

ORDINANCE NO.

AN ORDINANCE TO AMEND CHAPTER 301, ZONING ORDINANCE, CITY OF WAUKEE, IOWA, BY CHANGING CERTAIN PROPERTY THEREIN FROM A-1 [AGRICULTURAL DISTRICT] TO M-1/PD-1 [LIGHT INDUSTRIAL DISTRICT/PLANNED DEVELOPMENT OVERLAY DISTRICT]; AND AMEND THE OFFICIAL ZONING MAP TO SHOW REZONING

BE IT ORDAINED by the Council of the City of Waukee:

Section 1. Section 301.4 of Chapter 301, Waukee Municipal Code, Zoning Ordinance of the City of Waukee, Iowa, adopting the Official Zoning Map, is hereby amended by amending the zoning from A-1 (Agricultural District) to M-1/PD-1 (Light Industrial District/Planned Development Overlay District) for the property legally described as follows (the "Property"):

LEGAL DESCRIPTION TO BE INSERTED AT LATER DATE BASED UPON LEGAL DESCRIPTION PROVIDED BY VEENSTRA AND KIMM

Section 2. Planned Development Agreement. Attached hereto as Exhibit A is the Planned Development Agreement which shall define the minimum standards and requirements of the PD-1 [Planned Development Overlay District] pertaining to the above legally described property.

Section 3. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Section 5. Effective Date. This ordinance shall be in effect upon its final passage, approval and publication as provided by law and subject to the sale or transfer of the Property to Bravo Real Estate, LLC, or its assignee.

Passed by the City Council of the City of Waukee, Iowa, this ___ day of _____, 2017, and approved this ___ day of _____, 2017.

William F. Peard, Mayor

Attest:

Rebecca D. Schuett, City Clerk

Exhibit A

WHEN RECORDED RETURN TO:
Rebecca Schuett
Waukee Deputy City Clerk
230 W. Hickman Road
Waukee, Iowa 50263

Preparer Information: Bradly M. Deets, City of Waukee, W. Hickman Road, Waukee, Iowa 50263 Phone (515) 987-4522

PLANNED DEVELOPMENT AGREEMENT

This Planned Development Agreement (the "Agreement") is made and entered into this ____ day of _____, 2017, by and between the CITY OF WAUKEE, IOWA, a municipal corporation (the "City"), and Bravo Real Estate, LLC (the "Developer").

WHEREAS, Developer will be assigned the rights and obligations as the buyer in purchase and sale agreements for real property which is legally described on Exhibit "A" attached hereto (the "Property"); and

WHEREAS, Developer is proposing a development (the "Project") to be constructed and operated on portions of the Property in accordance with this Agreement; and,

WHEREAS, the Property is currently zoned A-1 (Agricultural District); and,

WHEREAS, the Developer has petitioned the City to amend the zoning of the Property to M-1 Light Industrial District and PD-1 Planned Development Overlay to allow for the development of a series of data center and support buildings; and,

WHEREAS, the PD-1 Planned Development Overlay regulations require the Developer to enter into an Agreement with the City that addresses the primary objective of the development as well as providing specific guidelines and design standards for the development of the Property;

WHEREAS, it is the intent of this Project to meet all of the requirements of the Waukee Zoning Ordinance, Waukee Site Plan Ordinance and Waukee Sign Ordinance except as modified by this Agreement.

NOW, THEREFORE, in consideration of the above premises, the rezoning of the Property and the promises and agreements set forth herein, it is hereby agreed between the Developer and the City as follows:

1. Zoning. The Property will be rezoned from A-1 (Agricultural District to M-1/PD-1 (Light Industrial District/Planned Development Overlay).
2. Development Concept. As required by the Planned Development Overlay regulations, the Developer has submitted a Development Concept in conjunction with the Developer's request for the Planned Development Overlay District to allow for the development of the Project. A copy of the Development Concept for the Project is attached hereto as Exhibit "B". City acknowledges that the Development Concept is subject to change as additional detail and studies are completed. The Developer agrees that prior to any construction on the Property, Developer shall submit the necessary subdivision and site plans that will be processed through the normal City procedures of Planning and Zoning Commission and City Council review and approval. The Developer agrees that the development of the Property shall be consistent with the permitted uses in the M-1 Light Industrial District.

The minimum requirements set forth in the following paragraphs 2 (b) to and including 2 (g) apply to the development of the Property as generally shown on the Development Concept (Exh. B) for use as a data center. As for development for any other use permitted under the M-1 Light Industrial District, the minimum requirements shall be as provided under the M-1 Light Industrial District and the agreement(s) with the City, if any, related to such other development.

- (a) Bulk Regulations. The following minimum setback requirements shall be applicable as generally shown on the Development Concept:
 - (i) Front Yard Building Setback. The minimum building front yard setback shall be fifty (50) feet. Site security fencing and utility power infrastructure may be located within setback.
 - (ii) Rear Yard Building Setback. The minimum rear yard building setback shall be fifty (50) feet. Site security fencing and utility power infrastructure may be located within setback.
 - (iii) Side Yard Building Setback. The minimum side yard setback(s) shall be twenty-five (25) feet. Site security fencing and utility power infrastructure may be located within setback.
 - (iv) Setback Between Buildings. The minimum setback between buildings internal to the site Project shall be twenty-five (25) feet.
 - (v) Maximum Building Height. 80 feet to accommodate multi story buildings with roof top mounted equipment

(b) Parking.

- (i) Data Center. 30 parking stalls per building.
- (ii) Logistics Center. 30 parking stalls at the logistics building minimum.
- (iii) Guard Booth. 4 parking stalls per location.

Upon request of Developer, a special parking study may be conducted with City Development Services Director review and approval to determine unique parking scenarios and to modify parking requirements consistent with the findings of such parking study without a formal amendment to the above requirements.

(c) Buffer and Open Space Requirements.

- (i) Landscaped Buffer. Developer shall provide a fifty (50) foot landscape buffer along all public streets adjacent to the Project as well as along the perimeter of the project when a public street does not exist. Such landscape buffer when practical shall include a minimum five (5) foot earthen berm.
- (ii) Landscaping within Landscape Buffer. Landscaping required within the landscape buffer shall include at a minimum three (3) overstory trees, four (4) evergreens and three (3) ornamental trees per every 50 linear feet of buffer that will be phased in with the project phases of development excluding substation and power infrastructure.
- (iii) Open Space. A minimum of twenty (20) percent open space shall be required within the Project. The open space calculation shall be inclusive of the required landscape buffers.

(e) Architectural Requirements. The architecture of the building(s) shall be consistent with the architectural standards as defined within Section 304, Site Plan Ordinance, of the City of Waukee Code of Ordinances.

(f) Signage. Signage shall be consistent with the sign standards as defined within Section 305, Signage Ordinance, of the City of Waukee Code of Ordinances.

(g) Lighting. All lighting shall be installed pursuant to the regulations within Section 304 Site Plan Ordinance of the City of Waukee Code of Ordinances.

4. Runs with Land. The obligations under this Agreement shall run with the land and be binding upon the future owners of the Property.

5. Amendment. The terms of this Agreement may be amended by mutual agreement of the parties hereto, but any such amendment shall be in writing and shall be filed of record with the Dallas County Recorder subject to review and approval by the Planning and Zoning Commission and City Council. Notwithstanding the foregoing, the Developer and the Development Services Director may agree to make minor non-substantive changes or clarification of this Agreement without the review and approval of the Planning and Zoning Commission and City Council.

6. Commencement of Project/Zoning. Zoning of the Property from A-1 Agricultural District to M-1 Light Industrial District/PD-1 Planned Development Overlay shall become effective upon the sale or transfer of the Property to the Developer or its assignee, provided that all uses of the Property, structures on the Property, and uses of structures on the Property allowed in the A-1 Agricultural District shall be legal non-conforming uses, structures, and uses of structures to the extent allowed by law. Failure of the Developer to acquire the Property shall allow the zoning of the Property to remain as A-1 Agricultural District.

7. Binding. The terms and conditions of this Agreement shall be binding upon and shall inure to the benefit of the heirs, successors and assigns of the respective parties hereto

8. Severability. If any provision hereof is for any reason unenforceable or inapplicable, the other provisions hereof will remain in full force and effect in the same manner as if such unenforceable or inapplicable provisions had never been contained herein.

9. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Iowa.

10. Recording. This Agreement shall be recorded with the Dallas County, Iowa, Recorder, as an exhibit to the ordinance rezoning the Property and shall constitute a valid and effective agreement pursuant to the terms and conditions of Section 414.5 of the Iowa Code.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

CITY OF WAUKEE

By: _____
William F. Peard, Mayor

Attest:

Rebecca D. Schuett, City Clerk

DEVELOPER:

Bravo Real Estate, LLC

By: _____
Name: _____
Title: _____

STATE OF IOWA)
) ss.
COUNTY OF DALLAS)

On this ____ day of _____, 2017, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared William F. Peard and Rebecca D. Schuett, to me personally known, and, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Waukee, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in Resolution No. _____ adopted by the City Council, under Roll Call of the City Council on the ____ day of _____, 2017, and that William F. Peard and Rebecca D. Schuett acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

Notary Public in and for the
State of Iowa
My Commission expires _____

STATE OF IOWA)
) ss.
COUNTY OF _____)

On this ____ day of _____, 2017, before me, the undersigned, a Notary Public in and for the State of _____, personally appeared _____, to me personally known, who being by me duly sworn, did say that the person is the _____ of PLACEHOLDER, an _____ limited liability company, and that the instrument was signed on behalf of said corporation by authority of its managers; and that said person acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the limited liability company by it voluntarily executed.

Notary Public in and for
the State of Iowa
My Commission expires _____

Exhibit A

Legal Description of Property

NORTH OF HWY 6

The South 45 acres of the South Fractional Half (S frl 1/2) of the Northwest Fractional Quarter (NW frl 1/4) of Section 30, Township 79 North, Range 26 West of the 5th P.M., Dallas County, Iowa; and,

The South Half (S1/2) of the Northeast Quarter (NE1/4) of Section 25, Township 79 North, Range 27 West of the 5th P.M., Dallas County, Iowa; and,

The Southeast Quarter of Section 25, Township 79 North, Range 27 West of the 5th P.M., Dallas County, Iowa, EXCEPT Railroad Right of Way on the South Half (S1/2) thereof and EXCEPT land deeded to the State of Iowa in Warranty Deed recorded in Book 844 Page 328 and EXCEPT Parcel "A" as shown on the Plat of Survey recorded in Book 2006 Page 18481; and,

The Northwest Fractional Quarter (NW frl 1/4) of Section 30, Township 79 North, Range 26 West of the 5th P.M., Dallas County, Iowa, EXCEPT the South 45 acres thereof and EXCEPT a parcel of land located in the East Half of the Northwest Quarter of Section 30, Township 79 North, Range 26 West of the 5th P.M., Dallas County, Iowa, more particularly described as follows: Beginning at the North Quarter corner of Section 30, Township 79 North, Range 26 West of the 5th P.M., Dallas County, Iowa; thence along the East line of the NW1/4 of said Section 30, South 00°00'00", 1,967.62 feet; thence South 89°27'41" West 644.0 feet; thence North 00°00'00", 1,967.53 feet to the North line of said NW1/4; thence along said North line, North 89°27'14" East 644.00 feet to the point of beginning; and,

A PARCEL OF LAND LOCATED IN THE EAST HALF (E 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION THIRTY (30), TOWNSHIP (79) NORTH, RANGE TWENTY-SIX (26) WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTH QUARTER CORNER OF SECTION 30, TOWNSHIP 79 NORTH, RANGE 26 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA; THENCE ALONG THE EAST LINE OF THE NW 1/4 OF SAID SECTION 30, SOUTH 00°00'00" 1,967.62 FEET; THENCE SOUTH 89°27'41" WEST 644.00 FEET; THENCE NORTH 00°00'00" 1,967.53 FEET TO THE NORTH LINE OF SAID NW 1/4; THENCE ALONG SAID NORTH LINE, NORTH 89°27'14" EAST 644.00 FEET TO THE POINT OF BEGINNING, EXCEPT PARCEL "B" OF THE SURVEY OF THE NE 1/4 OF THE NW 1/4 OF SECTION 30, TOWNSHIP 79 NORTH, RANGE 26 WEST OF THE 5TH P.M., AS SHOWN IN BOOK 802, PAGE 672 IN THE OFFICE OF THE RECORDER OF DALLAS COUNTY, IOWA AND EXCEPT A TRACT OF LAND ON THE EAST SIDE OF PARCEL "B", ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK 802, PAGE 672, DALLAS COUNTY RECORDER'S OFFICE. SAID TRACT IS LOCATED IN THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 30, TOWNSHIP 79 NORTH, RANGE 26 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA, AND DESCRIBED AS FOLLOWS: BEGINNING AT A CAPPED IRON PIPE AT THE NORTHEAST CORNER OF SAID PARCEL "B"; THENCE N 89°26'19" E A DISTANCE OF 47.00' TO A CAPPED IRON ROD; THENCE S 00°01'20" E A DISTANCE OF 933.32' TO A CAPPED IRON ROD; THENCE S 89°26'37" W A DISTANCE OF 47.00' TO A CAPPED IRON PIPE; THENCE N 00°01'20" W A DISTANCE OF 933.31' TO POINT OF BEGINNING. CONTAINING 1.00 ACRES INCLUDING 0.04 ACRES OF COUNTY ROAD RIGHT OF EASEMENT: and,

The West Half (W1/2) of the Southwest Quarter (SW 1/4) and the West 7/8 of the East Half (W7/8 E1/2) of the Southwest Quarter (SW1/4) all in Section 30, Township 79 North, Range 26 West of the 5th P.M., Dallas County, Iowa; and,

The North Half (N1/2) of the Northeast Quarter (NE1/4) of Section 30, Township 79 North, Range 26 West of the 5th P.M., Dallas County, Iowa; and,
THE SOUTH HALF (S 1/2) OF THE NORTHEAST QUARTER (NE 1/4) AND THE WEST 38.50 ACRES OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW 1/4 SE 1/4) AND THE EAST

4 ACRES OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE 1/4 SW 1/4) AND THE WEST 38.50 ACRES OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER (NW 1/4 SE 1/4) AND THE EAST 4 ACRES OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE 1/4 SW 1/4) AND 80 ACRES OFF THE EAST SIDE OF THE SOUTHEAST QUARTER (SE 1/4) WHICH INCLUDES 3 ACRES IN THE WEST HALF (W 1/2) OF THE SOUTHEAST QUARTER (SE 1/4), ALL IN SECTION THIRTY (30), TOWNSHIP SEVENTY-NINE (79) NORTH, RANGE TWENTY-SIX (26) WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA

SOUTH OF HWY 6

THE EAST HALF (E 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 35 IN TOWNSHIP 79 NORTH, RANGE 27 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA,

EXCEPTING THE EAST 2 RODS OF THE NORTH 82 RODS OF THE SAID EAST 1/2 OF THE NORTHEAST 1/4; ALSO EXCEPT THE NORTH 440 FEET OF THE WEST 262 FEET OF SAID NE 1/4; EXCEPT THEREFROM U.S. HIGHWAY NO. 6 RIGHT-OF-WAY ON THE NORTH 50 FEET, AND SUBJECT TO COUNTY ROAD RIGHT-OF-WAY ON THE WEST 12 FEET OF THE SOUTH 160.8 FEET OF THE FOREGOING DESCRIBED PARCEL, ALL NOW BEING IN AND FORMING A PART OF DALLAS COUNTY, IOWA; and,

THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE1/4 SE1/4) OF SECTION 35, TOWNSHIP 79 NORTH, RANGE 27 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA; and, THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 79 NORTH, RANGE 27 WEST OF THE 5TH P.M. AND THE EAST 2 RODS OF THE NORTH 82 RODS OF EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 79, RANGE 27 WEST OF THE 5TH P.M, DALLAS COUNTY, IOWA; EXCEPT LAND DEEDED TO THE STATE OF IOWA AS RECORDED IN BOOK 849, AT PAGE 375; and, THE NORTHEAST QUARTER (NE1/4) OF SECTION 36, TOWNSHIP 79 NORTH, RANGE 27 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA, EXCEPT LAND DEEDED TO THE STATE OF IOWA IN WARRANTY DEED RECORDED IN BOOK 844, PAGE 328, IN THE OFFICE OF DALLAS COUNTY RECORDER; and,

THE SOUTHWEST QUARTER (SW1/4) AND THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER (NW1/4 SE1/4) OF SECTION 36, TOWNSHIP 79 NORTH, RANGE 27 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA; and,

THE WEST 73 ACRES OF THE S1/2 OF THE SE1/4 OF SECTION 36, TOWNSHIP 79 NORTH, RANGE 27 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA; and,

THE EAST 57 ACRES OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 31, TOWNSHIP 79 NORTH OF RANGE 26 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA; and, BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 79 NORTH, RANGE 26 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA; THENCE S00°58'53"W, ALONG THE EAST LINE OF THE NW1/4 OF THE NW1/4 OF SAID SECTION 31-79-26, 1,313.46 FT. TO THE SOUTHEAST CORNER OF THE NW1/4 OF THE NW1/4 OF SAID SECTION 31-79-26; THENCE S89°51'29"E, ALONG THE NORTH LINE OF THE SE1/4 OF THE NW1/4 OF SAID SECTION 31-79-26, 1,317.53 FT. TO THE NORTHEAST CORNER OF THE SE1/4 OF THE NW1/4 OF SAID SECTION 31-79-26; THENCE S01°00'17"W, ALONG THE EAST LINE OF THE SE1/4 OF THE NW1/4 OF SAID SECTION 31-79-26, 1,305.44 FT. TO THE CENTER OF SAID SECTION 31-79-26; THENCE S01°03'22"W, ALONG THE EAST LINE OF THE NE1/4 OF THE SW1/4 OF SAID SECTION 31-79-26, 860.52 FT.; THENCE N89°42'57"W, 1,320.15 FT. TO A POINT ON THE WEST LINE OF THE NE1/4 OF THE SW1/4 OF SAID SECTION 31-79-26; THENCE N01°05'55"E, ALONG THE WEST LINE OF THE NE1/4 OF THE SW1/4 OF SAID SECTION 31-79-26, 854.83 FT. TO THE NORTHWEST CORNER OF THE NE1/4 OF THE SW1/4 OF SAID SECTION 31-79-26; THENCE N89°57'48"W, ALONG THE SOUTH LINE OF THE SW1/4 OF THE NW1/4 OF SAID SECTION 31-79-26, 660.98 FT.; THENCE N01°03'33"E, 2,620.95 FT. TO A POINT ON THE NORTH LINE OF THE NW1/4 OF THE NW1/4 OF SAID SECTION 31-79-26; THENCE N90°00'00"E, ALONG THE NORTH LINE OF THE NW1/4 OF THE NW1/4 OF SAID

SECTION 31-79-26, 660.00 FT TO THE POINT OF BEGINNING. ALL OF SAID PARCEL BEING LOCATED IN THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 79 NORTH, RANGE 26 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA. SAID PARCEL IS SUBJECT TO AN EXISTING PUBLIC ROAD EASEMENT ON THE NORTH 100.00 FT. THEREOF (1.5153 ACRES) EXCEPT BEGINNING AT THE NE CORNER OF THE NW1/4 NW1/4 OF SAID SECTION 31; THENCE S0°16'34"W ALONG THE EAST LINE OF SAID NW1/4 NW1/4 OF SEC. 31, 194.81 FT; THENCE S89°57'26"W, 661.11 FT.; THENCE N0°46'58"E, 192.13 FT. TO A POINT ON THE NORTH LINE OF SAID SEC. 31; THENCE N89°43'25"E ALONG SAID NORTH LINE, 659.43 FT. TO THE POINT OF BEGINNING; and,

BEGINNING AT THE NORTHWEST CORNER OF SECTION 31, TOWNSHIP 79 NORTH, RANGE 26 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA; THENCE N90°00'00"E, ALONG THE NORTH LINE OF THE NW1/4 OF THE NW1/4 OF SAID SECTION 31-79-26, 912.34 FT.; THENCE S01°03'33"W, 2,620.95 FT. TO A POINT ON THE SOUTH LINE OF THE SW1/4 OF THE NW1/4 OF SAID SECTION 31-79-26; THENCE N89°57'48"W, ALONG THE SOUTH LINE OF THE SW1/4 OF THE NW1/4 OF SAID SECTION 31-79-26, 884.19 FT. TO THE WEST ¼ CORNER OF SAID SECTION 31-79-26; THENCE N 00°26'36"E, ALONG THE WEST LINE OF THE NW1/4 OF SAID SECTION 31-79-26, 2,620.02 FT. TO THE POINT OF BEGINNING. ALL OF SAID PARCEL BEING LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 79 NORTH, RANGE 26 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA. SAID PARCEL IS SUBJECT TO AN EXISTING PUBLIC ROADWAY EASEMENT ON THE NORTH 100.00 FT. THEREOF (2.0932 ACRES) EXCEPT BEGINNING AT THE NW CORNER OF SAID SEC. 31; THENCE N89°43'25"E ALONG THE NORTH LINE OF SAID SEC. 31, 911.55 FT.; THENCE S0°46'58"W, 192.13 FT.; THENCE S89°57'26"W, 909.37 FT TO A POINT ON THE WEST LINE OF SAID SEC. 31; THENCE N0°08'15"E ALONG SAID WEST LINE, 188.39 FT. TO THE POINT OF BEGINNING; and,

THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 79 NORTH, RANGE 27 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA; and,

BEGINNING AT THE WEST ¼ CORNER OF SECTION 31, TOWNSHIP 79 NORTH, RANGE 26 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA; THENCE S89°57'48"E, ALONG THE NORTH LINE OF THE NW1/4 OF THE SW1/4 OF SAID SECTION 31-79-26, 884.19 FT.; THENCE S01°03'33"W, 1,312.92 FT TO A POINT ON THE SOUTH LINE OF THE NW1/4 OF THE SW1/4 OF SAID SECTION 31-79-26; THENCE N89°31'38"W, ALONG THE SOUTH LINE OF THE NW1/4 OF THE SW1/4 OF SAID SECTION 31-79-26, 874.47 FEET TO THE SOUTHWEST CORNER OF THE NW1/4 OF THE SW1/4 OF SAID SECTION 31-79-26; THENCE N00°38'13"E, ALONG THE WEST LINE OF THE NW1/4 OF THE SW1/4 OF SAID SECTION 31-79-26, 1,306.12 FT TO THE POINT OF BEGINNING. ALL OF SAID PARCEL BEING LOCATED IN THE NW1/4 SW1/4 OF SECTION 31, TOWNSHIP 79 NORTH, RANGE 26 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA; and,

Beginning at the Southeast corner of the Northwest Quarter of the Southwest Quarter of Section Thirty-one (31), Township Seventy-nine (79) North, Range Twenty-six (26) West of the 5th P.M., Dallas County, Iowa; thence N 89°31'38" W along the South line of the NW 1/4 of the SW 1/4 of said Section 31-79-26, 660.00 feet; thence N 01°03'33" E, 1312.92 feet to a point on the North line of the NW 1/4 of SW 1/4 of said Section 31-79-26; thence S 89°57'48" E, along the North line of the NW 1/4 of the SW 1/4 of said Section 31-79-26, 660.98 feet to the Northeast corner of the NW 1/4 of the SW 1/4 of said Section 31-79-26; thence S 01°05'55" W, along the East line of the NW 1/4 of the SW 1/4 of said Section 31-79-26, 1317.96 feet to the point of beginning. All of said parcel being part of the Northwest Quarter of the Southwest Quarter of Section 31, Township 79 North, Range 26 West of the 5th P.M., Dallas County, Iowa; and,
THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 31, TOWNSHIP 79 NORTH, RANGE 26

WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA; EXCEPT PARCEL A AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 2002, AT PAGE 14752; and,
THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼), EXCEPT A PARCEL OF LAND LOCATED IN THE NE ¼ NW ¼ OF SECTION 31, TOWNSHIP 79 NORTH, RANGE 26 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NW CORNER OF THE NE ¼ NW ¼ OF SAID SECTION 31; THENCE N 89°43'25" E ALONG THE NORTH LINE OF SAID SECTION 31, 1,193.34 FEET TO THE N ¼ CORNER OF SAID SECTION 31; THENCE S 0°16'34" W ALONG THE EAST LINE OF THE NW ¼, 199.67 FEET; THENCE S 89°57'26" W, 1002.08 FEET, THENCE S 0°02'34" E, 39.37 FEET; THENCE S 89°57'26" WEST, 191.44 FEET TO A POINT ON THE WEST LINE OF THE NE ¼ NW ¼ OF SAID SECTION 31; THENCE N 0°16'34" E ALONG SAID WEST LINE, 234.18 FEET TO THE POINT OF BEGINNING; and,

THE NORTHEAST QUARTER (NE ¼) OF THE NORTHEAST QUARTER (NE ¼), EXCEPT THE SOUTH 466.70 FEET OF THE NORTH 541.70 FEET OF THE EAST 496.70 FEET OF THE NE ¼ OF SECTION 31, TOWNSHIP 79 NORTH, RANGE 26 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA, ALL OF WHICH IS MORE ACCURATELY DESCRIBED AS FOLLOWS: COMMENCING AT THE NE CORNER OF SAID SECTION 31, THENCE S 0°00' E, ALONG THE EAST LINE OF THE NE ¼ OF SAID SECTION 31, 75.0 FEET, TO THE POINT OF BEGINNING, THENCE CONTINUING S 0°00' E, ALONG THE EAST LINE OF THE NE ¼ OF SAID SECTION 31, 466.70 FEET, SAID EAST LINE OF THE NE ¼ OF SAID SECTION 31 IS PARALLEL WITH AND 10.0 FEET WEST OF THE CENTER LINE OF AN EXISTING NORTH SOUTH COUNTY ROAD, AS IT IS PRESENTLY ESTABLISHED, THENCE S 89°01' W, 496.70 FEET; THENCE N 0°00' E, 466.70 FEET TO A POINT THAT IS ON THE SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 6, AS IT IS PRESENTLY ESTABLISHED, THENCE N 89°01' E, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY NO. 6, 496.70 FEET, TO THE POINT OF BEGINNING. AND EXCEPT A PARCEL OF LAND IN THE NE ¼ NE ¼ OF SECTION 31, TOWNSHIP 79 NORTH, RANGE 26 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER OF SAID SECTION 31; THENCE S 89°41'48" W ALONG THE NORTH LINE OF SAID SECTION 31, 496.70 FEET TO THE POINT OF BEGINNING, THENCE S 0°29'46" W, 205.42 FEET; THENCE S 89°09'34" W, 887.13 FEET; THENCE N 0°23'11" E, 213.74 FEET TO A POINT ON SAID NORTH LINE OF SECTION 31; THENCE N 89°41'48" E ALONG SAID NORTH LINE, 887.38 FEET TO THE POINT OF BEGINNING; and,

THE NORTHWEST QUARTER (NW ¼) OF THE NORTHEAST QUARTER (NE ¼), EXCEPT A PARCEL OF LAND IN THE NW ¼ NE ¼ OF SECTION 31-79-26 OF THE 5TH P.M., DALLAS COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE N ¼ CORNER OF SAID SECTION 31; THENCE N 89°59'35" E, ALONG THE NORTH LINE OF SAID SECTION 31, 1384.08 FEET; THENCE S 0°23'11" W, 213.74 FT.; THENCE N 89°59'35" W, 755.20 FT.; THENCE N 89°23'41" W, 628.42 FT., TO A POINT ON THE WEST LINE OF THE NW ¼ NE ¼ OF SAID SECTION 31; THENCE N 0°16'34" E, ALONG SAID WEST LINE, 199.67 FT TO THE POINT OF BEGINNING; AND THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHEAST QUARTER (NE ¼) ALL IN SECTION THIRTY-ONE (31), TOWNSHIP SEVENTY-NINE (79) NORTH, RANGE TWENTY-SIX (26) WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA; and,
THE SOUTHWEST QUARTER (SW¼) OF THE NORTHEAST QUARTER (NE¼) OF SECTION 31, TOWNSHIP 79 NORTH, RANGE 26 WEST OF THE 5TH P.M., DALLAS COUNTY, IOWA.

Exhibit "B"
Development Concept

