INDEX FILED

Aff. re: Easterly Line of Lot 1 = 707.67'

For Reference, See Book 16 Page 371 8/13/91

67-1631

DELAWARE COUNTY IOWA
FILED
'91 JAN 18 AM 11 31
BOOK 6 PAGE 113
RECORDER
$35.00

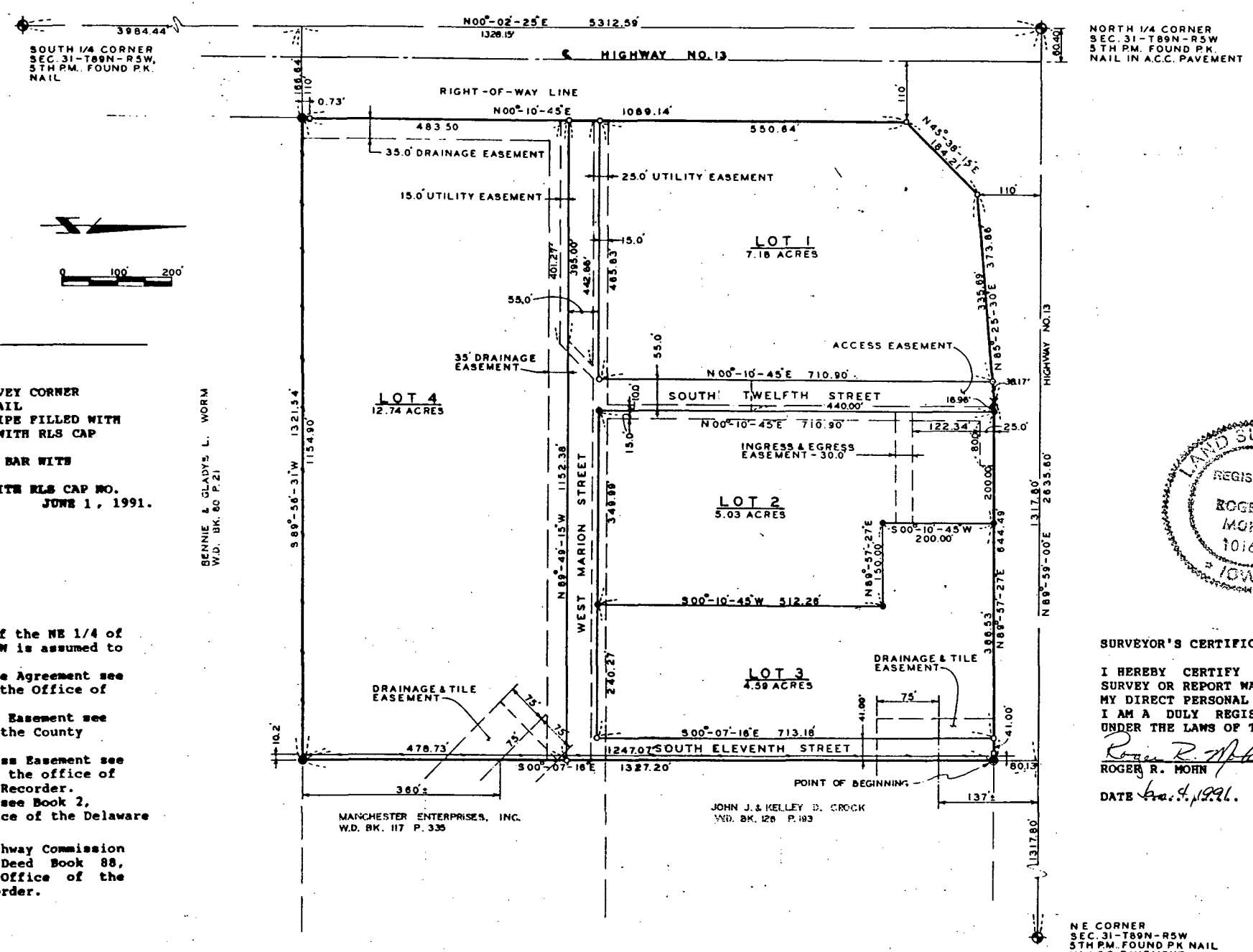
FILED
SHARON McCRABB
DELAWARE COUNTY AUDITOR

JAN 18 1991

FILED
Date 1-18-91
County Assessor

FINAL PLAT
WEST COMMERCIAL SUBDIVISION

PART OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION THIRTY-ONE (31), TOWNSHIP EIGHTY-NINE NORTH (T89N), RANGE FIVE WEST (R5W) OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF MANCHESTER, DELAWARE COUNTY, IOWA.



LEGEND

- SUBDIVISION BOUNDARY
- LOT LINE ESTABLISHED
- U.S. PUBLIC LAND SURVEY CORNER
- FOUND RIGHT OF WAY RAIL
- FOUND 2" DIA. IRON PIPE FILLED WITH P.C. CONCRETE AND WITH RLS CAP NO. 10165.
- FOUND 1/2" DIA. IRON BAR WITH RLS CAP NO. 10165.
- 1/2" DIA. IRON BAR WITH RLS CAP NO. 10165. SET BEFORE JUNE 1, 1991.
- CHISELED "X"
- EASEMENT LINE
- BARBED WIRE FENCE
- CENTERLINE

NOTE: The Northerly line of the NE 1/4 of Section 31, T89N, R5W is assumed to bear N 89°-59'00" E.
For Drainage and Tile Agreement see Book L, Page 157 in the Office of the County Recorder.
For existing Utility Easement see Book 1, Page 179 in the County Recorder's Office.
For Ingress and Egress Easement see Book 127, Page 87 in the office of the Delaware County Recorder.
For Access Easement see Book 2, Page 113 in the office of the Delaware County Recorder.
For Iowa State Highway Commission right of way, see Deed Book 88, Page 359 in the Office of the Delaware County Recorder.

PROPRIETORS: NASH-FINCH COMPANY
WAL-MART STORES, INC.
SURVEYED ON: DECEMBER 10, 1990

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAT, MAP, SURVEY OR REPORT WAS MADE BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION, AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

Roger R. Mohn
ROGER R. MOHN

DATE Jan. 4, 1991. REG. NO. 10165..

LAND SURVEYOR REGISTERED ROGER R. MOHN 10165. IOWA

STATE OF IOWA, DELAWARE COUNTY
Joan Sheppard, Recorder
FILED FOR RECORD THE 18 DAY OF January 19 91 AT 11:31
O'CLOCK A.M. BOOK 6 PAGE 113
By Plats; Hanging File A-40, Deputy
FILE No. 67-1631
RECORDING FEE $ 35.00
TRANSFER FEE $

SHEET 1 OF 6

TSE NO. 90-61
TRI-STATE ENGINEERS, P.C.
MANCHESTER, IOWA

LEGAL DESCRIPTION:

WEST COMMERCIAL SUBDIVISION, a subdivision of the Northwest Quarter of the Northeast Quarter (NW 1/4 - NE 1/4) of Section Thirty-one (31), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, City of Manchester, Delaware County, Iowa, except that portion thereof described in a Deed conveying 10.2 acres to the Iowa State Highway Commission dated August 20, 1969, and recorded in Deed Book 88, page 359 in the Office of the Recorder of Delaware County, Iowa, into four (4) lots numbered one (1) through four (4) containing a total of 32.56 acres including 3.02 acres of dedicated streets right of way, subject to easements of record and more particularly described by metes and bounds as follows: Commencing at the North Quarter (N 1/4) Corner of Section Thirty-one (31), Township Eighty-nine North (T89N), Range Five West (R5W) of the 5th P.M.; thence North 89°-59'-00" East 1317.80 feet along the northerly line of the Northeast Quarter (NE 1/4) of said Section Thirty-one (31); thence South 00°-07'-16" East 80.13 feet along the easterly line of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of said Section Thirty-one (31) to the POINT OF BEGINNING; thence South 00°-07'-16" East 1247.07 feet along the easterly line of said Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4); thence South 89°-56'-31" West 1154.90 feet along the southerly line of said Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4); thence North 00°-10'-45" East 1089.14 feet along the easterly right-of-way line of Iowa Highway No. 13; thence North 45°-38'-15" East 184.21 feet along said easterly right-of-way line; thence North 85°-25'-30" East 373.86 feet along the southerly right-of-way line of said Iowa Highway No. 13; thence North 89°-57'-27" East 644.49 feet along said southerly right-of-way line to the POINT OF BEGINNING. Said described parcel containing a total of 1,418,512 square feet (32.56 acres) more or less. The northerly line of the Northeast Quarter (NE 1/4) of Section Thirty-one (31), Township Eighty-nine North (T89N), Range Five West (R5W) is assumed to bear North 89°-59'-00" East.

Said described parcel is subject to a Drainage and Tile Easement as recorded in Book L, Page 157 in the Office of the Delaware County Recorder.

Said described parcel is subject to an Access Easement as recorded in Book 2, Page 113, in the Office of the Delaware County Recorder.

Said described parcel is subject to an Ingress and Egress Easement as recorded in Book 127, Page 87, in the Office at the Delaware County Recorder.

Said described parcel is subject to a Public Utility Easement as recorded in Book 1, Page 179, in the Office of the Delaware County Recorder. The legal description, Exhibit A of said Public Utility Easement, is hereby ammended as shown on Sheet 1.

A Drainage Easement is hereby created on Lot 4 as shown on Sheet 1.

SURVEYOR'S CERTIFICATE:

I hereby certify that this plat, map, survey or report was made by me or under my direct personal supervision, and that I am a duly Registered Land Surveyor under the laws of the state of Iowa.

Roger R. Mohn

Roger R. Mohn

Date January 4, 1991..... Reg. No. .....10165...

LAND SURVEYOR
REGISTERED
ROGER R.
MOHN
10165
IOWA

OWNER'S ACKNOWLEDGEMENT:

I Curtis H. Barlow, being the duly sworn (insert title of executing officer) Vice President, of Wal-Mart Stores, Inc. do hereby certify that the above survey, as shown by the attached Plat, is made with the free consent and in accordance with ~~the attached Plat, is made with the~~ the desire of the Board of Directors of said Corporation.

Wal-Mart Stores, Inc.

By Curtis H. Barlow
Curtis H. Barlow

State of Arkansas

County of Benton ss.

On this 2nd day of January, A.D. 19 91, before me a Notary Public in and for said County, personally appeared Curtis H. Barlow, to me personally known, who being by me duly (sworn or affirmed) did say that the person is Vice President (Insert title of executing officer) of said (corporation ~~or association~~), that (the seal affixed to said instrument is the seal of said ~~or no seal has been procured by the said~~) (corporation ~~or association~~), ~~that (the seal affixed to said instrument is the seal of said or no seal has been procured by the said) (corporation or association)~~ and that said instrument was signed and sealed on behalf of the said (corporation ~~of association~~) by authority of its board of (directors ~~or trustees~~) and the said Curtis H. Barlow acknowledged the execution of said instrument to be the voluntary act and deed of said (corporation ~~or association~~) by it voluntarily executed.

Kimberly Prowell
Notary Public in and for said County
Kimberly Prowell

OWNER'S ACKNOWLEDGEMENT:

I JEROME O. RODYSILL, being the duly sworn (insert title of executing officer) SR. VICE PRESIDENT, of NASH FINCH COMPANY do hereby certify that the above survey, as shown by the attached Plat, is made with the free consent and in accordance with the ~~attached Plat, is made with the~~ desire of the Board of Directors of said Corporation.

Nash Finch Company

By Jerome O Rodysill
Jerome O. Rodysill

State of MINNESOTA

County of HENNEPIN ss.

On this 3RD day of JANUARY, A.D. 19 91, before me a Notary Public in and for said County, personally appeared JEROME O. RODYSILL, to me personally known, who being by me duly (sworn or affirmed) did say that the person is SENIOR VICE PRESIDENT (Insert title of executing officer) of said (corporation ~~or association~~), that (the seal affixed to said instrument is the seal of said ~~or no seal has been procured by the said~~) (corporation ~~or association~~), ~~that (the seal affixed to said instrument is the seal of said or no seal has been procured by the said) (corporation or association)~~ and that said instrument was signed and sealed on behalf of the said (corporation ~~of association~~) by authority of its board of (directors ~~or trustees~~) and the said JEROME O. RODYSILL acknowledged the execution of said instrument to be the voluntary act and deed of said (corporation ~~or association~~) by it voluntarily executed.

Jonathan J. Solberg
Notary Public in and for said County

Jonathan J. Solberg
Notary Public—Minnesota
Ramsey County
My Comm. Exp. 6-4-91

RESOLUTION R-654-91

RESOLUTION APPROVING PRELIMINARY AND FINAL PLAT

WHEREAS, a plat of the West Commercial Subdivision, City of Manchester, Delaware County, Iowa, affecting premises more specifically described in the surveyor's certificate of Roger R. Mohn, dated December 10, 1991, has been filed with the City Clerk of the City of Manchester, Delaware County, Iowa, and has been acknowledged and approved by the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa, who have recommended acceptance of the same to the City Council, and after consideration of the said plat, it has been found to be correct and in accordance with the laws of the State of Iowa, and the ordinances of the City of Manchester, Delaware County, Iowa, with relation to plats and additions to cities;

It is further found that said final plat is hereby acknowledged and approved by the Manchester Planning and Zoning Commission with allowance for the following variances per Section 6.01 of Ordinance No. 293-85, "Subdivisions" of the City of Manchester:

1) Section 3.03 Minimum Improvements
   (c) Storm Sewer System relating to technical standards requiring all sewers being reinforced concrete pipe.
2) Section 3.03 Minimum Improvements
   (e) Other Improvements relating to the construction of sidewalks.
3) Section 4.06 Street Standards
   (d) Street Right of Way widths relating to technical standard for 66 feet.
4) Section 4.06 Street Standards
   (e) Half-streets relating to South Eleventh Street.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Manchester, Delaware County, Iowa, that said West Commercial Subdivision, City of Manchester, Delaware County, Iowa, be and the same is hereby the same is acknowledged, approved and accepted on the part of the City of Manchester, Delaware County, Iowa.

Approval is subject to the Final Plat and attachments required by Code of Iowa 409 and 409A being placed of record in the office of the Delaware County Recorder within 60 days following approval of this Resolution.

The Mayor and City Clerk are hereby directed to certify this approval and affix the same to said plat as by law provided.

Passed this 7th day of January, A.D., 1991.

Milt L. Kramer, Mayor

ATTEST:

Karen K. Cole, City Clerk

STATE OF IOWA)
) ss.
COUNTY OF DELAWARE)

On this 9th day of January, 1991, before me, Linda K. Tutton, a Notary Public in and for the State of Iowa, personally appeared Milt L. Kramer and Karen K. Cole, to me personally known, and, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Manchester, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in Resolution Number R-654-91 adopted by the City Council on the 7th day of January, 1991, and that Milt L. Kramer and Karen K. Cole acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

Linda K. Tutton; Notary Public; my commission expires 8-29-83

On this 4th day of January, 1991, before me Debra A. Knutson, a Notary Public in and for the State of Iowa, personally appeared David J. Parmley, and Helen M. Knutson, to me personally known, and, who, being by me duly sworn, did say that they are the Chairperson and Secretary of the Manchester Planning and Zoning Commission of the City of Manchester, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its Planning and Zoning Commission as contained in Resolution adopted by the Planning and Zoning Commission January 2, 1991, and that David J. Parmley and Helen M. Knutson acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by its voluntarily executed.

Debra A Knutson
Notary Public in and for the State of Iowa

DEBRA A. KNUTSON
MY COMMISSION EXPIRES
2-25-91

RESOLUTION APPROVING PRELIMINARY AND FINAL PLAT

WHEREAS, a plat of West Commercial Subdivision, City of Manchester, Delaware County, Iowa, has been filed with the Planning and Zoning Commission of Manchester, Iowa, and after full consideration thereof the same is found to be correct, and in accordance with the ordinances of the City of Manchester, Iowa, and the laws of the State of Iowa relating to plats and additions to cities;

It is further found that said final plat is hereby acknowledged and approved by the Manchester Planning and Zoning Commission with allowance for the following variances per Section 6.01 of Ordinance No. 293-85, "Subdivisions" of the City of Manchester:

1) Section 3.03 Minimum Improvements
   (c) Storm Sewer System relating to technical standards requiring all sewers being reinforced concrete pipe.

2) Section 3.03 Minimum Improvements
   (e) Other Improvements relating to the construction of sidewalks.

3) Section 4.06 Street Standards
   (d) Street Right of Way widths relating to technical standard for 66 feet.

4) Section 4.06 Street Standards
   (e) Half-streets relating to South Eleventh Street.

NOW, THEREFORE, BE IT RESOLVED, by the City Planning and Zoning Commission of the City of Manchester, Iowa, that said West Commercial Subdivision City of Manchester, Delaware County, Iowa, be, and the same is hereby acknowledged and approved on the part of the City Planning and Zoning Commission and the commission hereby recommends to the City Council the acceptance of the same, and the Chairman and the Secretary are hereby authorized and directed to certify this resolution of approval and affix the same to said plat as provided by law.

Adopted and passed this 2nd day of January, 19 91.

PLANNING AND ZONING COMMISSION
MANCHESTER, DELAWARE COUNTY, IOWA

By _____
David J. Parmley, Chairman

By _____
Helen M. Knutson, Secretary

STATE OF IOWA)
) ss.
COUNT OF DELAWARE)

We, David J. Parmley, Chairman, and Helen M. Knutson, Secretary, of the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa, first being duly sworn, hereby certify on oath that the above and foregoing resolution is a true and correct copy of the resolution passed by the City Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa, on the 2 day of January A.D., 19 91.

David J. Parmley, Chairman

Helen M. Knutson, Secretary

TREASURER'S CERTIFICATE

I, Helen McWilliams, Treasurer of Delaware County, Iowa, hereby certify that there are no taxes due nor liens against the land included with the West Commercial Subdivision, Delaware County, Iowa, on premises more specifically described in the surveyor's certificate of Roger R. Mohn, dated January 4, 1991, as shown by the records of this office.

Witness my hand and seal of this office at Manchester, Iowa, in said County, this 18th day of January, 1991.

TREASURER SEAL

Helen McWilliams

Helen McWilliams, Treasurer of Delaware County, Iowa.

ATTORNEY'S OPINION

I, Mary Lou Tracey, a practicing attorney at law in Manchester, Delaware County, Iowa, have examined the abstract of title to the land included within the West Commercial Subdivision, Delaware County, Iowa, on premises more specifically described in the surveyor's certificate of Roger R. Mohn, dated January 4, 1991.

Said abstract has been prepared in its entirety by the Delaware County Abstract Company, Inc., and was last certified to by said company on the sixteenth day of January, A.D., 1991, at the hour of eight o'clock A.M.

My examination of said abstract shows good and merchantable title on the date and hour of certification to be in Wal-Mart Stores, Inc. and in Nash-Finch Company, subject to a mechanic's lien filed on October 3, 1990, in Mech. Lien Book E, Page 122, in the amount of $5,455.79, by Daniel M. Case, Affiant, acting for Top Block, Inc., Claimant, and against Wal-Mart Stores, Inc.

Dated at Manchester, Iowa, in said County, this 18th day of January, 1991.

Mary Lou Tracey

Attorney at Law

Mary Lou Tracey

ATTACHMENT TO FINAL PLAT
COMMERCIAL WEST SUBDIVISION

Nash-Finch Company of Minneapolis, Minnesota, and **Wal-Mart Stores, Inc.**, of Bentonville, Arkansas, hereinafter referred to as "Developers", have requested and been granted approval allowing the said subdivision without the necessity of installing a storm sewer system or other additional drainage services. Developers hereby covenant that any property undertaking future development of the platted property which would exceed the capacity of the proposed open waterway shown on the plan or which would otherwise require construction of a storm sewer system shall be responsible for improvement of the open waterway or construction of a suitable storm sewer system.

Developers expressly state that in the event a need for a storm sewer system arises as a result of future development in the platted area, the City of Manchester, Iowa, shall not be responsible for costs incurred for installation of such a system.

Developers expressly state that the proposed open waterway drainage system is sufficient for existing development of the platted property and that installation of a storm sewer is not required or justified for existing development of said property.

NASH-FINCH COMPANY

By: Jerome O. Rodysill
Jerome O. Rodysill

ATTEST: Norman R. Davis

TITLE: SECRETARY

WAL-MART STORES, INC.

By: Curtis F. Barlow
Curtis F. Barlow

ATTEST: James M. Sams

TITLE: Assistant Secretary