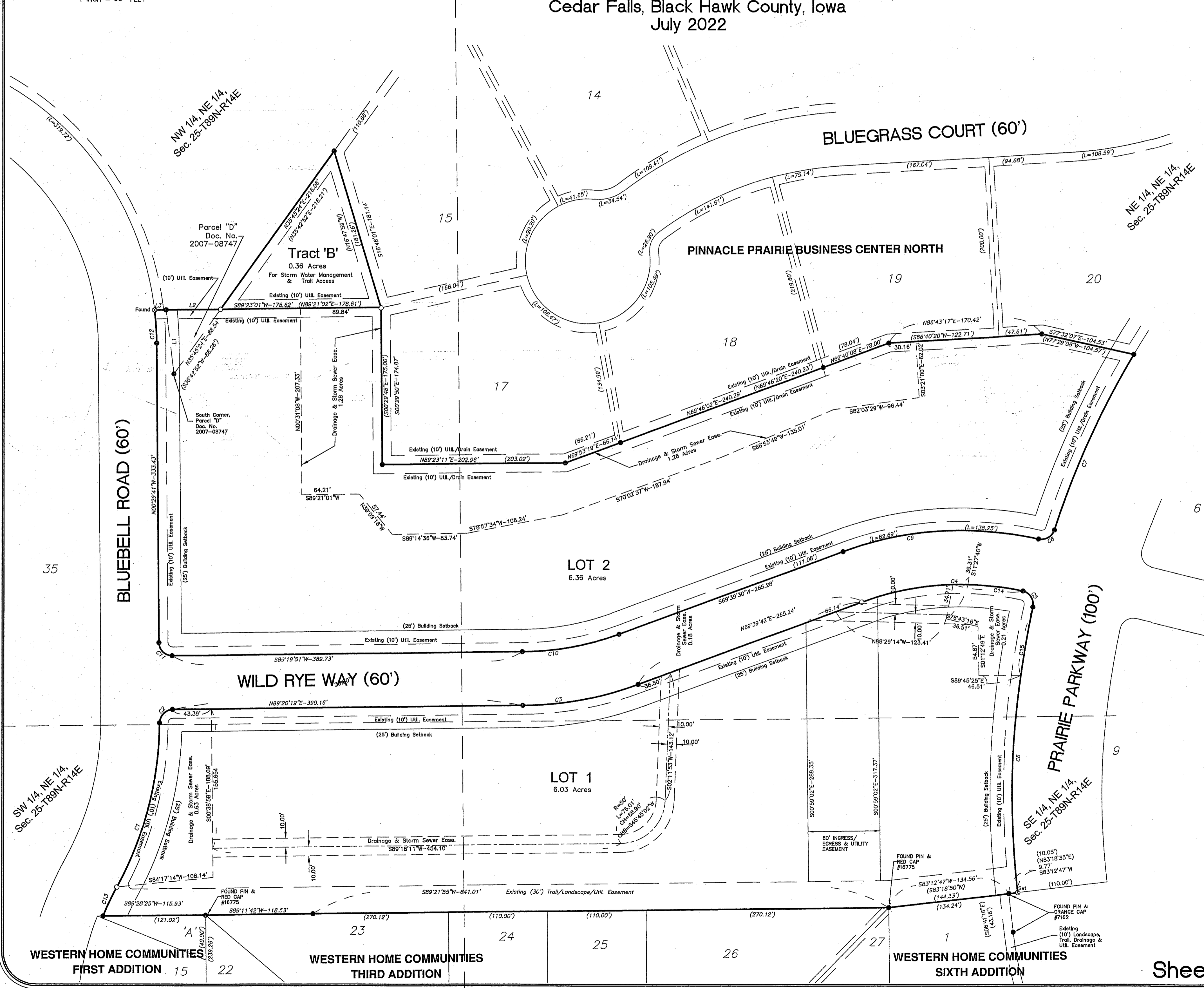
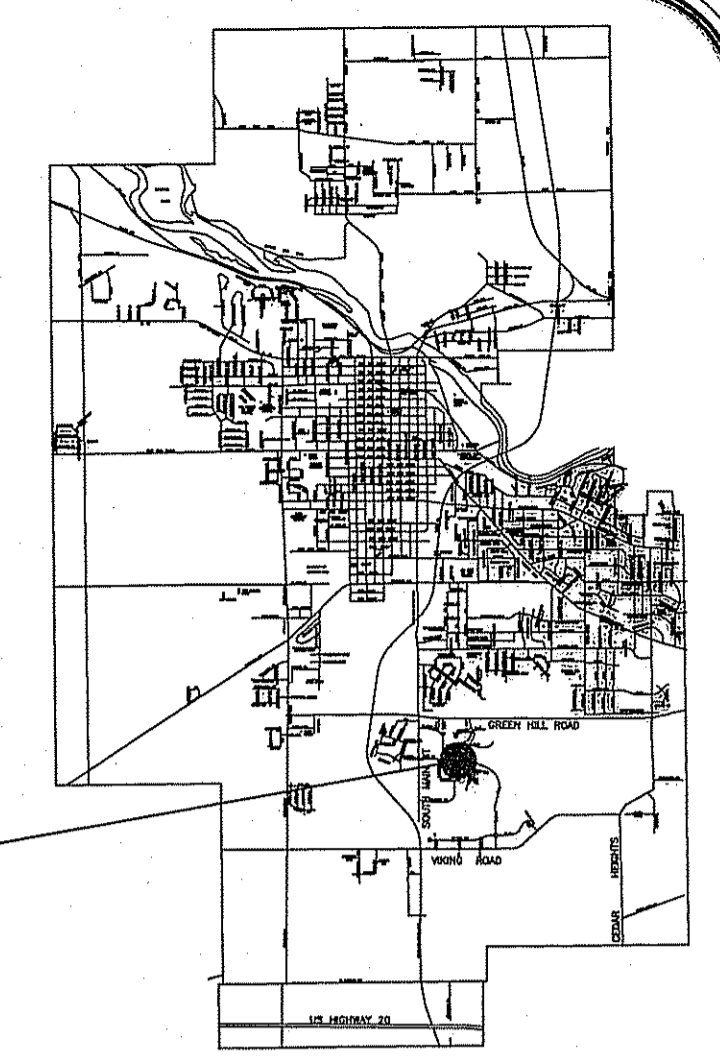
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WESTERN HOME COMMUNITIES TENTH ADDITION**
A Replat of Tract 'B', Lots 16 + Lots 21 - 31, Pinnacle Prairie Business Center North
And a part of the NE 1/4 of Sec. 25-T89N-R14W,
Cedar Falls, Black Hawk County, Iowa
April 2022



Final Plat

WESTERN HOME COMMUNITIES TENTH ADDITION

A Replat of Tract 'B', Lots 16 + Lots 21 - 31, Pinnacle Prairie Business Center North
And a part of the NE 1/4 of Sec. 25-T89N-R14W,
Cedar Falls, Black Hawk County, Iowa
July 2022



LEGAL DESCRIPTION:

Western Home Communities Tenth Addition
All that part of Pinnacle Prairie Business Center North, and that part of the Northeast Quarter (NE 1/4) of Section Twenty-five(25), Township Eighty-nine North (T89N), Range Fourteen West (R14W), of the Fifth Principal Meridian, Cedar Falls, Black Hawk County, Iowa, described as follows:
Tract 'B', Lot Sixteen (16), and Lot Twenty-one (21) through to and including Lot Thirty-one (31), all in aforesaid Pinnacle Prairie Business Center North.
AND
Parcel "D", Document No. 2007-08747 in the Black Hawk County Recorder's Office.

GENERAL NOTES:

1. Developer: Western Home Communities (Contact: Kris Hansen) 5307 Caroway Lane Cedar Falls, Iowa 50613 Phone: 319.277.2141
2. Owner: Western Home Independent Living Services, Inc. 5307 Caroway Lane Cedar Falls, Iowa 50613
3. Engineer/Surveyor: Wayne Claassen Engineering and Surveying, Inc. 2705 University Ave. (P.O. Box 898) Waterloo, Iowa, 50704 Phone: 319.235.6294
4. The unadjusted error of closure for this project was less than 1 in 10,000.
5. Area of final plat in aliquot part:
SE 1/4, NE 1/4, Sec. 25-T89N-R14W 2.96 Acres
SW 1/4, NE 1/4, Sec. 25-T89N-R14W 1.76 Acres
NW 1/4, NE 1/4, Sec. 25-T89N-R14W 3.11 Acres
NE 1/4, NE 1/4, Sec. 25-T89N-R14W 4.62 Acres

LEGEND:

- - DENOTES FOUND IRON PIN & YELLOW CAP #8505 (UNLESS NOTED OTHERWISE)
- - DENOTES SET 0.5"x2" IRON PIN & RED CAP #16775
- ⊗ - DENOTES 'X' CUT IN CONCRETE SET OR FOUND
- (0.00') - DENOTES RECORD DIMENSION
- 0.00' - DENOTES FIELD DIMENSION

CURVE TABLE						DIMENSIONS IN FEET	
CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD B.		
C1	191.46	385.00	28°29'34"	189.49	N14°29'51"E		
	(191.39)	(385.0)		(189.43)	(N14°29'04"E)		
C2	23.10	15.00	88°14'07"	20.88	N44°32'18"E		
	(23.33)	(15.0)		(21.65)	(N44°47'18"E)		
C3	130.63	380.00	19°41'46"	129.99	N79°32'43"E		
	(130.56)	(380.0)		(129.92)	(N79°30'28"E)		
C4	182.30	320.00	32°38'28"	179.85	N66°00'58"E		
	(182.34)	(320.0)		(179.88)	(N65°59'18"E)		
C5	23.58	15.00	89°59'48"	21.21	S32°54'28"W		
	(23.63)	(15.0)		(21.26)	(S32°33'28"W)		
C6	320.89	955.00	19°15'06"	319.38	S02°57'08"W		
	(321.03)	(955.0)		(319.52)	(S02°58'28"W)		
C7	214.04	955.00	12°50'29"	213.59	S24°16'38"W		
	(214.00)	(955.0)		(213.55)	(S24°19'58"W)		
C8	21.31	15.00	81°23'42"	19.56	S59°37'32"W		
	(22.27)	(15.0)		(20.28)	(S60°26'13"W)		
C9	221.85	380.00	33°27'00"	218.71	S86°19'14"W		
	(220.84)	(380.0)		(217.84)	(S86°19'15"W)		
C10	109.89	380.00	19°41'40"	109.45	N79°33'18"E		
	(109.95)	(380.0)		(109.41)	(S79°30'28"W)		
C11	23.55	15.00	89°57'58"	21.21	N45°45'03"W		
	(23.60)	(15.0)		(21.24)	(N45°34'23"W)		
C12	36.87	335.00	06°18'22"	36.85	N03°36'08"W		
	(36.86)	(335.0)		(36.84)	(N03°36'08"W)		
C13	36.05	315.00	06°33'27"	36.03	N25°27'40"E		
	(36.04)	(315.0)		(36.02)	(N25°26'53"E)		
C14	78.29	320.00	4°01'01"	78.09	N84°40'21"W		
C15	78.17	955.00	04°41'24"	78.15	N10°14'00"E		

LINE TABLE		
LINE	LENGTH	BEARING
L1	71.73'	S06°55'02"E
	(71.55')	(N07°07'16"W)
L2	60.38'	S89°23'01"W
	(60.41')	(N89°21'02"E)
L3	13.04'	N89°57'15"E
	(13.01')	(S89°21'02"W)

CERTIFICATION
I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Iowa.
Signature: David L. Schell, P.L.S.
Date: _____, 20____ License No. 16775
Pages or Sheets Covered by this Seal: THIS SHEET ONLY.
My license renewal date is December 31, 2022.

CCES wayne claassen engineering and surveying, inc. waterloo, iowa

Preparer: Mark F. Conway c/o Swisher & Cohrt, PLC, (319) 232-6555
 Phone P.O. Box 1200, 528 W. 4th St., Waterloo, IA 50704 (319) 232-4835
 Fax
 Return to: Preparer

DEED OF DEDICATION

**WESTERN HOME COMMUNITIES TENTH
 ADDITION CEDAR FALLS, IOWA**

KNOW ALL PERSONS BY THESE PRESENTS:

That the undersigned, Western Home Services, Inc., and Western Home Independent Living Services, Inc., Iowa nonprofit corporations, being desirous of laying out and platting into lots and tracts the real estate described in the Certificate of Survey prepared by David L. Scheil, a Registered Land Surveyor, dated the 9th day of March 2022, attached as Exhibit "A" do by these presents, designate and set apart the real estate described in the plat showing location and numbers and letters of lots and names and locations of streets as a subdivision of the City of Cedar Falls, in Black Hawk County, Iowa, the same to be known hereafter and called Western Home Communities Tenth Addition, Cedar Falls, Iowa, all of which is with the free consent and desire of the undersigned. The owners do hereby grant and convey to the City of Cedar Falls, its successors and assigns and to any private corporation, firm or person furnishing utilities for the transmission and/or distribution of water, sanitary sewer, gas, electricity, communication service or cable television, perpetual easements for the erection, laying, building and maintenance of such services over, across, on and/or under the property as shown on the attached plat.

BACKGROUND

1. Western Home Services, Inc., and Western Home Independent Living Services, Inc., Iowa nonprofit corporations (the "Platted Property Owners"), are the owners of that certain real property previously described as Tract 'B', Lot Sixteen (16), and Lot Twenty-one (21) through to and including Lot Thirty-one (31) of Pinnacle Prairie Business Center North, and Parcel "D" described in Doc. No. 2007-08747, Cedar Falls, Black Hawk County, Iowa.
2. On or about the date hereof, the Platted Property Owners submitted for recording a Final Subdivision Plat for Western Home Communities Tenth Addition, a resubdivision of Tract 'B',

Lot Sixteen (16), and Lot Twenty-one (21) through to and including Lot Thirty-one (31) of Pinnacle Prairie Business Center North and Parcel 'D'.

3. All provisions, obligations, and responsibilities under the "Deed of Dedication of Pinnacle Prairie Business Center North," and associated Maintenance and Repair Agreement (Black Hawk County File # 2018-00011427) and the "Western Home Communities Tenth Addition FINAL PLAT" shall be recognized as reaffirmed and continuing and shall not be considered amended or rescinded by this DEED OF DEDICATION, unless specifically stated herein.

DECLARATION OF EASEMENTS

The Owners hereby grant and convey to the City of Cedar Falls, Iowa, its successors and assigns, and to any private corporation, firm or person furnishing utilities for the transmission and/or distribution of water, sewer, gas, electricity, communication service, or cable television, perpetual non-exclusive easements for the construction, laying, building, and maintenance of said services, including underground facilities and related surface mounted equipment such as meter boxes, junctions and cabinets, for said services, over, under, across, and upon the property in the locations identified as utility easements on the attached Plat, Exhibit "B".

Any and all drainage easements shall be required to follow the "Stormwater Management Plan" on record with the City of Cedar Falls Engineer's Office. No building structures, fence structures, landscaping structures, private gardens or any other possible obstruction shall be built in and over such drainage easements. All lot owners and/or contractors working on such lots will be responsible to maintain such easements and keep the same free and clear of any physical obstruction(s) thus allowing the conveyance of overland storm water runoff as intended per the City's Stormwater Management Plan.

ADJACENT SUBDIVISIONS AND UNPLATTED PARCELS

The Western Home Communities Tenth Addition is bordered on the south by Western Home Communities First, Third and Sixth Additions; on the west by land owned by the City of Cedar Falls and also by Covenant Medical Center, Inc.; on the north by land owned the City of Cedar Falls and also by MBAK, LLC (dba Kimball & Beecher Dentistry); on the east by MidWestOne Bank, JBA Blasts, LLC (medical offices) and C and T Properties, LLC (Orthodontics Office). Prairie Parkway acts as the east border of the Tenth Addition and separates aforementioned business properties from the Tenth Addition. The west border is known as Blue Bell Lane. The North border is Greenhill Road (on the north side of the properties owned by the City of Cedar Falls and MBAK, LLC). Wild Rye Way provides east-west public street access between Prairie Parkway and Blue Bell Lane.

COVENANTS AND RESTRICTIONS

The undersigned Platted Property Owners do also covenant and agree for themselves, and their successors and assigns, that each and all of the lots in the subdivision shall be, and the same

are hereby made subject to the following restrictions upon their use and occupancy as fully and effectively to all intents and purposes as if the same were set forth and contained in each deed of conveyance or mortgage that the undersigned or its successors in interest may hereafter make for any of the lots, and that such restrictions shall run with the land and with each individual lot thereof for the length of time and in the particulars hereinafter stated, to-wit:

1. All lots and tracts shall be known as and available for such uses as may be permitted under the zoning regulations of the City of Cedar Falls, in effect at that time, as may be amended from time to time, except as otherwise restricted in this Deed of Dedication.
2. Each portion of the property shall be made subject to the covenants, restrictions, easements, obligations, and other provisions of that certain Charter for Pinnacle Prairie Commercial Properties recorded prior to the conveyance of the property (such Charter, as it may be amended from time to time in accordance with its terms, is referred to herein as the "Charter"). The Charter shall be binding upon the owners, lessees, and occupants of each portion of the property made subject to the Charter and any other person or entity holding any interest in such property, as well as their respective guests and invitees. The record owner of each lot or condominium unit within the property subject to the Charter shall, upon acquisition of title to such lot or unit, automatically become a member of a mandatory membership owners association as identified in the Charter (the "Association") and shall remain a member as long as he or she holds title to such property. Membership in the Association shall be appurtenant to and may not be separated from ownership of such lot or condominium unit. The Association shall be organized to perform such obligations and exercise such powers as are assigned and granted to it in the Charter and its articles of incorporation and bylaws, which may include, without limitation, administering and enforcing the Charter, the design guidelines adopted pursuant thereto, and such reasonable rules as the Association may adopt consistent with the Charter, and maintenance of common areas and other property as authorized in the Charter and supplements thereto. Each record owner shall have such voting rights in the Association and such liability for a share of the common expenses of the Association as described in the Charter and the by-laws of the Association. The financial obligations of each record owner to the Association shall be a personal obligation of such owner and shall be secured by a lien in favor of the Association against the owner's property under the Charter.
3. Development of this property will be in accordance with Design Guidelines for Pinnacle Prairie, which have been established by the owner and developer. These Guidelines shall further govern the development, construction and usage of the lots and tracts in this subdivision, including, but not limited to design, material, signage, landscaping, plantings, parking, lighting and buildings. Said Guidelines may be amended or altered by the Design Committee as the Committee deems necessary.
4. A Design Committee shall be established to maintain the standards established in the Pinnacle Prairie Design Guidelines, The Committee shall provide information and assistance to purchasers of lots in the Design Review Process established by the Committee. Approval of the Committee shall be required as to all construction including but not limited to design, materials, signage, landscaping, plantings, parking, lighting, and buildings. Design requirements shall be a condition prerequisite to construction and these

requirements, once established, shall continue to be binding on purchasers of lots in this subdivision, their transferees, successors, grantees, heirs and assigns.

5. If any parties or their transferees, successors, grantees, heirs or assigns shall violate or attempt to violate any of the restrictions, covenants or requirements herein, it shall be lawful for any person, party or entity owning property in this subdivision to prosecute any proceedings at law or in equity against any party or parties violating or attempting to violate any such covenants, restrictions, or requirement for the purpose of preventing such acts, or to recover damages for such violations, or both, and for costs and reasonable attorney fees to be determined by the Court and not by statute.
6. Structures are restricted to those allowed in Mixed Use Residential Zoning Districts and as may be permitted under the applicable zoning regulations of the City of Cedar Falls, as may be amended from time to time, and also as otherwise restricted in this Deed of Dedication.
7. All buildings to be erected on any lot shall be constructed within building lines as indicated on the plat, and within City of Cedar Falls building and zoning ordinances.
8. No trailer, basement, tent, shack, garage, barn or other outbuilding in the tract shall not at any time be used as a residence temporarily or permanently nor shall any residence of a temporary character be permitted.
9. The titleholder of each lot and tract, vacant or improved, shall keep the same free of weeds and debris.
10. No obnoxious or offensive trade shall be carried on upon any lot or tract, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.
11. All subsequent owners of lots in the subdivision shall be obligated to meet any requirements imposed by the Commissioners of the Black Hawk County Conservation District or any other governmental agency, by the authority of Chapter 467A, Code of Iowa, as amended, pertaining to soil erosion control plans for certain land disturbing activities. This covenant shall be perpetual and shall run with the land.
12. No grading or other construction shall be performed on any lot in the subdivision that blocks the flow of surface drainage water.
13. Mailboxes shall be clustered in a common neighborhood monument-type mailboxes arrangement as required by the United States Postal Department.
14. The Developer shall perform the construction duties necessary to establish the common area, green spaces, entrance, detention pond(s) and surrounding access areas. The Developer shall initially maintain the common area, green spaces, entrance detention pond(s) and surrounding access of the development (whether located in such subdivision or serving such subdivision but located outside thereof). Such ownership and maintenance shall include, without limitation, common neighborhood monument-type mailboxes, mowing, watering, including upkeep of any underground sprinkler systems, snow removal of common areas, maintenance of any detention pond(s) and/or water retention/detention area(s), and comply with all water quality issues set forth by the City of Cedar Falls in the Maintenance and Repair Agreement for the Western Home Communities Tenth Addition.

15. The subdivision is located in the Business Center North Service Area of the Charter for Pinnacle Prairie Commercial Properties as shown on Exhibit "C". Responsibility for maintenance costs within this service area has been previously acknowledged by the City in its approval of the Western Home Communities Sixth-Ninth Additions. Responsibility for maintaining drainage and detention basins within this service area is detailed on Exhibit "D", the same also previously acknowledged by the City in its approval of the Western Home Communities Sixth-Ninth Additions.
16. No dwelling or building on any lot in the subdivision shall be occupied until the exterior is completed and finished, the interior is substantially completed and finished, and the City of Cedar Falls, Iowa, issues an occupancy permit. All construction and landscaping shall be completed within 12 months of issuance of building permits by the City of Cedar Falls.
17. No old or used buildings shall be moved upon any of the lots in the subdivision for any purpose and all buildings on any lot in the subdivision shall be kept in a reasonable state of repair and upkeep,
18. Inoperable cars, trucks, or other vehicles or equipment shall not be parked or stored on any street or driveway in the subdivision or kept upon any lot unless the same are entirely enclosed in a permanent structure.
19. Commercial and recreational equipment and vehicles of any type, whether camping, boat, utility, trailers of any type, snowmobile, tractors of any type, or otherwise, shall not be parked on driveways in the subdivision or kept upon any residentially zoned lot unless the same be entirely enclosed in a permanent structure, or unless said vehicle as hereinabove described is owned by a guest or invitee of the owner of said lot, in which case, such exception shall not continue for more than thirty (30) days.
20. No bus, semi-tractor, trailer, or truck of any kind, except what is commonly described as a "pickup truck", shall be kept or parked on any residential lot or street in the subdivision, provided, however, that this prohibition shall not apply to such vehicles driven in the subdivision in pursuit of and conducting their usual business.
21. No concrete block, hollow tile construction, modular or pre-built home, earth home, or geodesic dome building is to be erected on any lot in the residentially zoned area.
22. No trees or shrubs shall be planted by any lot owner within the street right-of-way.
23. Any footing drain tiles, roof-leaders, and sump pump systems installed in conjunction with the construction of a residence shall be expelled into the front, rear, or side yard or longitudinal sub-drains in the street, and shall not be expelled into any sanitary sewer system or directly onto the street.
24. No radio station or short-wave operators shall construct reception or transmission towers on a lot, nor operate or conduct transmissions from any lot, which shall cause interference to audio or video reception upon any other lot. A satellite dish may be attached to a dwelling on any lot, provided that it shall be attached to the rear of any dwelling and no closer to the side lot lines than such dwelling.
25. No horses, poultry, rabbits or livestock of any variety shall be kept or raised, nor shall any outdoor kennels housing more than two dogs be maintained on any lot in the subdivision.

26. All of the provisions hereof shall be enforceable by appropriate legal proceedings by any present or future owner of the legal or equitable title to any lot in said subdivision. Invalidation of any one or more of the within restrictions by judgment or decree of court shall not be regarded as affecting the validity of any of the other provisions hereof, nor shall any judicial determination with respect to any of the restrictive provisions hereof be regarded as affecting the validity or sufficiency of this instrument as a deed of dedication of said plat.
27. The undersigned and all persons and corporations hereafter acquiring any right, title, or interest in any of the lots in said subdivision shall be taken and held to have agreed and covenanted with the owners of all other lots in this subdivision and with the respective successors and assigns of all of the rest of such other lots to conform to and observe all of the foregoing covenants, restrictions and stipulations as to the construction of building thereon for a period of 21 years from the date of filing of said plat, and this Deed of Dedication for record, unless by vote of a majority of the then owners of the lots, it is agreed to change the said covenants in full or in part. Within the period of 21 years and in accordance with Iowa Code Sections 614.24 and 614.25 or their successor provisions, these covenants, restrictions and stipulations may be extended for an additional 21 years upon compliance with Sections 614.24 and 614.25 of the Code of Iowa. In the event an extension of the covenants, restrictions and stipulations is not filed within the period of 21 years or successive 21-year periods, then the covenants, restrictions and stipulations contained herein shall terminate at the end of the existing period of 21 years.

DEDICATION AND CONSTRUCTION OF STREETS, SEWERS, UTILITIES AND OTHER IMPROVEMENTS

The undersigned agrees:

- A. That sanitary sewer, together with all necessary manholes and sewer service lines to all lots in the plat will be provided.
- B. That storm sewer will be provided as required by the City Engineer of the City of Cedar Falls.
- C. That utilities, as required by the Subdivision Ordinance of the City of Cedar Falls, Iowa, shall be installed.
- D. That City water and municipal fire hydrants will be provided as required by the City of Cedar Falls, Iowa.
- E. That the streets described on the attached Plat are hereby dedicated to the City of Cedar Falls, Iowa, and set apart for public use for street purposes.
- F. That the recreational trails described on the attached Plat are hereby dedicated to the City of Cedar Falls, Iowa, and set apart for public use for recreational purposes.
- G. That permanent easements will be provided for turn-arounds at the end of any streets described on the attached Plat, Exhibit "B".
- H. That off-site easements will be provided for storm sewers and sanitary sewers.
- I. That reciprocal easements will be provided on and across Lots 1-2 to permit access and parking over the driveways, accessways and parking lots on the west and east

sides of each building.

- J. That a 4-foot wide portland cement concrete sidewalk, 4 inches thick, and a concrete surface or hard surface entrance and parking area will be installed during or immediately after the construction of a building on any particular lot, and that the sidewalk will be constructed across the full width of the lot and on corner lots; also, across the parking and full length of the lot. The above notwithstanding, sidewalks and recreational trails shall be installed as buildings are constructed on all lots and tracts, or within 5 years from the date of the acceptance of the final plat, whichever comes first.
- K. That ADA ramps will be provided as required by law.
- L. That the work and improvements called for herein shall be in accordance with the construction plans and specifications approved by the City of Cedar Falls, Iowa, and performed under the supervision of the Engineer hired by the owners, with review of such Engineer's certified completion statement by the City Engineer. If the undersigned, it grantees and assigns fail to complete the work and improvements called for herein within one year from the date of the acceptance of said final plat by the City of Cedar Falls, Iowa, the City may then make the improvements and assess the costs of the same to the respective lots. The owners, for themselves, their successors, grantees and assigns, waive all statutory requirements of notice of time and place of hearing and waive statutory protections and limitations as to cost and assessments and agrees that the City may install said improvements and assess the total costs thereof against the lot.
- M. That the City may perform the work, levy the cost thereof as assessments, and the undersigned agree that said assessments so levied shall be a lien on the respective lots with the same force and effect as though all legal provisions pertaining to the levy of such special assessments have been observed, and further authorize the City Clerk to certify such assessments to the County Auditor as assessments to be paid in installments as provided by law.

Executed this ____ day of _____ 2022.

WESTERN HOME SERVICES, INC.

WESTERN HOME INDEPENTENT LIVING SERVICES, INC.

By: _____

By: _____

Name: Kris W. Hansen

Name: Kris W. Hansen

Title: Chief Executive Officer

Title: Chief Executive Officer

STATE OF IOWA, COUNTY OF BLACK HAWK) ss:

On this ____ day of _____ 2022, before me, a Notary Public in and for the State of Iowa, personally appeared Kris W. Hansen, to me personally known who, being by me duly sworn, did say that he is the Chief Executive Officer of Western Home Services, Inc., and also Western Home Independent Living Services, Inc., the corporations executing the within and foregoing instrument; that no seal has been procured by either corporation; that this instrument was signed on behalf of each corporation by authority of its Board of Directors; and that Kris W. Hansen, as Chief Executive Officer, acknowledged the execution of this instrument to be the voluntary act and deed of the corporations, by them and by him voluntarily executed.

Notary Public in such County and State

Exhibit "A"

WAYNE CLAASSEN ENGINEERING AND SURVEYING, INC.
P. O. BOX 898 WATERLOO, IOWA 50704-0898

PHONE: (VOICE) 319-235-6294
(FAX) 319-235-0028

CERTIFICATE OF SURVEY

I, David L. Scheil, Licensed Land Surveyor, do hereby certify that I have made a survey of what is to be known as WESTERN HOME COMMUNITIES TENTH ADDITION, Cedar Falls, Black Hawk County, Iowa, which is located on and embraces the following described premises, to-wit:

DESCRIPTION

All that part of Pinnacle Prairie Business Center North, and that part of the Northeast Quarter (NE 1/4) of Section Twenty-five (25), Township Eighty-nine North (T89N), Range Fourteen West (R14W), of the Fifth Principal Meridian, Cedar Falls, Black Hawk County, Iowa, described as follows:

Tract 'B', Lot Sixteen (16), and Lot Twenty-one (21) through to and including Lot Thirty-one (31), all in aforesaid Pinnacle Prairie Business Center North.

AND

Parcel "D", Document No. 2007-08747 in the Black Hawk County Recorder's Office.

I further certify that the accompanying plat is a true representation of such survey and is made in accordance with my field notes thereof; that the location of streets, avenues and lots and their representative names, numbers, widths, courses and dimensions are to be as shown on the accompanying plat; that said survey and plat contain and show any excesses and/or deficiencies from former surveys, and that iron stakes are set at all lot corners by one year from this date.

WITNESS my hand and seal at Waterloo, Iowa, this 07 day of July, 2022.

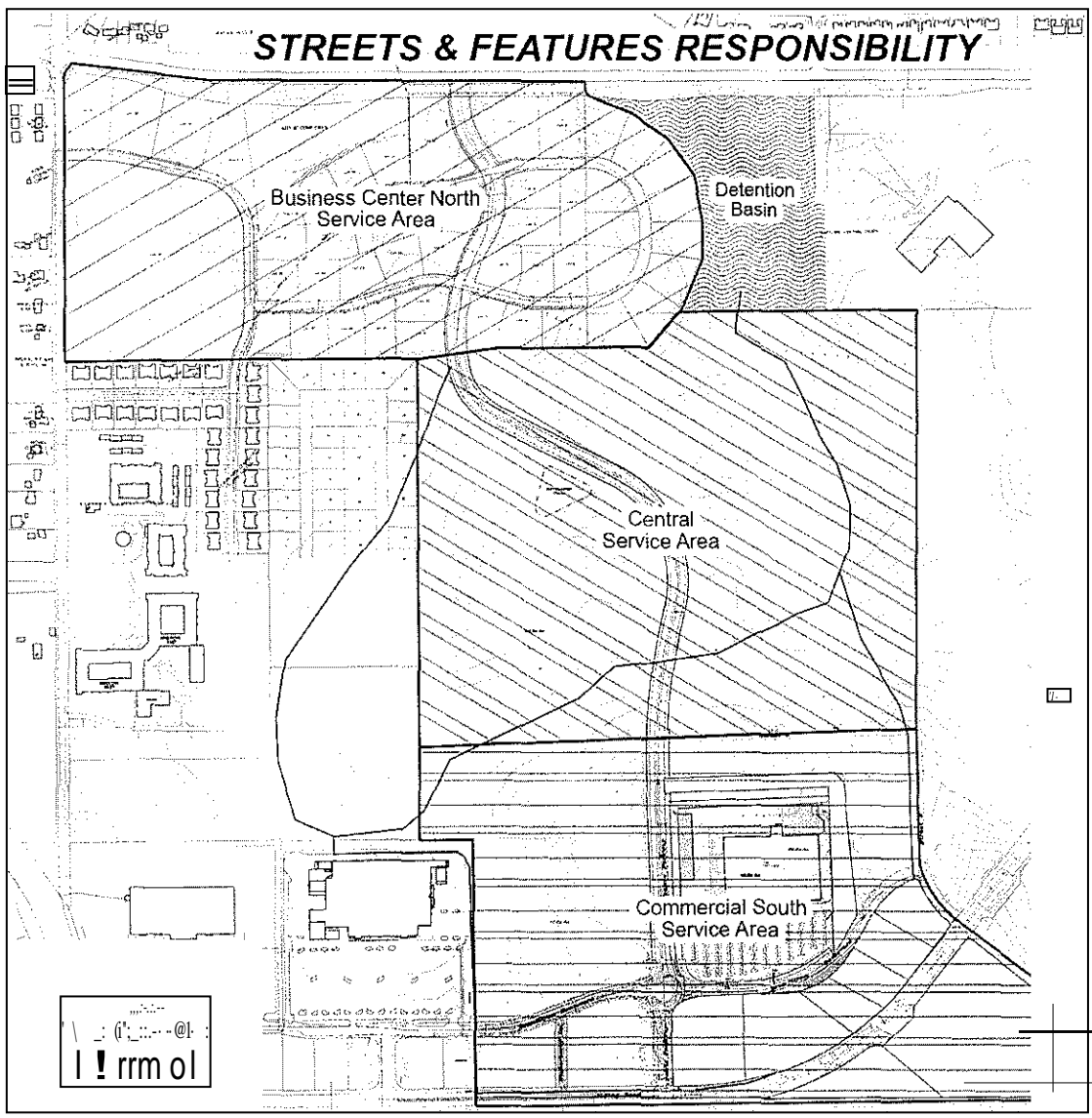


[Handwritten Signature]

David L. Scheil
L.S. No. 16775
State of Iowa

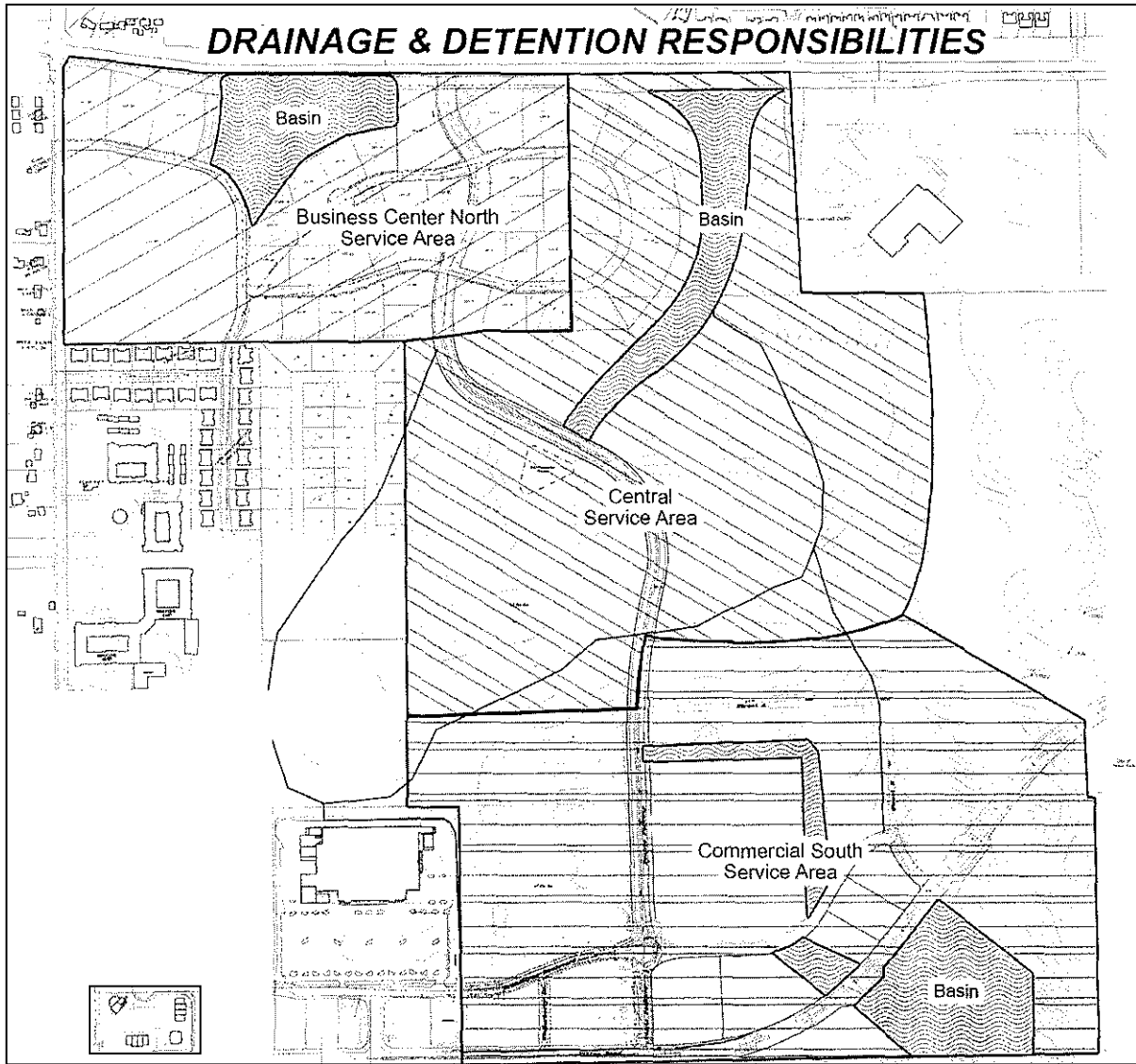
Pages of sheets covered by this Seal 1

Exhibit "C"



Costs for maintaining boulevard medians, common areas not related to drainage (such as entry features, landscaping, signage), trails, sidewalks, and so on within each service area are allocated to owners within each of the service areas, with one exception: 40% of the cost of maintaining the fountain, entry landscaping and monument sign at Greenhill Road is allocated to the landowners in the Central Service Area with frontage along Prairie Parkway.

Exhibit "D"



Costs for maintaining drainage ways and detention basins within each service area are allocated to owners within those service areas.