



SERVICE PROVIDERS

Contact Each Service Provider Directly

Building Permits, Sewer, Water & Garbage/Recycling Services:



300 80th St. Court
P.O. Box 337
Fairfax, IA 52228
Phone: 319-846-2204
Fax: 319-846-3480
Website: cityoffairfax.org

Natural Gas Service:



Customer Inquiries
P.O. Box 4350
Davenport, IA 52808
Phone: 888-427-5632
Website: midamericanenergy.com

Electric Service:



5695 REC Drive
P.O. Box 69
Marion, IA 52302
Phone: 319-377-1587
Website: corridorenergy.coop

Schools:



401 76th Avenue SW
Cedar Rapids, IA 52404
Phone: 319-848-5200
Website: prairiepride.org

Telephone, Fiber Optic Internet, Cable TV Service & Webmail:



980 North Front St.
P.O. Box 19
North Liberty, IA 52317
Phone: 319-626-2211
Website: southslope.com

U.S. Mail Service:



1930 Wiley Blvd. SW
Cedar Rapids, IA 52404
Phone: 319-396-5392
Website: usps.com

Call to arrange the pickup of your keys at the Wiley Station.
Cluster Box Units are located on the north side of Heartland St.

RESTRICTIVE COVENANTS

THE UNDERSIGNED, being the Owners in fee (hereinafter referred to as "Developer") of Lots 98 through 117 inclusive, "Heartland Heights Second Addition in the City of Fairfax, Linn County, Iowa", in order to establish and maintain the residential character of each of said Lots, do hereby covenant and agree with persons who purchase said Lots or any one of several of said Lots, or any right, title or interest herein of any nature whatsoever, regardless of the use of said Lots is restricted and the sale of said Lots 98 through 117 inclusive are subject to the following covenants:

1. All Lots described herein shall be known, described and used as residential Lots with one single family dwelling not to exceed two stories in height and two or three car garages. The Developer shall sell all Lots in the development for single family dwelling Lots. There shall be no detached garages on Lots 109 through 117, inclusive, but there may be one detached structure per Lot for a storage building not to exceed one hundred and eighty (180) square feet in area and only one story in height. Any detached structure shall be of the same design and architectural character as the house. On Lots 98 through 108, inclusive, there may be one detached structure per Lot for a storage building not to exceed one hundred and eighty (180) square feet in area and only one story in height. Any detached structure shall be of the same design and architectural character as the house. The detached structure may only be located within the locations allowed pursuant to #15 and #16 of the restrictive covenants. Also, on Lots 98 through 108, all inclusive, there may also be one detached garage not exceeding seven hundred twenty-eight (728) square feet constructed. The detached garage may only be located within the locations allowed pursuant to #15 and #16 of the restrictive covenants. Any detached garage shall be of the same design and architectural character as the house, with stone or brick matching the front of the house on at least 20% of the front or side of any such detached garage that is facing the street. No metal buildings of any kind shall be placed on or erected anywhere on any of the above said Lots. All buildings placed upon lots require a building permit from the City of Fairfax, Iowa.
2. It is the intention and purpose of these covenants to assure that all dwellings will be of high quality, design, workmanship and materials approved by the Developers herein.
3. No modular home or log home shall be placed on any of the Lots herein.
4. All houses shall be built on site and be of similar architectural design and character as the rest of the residential buildings in the subdivision.
5. No building shall be erected on any residential building Lot nearer than twenty-five (25) feet from the front Lot line; nor nearer than eight (8) foot to any side Lot line; nor nearer than twenty-five (25) feet from any rear Lot line. On corner Lots, no building shall be erected on any residential building Lot nearer than twenty-five (25) feet from the front, rear and street side Lot line and eight (8) foot from interior side Lot line. For Lots on which a residence could face two streets, all setback dimensions shall be determined by the manner in which the house sits on the Lot and by City ordinance. Also on corner Lots, nothing shall be erected,

placed, planted or allowed to grow in such a manner as materially to impede vision between a height of three and ten feet above the centerline grades of the intersecting streets in an area bounded by the street lines of such corner Lots and a line joining points along said street lines fifty feet from the point of the intersection. Building lines shown on the final plat approved by the City Council of Fairfax on the 8th day of May, 2018, shall control if different from the foregoing.

6. No structure of any kind shall be erected on any Lot unless the plans therefore are first approved in writing by the Developer or its designated representative, and the designs and locations of the buildings on said Lots in said addition do not violate any of the restrictions herein contained, and no dwelling on adjoining Lot shall be constructed having similar exterior fronts, styling or design which would cause them to appear to be duplicates of the same structure. No dwelling on any Lot shall have a living space exclusive of garage of less than:

- i. In the case of a one story ranch, one thousand five hundred (1,500) square feet.
- ii. In the case of a split level, split foyer or two story structure, one thousand eight hundred (1,800) square feet.

In any case, each building shall have a brick or stone exterior that will cover at least 20% of the front of the dwelling, including any attached garage.

7. No weeds, underbrush or other unsightly growths shall be permitted to grow or remain upon any part of the property and no refuse pile or unsightly objects shall be allowed to be placed or suffered to remain anywhere thereon. The owner of each Lot, whether vacant or improved, shall mow the grass at reasonable times during the growing season and shall keep said Lot or Lots free of weeds and debris. All Lot Owners shall maintain the exterior of their homes in a neat and sightly manner.
8. No CB antenna, TV antenna or other building accessory shall be erected, altered or placed which is more than ten feet above the highest point of the building to which it is attached. There shall be no more than one antenna per Lot without prior, written approval from the Developer. All antennas shall require approval from the City of Fairfax, Iowa.
9. Satellite dishes shall be located so as to not be clearly visible from a street in the Addition. A satellite dish shall have a maximum diameter of twenty-four inches. There shall be no more than one satellite dish per Lot without prior, written approval of Developer.
10. No obnoxious or offensive trade shall be carried upon on any Lot nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood.
11. The Builder or Lot Owner who constructs a residential structure of any type on any Lot in this subdivision shall be responsible for all sidewalks, sidewalk pedestrian ramps and sidewalk turning spaces as required by city ordinances or the Development Agreement with the City of Fairfax dated May 24, 2018. Said sidewalks shall be a minimum of five feet in width of concrete construction. The Lot Owner shall be responsible for the Maintenance (including snow removal),

- repair and replacement of all 5 foot wide sidewalks, sidewalk pedestrian ramps, and sidewalk landings located within the public street rights of way adjacent to each Lot within Heartland Heights Second Addition.
12. A perpetual easement is reserved over the front, side and/or rear Lot lines and along said Lot lines as shown by the recorded plat for drainage, utility installation, access and maintenance and/or sidewalks. There shall be no fences, buildings, large plantings or other obstructions upon or under the property covered by these easements, so that drainage is not restricted and access is available to any equipment necessary for construction, reconstruction or maintenance of utilities and/or sidewalks located on said easement. All easements reserved are set forth on the final plat approved by the City of Fairfax, Iowa on the 8th of May, 2018.
 13. The private storm water drainage easements shall be owned and maintained by the individual Lot owner. The City of Fairfax, Iowa shall own and maintain the storm sewer facilities (storm sewer, intakes and/or storm manholes). All private storm water drainage easements and public storm sewer easements (facilities) reserved are set forth on the final plat approved by the City Council of Fairfax, Iowa on the 8th Day of May, 2018.
 14. Lot Owner shall own and maintain the storm water drainage swales located within the Private Storm Water Drainage and Public Storm Sewer Easements, which shall convey the 100-year storm event overland through Lots 98, 105, 106, 111, 112 and 115 through 117, all inclusive. The Lot Owner also agrees not to restrict the overland conveyance of the 100-year storm even through these drainage swales. No changes to said swales shall be made by the Lot Owner without prior written consent of the City of Fairfax, Iowa.
 15. Lots 98 through 108, all inclusive, being in close proximity to the Regional Storm Water Drainage Basin, are subject to a Letter of Map Revision (LOMR) from the Federal Emergency Management Agency (FEMA). These lots may have limitations on the location of buildings on said Lots. LOMR will be provided to the buyer, as approved by FEMA and the Iowa Department of Natural Resources (IDNR), from the developer's engineer.
 16. Lot Owner of Lots 98 through 108 all inclusive, Lots 111 and 112, Lots 115 through 117 all inclusive, shall provide to the City of Fairfax, Iowa, at the buyer's cost, certification by a civil engineer licensed in the State of Iowa verifying that the runoff from the 100-year storm event can be conveyed through and/or adjacent to the proposed development on these Lots without damage to the building structures on these Lots. Minimum Low Openings (MLO) will be provided to Lot Owner from the Developer's Engineer.
 17. Access to Lots 108 and 109 shall be restricted to Heartland Street only. No direct access to Beverly Road from Lots 108 and 109 shall be allowed.
 18. Lot Owners of Lots 108 and 109 have future sidewalk and Beverly Road construction requirements as show in paragraph #16 and #33 of the Development Agreement with the City of Fairfax dated the 24th of May, 2018.
 19. All structures placed on said Lots shall be of new materials.
 20. Development is receiving mail service from the United States Postal Service (USPS) using "cluster boxes". Each Lot Owner shall be responsible for maintaining their assigned cluster mailbox. Lot Owner will be given all keys to mailbox from USPS and buyer will be responsible for those keys. If lost or stolen,

it shall be the responsibility of the Lot Owner to have their lock and keys replaced. Lot Owner will pass keys and responsibility to future Lot Owners of said property. If mail cluster station should ever have to be replaced or repaired, each user shall share replacement or repair costs evenly among Lot Owners assigned to cluster box.

21. No trucks or other commercial vehicles rated larger than one ton pickups or any trailers shall be maintained or parked outdoors overnight for any purpose in this addition. The Builder/Developer shall be able to maintain and park such vehicles until such time as the buildings and improvements in the development are completed.
22. No recreational vehicles, campers, boats and motor homes can be stored or parked in front of dwelling for longer than thirty-six (36) hours. However, the above described vehicles may be parked or stored on adjoining concrete pads on the side of the house where the garage is located. No residence shall have more than one drive leading to a garage or for parking vehicles.
23. No inoperable, dismantled, or wrecked motor vehicles, automobiles, trailers, boats or any other vehicles or machinery or parts thereof, including scrap metals or other scrap materials shall be permitted to be upon or remain upon any part of the property within the addition.
24. Any outdoor pet facilities shall require the prior approval of the Fairfax City Council. It is understood that any pet making a continual disturbance is subject to the nuisance ordinances of the City of Fairfax, Iowa.
25. No Lot shall be subdivided.
26. These covenants are to run with the land and shall be binding upon all parties and all persons claiming under them until January 1, 2038, at which time said covenants shall be automatically extended for successive periods of ten (10) years unless by a vote of majority of the then owners of said Lots it is agreed to change the said covenants in whole or in part.
27. The record owners in fee simple of the residential Lots in the Addition may revoke, modify, amend or supplement, in whole or in part, any or all of the covenants and conditions contained in this Declaration and may release the real estate, or any part thereof, from the covenants, but only at the following time and in the following manner:
 - a. Any such change or changes after the full development of the Addition and prior to a date twenty-one years after the recording of this Declaration shall require the approval of 60% of the Lot Owners of all of the Lots in the Addition.
 - b. Any such modification shall be effective only if expressed in a written instrument or instruments executed and acknowledged by each of the consenting Lot Owners and recorded in the Office of the Recorder of Linn County, Iowa. Upon and after the effective date of any such change or changes, the change or changes shall be binding upon all persons, firms and corporations then owning property in the Addition and shall run with the land and bind all persons claiming by, through or under any one or more of them.

- c. Until all Lots within the subdivision are sold, the Developer may revoke, modify, amend, or supplement these Restrictive Covenants without the consent of any other Lot Owners in the subdivision.
 - d. Notwithstanding the above, any such change or changes shall require the consent of the Developer as long as it is the legal titleholder to any Lot in said Addition.
 - e. After the Lots covered by these restrictive covenants are completely sold out, the majority of the Lot Owners covered by these restrictive covenants shall be charged with their enforcement.
28. If the undersigned, or their heirs, successors or assigns, including any succeeding Lot Owners, shall violate any of the covenants or restrictions herein, it shall be lawful for any other person or persons owning any other of said Lots to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenants or restrictions and either to prevent such party from so doing or to recover damages or other dues from such violation.
29. Invalidation of any one of these covenants by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

Dated at Fairfax, Iowa, this 12th day of June, 2018.

IOWA LOT DEVELOPMENT, LLC

Bruce G. Sevig
Bruce G. Sevig, Member-Manager

Shane A. Schrader
Shane A. Schrader, Member-Manager

STATE OF IOWA)
)ss
COUNTY OF LINN)

On this 12th day of June, 2018, before me, the undersigned, a Notary Public, personally appeared Bruce G. Sevig and Shane A. Schrader, to me personally known, who being by me duly sworn, did say that these persons are the Member-Managers of said Iowa Lot Development, LLC, that no seal has been procured by the said limited liability company and that said instrument was signed on behalf of the said Iowa Lot Development, LLC, by authority of its Members and the said Bruce G. Sevig and Shane A. Schrader acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it and by them voluntarily executed.



NOTARY PUBLIC - STATE OF IOWA

Janelle M. Schmidt

BK: 10620 PG: 626
Recorded: 4/22/2020 at 9:38:59.0 AM
County Recording Fee: \$102.00
Iowa E-Filing Fee: \$3.00
Combined Fee: \$105.00
Revenue Tax:
Joan McCalmant RECORDER
Linn County, Iowa
Unique Doc ID: 2575201

Return to: Bruce Sevig, Iowa Lot Development, LLC, P.O. Box 270, Walford, IA 52351, (319) 846-5540

Prepared by: Jon M. McCright, Lynch Dallas, P.C., PO Box 2457, Cedar Rapids, IA 52406 (319) 365-9101

LOMR Designation

The Developer hereby submits the following information concerning the Letter of Map Revision (LOMR):


Developer's Civil Engineer has consulted with the Iowa Department of Natural Resources (IDNR) and the Federal Emergency Management Agency (FEMA) concerning the buildable area for Lots 98 through 108, Heartland Heights Second Addition in the City of Fairfax, Linn County, Iowa and Lot 117, Heartland Heights Second Addition in the City of Fairfax, Linn County, Iowa, for which the LOMR documentation (Letter of Map Revision) concerning 100-year flood plain location is attached. See attached Exhibits (A, B, and C). The effect of the LOMR-F is it removes the Federal requirement for the lender to require flood insurance coverage for the property described. The LOMR-F is *not* a waiver of the condition that the property owner maintain flood insurance coverage for the property. *Only* the lender can waive the flood insurance purchase requirement. No building permits will be issued for locations outside of the area designated on each LOMR exhibit. Building outside of the designated area LOMR exhibits may require additional approvals from IDNR, FEMA or the City of Fairfax, Iowa and may require flood insurance.


Properties covered by this document are as follows:

Lot 98, Heartland Heights Second Addition in the City of Fairfax, Linn County, Iowa,
Lot 99, Heartland Heights Second Addition in the City of Fairfax, Linn County, Iowa,
Lot 100, Heartland Heights Second Addition in the City of Fairfax, Linn County, Iowa,
Lot 101, Heartland Heights Second Addition in the City of Fairfax, Linn County, Iowa,
Lot 102, Heartland Heights Second Addition in the City of Fairfax, Linn County, Iowa,
Lot 103, Heartland Heights Second Addition in the City of Fairfax, Linn County, Iowa,
Lot 104, Heartland Heights Second Addition in the City of Fairfax, Linn County, Iowa,
Lot 105, Heartland Heights Second Addition in the City of Fairfax, Linn County, Iowa,
Lot 106, Heartland Heights Second Addition in the City of Fairfax, Linn County, Iowa,
Lot 107, Heartland Heights Second Addition in the City of Fairfax, Linn County, Iowa,
Lot 108, Heartland Heights Second Addition in the City of Fairfax, Linn County, Iowa,
Lot 117, Heartland Heights Second Addition in the City of Fairfax, Linn County, Iowa.

Dated at Fairfax, Iowa, this 17th day of April, 2020.

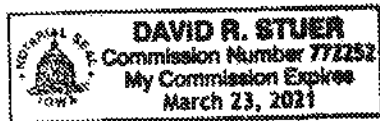
IOWA LOT DEVELOPMENT, LLC


Bruce G. Sevig, Member-Manager


Shane A. Schrader, Member-Manager

STATE OF IOWA)
)ss
COUNTY OF LINN)

On this 17th day of April, 2020, before me, the undersigned, a Notary Public, personally appeared Bruce G. Sevig and Shane A. Schrader, to me personally known, who being by me duly sworn, did say that these persons are the Member-Managers of said Iowa Lot Development, LLC, that no seal has been procured by the said limited liability company and that said instrument was signed on behalf of the said Iowa Lot Development, LLC, by authority of its Members and the said Bruce G. Sevig and Shane A. Schrader acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it and by them voluntarily executed.



A handwritten signature in dark ink, appearing to be "D. Stuer", written over a horizontal line.

NOTARY PUBLIC - STATE OF IOWA

EXHIBIT A



Federal Emergency Management Agency

Washington, D.C. 20472

April 01, 2020

THE HONORABLE BERNIE FRIEDEN
MAYOR, CITY OF FAIRFAX
PO BOX 337
FAIRFAX, IA 52228

CASE NO.: 20-07-0637A
COMMUNITY: CITY OF FAIRFAX, LINN COUNTY,
IOWA
COMMUNITY NO.: 190190

DEAR MR. FRIEDEN:

This is in reference to a request that the Federal Emergency Management Agency (FEMA) determine if the property described in the enclosed document is located within an identified Special Flood Hazard Area, the area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood), on the effective National Flood Insurance Program (NFIP) map. Using the information submitted and the effective NFIP map, our determination is shown on the attached Letter of Map Revision based on Fill (LOMR-F) Determination Document. This determination document provides additional information regarding the effective NFIP map, the legal description of the property and our determination.

Additional documents are enclosed which provide information regarding the subject property and LOMR-Fs. Please see the List of Enclosures below to determine which documents are enclosed. Other attachments specific to this request may be included as referenced in the Determination/Comment document. If you have any questions about this letter or any of the enclosures, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Sincerely,

A handwritten signature in blue ink, which appears to read "Luis V. Rodriguez", is written over a faint, larger signature.

Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

LIST OF ENCLOSURES:

LOMR-F DETERMINATION DOCUMENT (REMOVAL)

cc: State/Commonwealth NFIP Coordinator
Community Map Repository
Region
Mr. Wade Wamre



Federal Emergency Management Agency

Washington, D.C. 20472

ADDITIONAL INFORMATION REGARDING LETTERS OF MAP REVISION BASED ON FILL

When making determinations on requests for Letters of Map Revision based on the placement of fill (LOMR-Fs), the Department of Homeland Security's Federal Emergency Management Agency (FEMA) bases its determination on the flood hazard information available at the time of the determination. Requesters should be aware that flood conditions may change or new information may be generated that would supersede FEMA's determination. In such cases, the community will be informed by letter.

Requesters also should be aware that removal of a property (parcel of land or structure) from the Special Flood Hazard Area (SFHA) means FEMA has determined the property is not subject to inundation by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This does not mean the property is not subject to other flood hazards. The property could be inundated by a flood with a magnitude greater than the base flood or by localized flooding not shown on the effective National Flood Insurance Program (NFIP) map.

The effect of a LOMR-F is it removes the Federal requirement for the lender to require flood insurance coverage for the property described. The LOMR-F *is not* a waiver of the condition that the property owner maintain flood insurance coverage for the property. *Only* the lender can waive the flood insurance purchase requirement because the lender imposed the requirement. *The property owner must request and receive a written waiver from the lender before canceling the policy.* The lender may determine, on its own as a business decision, that it wishes to continue the flood insurance requirement to protect its financial risk on the loan.

The LOMR-F provides FEMA's comment on the mandatory flood insurance requirements of the NFIP as they apply to a particular property. A LOMR-F is not a building permit, nor should it be construed as such. Any development, new construction, or substantial improvement of a property impacted by a LOMR-F must comply with all applicable State and local criteria and other Federal criteria.

If a lender releases a property owner from the flood insurance requirement, and the property owner decides to cancel the policy and seek a refund, the NFIP will refund the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy during the current policy year. The property owner must provide a written waiver of the insurance requirement from the lender to the property insurance agent or company servicing his or her policy. The agent or company will then process the refund request.

Even though structures are not located in an SFHA, as mentioned above, they could be flooded by a flooding event with a greater magnitude than the base flood. In fact, more than 25 percent of all claims paid by the NFIP are for policies for structures located outside the SFHA in Zones B, C, X (shaded), or X (unshaded). More than one-fourth of all policies purchased under the NFIP protect structures located in these zones. The risk to structures located outside SFHAs is just not as great as the risk to structures located in SFHAs. Finally, approximately 90 percent of all federally declared disasters are caused by flooding, and homeowners insurance does not provide financial protection from this flooding. Therefore, FEMA encourages the widest possible coverage under the NFIP.

LOMRFENC-1 (LOMR-F Removal)

The NFIP offers two types of flood insurance policies to property owners: the low-cost Preferred Risk Policy (PRP) and the Standard Flood Insurance Policy (SFIP). The PRP is available for 1- to 4-family residential structures located outside the SFHA with little or no loss history. The PRP is available for townhouse/rowhouse-type structures, but is not available for other types of condominium units. The SFIP is available for all other structures.

Additional information on the PRP and how a property owner can qualify for this type of policy may be obtained by contacting the Flood Insurance Information Hotline, toll free, at 1-800-427-4661. Before making a final decision about flood insurance coverage, FEMA strongly encourages property owners to discuss their individual flood risk situations and insurance needs with an insurance agent or company.

The revisions made effective by a LOMR-F are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, P.L. 90-448) 42 U.S.C. 4001-4128, and 44 CFR Part 65.

In accordance with regulations adopted by the community when it made application to join the NFIP, letters issued to revise an NFIP map must be attached to the community's official record copy of the map. That map is available for public inspection at the community's official map repository. Therefore, FEMA sends copies of all such letters to the affected community's official map repository.

To ensure continued eligibility to participate in the NFIP, the community must enforce its floodplain management regulations using, at a minimum, the flood elevations and zone designations shown on the NFIP map, including the revisions made effective by LOMR-Fs. LOMR-Fs are based on minimum criteria established by the NFIP. State, county, and community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction in the SFHA. If the State, county, or community has adopted more restrictive and comprehensive floodplain management criteria, these criteria take precedence over the minimum Federal criteria.

FEMA does not print and distribute LOMR-Fs to primary map users, such as local insurance agents and mortgage lenders; therefore, the community serves as the repository for LOMR-Fs. FEMA encourages communities to disseminate LOMR-Fs so that interested persons, such as property owners, insurance agents, and mortgage lenders, may benefit from the information. FEMA also encourages communities to prepare articles for publication in the local newspaper that describe the changes made and the assistance community officials will provide in serving as a clearinghouse for LOMR-Fs and interpreting NFIP maps.

When a restudy is undertaken, or when a sufficient number of revisions occur on particular map panels, FEMA initiates the printing and distribution process for the panels and incorporates the changes made effective by LOMR-Fs. FEMA notifies community officials in writing when affected map panels are being physically revised and distributed. If the results of particular LOMR-Fs cannot be reflected on the new map panels because of scale limitations, FEMA notifies the community in writing and revalidates the LOMR-Fs in that letter. LOMR-Fs revalidated in this way usually will become effective 1 day after the effective date of the revised map.

Page 1 of 6	Date: April 01, 2020	Case No.: 20-07-0637A	LOMR-F
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Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	CITY OF FAIRFAX, LINN COUNTY, IOWA	Lots 99 through 108, and a portion of Lot 98, Heartland Heights Second Addition, as shown on the Final Plat recorded in Book 10125, Pages 238 through 269, in the Office of the Recorder, Linn County, Iowa The portion of property is more particularly described by the following metes and bounds:
	COMMUNITY NO.: 190190	
AFFECTED MAP PANEL	NUMBER: 19113C0385D; 19113C0391D	
	DATE: 4/5/2010; 4/5/2010	
FLOODING SOURCE: TRIBUTARY TO PRAIRIE CREEK		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 41.936480, -91.785855 SOURCE OF LAT & LONG: LOMA LOGIC DATUM: NAD 83

DETERMINATION

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
98	--	Heartland Heights Second Addition	1385 Heartland Street	Portion of Property	X (shaded)	--	--	766.7 feet

Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

LEGAL PROPERTY DESCRIPTION	ANNEXATION
FILL RECOMMENDATION	ZONE A
PORTIONS REMAIN IN THE SFHA	STATE LOCAL CONSIDERATIONS

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Revision based on Fill for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the described portion(s) of the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document revises the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

LEGAL PROPERTY DESCRIPTION (CONTINUED)

Lot 98

BEGINNING at the Northwest Corner of Lot 98, Heartland Heights Second Addition in the City of Fairfax, Linn County, Iowa; Thence Southeasterly along the North line of said Lot 98 to the East line of said Lot 98, 88.61 feet along the arc of a 230.00 foot radius curve concaved Northeasterly (Chord bears S 67°53'50" E a distance of 88.06 feet); Thence S 07°09'57" W along said East line a distance of 147.04 feet; Thence S 89°30'33" W to the West line of said Lot 98 a distance of 145.08 feet; Thence N 01°49'39" W along said West line a distance of 19.45 feet; Thence N 27°08'32" E along the Northwest line of said Lot 98 to the POINT OF BEGINNING

FILL RECOMMENDATION (This Additional Consideration applies to the preceding 1 Property.)

The minimum NFIP criteria for removal of the subject area based on fill have been met for this request and the community in which the property is located has certified that the area and any subsequent structure(s) built on the filled area are reasonably safe from flooding. FEMA's Technical Bulletin 10-01 provides guidance for the construction of buildings on land elevated above the base flood elevation through the placement of fill. A copy of Technical Bulletin 10-01 can be obtained by calling the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or from our web site at <http://www.fema.gov/mit/tb1001.pdf>. Although the minimum NFIP standards no longer apply to this area, some communities may have floodplain management regulations that are more restrictive and may continue to enforce some or all of their requirements in areas outside the Special Flood Hazard Area.

PORTIONS OF THE PROPERTY REMAIN IN THE SFHA (This Additional Consideration applies to the preceding 1 Property.)

Portions of this property, but not the subject of the Determination/Comment document, may remain in the Special Flood Hazard Area. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management.

ANNEXATION (This Additional Consideration applies to the preceding 1 Property.)

Although the subject of this determination is shown on the National Flood Insurance Program map as being located in a community other than the community indicated on the Determination/Comment Document, it has been annexed by the community referenced therein.

ZONE A (This Additional Consideration applies to the preceding 1 Property.)

The National Flood Insurance Program map affecting this property depicts a Special Flood Hazard Area that was determined using the best flood hazard data available to FEMA, but without performing a detailed engineering analysis. The flood elevation used to make this determination is based on approximate methods and has not been formalized through the standard process for establishing base flood elevations published in the Flood Insurance Study. This flood elevation is subject to change.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

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Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

STATE AND LOCAL CONSIDERATIONS (This Additional Consideration applies to all properties in the LOMR-F DETERMINATION DOCUMENT (REMOVAL))

Please note that this document does not override or supersede any State or local procedural or substantive provisions which may apply to floodplain management requirements associated with amendments to State or local floodplain zoning ordinances, maps, or State or local procedures adopted under the National Flood Insurance Program.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

[Signature]
Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

Book: 10620 Page: 626 Seq: 9



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	CITY OF FAIRFAX, LINN COUNTY, IOWA	Lots 99 through 108, and a portion of Lot 98, Heartland Heights Second Addition, as shown on the Final Plat recorded in Book 10125, Pages 238 through 269, in the Office of the Recorder, Linn County, Iowa The portion of property is more particularly described by the following metes and bounds:
	COMMUNITY NO.: 190190	
AFFECTED MAP PANEL	NUMBER: 19113C0385D; 19113C0391D DATE: 4/5/2010; 4/5/2010	
FLOODING SOURCE: TRIBUTARY TO PRAIRIE CREEK		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 41.936480, -91.785855 SOURCE OF LAT & LONG: LOMA LOGIC DATUM: NAD 83

DETERMINATION

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
100	--	Heartland Heights Second Addition	1409 Heartland Street	Property	X (shaded)	--	--	769.0 feet

Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

LEGAL PROPERTY DESCRIPTION	ANNEXATION
DETERMINATION TABLE (CONTINUED)	ZONE A
FILL RECOMMENDATION	STATE LOCAL CONSIDERATIONS

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Revision based on Fill for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document revises the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Luis V. Rodriguez, P.E., Director
 Engineering and Modeling Division
 Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

LEGAL PROPERTY DESCRIPTION (CONTINUED)

Lot 98

BEGINNING at the Northwest Corner of Lot 98, Heartland Heights Second Addition in the City of Fairfax, Linn County, Iowa; Thence Southeasterly along the North line of said Lot 98 to the East line of said Lot 98, 88.61 feet along the arc of a 230.00 foot radius curve concaved Northeasterly (Chord bears S 67°53'50" E a distance of 88.06 feet); Thence S 07°09'57" W along said East line a distance of 147.04 feet; Thence S 89°30'33" W to the West line of said Lot 98 a distance of 145.08 feet; Thence N 01°49'39" W along said West line a distance of 19.45 feet; Thence N 27°08'32" E along the Northwest line of said Lot 98 to the POINT OF BEGINNING

DETERMINATION TABLE (CONTINUED)

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
101	--	Heartland Heights Second Addition	1417 Heartland Street	Property	X (shaded)	--	--	769.0 feet
102	--	Heartland Heights Second Addition	1425 Heartland Street	Property	X (shaded)	--	--	769.0 feet
103	--	Heartland Heights Second Addition	1503 Heartland Street	Property	X (shaded)	--	--	769.0 feet
104	--	Heartland Heights Second Addition	1511 Heartland Street	Property	X (shaded)	--	--	769.5 feet
105	--	Heartland Heights Second Addition	1519 Heartland Street	Property	X (shaded)	--	--	769.9 feet
106	--	Heartland Heights Second Addition	1527 Heartland Street	Property	X (shaded)	--	--	769.1 feet
107	--	Heartland Heights Second Addition	1601 Heartland Street	Property	X (shaded)	--	--	769.7 feet
108	--	Heartland Heights Second Addition	1609 Heartland Street	Property	X (shaded)	--	--	771.1 feet

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

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Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
99	--	Heartland Heights Second Addition	1401 Heartland Street	Property	X (shaded)	--	--	767.5 feet

FILL RECOMMENDATION (This Additional Consideration applies to the preceding 10 Properties.)

The minimum NFIP criteria for removal of the subject area based on fill have been met for this request and the community in which the property is located has certified that the area and any subsequent structure(s) built on the filled area are reasonably safe from flooding. FEMA's Technical Bulletin 10-01 provides guidance for the construction of buildings on land elevated above the base flood elevation through the placement of fill. A copy of Technical Bulletin 10-01 can be obtained by calling the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or from our web site at <http://www.fema.gov/mit/tb1001.pdf>. Although the minimum NFIP standards no longer apply to this area, some communities may have floodplain management regulations that are more restrictive and may continue to enforce some or all of their requirements in areas outside the Special Flood Hazard Area.

ANNEXATION (This Additional Consideration applies to the preceding 10 Properties.)

Although the subject of this determination is shown on the National Flood Insurance Program map as being located in a community other than the community indicated on the Determination/Comment Document, it has been annexed by the community referenced therein.

ZONE A (This Additional Consideration applies to the preceding 10 Properties.)

The National Flood Insurance Program map affecting this property depicts a Special Flood Hazard Area that was determined using the best flood hazard data available to FEMA, but without performing a detailed engineering analysis. The flood elevation used to make this determination is based on approximate methods and has not been formalized through the standard process for establishing base flood elevations published in the Flood Insurance Study. This flood elevation is subject to change.

STATE AND LOCAL CONSIDERATIONS (This Additional Consideration applies to all properties in the LOMR-F DETERMINATION DOCUMENT (REMOVAL))

Please note that this document does not override or supersede any State or local procedural or substantive provisions which may apply to floodplain management requirements associated with amendments to State or local floodplain zoning ordinances, maps, or State or local procedures adopted under the National Flood Insurance Program.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

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Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (OUT AS SHOWN)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	CITY OF FAIRFAX, LINN COUNTY, IOWA	Lot 117, Heartland Heights Second Addition, as shown on the Final Plat recorded in Book 10125, Pages 238 through 269, in the Office of the Recorder, Linn County, Iowa
	COMMUNITY NO.: 190190	
AFFECTED MAP PANEL	NUMBER: 19113C0391D	
	DATE: 4/5/2010	
FLOODING SOURCE: TRIBUTARY TO PRAIRIE CREEK		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 41.935793, -91.785092 SOURCE OF LAT & LONG: LOMA LOGIC DATUM: NAD 83

DETERMINATION

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS OUTSIDE OF THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
117	--	Heartland Heights Second Addition	1400 Heartland Street	Property	X (unshaded)	--	--	--

Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

ANNEXATION

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Amendment for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). The subject property is correctly shown outside the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. If the policy has been written using an incorrect zone, it can be endorsed to correct the zone for the current policy year and one prior policy term. Please contact the insurance agent or company involved to request endorsement of the policy. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Luis V. Rodriguez, P.E.
Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

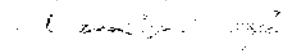
LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (OUT AS SHOWN)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

ANNEXATION (This Additional Consideration applies to the preceding 1 Property.)

Although the subject of this determination is shown on the National Flood Insurance Program map as being located in a community other than the community indicated on the Determination/Comment Document, it has been annexed by the community referenced therein.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.


Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

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EXHIBIT B

LOMR EXHIBIT PART OF HEARTLAND HEIGHTS SECOND ADDITION IN THE CITY OF FAIRFAX, LINN COUNTY, IOWA

LAND DESCRIPTION

Part of Lot 98, Heartland Heights Second Addition in the City of Fairfax, Linn County, Iowa, described as follows:

Beginning at the Northwest Corner of Lot 93, Heartland Heights Second Addition in the City of Fairfax, Linn County, Iowa; Thence Southwesterly along the north line of said Lot 98 to the East line of said Lot 95, 82.51 feet along the arc of a 230.00 foot radius curve conceived Northeasterly (Chord bears S 67°53'50" E a distance of 88.05 feet); Thence S 07°09'57" W along said East line a distance of 147.04 feet; Thence S 00°03'37" W to the West line of said Lot 98 a distance of 145.35 feet; Thence N 01°49'39" W along said West line a distance of 15.45 feet; Thence N 27°08'32" E along the Northwest line of said Lot 98 to the Point of Beginning a distance of 159.74 feet. Said parcel contains 0.45 acres and is subject to easements and restrictions of record.

AND

Lots 93 through 109 and Lot 117, Heartland Heights Second Addition in the City of Fairfax, Linn County, Iowa.

Said parcel contains 5.08 acres and is subject to easements and restrictions of record.

SURVEY LEGEND

	PLAT OR SURVEY BOUNDARY
	PLAT LOT LINE
	EXISTING LOT LINE
	EASEMENT LINE AS NOTED
	POINT OF BEGINNING

CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD BEG	CHORD	DELTA
G1	45.13	230.00	S 09°28'11" E	45.05	01°14'32"
G2	65.15	230.00	S 22°54'40" E	62.89	015°43'54"
G3	152.72	170.00	N 40°49'50" W	147.83	051°28'15"
G4	68.01	230.00	S 07°58'50" W	66.08	022°04'12"

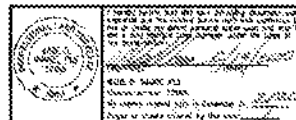
EXISTING 18" STORM
SEWER, STORM
WATER DRAINAGE,
AND ACCESS
EASEMENT

EXISTING 12" STORM
SEWER
EASEMENT

EXISTING STORM WATER
DRAINAGE & ACCESS
EASEMENT

Original Field Topographic Survey Date:
11/12/2018

Revised Field Topographic Survey Date:
For Lots 109 - 122 & Lot 117:
1/23/2020



LOMR EXHIBIT PART OF HEARTLAND HEIGHTS SECOND ADDITION IN THE CITY OF FAIRFAX, LINN COUNTY, IOWA					
DATE	3-1-2020	SCALE	1"=100'		
DRAWN	AKC	APPROVED		FIELD BOOK	LOT 117
REFERENCE DRAWING		REVISION			

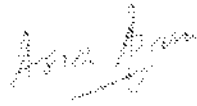
SHIVEHATTERY
ARCHITECTURE • ENGINEERING
Iowa • Illinois • Indiana • Missouri
info@shivehattery.com shivehattery.com

EXHIBIT C



Iowa Department of Natural Resources

Flood Plain Development Permit

- | | | |
|-------|---|--|
| I. | Permit Number | FP2019-174 |
| II. | Project Location(s) | County: Linn, QTR-QTR: SE, Quarter: SW, Section: 4, Township: T82N, Range: R08W, Iowa within the corporate limits of the City of Fairfax |
| III. | Approved Activity | Residential subdivision development. Project includes fill placement and building construction on Lots number 99 through 108 and Lot 117 for future development, channel widening, pond excavation, trail construction, construction of abutments for a future bridge, sheet piling, roadways, storm & sanitary sewer, water mains, and storm water management facilities including water quality basins (Unnamed Creek) |
| IV. | Applicant Company Address City State Zip | BRUCE SEVIG
IOWA LOT DEVELOPMENT LLC
1840 COMMERCIAL DR / PO BOX 270
WALFORD IA 52351 |
| V. | Authorized Agent Company Address City State Zip | MARK HARPOLE
SHIVE HATTERY INC
1701 RIVER DR STE 200
MOLINE IL 61265 |
| VI. | Construction Period Covered | 9/16/2019 to 9/16/2022 |
| VII. | Permit Issued By | 
<hr/> Asia Azam, Iowa Department of Natural Resources |
| VIII. | Basis for Issuance | The decision to issue this permit was based on a staff review of the project with respect to relevant approval criteria contained in IAC 567 Chapter 72 and applicable provisions of Iowa Code Sections 455B.262, .264, .275 and .277. |
| IX. | General Conditions | |

- a. Maintenance The applicant and any successor in interest to the real estate on which the project or activity is located shall be responsible for proper maintenance.
- b. Responsibility No legal or financial responsibility arising from the construction or maintenance of the approved works shall attach to the state of Iowa or the agency due to the issuance of an order or administrative waiver.
- c. Lands The applicant shall be responsible for obtaining such government licenses, permits, and approvals, and lands, easements, and rights-of-way which are required for the construction, operation, and maintenance of the authorized works.
- d. Change in plans No material change from the plans and specifications approved by the department shall be made unless authorized by the department.
- e. Revocation of order A department order may be revoked if construction is not completed within the period of time specified in the department order.
- X. Special Conditions There are six special conditions for this project.
 - a. Minimum Protection Level Requirements for Lots 108 through 99 and Lot 117. The buildings on these Lots shall be constructed such that either the top of the fill pad for a slab on grade type construction or the top of the basement floor slab is at or above the following elevations:

771.0' NAVD 88 for Lot 108
767.3' NAVD 88 for Lots from 107 through 99 and Lot 117.
 - b. Requirements for Basement and Foundation Drainage Systems. Any building having a basement constructed on Lots 108 through 99 and Lot 117 must have a foundation drainage system, including sump discharge lines and floor drains, that includes backflow prevention and having no discharge outlet to the outside below the 100-year frequency flood elevation of 770.0' and 766.3' NAVD 88 for the respective Lots.
 - c. Permitting Requirement for Future Buildings. Future residential buildings may be constructed on the approved fill pad without additional permits from the Department, as long as the permittee has complied with special conditions number "X a" and "X b".
 - d. Requirement for filing the permit with County Recorder. This flood plain development permit and the approved plans shall be duly filed with the Linn County Recorder and a copy shall be submitted to the Department of Natural Resources for permit file.
 - e. Riprap Requirements. Acceptable riprap material includes: field stone, quarry rock, and broken concrete. If any broken concrete is used, all exposed reinforcing steel must be cut off flush with the surface of the concrete prior to placing the riprap. Also, any concrete pieces larger than

three feet across shall either be broken into smaller pieces prior to placement or not used as riprap material. The use of asphalt or other solid waste is prohibited.

- f. Spoil Disposal. Excess spoil material resulting from the project shall either be removed from the flood plain or spread thinly (less than 6 inches) at the surrounding area. The spoil material should not be placed in an area that is, or could be, classified as a regulated wetland.

Per IAC 567 Chapter 70.5(4), this permit represents the initial decision of the Department. You have 30 days from the date of mailing of the permit to appeal. If you wish to appeal, it is suggested that you contact our Legal Services Section within 15 days to determine the correct procedure and format. Also, you should be aware of the fact that any person can appeal the issuance of this permit within the same 30 day period.

Iowa DNR Work Record Number: 87086