CITY OF WEST DES MOINES
STAFF REPORT COMMUNICATION

Meeting Date: January 3, 2022

ITEM: Fox Ridge Plat 1, South of Veterans Parkway and west of the Fox Valley development – Approve Final Plat to create 33 lots for Single-Family development, 1 outlot and 3 street lots – Forestar (USA) Real Estate Group, Inc. – FP-005374-2021

RESOLUTION: Acceptance of Public Improvements and Approval and Release of Final Plat

Background: Branden Stubbs with Stubbs Engineering, on behalf of the applicant and property owner, Forestar (USA) Real Estate Group, Inc., requests approval of a Final Plat for the approximately 13-acre property generally located south of Veterans Parkway and west of the Fox Valley development. The applicant proposes to subdivide the property into thirty-three (33) lots for Single-Family development, one (1) outlot for storm water detention and three (3) street lots for dedication to the City.

Staff Review & Comment:

- *Financial Impact:* There is no City funding of this project; however, there is staff time for processing of development application and inspections during construction.
- *History*: The original Fox Ridge preliminary plat was approved by the City Council on July 6, 2021. The preliminary plat was revised on December 6, 2021 to include an outlot parcel located between the original Fox Ridge preliminary platted area and the existing Fox Valley Subdivision resulting in an additional lot being added to the plat. In addition to the inclusion of the ground, dimensions were added to the preliminary plat at the front setback line to confirm that all lots meet minimum lot width requirements, some streets were renamed because they were duplicates to existing street names or considered to be too similar to names that are already in use.
- *Access to Veterans Parkway:* A new street is proposed with this development (SE 25th Street) that will connect to existing Veterans Parkway to provide a secondary access to the development from the north. Existing SE Fox Valley Drive (1st phase of single-family homes) and SE Creekhill Way (future phase – unknown timing) will be extended westward and connect to SE 25th St. The existing Great Western Trail is located between the applicant's property and Veterans Parkway. The Great Western Trail property is owned by Warren County and is maintained by the Warren County Conservation Commission. Warren County has indicated that since this trail is a former railroad right of way that has been railbanked in accordance with the National Trails System Act, they are not able to dedicate the road right of way across the trail to the City of West Des Moines. Instead, Warren County has provided the City with a right of way easement. This easement will allow SE 25th Street to pass over the trail property to provide public access to the Fox Ridge site from the north.
- *Traffic Analysis Findings:* Traffic Impact Studies are not conducted for Final Plats but instead are completed at the time of the associated Preliminary Plat. Per that study, the proposed development is expected to generate less traffic than what was analyzed in earlier traffic studies for the area. The proposed north/south major collector street (SE 25th Street) through the site to Veterans Parkway needs to be constructed as planned. The majority of Fox Ridge traffic is expected to utilize this route. Without a connection to Veterans Parkway, SE Fox Valley Drive and SE Creekhill Way/SE Beaverbrook Trail would be forced to carry the bulk of the traffic for this development. The north/south connection will lessen the impact to the neighboring Fox Valley development and also allow Fox Valley traffic a new route to Veterans Parkway through the Fox Ridge development.

- *Conditions of Approval:*
    - *Parkland Dedication*: A draft Parkland Dedication Agreement has been prepared by Parks and Recreation Staff for the larger Fox Ridge development. This agreement will be provided to the applicant for review and execution and will be presented to the City Council with the next final plat for development of more lots within the Fox Ridge development. Staff recommends a condition of approval requiring that the Parkland Dedication Agreement be executed at that time.
- *Plat Validity:* Per City Code, the Final Plat must be presented to the City Council for approval within 12 months of the approval of the associated Preliminary Plat if surety is being posted for Public Improvements; or, within 18 months if Public Improvements are being constructed prior to Final Plat consideration. This Final Plat complies with the timelines stated in City Code.

Outstanding Issues: As noted above, there is an outstanding issue regarding the Parkland Dedication Agreement for the development; however, this issue is covered with proposed condition of approval.

Staff would note that as part of this approval, the Council is approving and accepting the following:

- Acceptance of public improvements associated with the construction of SE 25th Street and SE Fox Valley Drive, sanitary sewer and storm sewer, including all appurtenances associated with said improvements.
- A deed for Street Lot(s) A, B & C to be dedicated as public street right-of-way.
- Legal documents to establish public easements for Public Utility Easement, Sanitary Sewer, Storm Sewer, Storm Sewer and Overland Flowage, Off-site Storm Sewer and Off-site Public Utility Easement.
- Storm Water Management Maintenance Facility Covenant and Permanent Easement Agreement for this property.

Recommendation: Approve the Final Plat, subject to the applicant meeting all City Code requirements, and the following conditions of approval:

1. The applicant acknowledging that a fully executed Parkland Dedication Agreement for the entire Fox Ridge development must be provided and accepted by the City Council with the next final plat submitted for approval.

Lead Staff Member: Brian Portz

Approval Meeting Dates:

Plan and Zoning Commission	n/a
City Council	January 3, 2022

Staff Report Reviews:

City Council	☒ Director	☒ Legal Department
	☐ Appropriations/Finance	☑ Agenda Acceptance

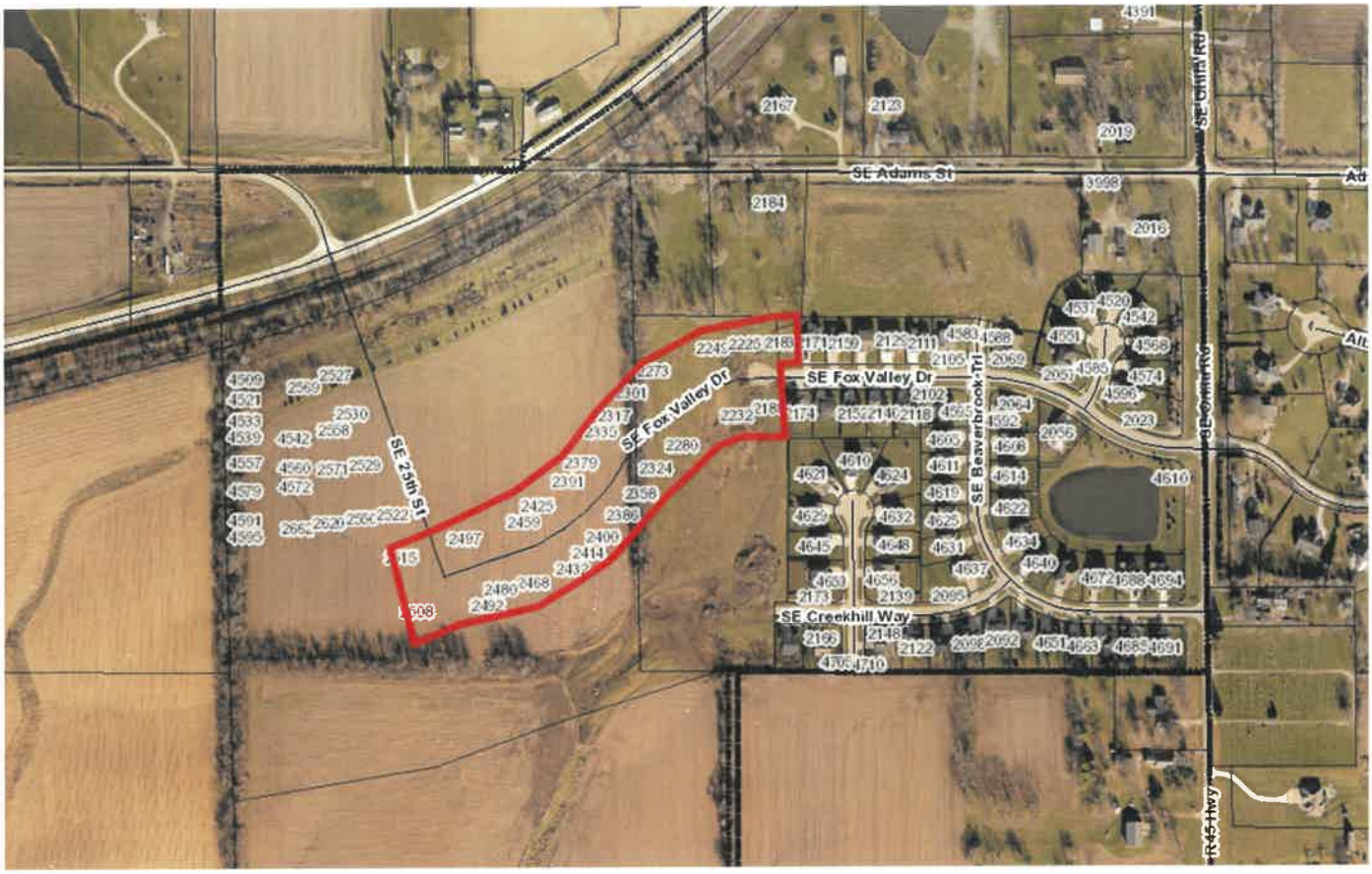
Publications (if applicable)

Published In:	Des Moines Register Community Section
Date(s) Published	n/a
Date(s) of Mailed Notices	n/a

Council Subcommittee Review (if applicable)

Subcommittee	Development & Planning
Date Reviewed	n/a
Recommendation	☐ Yes ☐ No ☐ Split

Location Map

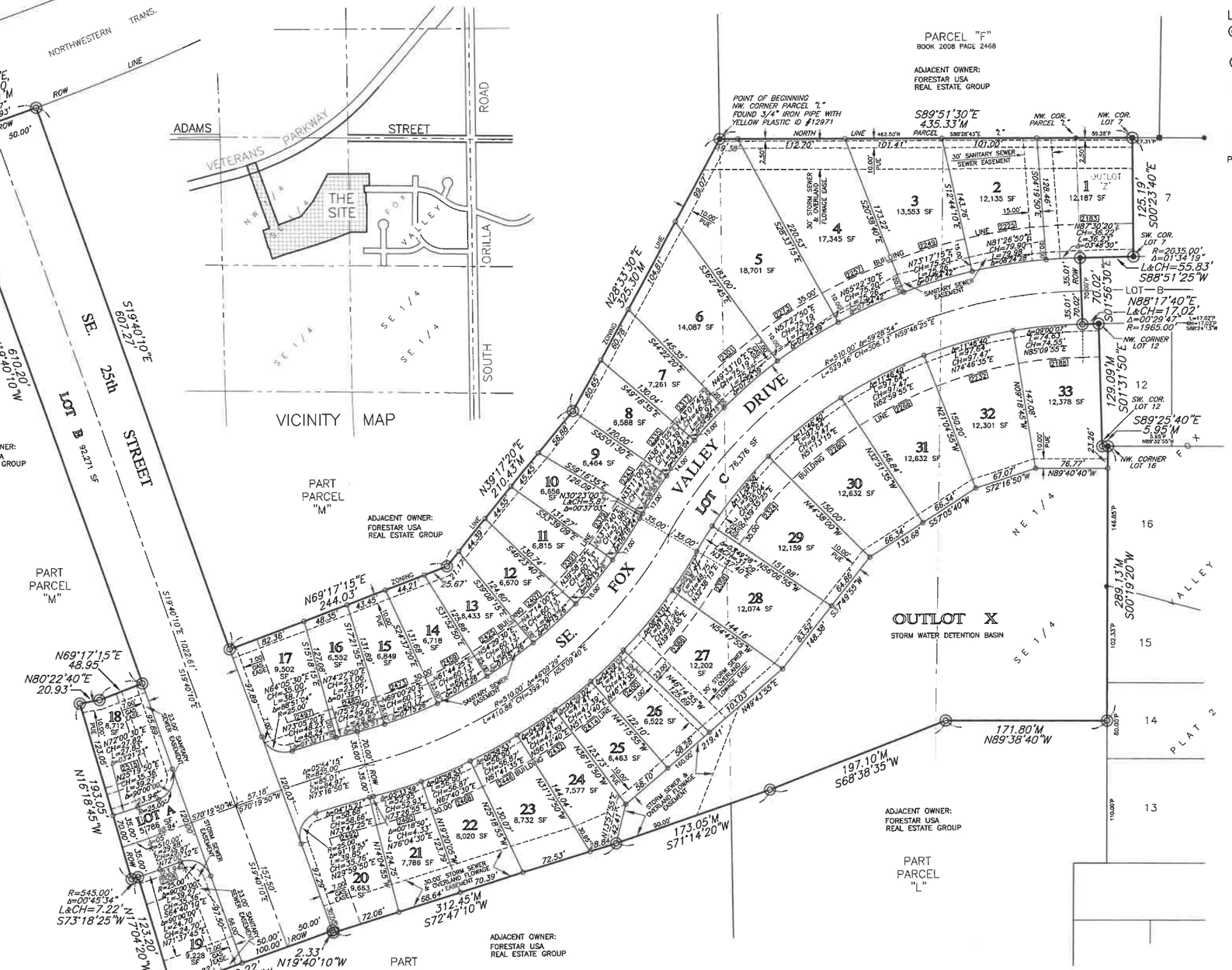


FOX RIDGE PLAT 1

final plat

PLANS INCLUDED ARE FOR ILLUSTRATIVE PURPOSES ONLY – APPROVED PLANS ON FILE WITH THE CITY

INDEX LEGEND	
LOCATION:	PARCEL "M" NE. FRAC. 1/4 SEC 4–79–25
REQUESTOR:	D R HORTON
PROPRIETORS:	FORESTAR (USA)REAL ESTATE GROUP INC. 2221 EAST LAMAR BOULEVARD SUITE 790 ARLINGTON TEXAS 76006
SURVEYOR:	JOEL R. ROMEY
COMPANY &	RACCOON VALLEY LAND SURVEYING LLC 33235 L AVENUE ADEL IOWA 50003 PHONE: 515.493.8317



LEGEND:

- ◉ INDICATES PLAT CORNER FOUND 5/8" IRON ROD UNLESS OTHERWISE NOTED
- ◎ INDICATES PLAT CORNER PLACED 3/4" IRON PIPE WITH ORANGE PLASTIC CAP #12971
- • INDICATES LOT CORNER FOUND
- ○ INDICATES LOT CORNER PLACED 3/4" IRON PIPE WITH ORANGE PLASTIC CAP #12971
- P INDICATES PLATTED DISTANCE
- M INDICATES MEASURED DISTANCE
- PUE PUBLIC UTILITY EASEMENT

PROPERTY DESCRIPTION:

AN IRREGULAR SHAPED PORTION OF PARCEL "L" IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER AND IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5th P.M. AS SHOWN IN BOOK 2020 AT PAGE 2585 IN THE OFFICE OF THE WARREN COUNTY RECORDER AND AN IRREGULAR SHAPED PORTION OF PARCEL "M" IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5th P.M. AS SHOWN IN BOOK 2020 AT PAGE 14384 IN THE OFFICE OF THE WARREN COUNTY RECORDER; AND OUTLOT 'Z' IN FOX VALLEY PLAT 2, AN OFFICIAL PLAT; AND A 100.00 FEET WIDE TRACT OF LAND OVER AND ACROSS THE FORMER CHICAGO & NORTHWESTERN RAILROAD TRANSPORTATION COMPANY RIGHT–OF–WAY, ALL IN WEST DES MOINES, WARREN COUNTY, IOWA, BEING DESCRIBED AS:
BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL "L"; THENCE S89°51'30"E ALONG THE NORTH LINE OF SAID PARCEL "L" AND ALONG THE NORTH LINE OF SAID OUTLOT "Z", A DISTANCE OF 435.33 FEET TO THE NORTHWEST CORNER OF LOT 7 IN SAID FOX VALLEY PLAT 2; THENCE S00°25'40"E ALONG THE WEST LINE OF SAID LOT 7, A DISTANCE OF 125.19 FEET TO THE SOUTHWEST CORNER OF SAID LOT 7 AND TO THE NORTHERLY LINE OF LOT B IN SAID FOX VALLEY PLAT 2; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID LOT B AND ALONG A 2035.00 FEET RADIUS CURVE CONCAVE SOUTHERLY, A DISTANCE OF 55.83 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF 01°34'19", A CHORD LENGTH OF 55.83 FEET AND A CHORD BEARING OF S88°51'25"W TO THE NORTHWEST CORNER OF SAID LOT B; THENCE S01°55'30"E ALONG THE WEST LINE OF SAID LOT B, A DISTANCE OF 70.02 FEET TO THE SOUTHWEST CORNER OF SAID LOT B; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF SAID LOT B AND ALONG A 1965.00 FEET RADIUS CURVE CONCAVE SOUTHERLY, A DISTANCE OF 17.02 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF 00°29'47", A CHORD LENGTH OF 17.02 FEET AND A CHORD BEARING OF N88°51'25"E TO THE NORTHWEST CORNER OF LOT 12 IN SAID FOX VALLEY PLAT 2; THENCE S01°31'50"E ALONG THE WEST LINE OF SAID LOT 12; A DISTANCE OF 129.09 FEET TO THE SOUTHWEST CORNER OF SAID LOT 12; THENCE S89°25'40"E ALONG THE SOUTH LINE OF SAID LOT 12, A DISTANCE OF 5.95 FEET TO THE NORTHWEST CORNER OF LOT 16 IN SAID FOX VALLEY PLAT 2; THENCE S00°19'20"W ALONG THE WEST LINE OF LOTS 16, 15 AND 14 IN SAID FOX VALLEY PLAT 2, A DISTANCE OF 289.13 FEET; THENCE N89°38'40"W, A DISTANCE OF 171.80 FEET; THENCE S68°38'35"W, A DISTANCE OF 197.10 FEET; THENCE S71°14'20"W, A DISTANCE OF 173.05 FEET; THENCE S72°47'10"W, A DISTANCE OF 312.45 FEET; THENCE N19°40'10"W; A DISTANCE OF 2.33 FEET; THENCE S70°19'50"W, A DISTANCE OF 179.22 FEET; THENCE N17°04'20"W, A DISTANCE OF 123.20 FEET THENCE WESTERLY ALONG A 545.00 FEET RADIUS CURVE CONCAVE NORTHERLY, A DISTANCE OF 7.22 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF 00°45'14", A CHORD LENGTH OF 7.22 FEET AND A CHORD BEARING OF N73°18'25"W; THENCE N16°18'45"W, A DISTANCE OF 193.05 FEET; THENCE N80°22'40"E, A DISTANCE OF 20.93 FEET; THENCE N69°17'15"E, A DISTANCE OF 48.95 FEET; THENCE N19°40'10"W, A DISTANCE OF 610.20 FEET TO THE SOUTHERLY LINE OF THE FORMER CHICAGO & NORTHWESTERN RAILROAD TRANSPORTATION COMPANY RIGHT–OF–WAY AS IS PRESENTLY ESTABLISHED; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF THE FORMER CHICAGO & NORTHWESTERN RAILROAD TRANSPORTATION COMPANY RIGHT–OF–WAY AND ALONG A 2914.93 FEET RADIUS CURVE CONCAVE NORTHERLY, A DISTANCE OF 100.01 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF 01°57'57", A CHORD LENGTH OF 100.00 FEET AND A CHORD BEARING OF N70°57'57"E; THENCE S19°40'10"E, A DISTANCE OF 607.27 FEET; THENCE N59°17'15"E, A DISTANCE OF 244.03 FEET; THENCE N39°17'20"E, A DISTANCE OF 210.43 FEET; THENCE N28°33'30"E, A DISTANCE OF 325.30 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL RESTRICTIONS, COVENANTS OR EASEMENTS OF RECORD.

SAID TRACT OF LAND CONTAINS 13.63 ACRES.

SURVEY NOTES:

THIS PLAT HAS AN ERROR CLOSURE OF LESS THAN 1 FOOT IN 10,000 FEET AND EACH LOT WITHIN THIS PLAT HAS AN ERROR CLOSURE OF LESS THAN 1 FOOT IN 5,000 FEET.

ALL MONUMENTS PLACED ARE A 3/4 INCH DIAMETER IRON PIPE WITH AN ORANGE PLASTIC IDENTIFICATION CAP No. 12971 UNLESS OTHERWISE NOTED.

LOTS A, B, AND C SHALL BE DEDICATED TO THE CITY OF WEST DES MOINES FOR PUBLIC STREET RIGHT–OF–WAY.

IN ACCORDANCE WITH THE CODE OF IOWA CHAPTER 355.6.4, MONUMENTS INDICATING THE PROPERTY CORNERS FOR THIS PLAT SHALL BE PLACED WITHIN ONE YEAR FROM THE DATE OF RECORDATION.

STUBBS ENGINEERING
431 NE 72ND STREET
PLEASANT HILL IA 50327
PHONE 515.979.8499

PN:20075

PAGE 1 OF 1

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED BY ME AND THE LAND SURVEY WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.
LICENSE NUMBER 12971 MY LICENSE RENEWAL DATE IS JUNE 30, 2021 PAGES OR TABLES.

SIGNED: PRELIMINARY

JOEL R. ROMEY
IOWA
12971
LICENSED
PROFESSIONAL LAND SURVEYOR

Prepared by: Brian Portz, City of West Des Moines Development Services Dept., PO Box 65320, West Des Moines, Iowa 50265-0320 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

RESOLUTION #

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, ACCEPTANCING PUBLIC IMPROVEMENTS AND APPROVING AND RELEASING THE FOX RIDGE PLAT 1 FINAL PLAT FOR THE PURPOSE OF CREATING THIRTY-THREE (33) LOTS FOR SINGLE-FAMILY DEVELOPMENT, ONE (1) OUTLOT AND THREE (3) STREET LOTS

WHEREAS, pursuant to the provisions of Title 9, Zoning and Title 10, Subdivision Regulations, of the West Des Moines Municipal Code, the applicant and property owner, Forestar (USA) Real Estate Group, Inc., requests approval of a Final Plat for the approximately 13-acre property generally located south of Veterans Parkway and west of Fox Valley development and legally described in attached Exhibit 'B'. The applicant proposes to subdivide the property into thirty-three (33) lots for Single-Family development, one (1) outlot for storm water detention, and three (3) street lots for dedication to the City; and

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

WHEREAS, this Final Plat complies with Iowa Code Chapters 354 and 414, the Comprehensive Plan and City Code; and

WHEREAS, the West Des Moines Plan and Zoning Commission reviewed the original Preliminary Plat and recommended approval on June 28, 2021; and

WHEREAS, the City Council approved the original Preliminary Plat on July 6, 2021; and

WHEREAS, the West Des Moines Plan and Zoning Commission reviewed the revised Preliminary Plat and recommended approval on November 22, 2021; and

WHEREAS, this Final Plat has been reviewed and determined to be generally consistent with the associated Revised Preliminary Plat approved by the City Council on December 6, 2021; and

WHEREAS, on this day the City Council held a duly noticed meeting to consider the Final Plat application; and

WHEREAS, the City Council is accepting public improvements associated with the construction of SE 25th Street and SE Fox Valley Drive, public sanitary sewer, and public storm sewer within the plat boundaries; and

WHEREAS, the necessary public easements have been established for Public Utility Easement, Sanitary Sewer, Storm Sewer, Storm Sewer and Overland Flowage, Off-site Storm Sewer and Off-site Public Utility Easement; and

WHEREAS, the City Council is accepting surety for the construction of sidewalks within the plat; and

WHEREAS, the applicant has supplied a Warranty Deed to the City of West Des Moines for Street Lot(s) A, B & C to be dedicated as public street right-of-way; and

WHEREAS, the City Council is accepting the Storm Water Management Facility Maintenance Covenant and Permanent Easement Agreement for this property; and

WHEREAS, the City Council approves of the following address assignments;

Lot 1 = 2183 SE Fox Valley Drive
Lot 2 = 2225 SE Fox Valley Drive
Lot 3 = 2249 SE Fox Valley Drive
Lot 4 = 2257 SE Fox Valley Drive
Lot 5 = 2273 SE Fox Valley Drive
Lot 6 = 2301 SE Fox Valley Drive
Lot 7 = 2317 SE Fox Valley Drive
Lot 8 = 2335 SE Fox Valley Drive
Lot 9 = 2343 SE Fox Valley Drive
Lot 10 = 2379 SE Fox Valley Drive
Lot 11 = 2391 SE Fox Valley Drive
Lot 12 = 2407 SE Fox Valley Drive
Lot 13 = 2425 SE Fox Valley Drive
Lot 14 = 2459 SE Fox Valley Drive
Lot 15 = 2473 SE Fox Valley Drive
Lot 16 = 2485 SE Fox Valley Drive
Lot 17 = 2497 SE Fox Valley Drive
Lot 18 = 2515 SE Fox Valley Drive
Lot 19 = 2508 SE Fox Valley Drive
Lot 20 = 2492 SE Fox Valley Drive
Lot 21 = 2480 SE Fox Valley Drive
Lot 22 = 2468 SE Fox Valley Drive
Lot 23 = 2446 SE Fox Valley Drive
Lot 24 = 2432 SE Fox Valley Drive
Lot 25 = 2414 SE Fox Valley Drive
Lot 26 = 2400 SE Fox Valley Drive
Lot 27 = 2386 SE Fox Valley Drive
Lot 28 = 2358 SE Fox Valley Drive
Lot 29 = 2324 SE Fox Valley Drive
Lot 30 = 2280 SE Fox Valley Drive
Lot 31 = 2266 SE Fox Valley Drive
Lot 32 = 2232 SE Fox Valley Drive

Lot 33 = 2188 SE Fox Valley Drive

WHEREAS, property subject of this action is zoned Residential Single Family (RS-5) and Residential Single Family (RS-12) and meets all requirements of the City's Zoning Code.

NOW, THEREFORE, the City Council does approve the Fox Ridge Plat 1 Final Plat (FP-005374-2021), subject to compliance with all of the conditions of approval, including any conditions added at the meeting, attached hereto as Exhibit "A". Violation of any such conditions shall be grounds for revocation of the permit, as well as any other remedy which is available to the City. This resolution does release the Final Plat for recordation. The City Council of West Des Moines, Iowa directs the City Clerk to release said document for recordation.

PASSED AND ADOPTED on January 3, 2022.

_____

Russ Trimble, Mayor

ATTEST:

_____

Ryan Jacobson, City Clerk

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of West Des Moines, Iowa, at a regular meeting held on January 3, 2022, by the following vote.

Exhibit A: Conditions of Approval

1. The applicant acknowledging that a fully executed Parkland Dedication Agreement for the entire Fox Ridge development must be provided and accepted by the City Council with the next final plat submitted for approval.

Exhibit B: Legal Description

AN IRREGULAR SHAPED PORTION OF PARCEL "L" IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER AND IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5th P.M. AS SHOWN IN BOOK 2020 AT PAGE 2585 IN THE OFFICE OF THE WARREN COUNTY RECORDER AND AN IRREGULAR SHAPED PORTION OF PARCEL "M" IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5th P.M. AS SHOWN IN BOOK 2020 AT PAGE 14384 IN THE OFFICE OF THE WARREN COUNTY RECORDER; AND OUTLOT 'Z' IN FOX VALLEY PLAT 2, AN OFFICIAL PLAT; AND A 100.00 FEET WIDE TRACT OF LAND OVER AND ACROSS THE FORMER CHICAGO & NORTHWESTERN RAILROAD TRANSPORTATION COMPANY RIGHT-OF-WAY, ALL IN WEST DES MOINES, WARREN COUNTY, IOWA, BEING DESCRIBED AS:

BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL "L"; THENCE S89°51'30"E ALONG THE NORTH LINE OF SAID PARCEL "L" AND ALONG THE NORTH LINE OF SAID OUTLOT 'Z', A DISTANCE OF 435.33 FEET TO THE NORTHWEST CORNER OF LOT 7 IN SAID FOX VALLEY PLAT 2; THENCE S00°25'40"E ALONG THE WEST LINE OF SAID LOT 7, A DISTANCE OF 125.19 FEET TO THE SOUTHWEST CORNER OF SAID LOT 7 AND TO THE NORTHERLY LINE OF LOT B IN SAID FOX VALLEY PLAT 2; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID LOT B AND ALONG A 2035.00 FEET RADIUS CURVE CONCAVE SOUTHERLY, A DISTANCE OF 55.83 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF 01°34'19", A CHORD LENGTH OF 55.83 FEET AND A CHORD BEARING OF S88°51'25"W TO THE NORTHWEST CORNER OF SAID LOT B; THENCE S01°55'30"E ALONG THE WEST LINE OF SAID LOT B, A DISTANCE OF 70.02 FEET TO THE SOUTHWEST CORNER OF SAID LOT B; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF SAID LOT B AND ALONG A 1965.00 FEET RADIUS CURVE CONCAVE SOUTHERLY, A DISTANCE OF 17.02 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF 00°29'47", A CHORD LENGTH OF 17.02 FEET AND A CHORD BEARING OF N88°51'25"E TO THE NORTHWEST CORNER OF LOT I2 IN SAID FOX VALLEY PLAT 2; THENCE S01°31'50"E ALONG THE WEST LINE OF SAID LOT 12; A DISTANCE OF 129.09 FEET TO THE SOUTHWEST CORNER OF SAID LOT 12; THENCE S89°25'40"E ALONG THE SOUTH LINE OF SAID LOT 12, A DISTANCE OF 5.95 FEET TO THE NORTHWEST CORNER OF LOT 16 IN SAID FOX VALLEY PLAT 2; THENCE S00°19'20"W ALONG THE WEST LINE OF LOTS 16, 15 AND 14 IN SAID FOX VALLEY PLAT 2, A DISTANCE OF 289.13 FEET; THENCE N89°38'40"W, A DISTANCE OF 171.80 FEET; THENCE S68°38'35"W, A DISTANCE OF 197.10 FEET; THENCE S71°14'20"W, A DISTANCE OF 173.05 FEET; THENCE S72°47'10"W, A DISTANCE OF 312.45 FEET; THENCE N19°40'10"W; A DISTANCE OF 2.33 FEET; THENCE S70°19'50"W, A DISTANCE OF 179.22 FEET; THENCE N17°04'20"W, A DISTANCE OF 123.20 FEET THENCE WESTERLY ALONG A 545.00 FEET RADIUS CURVE CONCAVE NORTHERLY, A DISTANCE OF 7.22 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF 00°45'14", A CHORD LENGTH OF 7.22 FEET AND A CHORD BEARING OF N73°18'25"W; THENCE N16°18'45"W, A DISTANCE OF 193.05 FEET; THENCE N80°22'40"E, A DISTANCE OF 20.93 FEET; THENCE N69°17'15"E, A DISTANCE OF 48.95 FEET; THENCE N19°40'10"W, A DISTANCE OF 610.20 FEET TO THE SOUTHERLY LINE OF THE FORMER CHICAGO & NORTHWESTERN RAILROAD TRANSPORTATION COMPANY RIGHT-OF-WAY AS IS PRESENTLY ESTABLISHED; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF THE FORMER CHICAGO & NORTHWESTERN RAILROAD TRANSPORTATION COMPANY RIGHT-OF-WAY AND ALONG A 2914.93 FEET RADIUS CURVE CONCAVE NORTHERLY, A DISTANCE OF 100.01 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF 01°57'57", A CHORD LENGTH OF 100.00 FEET AND A CHORD BEARING OF N70°57'57"E; THENCE S19°40'10"E, A DISTANCE OF 607.27 FEET; THENCE N59°17'15"E, A DISTANCE OF 244.03 FEET; THENCE N39°17'20"E, A DISTANCE OF 210.43 FEET; THENCE N28°33'30"E, A DISTANCE OF 325.30 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL RESTRICTIONS, COVENANTS OR EASEMENTS OF RECORD.

SAID TRACT OF LAND CONTAINS 13.63 ACRES.