

MEMBERS OF COUNCIL

HON. KIM REYNOLDS
GOVERNOR

HON. PAUL D. PATE
SECRETARY OF STATE

HON. ROB SAND
AUDITOR OF STATE

HON. ROBY SMITH
TREASURER OF STATE

HON. MIKE NAIG
SECRETARY OF AGRICULTURE



Executive Council of Iowa

CAPITOL BUILDING
DES MOINES, IOWA 50319
PHONE: 515 281-5368
FAX: 515 281-7562

June 5, 2023

Chris Kramer
Director
Iowa Department of Cultural Affairs
L O C A L

Dear Director Kramer:

The Executive Council in meeting held this date approved your request for the transfer of property held by the Department of Cultural Affairs on behalf of the State of Iowa pursuant to Iowa Code §303.8(2)(a).

EXECUTIVE COUNCIL OF IOWA

Victoria Newton

Victoria Newton
Executive Secretary

cc: John R. Lundquist, Assistant Attorney General, Attorney General's Office
Matt Walsh, Mayor, Council Bluffs

BRENNA BIRD
ATTORNEY GENERAL

JOHN R. LUNDQUIST
ASSISTANT ATTORNEY
GENERAL



IOWA DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

1305 E. WALNUT ST.
DES MOINES, IA 50319
Main: 515-281-5164 • Direct: 515-281-3658
Email: john.lundquist@ag.iowa.gov
www.iowaattorneygeneral.gov

May 31, 2023

Iowa Executive Council
Attention: Victoria Newton
Executive Secretary
1007 E. Grand Avenue Room 114
Des Moines, IA 50319

Re: Land Transfer – Western Historical Trails Center

Dear Ms. Newton:

I write to support the Department of Cultural Affairs' request that the Executive Council approve transfer of property held by the Department of Cultural Affairs on behalf of the State of Iowa pursuant to Iowa Code § 303.8(2)(a). That property is legally described as follows:

Parcels 20221, 20222, 20223, as described in the Plat of Survey recorded in the Pottawattamie County Recorder's Office on December 17, 2020 as Document Numbers 2020-19394 and 2020-19395 and on January 7, 2021 as Document Numbers 2021-00324 and 2021-00325. Parcels 20221, 20222, 20223 contain an area of 15,814,333 square feet (363.047 ACRES), more or less.

If the Executive Council approves transfer to the City of Council Bluffs, the Department of Cultural Affairs proposes that the enclosed Proposed Patent legally describing the property be issued pursuant to Iowa Code chapter 9G. To that end, the Department of Cultural Affairs has enclosed an Executed Certificate in Support of Patent Request.

I have reviewed the following regarding the history of the parcel legally described above which makes up the Western Historical Trails Center.

- The 1989 federal legislation (Public Law 101-191) authorizing the creation of the Western Historical Trails Center.
- Council Bluff's 1995 transfer of a parcel to The National Western Historical Trails, Inc. via quitclaim deed.
- The National Western Historical Trails, Inc.'s 1995 transfer of that parcel to the National Parks Service via donation deed.

- The National Park Service's 1998 transfer of that parcel to the State of Iowa via quitclaim deed. That parcel was used by the State to create the Western Historical Trails Center. Included in that quitclaim deed, the federal government required Iowa to comply with the requirements of Public Law 101-191 or title will revert to the United States.
- The 2010 Memorandum of Agreement between the National Park Service, Department of Cultural Affairs, and the Iowa Department of Transportation laying out terms to transfer certain parcels within the Western Historical Trails Center to the Department of Transportation to be used for highway expansion. In exchange the Department of Transportation acquired parcels in 2011 that were added to mitigate the parcels lost to the Department of Transportation.
- The 2019 federal legislation (Dingell Act) authorizing the federal government to release its reversionary interest in the land that makes up the Western Historical Trails Center.

After reviewing these and other supporting documents concerning the parcel, I would advise that, other than the Federal Government's reversionary interest, the evidence supports that the State holds title to the property. *See* Iowa Code § 303.8(2)(a). Further, I have reviewed the Proposed Patent and advise that it is in a format that, if further processed for issuance, would comply with Iowa Code § 9G.5. Finally, I have reviewed the Executed Certificates in Support of Patent Request and advise that it is compliant with Iowa Code § 9G.6 and would allow the Proposed Patent to be issued.

For the forgoing reasons, I recommend that the Executive Council approve transfer of the above-described property pursuant to Iowa Code § 303.8(2)(a) and that the Proposed Patent be issued in accordance with Iowa Code chapter 9G to carry out this transfer. Please let me know if the Executive Council requires anything further to review this request.

Sincerely,



JOHN R. LUNDQUIST
Assistant Attorney General
515-281-3658
john.lundquist@ag.iowa.gov



OFFICE OF:
MATT WALSH, MAYOR

Chris Kramer
Director, Iowa Department of Cultural Affairs
600 East Locust Street
Des Moines, IA 50319

Chris,

As the Mayor of the City of Council Bluffs I am writing this letter to request that through a collaborative agreement between the State of Iowa and the National Park Service that you move forward with the engagement of a certified appraiser to conduct an appraisal on real property commonly known as 'The Western Historic Trails Center' in Council Bluffs, Iowa. The City of Council Bluffs understands that it is unconditionally responsible for paying the entire appraisal fee up to but not to exceed an amount of \$10,000. If after speaking with the appraiser and learning that the appraisal fee would exceed \$10,000 I ask that you then contact me to inform me of the true cost of said appraisal prior to engagement so that I may know the full extent of my financial commitment to pay.

Sincerely,

Council Bluffs Mayor
Matt Walsh

CITY OF COUNCIL BLUFFS, IOWA - 209 PEARL STREET - 51503-4270
FAX (712) 328-4695 TTY (712) 328-0390
"An Equal Opportunity Employer"
www.councilbluffs-ia.gov



CHRIS KRAMER, DIRECTOR

May 31, 2023

Iowa Executive Council
Attention: Victoria Newton
Executive Secretary
1007 E. Grand Avenue Room 114
Des Moines, IA 50319

Executive Council Members,

The Department of Cultural Affairs (DCA) respectfully requests the Executive Council's support to transfer property held by the department on behalf of the State of Iowa in Council Bluffs, Iowa.

The Western Historic Trails Center, located on 480 acres west of 24th Street in Council Bluffs, was established in 1989 by an act of Congress which authorized the Secretary of the Interior to establish an interpretive center in the City of Council Bluffs, Iowa. The Chamber of Commerce raised approximately \$4.2 million in matching funds to the \$8.4 million federal share. The Act required the Secretary to enter into a binding agreement with a qualified non-federal entity to assume ownership of the center. The State Historical Society of Iowa (SHSI) was selected and in 1992 began operations and maintenance at the facility.

Since then, as the city has grown around the site, there has been increasing interest in the incorporation of the Western Historic Trails Center into the city's parks and recreation system. The park system's bike trail network already crosses the property and the city holds an easement to allow the operation of baseball and soccer fields on the site. In 2014, DCA was approached by representatives of the City and the Chamber of Commerce who indicated an interest in local control of the property.

Recent changes in federal legislation have provided the latitude for a property transfer and DCA is supportive of the City's interest, particularly in light of the considerable local financial support that made the establishment of the property possible not to mention the considerable ongoing costs of operations and deferred maintenance. If the property is transferred to the City of Councils Bluffs, certain deed restrictions would remain in place requiring them to operate it in perpetuity for public, educational, or recreational uses.

DCA has been working closely with the Iowa Attorney General's Office to navigate the process along with the National Park Service and City of Council Bluffs. In the supplemental materials provided, you will find the necessary legal documents and information that demonstrate the due diligence exercised to complete the transfer. If you have any questions or require any additional information, please contact me.

Sincerely,



Chris Kramer
Director, Iowa Department of Cultural Affairs

Preparer: John Lundquist, Assistant Attorney General, TEL: 515-281-3658
Iowa Department of Justice, Hoover State Office Building, Second Floor, Des Moines, IA 50319

State of Iowa
OFFICE OF THE
SECRETARY OF STATE
STATE LAND OFFICE

Patent No. 6439

The **STATE OF IOWA**, subject to the conditions listed in this patent, hereby conveys to the **City of Council Bluffs, Iowa**, real estate in Pottawattamie County, Iowa, described as:

Parcels 20221, 20222, 20223, as described in the Plat of Survey recorded in the Pottawattamie County Recorder's Office on December 17, 2020 as Document Numbers 2020-19394 and 2020-19395 and on January 7, 2021 as Document Numbers 2021-00324 and 2021-00325, copies of which are attached to this Patent as **Exhibit A**. Parcels 20221, 20222, 20223 contain an area of 15,814,333 square feet (363.047 ACRES), more or less.

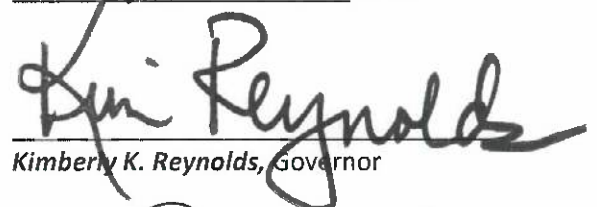
Use of the real estate that is the subject of this Patent by the City of Council Bluffs, its successors, and assigns shall be restricted in perpetuity to public recreational, educational, or similar purposes.

AUTHORITY / CONSIDERATION: Authority and consideration for issuance of this patent are stated in the certificate of the **Director of the Iowa Department of Cultural Affairs**, a copy of which is filed with the State Land Office as provided in Iowa Code § 9G.6 and attached to this Patent as **Exhibit B**.

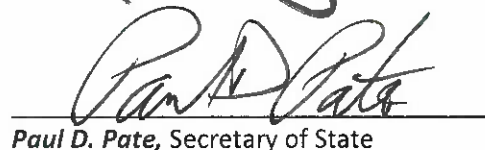
RECITAL: This conveyance is exempt from real estate transfer tax pursuant to Iowa Code § 428A.2(6). No Declaration of Value Filing is required as the State of Iowa is the Grantor and is exempt from such filings pursuant to Iowa Code § 428A.1(2). Pursuant to Iowa Code § 9G.14, this patent "shall inure to the benefit of the original purchaser and the original purchaser's grantees only." This conveyance is subject to all easements of record.



I, **Kim Reynolds**, Governor of the State of Iowa, have caused this instrument to issue and the Great Seal of the State of Iowa to be affixed to it at Des Moines, on this 20 day of June 2023.

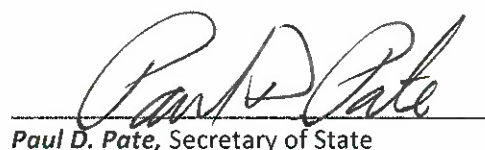


Kimberly K. Reynolds, Governor



Paul D. Pate, Secretary of State

I hereby certify that the foregoing Patent is recorded in Vol. 28 Page 182 in the State Land Office.



Paul D. Pate, Secretary of State

EXHIBIT A

8 5 15 7 2 5
IX:495248

2020-19395
RECORDER MARK BRANDENBURG
POTTAWATTAMIE COUNTY, IA

FILE TIME: 12/17/2020 12:59:11 PM
RECORDING FEE 10.00
RMA FEE 1.00
ECM FEE 1.00

RECORDER'S INDEX	
LOT:	
BLOCK:	
SUBDIVISION:	ALDUTO PARK, GOV. LOTS 1&2, ACCRETIONS (N 1/2)
SECTION:	09 / TOWNSHIP: 74 / RANGE: 44
CITY:	COUNCIL BLUFFS
COUNTY:	POTTAWATTAMIE
PROFESSIONAL:	STATE OF IOWA
REQUESTED BY:	IOWA DEPARTMENT OF CULTURAL AFFAIRS
DATE OF FIELD SURVEY:	NOVEMBER 23, 2020

PREPARED BY: DAVID E. FORSYTHE, P.L.S., HCM ASSOCIATES, INC., 640 5TH AVENUE, COUNCIL BLUFFS, IOWA 51501 (712)323-0530

LEGAL DESCRIPTION PARCEL "20221"
PARCEL "20221" BEING A PORTION OF GOVERNMENT LOTS 1 AND 2 AND ALL ACCRETIONS THEREON (NORTH HALF (N1/2)), SECTION 09, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 09:

THENCE ON THE SOUTH LINE OF SAID GOVERNMENT LOT 2 (NORTH HALF (N1/2)), NORTH 89 DEGREES 29 MINUTES 33 SECONDS WEST, 1278.07 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SECK LEVEL, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE CONTINUING ON SAID SOUTH LINE, NORTH 89 DEGREES 29 MINUTES 33 SECONDS WEST, 2296.23 FEET TO THE EAST MISSOURI RIVER CONTROL STRUCTURE LINE;

THENCE ON SAID EAST MISSOURI RIVER CONTROL STRUCTURE LINE THE FOLLOWING SIX (6) COURSES:

- 1) NORTH 25 DEGREES 31 MINUTES 39 SECONDS EAST, 9.14 FEET;
- 2) NORTH 21 DEGREES 16 MINUTES 39 SECONDS EAST, 500.00 FEET;
- 3) NORTH 19 DEGREES 45 MINUTES 39 SECONDS EAST, 263.73 FEET;
- 4) NORTH 16 DEGREES 04 MINUTES 22 SECONDS EAST, 581.27 FEET;
- 5) NORTH 12 DEGREES 51 MINUTES 09 SECONDS EAST, 555.09 FEET;
- 6) NORTH 09 DEGREES 09 MINUTES 12 SECONDS EAST, 124.36 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF INTERSTATE 80;

THENCE ON SAID SOUTH RIGHT-OF-WAY LINE THE FOLLOWING EIGHT (8) COURSES:

- 1) NORTH 85 DEGREES 08 MINUTES 20 SECONDS EAST, 307.21 FEET;
- 2) SOUTH 04 DEGREES 54 MINUTES 37 SECONDS EAST, 74.80 FEET;
- 3) NORTH 85 DEGREES 09 MINUTES 49 SECONDS EAST, 400.04 FEET;
- 4) NORTH 77 DEGREES 11 MINUTES 08 SECONDS EAST, 303.94 FEET;
- 5) NORTH 89 DEGREES 46 MINUTES 48 SECONDS EAST, 426.40 FEET;
- 6) SOUTH 26 DEGREES 40 MINUTES 02 SECONDS EAST, 161.40 FEET;
- 7) SOUTH 35 DEGREES 38 MINUTES 04 SECONDS EAST, 215.52 FEET;
- 8) SOUTH 77 DEGREES 15 MINUTES 12 SECONDS EAST, 750.54 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SECK LEVEL;

THENCE ON SAID WEST RIGHT-OF-WAY LINE, SOUTH 28 DEGREES 21 MINUTES 29 SECONDS WEST, 1784.27 FEET TO THE POINT OF BEGINNING.

SAID PARCEL "20221" CONTAINS AN AREA OF 4,631,387 SQUARE FEET (106,322 ACRES), MORE OR LESS.

R FEES \$100 RMA \$100
A FEES \$100 ECM \$100
T TAXES _____

PLAT OF SURVEY

PARCEL "20221" BEING A PORTION OF GOVERNMENT LOTS 1 AND 2 AND ALL ACCRETIONS THEREON (NORTH HALF (N1/2)), SECTION 09, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

LEGEND

- ② FOUND SECTION CORNER AS NOTED
- FOUND PROPERTY PIN AS NOTED
- SET 5/8"x24" REBAR WITH YELLOW PLASTIC CAP MARKED "HCM ASSOC. PLS 25604" OR AS NOTED
- (S) SURVEYED
- (R1) PLAT OF SURVEY BOOK 94, PAGE 22514
- (R2) POTTAWATTAMIE COUNTY RECORDERS' OFFICE
- (R3) INTERAGENCY TRANSFER OF JURISDICTION BOOK 2011, PAGE 002558 POTTAWATTAMIE COUNTY RECORDERS' OFFICE

PROFESSIONAL LAND SURVEYOR

DAVID E. FORSYTHE
P.L.S.
IOWA

1. I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

DATE: DECEMBER 17, 2020

DATE: _____

BY LICENSEE: DAVID E. FORSYTHE, P.L.S., 2558
BY LICENSEE: _____, 2558

BY LICENSEE: _____, 2558

BY LICENSEE: _____, 2558

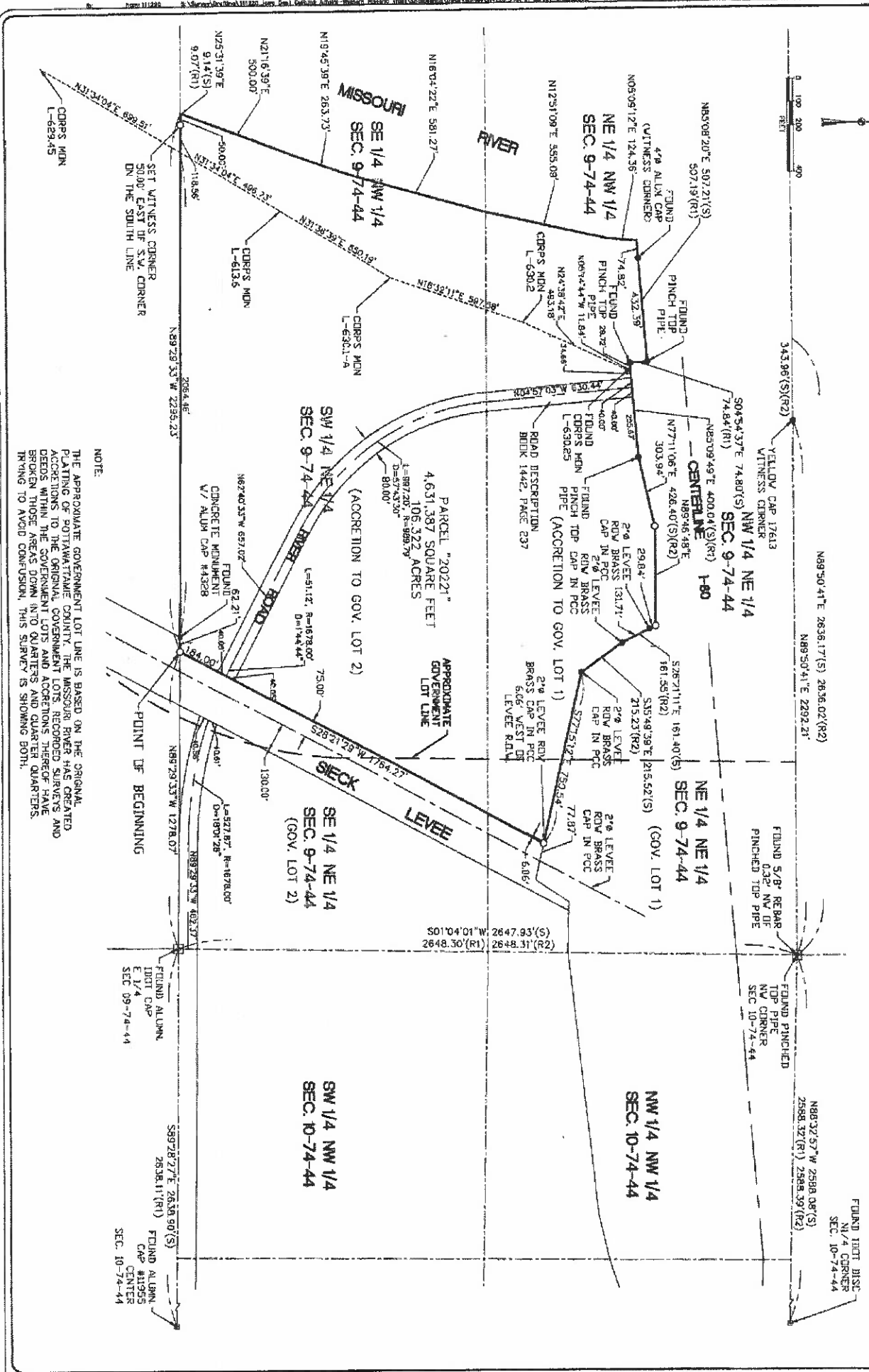
PAGES OR SHEETS COVERED BY THIS SEAL: _____

SHEET 1 OF 2 AND SHEET 2 OF 2

<p>PROJECT NO. 111220</p> <p style="font-size: 24pt; font-weight: bold;">10F 2</p>	<p>Project: WESTERN HISTORIC TRAILS CENTER Parcel: "20221" GOV. LOTS 1&2 AND ACCRETIONS (N1/2), REC. 09-74-44</p> <p>Client: IOWA DEPARTMENT OF CULTURAL AFFAIRS</p> <p style="font-weight: bold;">PLAT OF SURVEY</p>	<p>DATE: _____</p> <p>DATE: _____</p> <p>DATE: _____</p> <p>DATE: _____</p> <p>DATE: _____</p> <p>DATE: _____</p>	<p>hgm ASSOCIATES INC.</p> <p>840 FIFTH AVENUE, COUNCIL BLUFFS, IOWA PHONE: (712) 323-0530</p>
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PLAT OF SURVEY

PARCEL "20221" BEING A PORTION OF GOVERNMENT LOTS 1 AND 2 AND ALL ACCRETIONS HERETO (NORTH HALF (N1/2)), SECTION 09, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATOMIE COUNTY, IOWA.



NOTE:
 THE APPROXIMATE GOVERNMENT LOT LINE IS BASED ON THE ORIGINAL PLATTING OF POTTAWATOMIE COUNTY. THE MISSOURI RIVER HAS CREATED ACCRETIONS TO THE ORIGINAL GOVERNMENT LOTS, RECORDED SURVEYS AND BOUNDARIES. THESE ACCRETIONS, ACCORDING TO THE ORIGINAL RECORDS, HAVE BEEN BROKEN DOWN INTO QUARTERS AND QUARTER QUARTERS. IN ORDER TO AVOID CONFUSION, THIS SURVEY IS SHOWING BOTH.

<p>111220 2 OF 2</p>	<p>WESTERN HISTORIC TRAILS CENTER PARCEL "20221" GOV. LOTS 1&2 AND ACCRETIONS (N1/2), SEC. 09-74-44 IOWA DEPARTMENT OF CULTURAL AFFAIRS PLAT OF SURVEY</p>	<p>DEF. _____ DEF. _____ DEF. _____ approved _____ DEC. 20 _____</p>	<p>hgm ASSOCIATES INC. 640 FIFTH AVENUE COUNCIL BLUFFS, IOWA PHONE (712) 323-0630</p>	<p><small>This plat is being made in accordance with the provisions of the Iowa Code, Chapter 177, and the rules of the Board of Surveyors. It is intended to be a true and correct copy of the original survey. The surveyor is not responsible for any errors or omissions in this plat.</small></p>
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R FEES 10.00 RMA \$ 1.00
 A FEES ECOM \$ 1.00
 T TAXES

RECORDER'S INDEX	
ALLOT PART-GOV LOT 1&2 ACCRETIONS 1/2 NE 1/4)	
SECTION 09 TOWNSHIP 74 N RANGE 44	
ALLOT PART NW 1/4 AND W 1/2 NE 1/4	
SECTION 10 TOWNSHIP 74 N RANGE 44	
CITY COUNCIL BLUFFS	
COUNTY POTTAWATTAMIE	
PROPRIETOR STATE OF IOWA	
REQUESTED BY IOWA DEPARTMENT OF CULTURAL AFFAIRS	
DATE OF FIELD SURVEY NOVEMBER 23, 2020	

PREPARED BY: DAVID E. FORSTIE, P.L.S., HWY ASSOCIATES, INC., 640 5th AVENUE, COUNCIL BLUFFS, IOWA 51501 (712)323-0530

2021-00325
 RECORDER MARK BRANDENBURG
 POTTAWATTAMIE COUNTY, IA
 FILE TIME: 01/07/2021 12:56:26 PM
 RECORDING FEE 10.00
 RMA FEE 1.00
 ECM FEE 1.00

8 5 7 7 0 9 3
 Tx:4998007

CORRECTIVE PLAT OF SURVEY

PARCEL "20222" BEING A PORTION OF GOVERNMENT LOT 1, A PORTION OF GOVERNMENT LOT 2 AND ACCRETIONS HERETO (E1/2NE1/4) ALL IN SECTION 09, A PORTION OF THE NORTHWEST QUARTER (NW1/4) AND A PORTION OF THE WEST HALF OF THE NORTHEAST QUARTER (NE1/2NE1/4) OF SECTION 10, ALL IN TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA

LEGAL DESCRIPTION PARCEL "20222"
 PARCEL "20222" BEING A PORTION OF GOVERNMENT LOT 1, A PORTION OF GOVERNMENT LOT 2 ALL ACCRETIONS HERETO (E1/2NE1/4) ALL IN SECTION 09, A PORTION OF THE NORTHWEST QUARTER (NW1/4) AND A PORTION OF THE WEST HALF OF THE NORTHEAST QUARTER (NE1/2NE1/4) OF SECTION 10, ALL IN TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:
 COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 09;

THENCE ON THE SOUTH LINE OF SAID GOVERNMENT LOT 2 (EAST HALF OF THE NORTHEAST QUARTER (E1/2NE1/4)), NORTH 89 DEGREES 29 MINUTES 33 SECONDS WEST, 135.17 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ON SAID SOUTH LINE, NORTH 89 DEGREES 29 MINUTES 33 SECONDS WEST, 911.04 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SLECK LEVEE.

THENCE ON SAID EAST RIGHT-OF-WAY LINE, NORTH 28 DEGREES 21 MINUTES 29 SECONDS EAST, 1887.25 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF INTERSTATE 80/29;

THENCE ON SAID SOUTH RIGHT-OF-WAY LINE THE FOLLOWING NINE (9) COURSES:

- 1) SOUTH 89 DEGREES 30 MINUTES 39 SECONDS EAST, 175.75 FEET;
- 2) NORTH 83 DEGREES 27 MINUTES 55 SECONDS EAST, 1117.24 FEET;
- 3) NORTH 77 DEGREES 05 MINUTES 03 SECONDS EAST, 208.94 FEET;
- 4) NORTH 71 DEGREES 34 MINUTES 03 SECONDS EAST, 526.12 FEET;
- 5) NORTH 78 DEGREES 39 MINUTES 33 SECONDS EAST, 240.98 FEET;
- 6) NORTH 81 DEGREES 49 MINUTES 41 SECONDS EAST, 223.56 FEET;
- 7) NORTH 87 DEGREES 21 MINUTES 08 SECONDS EAST, 283.98 FEET;
- 8) SOUTH 85 DEGREES 43 MINUTES 19 SECONDS EAST, 1174.99 FEET;
- 9) NORTH 85 DEGREES 43 MINUTES 56 SECONDS EAST, 223.29 FEET TO A POINT ON THE EAST LINE OF SAID WEST HALF OF THE NORTHEAST QUARTER;

THENCE ON SAID EAST LINE, SOUTH 00 DEGREES 05 MINUTES 57 SECONDS WEST, 1982.08 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF RICHARD DOWNING AVENUE;

THENCE ON SAID NORTH RIGHT-OF-WAY LINE THE FOLLOWING FIVE (5) COURSES:

- 1) NORTH 89 DEGREES 18 MINUTES 42 SECONDS WEST, 1308.79 FEET;
- 2) NORTH 89 DEGREES 28 MINUTES 27 SECONDS WEST, 2563.18 FEET;
- 3) NORTH 01 DEGREE 03 MINUTES 21 SECONDS EAST, 60.00 FEET;
- 4) NORTH 89 DEGREES 28 MINUTES 12 SECONDS WEST, 210.00 FEET;
- 5) SOUTH 01 DEGREE 03 MINUTES 21 SECONDS WEST, 175.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL "20222" CONTAINS AN AREA OF 8,238.840 SQUARE FEET (189.133 ACRES), MORE OR LESS.

- LEGEND**
- (S) FOUND SECTION CORNER AS NOTED
 - (R) FOUND PROPERTY PIN AS NOTED
 - (O) SET 5/8" X 24" REBAR WITH YELLOW PLASTIC CAP MARKED "HW ASSOC. PLS 25604" OR AS NOTED
 - (S) SURVEYED
 - (R1) PLAT OF SURVEY BOOK 94, PAGE 22514, POTTAWATTAMIE COUNTY RECORDER'S OFFICE
 - (R2) INTERAGENCY TRANSFER OF JURISDICTION BOOK 2011, PAGE 002559 POTTAWATTAMIE COUNTY RECORDER'S OFFICE
 - (R3) QUIT CLAIM DEED BOOK 98, PAGE 55015 POTTAWATTAMIE COUNTY RECORDER'S OFFICE

1 HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A FULLY LICENSED PROFESSIONAL SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

DAVID E. FORSTIE
 25604
 POTTAWATTAMIE COUNTY RECORDER'S OFFICE

DAVID L. FORSTIE
 25604
 BY USUARY RECORDAL DATE 19 DECEMBER 31, 2020

DATE: DECEMBER 23, 2020

SHEET 1 OF 2 AND SHEET 2 OF 2

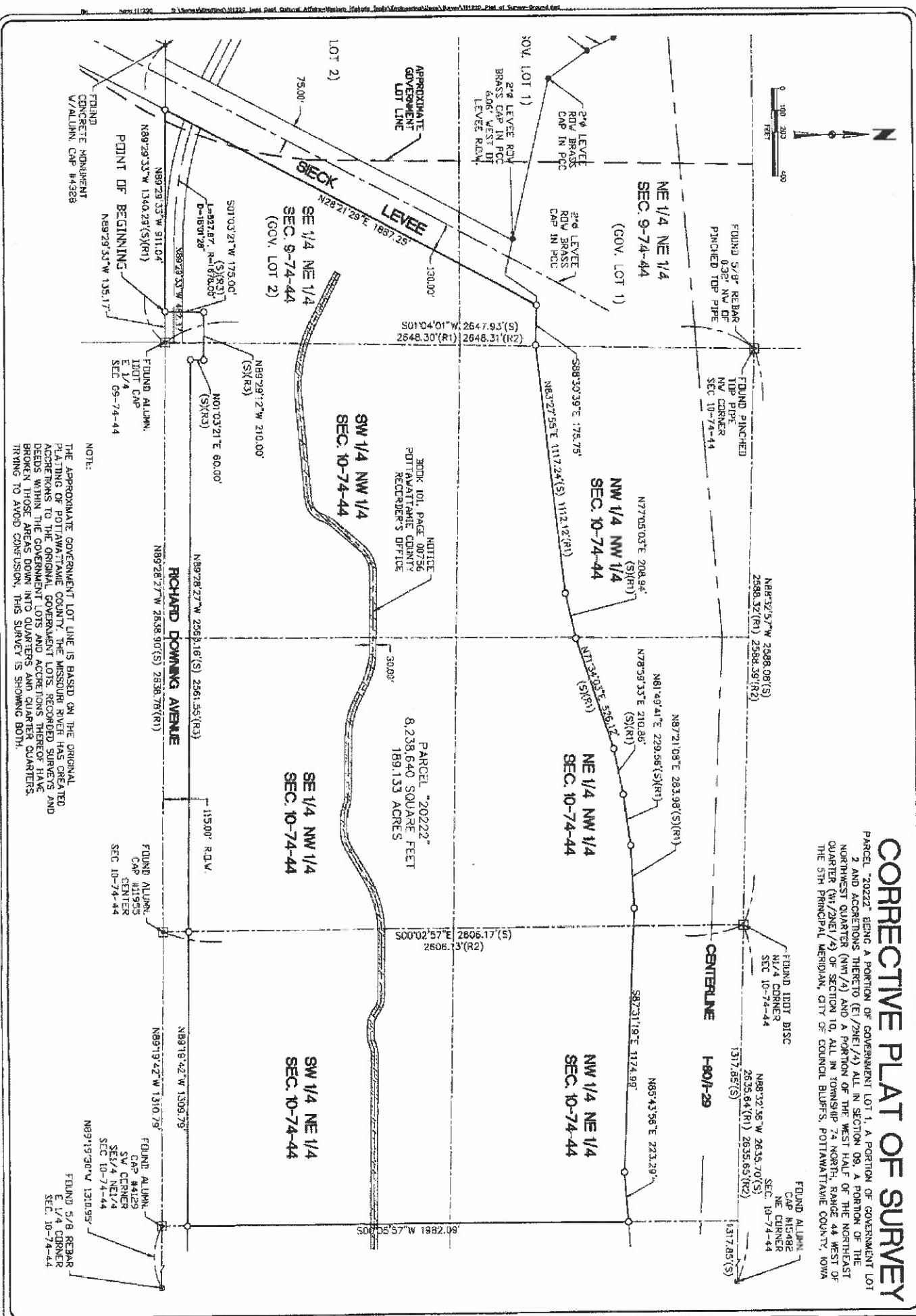
Printed on: 11/2/20
 1 of 2

WESTERN HISTORIC TRAILS CENTER
 PARCEL "20222" E1/2NE1/4 SEC 09, NW1/4 & W1/2NE1/4 SEC 10 TO ALL-74-41
 IOWA DEPARTMENT OF CULTURAL AFFAIRS
 PLAT OF SURVEY

12--18--2020 - UPDATED R.O.V.
 REC'D date relation

hgm
 ASSOCIATES INC.
 640 FIFTH AVENUE COUNCIL BLUFFS, IOWA
 PHONE: (712) 323-0530


Not binding to any third party unless recorded in the public records of the State of Iowa. This plat is prepared by a professional land surveyor and complies with the requirements of the Iowa Code. The surveyor is not responsible for any errors or omissions in this plat or for any third party's reliance on this plat.



CORRECTIVE PLAT OF SURVEY

PARCEL "20222" BEING A PORTION OF GOVERNMENT LOT 1, A PORTION OF GOVERNMENT LOT 2 AND ACCRETIONS THERETO (E1/2NE1/4) ALL IN SECTION 09, A PORTION OF THE NORTHWEST QUARTER (NW1/4) AND A PORTION OF THE WEST HALF OF THE NORTHEAST QUARTER (NE1/2NE1/4) OF SECTION 10, ALL IN TOWNSHIP 29 NORTH, RANGE 44 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA

NOTE:
 THE APPROXIMATE GOVERNMENT LOT LINE IS BASED ON THE ORIGINAL PLATING OF POTTAWATTAMIE COUNTY. THE MISSOURI RIVER HAS CREATED ACCRETIONS TO THE ORIGINAL GOVERNMENT LOTS. RECORDED SURVEYS AND DEEDS WITHIN THE GOVERNMENT LOTS AND ACCRETIONS THEREOF HAVE BROKEN THOSE AREAS DOWN INTO QUARTERS AND QUARTER QUARTERS. TRYING TO AVOID CONFUSION, THIS SURVEY IS SHOWING BOTH.

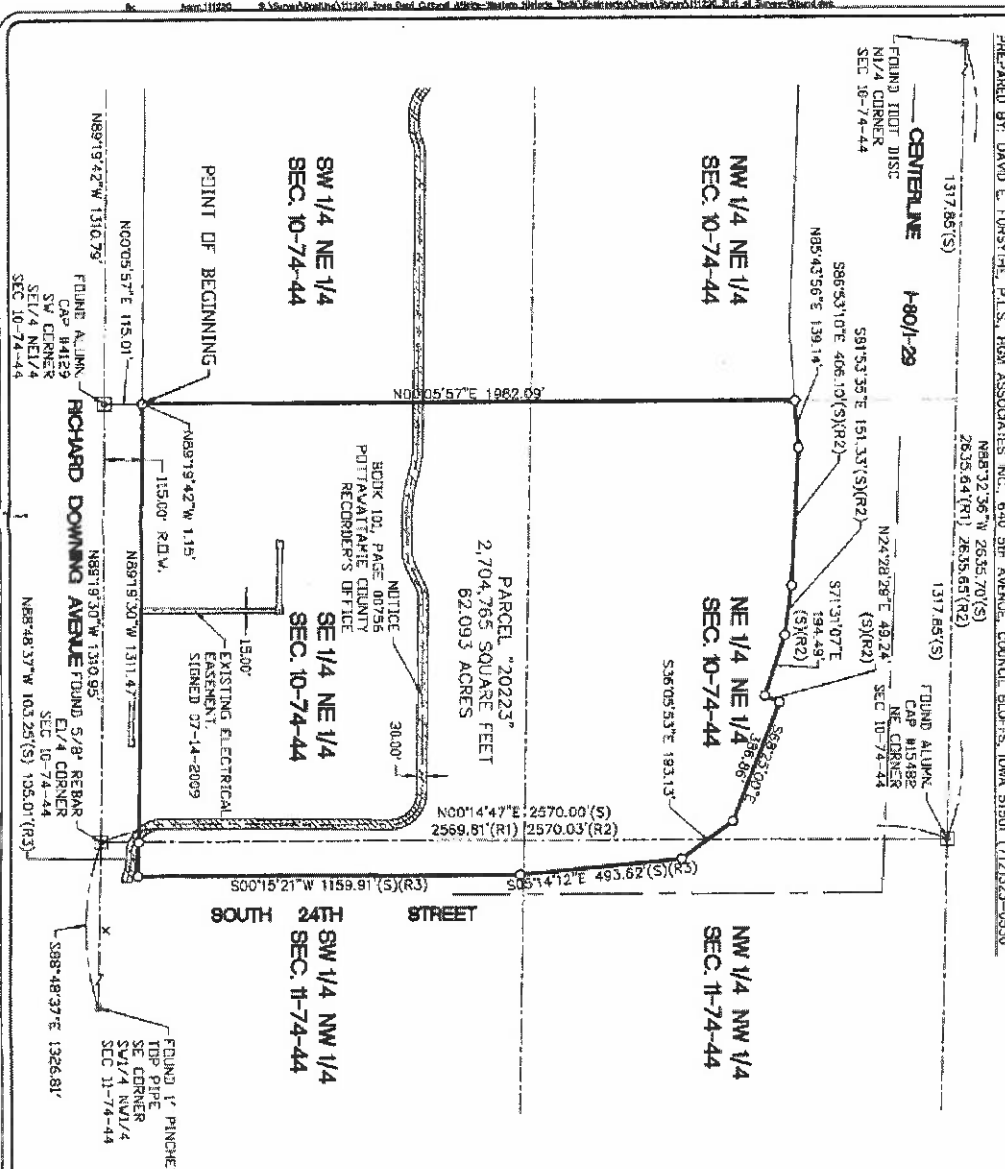
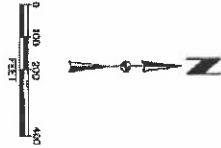
PROJECT WESTERN HISTORIC TRAILS CENTER PARCEL "20222" E1/2NE1/4 SEC 09, N1/2 & W1/2NE1/4 SEC 10 ALL-74-44	DEF. BY DATE 12-16-2020 -- UPDATED R.O.W.	 hgm ASSOCIATES INC. 640 FIFTH AVENUE COUNCIL BLUFFS, IOWA PHONE: (712) 323-0530	We warrant to fully describe the land shown on this plat in accordance with the laws of Iowa. We warrant that the plat is a true and correct representation of the land shown thereon. We warrant that the plat is a true and correct representation of the land shown thereon.
CLIENT IOWA DEPARTMENT OF CULTURAL AFFAIRS	DATE DEC. 20	2 OF 2 11/22/20	

8 5 7 7 0 8 2
IX:4998007

2021-00324
RECORDER MARK BRANDENBURG
POTTAWATTAMIE COUNTY, IA
FILE TIME: 01/07/2021 12:56:25 PM

RECORDING FEE 5.00
RMA FEE 1.00
ECM FEE 1.00

RECORDER'S INDEX	
LOT#	
AUGUST PART: E 1/2 NE 1/4	
SECTION: 10 / TOWNSHIP: 74 N / RANGE: 44	
ALLOT PART: W 1/2 NW 1/4	
SECTION: 11 / TOWNSHIP: 74 N / RANGE: 44	
CITY: COUNCIL BLUFFS	
COUNTY: POTTAWATTAMIE	
PROPRIETOR: STATE OF IOWA	
REQUESTED BY: IOWA DEPARTMENT OF CULTURAL AFFAIRS	
DATE OF FIELD SURVEY: NOVEMBER 23, 2020	



CORRECTIVE PLAT OF SURVEY

PARCEL "20223" BEING A PORTION OF THE EAST HALF OF THE NORTHEAST QUARTER (E1/2NE1/4) OF SECTION 10 AND A PORTION OF THE WEST HALF OF THE NORTHWEST QUARTER (W1/2NW1/4) OF SECTION 11, ALL IN TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

LEGAL DESCRIPTION PARCEL "20223"
PARCEL "20223" BEING A PORTION OF THE EAST HALF OF THE NORTHEAST QUARTER (E1/2NE1/4) OF SECTION 10 AND A PORTION OF THE WEST HALF OF THE NORTHWEST QUARTER (W1/2NW1/4) OF SECTION 11, ALL IN TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.
COMMENCING AT THE SOUTHWEST CORNER OF SAID EAST HALF OF THE NORTHEAST QUARTER.
THENCE ON THE WEST LINE OF SAID EAST HALF OF THE NORTHEAST QUARTER, NORTH 00 DEGREES 05 MINUTES 57 SECONDS EAST, 115.01 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUING ON SAID WEST LINE, NORTH 00 DEGREES 05 MINUTES 57 SECONDS EAST, 1982.09 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF INTERSTATE 80/29;

THENCE ON SAID SOUTH RIGHT-OF-WAY LINE THE FOLLOWING SEVEN (7) COURSES:
1) NORTH 85 DEGREES 43 MINUTES 56 SECONDS EAST, 139.14 FEET;
2) SOUTH 86 DEGREES 53 MINUTES 10 SECONDS EAST, 406.10 FEET;
3) SOUTH 81 DEGREES 53 MINUTES 07 SECONDS EAST, 151.33 FEET;
4) SOUTH 71 DEGREES 31 MINUTES 07 SECONDS EAST, 194.49 FEET;
5) NORTH 24 DEGREES 28 MINUTES 29 SECONDS EAST, 49.24 FEET;
6) SOUTH 86 DEGREES 25 MINUTES 00 SECONDS EAST, 366.66 FEET;
7) SOUTH 36 DEGREES 05 MINUTES 53 SECONDS EAST, 193.13 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SOUTH 24TH STREET;

THENCE ON SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:
1) SOUTH 05 DEGREES 14 MINUTES 12 SECONDS EAST, 493.62 FEET;
2) SOUTH 00 DEGREES 15 MINUTES 21 SECONDS WEST, 1159.91 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF RICHARD DOWNING AVENUE;
THENCE ON SAID NORTH RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES:
1) NORTH 88 DEGREES 49 MINUTES 37 SECONDS WEST, 103.25 FEET;
2) NORTH 88 DEGREES 19 MINUTES 30 SECONDS WEST, 1311.47 FEET;
3) NORTH 89 DEGREES 19 MINUTES 42 SECONDS WEST, 1.15 FEET TO THE POINT OF BEGINNING.

SAID PARCEL "20223" CONTAINS AN AREA OF 2,704.765 SQUARE FEET (62.093 ACRES), MORE OR LESS.
LEGEND
● FOUND SECTION CORNER AS NOTED
○ FOUND PROPERTY PIN AS NOTED
○ SET 5/8"X24" REBAR WITH YELLOW PLASTIC CAP MARKED HIGH ASSOC. PLS 25604* OR AS NOTED
(S) SURVEYED
(R1) PLAT OF SURVEY BOOK 94, PAGE 22514
(R2) POTTAWATTAMIE COUNTY RECORDER'S OFFICE
(R3) INTERAGENCY TRANSFER OF JURISDICTION BOOK 2011, PAGE 902559
(R4) POTTAWATTAMIE COUNTY RECORDER'S OFFICE
(R5) QUIT CLAIM DEED BOOK 98, PAGE 55015
POTTAWATTAMIE COUNTY RECORDER'S OFFICE
NOTE:
THE APPROXIMATE GOVERNMENT LOT LINE IS BASED ON THE ORIGINAL PLAT OF POTTAWATTAMIE COUNTY, THE MISSOURI RIVER HAS CREATED ACCRETIONS TO THE ORIGINAL GOVERNMENT LOTS. RECORDED SURVEYS AND DEEDS WITHIN THE GOVERNMENT LOTS AND ACCRETIONS THEREOF HAVE BROKEN THOSE AREAS DOWN INTO QUARTERS AND QUARTER QUARTERS, TRYING TO AVOID COMPLEXION. THIS SURVEY IS SPLITTING BOTH

PROFESSIONAL LAND SURVEYOR
DAVID E. FORSYTHE
25604
I HEREBY CERTIFY THAT THE LAND DESCRIBED CONTAINS ACCURATE AND CORRECT MEASUREMENTS AND THAT I AM A DULY LICENSED SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.
LICENSE NUMBER: 25604
BY ORDER: DAVID E. FORSYTHE
DATE: DECEMBER 22, 2020

Project: WESTERN HISTORIC TRAILS CENTER
Parcel: "20223" E1/2NE1/4 SEC 09, N1/2 & W1/2NW1/4 SEC 10 ALL-74-41
Client: IOWA DEPARTMENT OF CULTURAL AFFAIRS
Sheet: PLAT OF SURVEY

12-16-2020 - UPDATED R.O.W.
DEF: []
REV: []
DATE: []

hgm
ASSOCIATES INC.
640 FIFTH AVENUE COUNCIL BLUFFS, IOWA
PHONE: (712) 323-0530

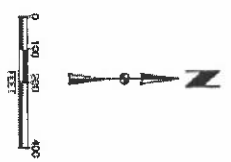
10F-1
11/22/20

R FEES (LD) RMA \$ 10
 A FEES 18575724
 ECOM \$ 18575724
 T TAXES _____

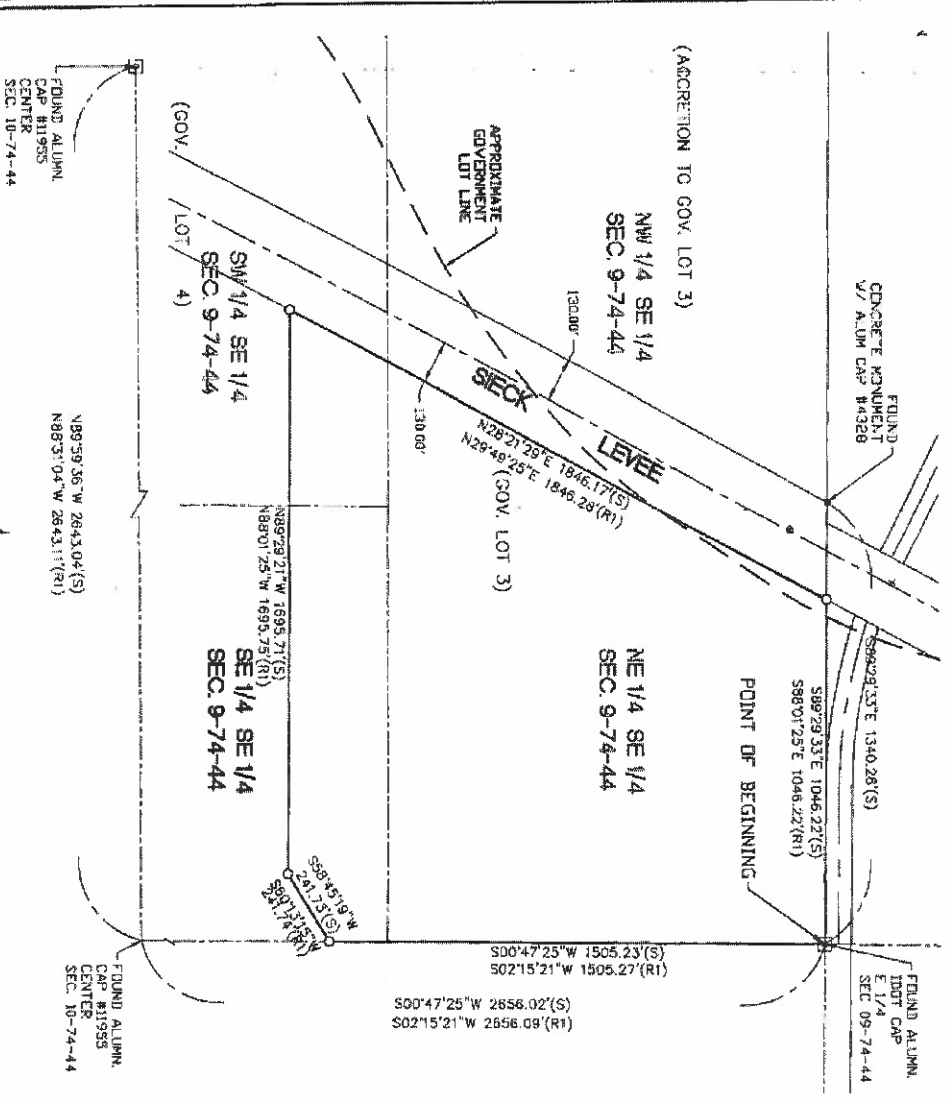
2020-19394
 RECORDER MARK BRANDENBURG
 POTTAWATTAMIE COUNTY, IA

FILE TIME: 12/17/2020 12:59:10 PM
 RECORDING FEE 5.00
 RMA FEE 1.00
 ECM FEE 1.00

LOT:	RECORDERS' INDEX
BLOCK:	
SUBDIVISION:	
ALLOT PART, GOV. LOTS 3&4, ACCRETIONS (SE 1/4)	
SECTION: 09 / TOWNSHIP: 74 / RANGE: 44	
CITY: COUNCIL BLUFFS	
COUNTY: POTTAWATTAMIE	
PROPRIETOR: STATE OF IOWA	
REQUESTED BY: IOWA DEPARTMENT OF CULTURAL AFFAIRS	
DATE OF FIELD SURVEY: NOVEMBER 23, 2020	



PREPARED BY: DAVID E. FORSYTHE, P.L.S., HQM ASSOCIATES, INC., 640 5TH AVENUE, COUNCIL BLUFFS, IOWA 51901 (712)223-0530



RETACEMENT SURVEY

A PARCEL OF LAND BEING A PORTION OF GOVERNMENT LOTS 3 AND 4 AND ACCRETIONS THEREOF (SE1/4), SECTION 09, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

LEGAL DESCRIPTION - WARRANTY DEED BOOK 2012, PAGE 001415

A PARCEL OF LAND LOCATED IN THE SE1/4 OF SECTION 9, T4N, R44W OF 5TH P.M., POTTAWATTAMIE COUNTY, IOWA, AS SHOWN ON ACQUISITION PLAT EXHIBIT A ATTACHED HERETO AND BY THIS REFERENCE MADE PART HEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE E1/4 CORNER OF SAID SECTION 9, THENCE S27°52'21\"/>

- LEGEND**
- ⊠ FOUND SECTION CORNER AS NOTED
 - FOUND PROPERTY PIN AS NOTED
 - SET 5/8\"/>
 - ⊙ MARKED HIGH ASSOC. PLS 25804
 - (S) SURVEYED
 - (R1) WARRANTY DEED BOOK 2012, PAGE 001415 POTTAWATTAMIE COUNTY RECORDER'S OFFICE

NOTE:
 THE APPROXIMATE GOVERNMENT LOT LINE IS BASED ON THE ORIGINAL PLATTING OF POTTAWATTAMIE COUNTY. THE MISSOURI RIVER HAS CREATED ACCRETIONS TO THE ORIGINAL GOVERNMENT LOTS. RECORDED SURVEYS AND DEEDS WITHIN THE GOVERNMENT LOTS AND ACCRETIONS THEREOF HAVE BEEN BROKEN THOSE AREAS DOWN INTO QUARTERS AND QUARTER QUARTERS, TRYING TO AVOID CONFUSION, THIS SURVEY IS SHOWING BOTH.

PROFESSIONAL LAND SURVEYOR

DAVID E. FORSYTHE
 LICENSE NUMBER 25804

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED 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.
 DATE: DECEMBER 17, 2020

BY LICENSEE INITIALS, DATE IS DECEMBER 11, 2020
 SHEET 1 OF 1

Project No. 111220
 Date 12/11/20
10F1

WESTERN HISTORIC TRAILS CENTER
 GOV. LOTS 3&4 AND ACCRETIONS (SE1/4) SEC 9-74-44

IOWA DEPARTMENT OF CULTURAL AFFAIRS

RETACEMENT SURVEY

REV. 1 - 2018-12-11

DEF. BY	
DEF. BY	
DEF. BY	
DEF. BY	
DEF. BY	
DEF. BY	
DEF. BY	
DEF. BY	
DEF. BY	
DEF. BY	

hgm
 ASSOCIATES INC.
 640 5TH AVENUE COUNCIL BLUFFS, IOWA
 PHONE: (712) 323-0530

We warrant to hold true and correct the high accuracy of the data and information contained herein and to defend and hold harmless the client from and against all claims, damages, losses and expenses, including reasonable attorney's fees, that may be incurred by the client as a result of the use of this survey or any part thereof. This warranty is limited to the extent of the fee for the survey.

EXHIBIT B

Preparer: John Lundquist, Assistant Attorney General, TEL: 515-281-3658
Iowa Department of Justice, Hoover State Office Building, Second Floor, Des Moines, Iowa 50319

CERTIFICATE IN SUPPORT OF PATENT REQUEST

TO: THE GOVERNOR AND SECRETARY OF STATE

RE: PATENT TO THE CITY OF COUNCIL BLUFFS

Pursuant to Iowa Code §§ 9G.6 and 303.8(2)(a), the Iowa Department of Cultural Affairs requests a patent conveying to the City of Council Bluffs, Iowa, real estate in Pottawattamie County, Iowa, described as:

Parcels 20221, 20222, 20223, as described in the Plat of Survey recorded in the Pottawattamie County Recorder's Office on December 17, 2020 as Document Numbers 2020-19394 and 2020-19395 and on January 7, 2021 as Document Numbers 2021-00324 and 2021-00325. Parcels 20221, 20222, 20223 contain an area of 15,814,333 square feet (363.047 ACRES), more or less.


This 363.047-acre, more or less, tract of land is subject to a reversionary interest of the United States of America and is further subject to a land use restriction that it be used in perpetuity for public recreational, educational, or similar purposes. An appraisal of this property determined that with said restrictions, it has an estimated fair market value of \$0.00.

On May 31, 2023 the Iowa Department of Cultural Affairs approved the transfer of the above-described property to the City of Council Bluffs, Iowa, for one dollar (\$1.00) and other good and sufficient consideration as permitted by Iowa Code § 303.8(2)(a). The entity entitled to the Patent is the City of Council Bluffs, 209 Pearl St, Council Bluffs, IA 51503.



Chris Kramer
Director
IOWA DEPARTMENT OF CULTURAL AFFAIRS

STATE OF IOWA, POLK COUNTY: This instrument was acknowledged before me on the 31 day of May, 2023 by Chris Kramer as the Director of the Iowa Department of Cultural Affairs.


NOTARY PUBLIC for the State of Iowa

Preparer: John Lundquist, Assistant Attorney General, TEL: 515-281-3658
Iowa Department of Justice, Hoover State Office Building, Second Floor, Des Moines, Iowa 50319

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Chris Kramer
Director
IOWA DEPARTMENT OF CULTURAL AFFAIRS

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NOTARY PUBLIC for the State of Iowa