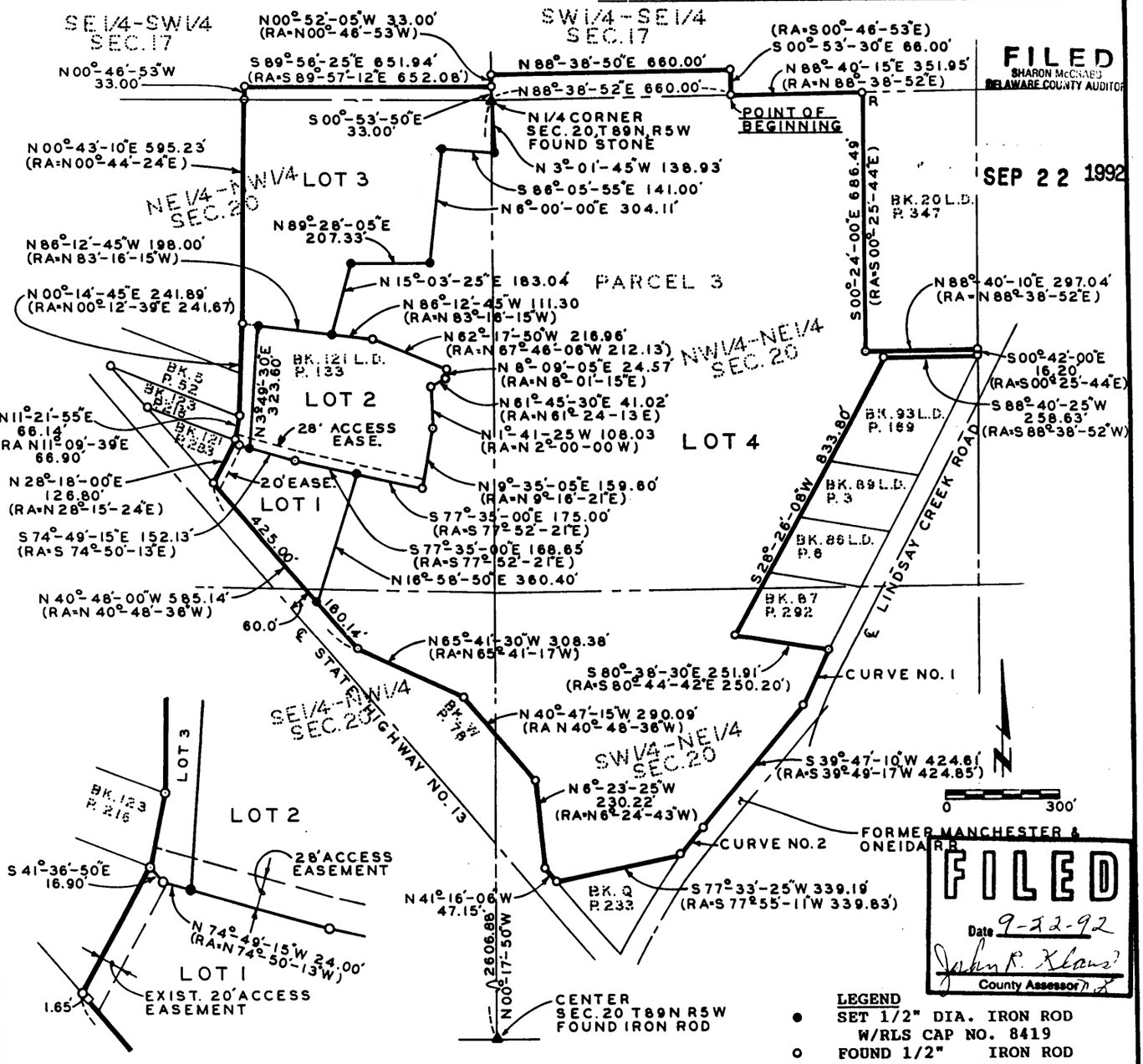
PLAT OF SURVEY

LUX TRUST SUBDIVISION OF PART OF PARCEL 3 OF HAYES SUBDIVISION OF PART OF THE SE 1/4, SW 1/4 AND OF THE SW 1/4, SE 1/4 OF SECTION 17, AND PART OF THE NW 1/4 AND N 1/2, SW 1/4 AND THE W 1/2, NE 1/4 OF SECTION 20, ALL OF T89N, R5W OF THE 5TH P.M.; AND PART OF THE NE 1/4, NW 1/4 OF SECTION 20, T89N, R5W OF THE 5TH P.M., DELAWARE COUNTY, IOWA.

THE NORTHERLY LINE OF THE NE 1/4 OF SECTION 20, T89N, R5W OF THE FIFTH PRINCIPAL MERIDIAN IS ASSUMED TO BEAR NORTH 88°-38'-52" EAST.

LOT NO.	SECTION 20 NW-NE	SW-NE	NE-NW	SE-NW	SECTION 17 SW-SE	SE-SW	TOTAL ACRES
1	---	---	1.90	0.01	---	---	1.91
2	---	---	3.87	---	---	---	3.87
3	0.01	---	6.77	---	---	0.49	7.27
4	28.64	11.09	7.04	2.19	1.00	---	49.96
TOTAL	28.65	11.09	19.58	2.20	1.00	0.49	63.01



FILED
SHARON McCRABB
DELAWARE COUNTY AUDITOR
SEP 22 1992

FILED
Date 9-22-92
John P. Kloos
County Assessor

CURVE NO.	RADIUS	CENTRAL ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH
1	1482.39'	6°-14'-50"	161.63'	S25°-31'-05"W	161.55'
		(RA-161.45')	(RA-S24°-44'-51"W)		(RA-161.37')
2	1959.86'	2°-38'-45"	90.48'	S39°-58'-00" W	90.47'
		(RA-91.21')	(RA-S38°-29'-14"W)		(RA-91.20')

LEGEND
- ● SET 1/2" DIA. IRON ROD W/RLS CAP NO. 8419
- o FOUND 1/2" IRON ROD
- o_R FOUND R.R. SPIKE
- □ FOUND ROW RAIL
- ——— PARCEL BOUNDARY ESTABLISHED
- (RA) RECORDED AS DISTANCE AND/OR BEARING
- — - — CENTERLINE
- ——— LOT LINE
- - - - - - - EASEMENT LINE

SURVEYED ON: 8/10 -28/92
FIELD BK. NO. 28 - S - 8

PROPRIETORS: ROSEMARY A. LUX, ROSEMARY A. LUX TRUST

PROJECT NO. 92-59

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.

J. David Gibbs 9/4/92
J. DAVID GIBBS, REG. NO. 8419 DATE

REGISTERED LAND SURVEYOR J. DAVID GIBBS 8419 IOWA

SCALE: 1"= 300'
DATE: 8/18/92
DRAWN BY: T. W.
CHECKED BY:

SHEET 1 OF 10

TRI-STATE ENGINEERS

OLD HWY. 20 EAST MANCHESTER IOWA

Municipal Consultants

Amendment re Tenancy Clerk 11/4/93 217

FILE No. 223-978
RECORDING FEE $ 50.00
TRANSFER FEE $

FILED FOR RECORD THE 22 DAY OF September 19 92 AT 3:35 O'CLOCK P. M. BOOK 6 PAGE 212

STATE OF IOWA, DELAWARE COUNTY
Jane A. Lloyd Recorder
By Hanging File A-60 Deputy

LEGAL DESCRIPTION:

LUX TRUST SUBDIVISION of Part of Parcel Three (3) of Hayes Subdivision of Part of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) and of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of Section Seventeen (17), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, and Part of the Northwest Quarter (NW 1/4) and of the North One half (N 1/2) of the Southwest Quarter (SW 1/4) and of the West One half (W 1/2) of the Northeast Quarter (NE 1/4) of Section Twenty (20), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa, as recorded in Book 6 of Plats, Page 20 in the Office of the Delaware County Recorder and of a Parcel in the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section Twenty (20), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian as recorded in L.D. Book 121, Page 133 in the Office of the Delaware County Recorder into four (4) lots numbered one (1) through four (4), containing a total of 63.01 acres, subject to easements of record and more specifically described by metes and follows:

COMMENCING at the North Quarter (N 1/4) Corner of Section Twenty (20), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa;

Thence along the Northerly line of the Northeast Quarter (NE 1/4) of said Section Twenty (20) North 88°-38'-52" East 660.00 feet to a corner of Parcel Three (3) of the Hayes Subdivision as recorded in Book 6 of Plats, Page 20 in the Office of the Delaware County Recorder, the POINT OF BEGINNING;

Thence along the Northerly line of said Parcel Three (3) and the Northerly line of said Northeast Quarter (NE 1/4) North 88°-40'-15" East 351.95 feet to the Northwest Corner of a 4.68 acre parcel as described by Warranty Deed in L.D. Book 20, Page 347 in the Office of the Delaware County Recorder;

Thence South 00°-24'-00" East along the Westerly line of said 4.68 acre Parcel 686.49 feet;

Thence North 88°-40'-10" East along the Southerly line of said 4.68 acre Parcel 297.04 feet;

Thence South 00°-42'-00" East 16.20 feet to the Northerly line of a 2.28 acre Parcel as recorded in L.D. Book 93, Page 169 in the Office of the Delaware County Recorder;

Thence along the Northerly line of said 2.28 acre Parcel South 88°-40'-25" West to the Northwesterly Corner of said Parcel 258.63 feet;

Thence along the Westerly line of said Parcel and along the Westerly line of a parcel as recorded in L.D. Book 89, Page 3, and along the Westerly line of a parcel as recorded in L.D. Book 86, Page 6 and along the Westerly line of a 1.07 acre Parcel as recorded in L.D. Book 87, Page 292, all in the Office of the Delaware County Recorder South 28°-26'-08" West 833.80 feet;

Thence along the Southerly line of said 1.07 acre Parcel, South 80°-38'-30" East to the Westerly line of Lindsay Creek Road 251.91 feet;

Thence along the Westerly line of Lindsay Creek Road along a circular Curve No. 1 concave Southeasterly having a radius of 1,482.39 feet for an arc length of 161.63 feet, said circular curve having a central angle of 6°-14'-50", a chord bearing of South 25°-31'-05" West and a chord length of 161.55 feet, to a point of intersection with the Northwesterly line of the former Manchester and Oneida Railroad Right of Way;

Thence along the Northwesterly line of said Manchester and Oneida Railroad Right of Way South 39°-47'-10" West 424.61 feet to a Point of curvature;

Thence continuing along said Railroad Right of Way along a circular Curve No. 2 concave Southeasterly having a radius of 1,959.86 feet for an arc length of 90.48 feet, said circular curve having a central angle of 2°-38'-45", a chord bearing of South 39°-58'-00" West and a chord length of 90.47 feet, to the Northeasterly Corner of a parcel as recorded in an Iowa Department of Transportation (IDOT) Resolution of Abandonment recorded in Book Q, Page 233 in the Office of the Delaware County Recorder;

Thence along the Northerly line of said IDOT Parcel South 77°-33'-25" West to the Westerly most corner of said IDOT Parcel and the Northeasterly right of way line of State Highway No. 13, 339.19 feet;

Thence along the Northeasterly right of way line of State Highway No. 13 North 41°-16'-06" West 47.15 feet;

Thence continuing along the Northeasterly line of State Highway No. 13 right of way as recorded in Easement for Public Highway in Book W, Page 78 in the Office of the Delaware County Recorder North 06°-23'-25" West 230.22 feet;

Thence continuing along said Easement North 40°-47'-15" West 290.09 feet;

Thence continuing along said Easement North 65°-41'-30" West 308.38 feet;

Thence along the Northeasterly right of way line of State Highway No. 13 North 40°-48'-00" West to the Southerly most point of a parcel as recorded in Quit Claim Deed in Book 121, Page 283 in the Office of the Delaware County Recorder 585.14 feet;

Thence along the Southeasterly line of said Parcel North 28°-18'-00" East to the Northeasterly Corner of said Parcel 126.80 feet;

Thence along the Easterly line of a 0.46 acre parcel as recorded in Warranty Deed in Book 123, Page 216 in the Office of the Delaware County Recorder North 11°-21'-55" East to the Northeasterly Corner of said 0.46 acre parcel 66.14 feet;

Thence along the Westerly line of a parcel of land as described in Warranty Deed recorded in L.D. Book 121, Page 133 in the Office of the Delaware County Recorder and along the Easterly line of a 1.0 acre parcel as recorded in Book 5 of Plats, Page 52 in the Office of the Delaware County Recorder North 00°-14'-45" East to a corner on the Westerly line of said Parcel Three (3), 241.89 feet;

Thence along the Westerly line of said Parcel Three (3) North 00°-43'-10" East 595.23 feet to the Northerly line of the Northwest Quarter (NW 1/4) of said Section Twenty (20);

Thence North 00°-46'-53" West 33.00 feet;

Thence South 89°-56'-25" East 651.94 feet to the Westerly line of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of Section Seventeen (17), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian;

Thence along said Westerly line North 00°-52'-05" West 33.00 feet;

Thence North 88°-38'-50" East 660.00 feet;

Thence South 00°-53'-30" East 66.00 feet to the POINT OF BEGINNING, into four (4) lots numbered Lot One (1) through Lot Four (4), containing a total of 63.01 acres and subject to easements of record.

The Northerly line of the Northeast Quarter (NE 1/4) of Section Twenty (20), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian is assumed to bear North 88°-38'-52" East.

Access Easements are shown on the attached plat across Lot One (1) and Lot Three (3) for the benefit of Lot Two (2) and Lot Three (3) and Lot Four (4). An access easement is shown on the attached plat across Lot Two (2) for the benefit of Lot Four (4).

SURVEYOR'S CERTIFICATE:



I hereby certify that this plat, map, survey or report was prepared 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.

J. David Gibbs 9/4/92

J. David Gibbs Date Reg. No. .8419.
My registration expires December 31, 1992.

OWNER'S ACKNOWLEDGEMENT

I Rosemary A. Lux and W. E. Lux, of Delaware County, State of Iowa, do hereby certify that the above survey, as shown by the attached Plat, is made with our free consent, and in accordance with our desire.

Rosemary A. Lux

W. E. Lux

STATE OF Iowa, Delaware County, ss.

On this 4th day of September A.D. 1992 before me, a Notary Public in and for said County, personally appeared Rosemary A. Lux and W. E. Lux, of said County, to me personally known, who being by me duly (sworn or affirmed) did say that the person(s) Named in and who executed the foregoing instrument, and acknowledged that Rosemary A. Lux and W. E. Lux executed the same as their voluntary act and deed.
Witness my hand and seal.

Notary Public in and for said County

LINDA K. SCHAUL
MY COMMISSION EXPIRES
August 16, 1994

OWNER'S ACKNOWLEDGEMENT

I W. E. Lux, of Delaware County, State of Iowa, do hereby certify that the above survey, as shown by the attached Plat, is made with my free consent, and in accordance with my desire.

Fiduciary for the Rosemary A. Lux Trust

STATE OF Iowa, Delaware County, ss.

On this 4th day of September A.D. 1992 before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared W. E. Lux, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that the person, as the fiduciary, executed the instrument as the voluntary act and deed of the person and of the fiduciary.
Witness my hand and seal.

Notary Public in and for said County

LINDA K. SCHAUL
MY COMMISSION EXPIRES
August 16, 1994

ATTORNEY'S OPINION

I, E. Michael Carr, a practicing attorney at law in Manchester, Delaware County, Iowa, have examined the abstract of title to the land included within the LUX TRUST SUBDIVISION, Delaware County, Iowa, on premises more specifically described in the surveyor's certificate of J. David Gibbs, dated September 4, 1992.

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 11 day of September, A.D., 1992, at the hour of 8:00 o'clock A.M.

My examination of said abstract shows good and merchantable title on the date and hour of certification to be in Rosemary A. Lux Trust and Rosemary A. Lux.

Dated at Manchester, Iowa, in said County, this 18 day of September, 1992.

E. Michael Carr

Attorney at Law

E. MICHAEL CARR

RESOLUTION APPROVING FINAL PLAT

WHEREAS, a plat of LUX TRUST SUBDIVISION, Delaware County, Iowa, on premises more specifically described in the surveyor's certificate of J. David Gibbs, dated September 4, 1992, 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 the LUX TRUST SUBDIVISION shall be classified as a minor subdivision in accordance with **Chapter 127, Subdivision Regulations of the Code of Ordinances of the City of Manchester, Section 127.22** and, therefore, submission of a preliminary plat is not required in accordance with Section 127.23.

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 **Chapter 127, Subdivision Regulations of the Code of Ordinances of the City of Manchester:**

1. **Section 127.09 Minimum Improvements**
   1. Streets - Private access easements (not dedicated to the City) and private street or road surfaces as desired by the Owner shall be provided. Such private street or road surfaces shall be maintained by the property owners. Property in this subdivision is subject to street assessments should additional property division and annexation warrant future improvements as determined by the City.

2. **Section 127.09 Minimum Improvements**
   2. Sanitary Sewer System - An alternate system for collection and disposal of sanitary waste shall be provided by the Owner as required for each lot or parcel in accordance with Section 127.12 and Chapter 98, Private and Semi-Private Sewer Systems. Should any lot or parcel of the subdivision be annexed to the City AND at such time as a public sewer becomes available to the property, a direct connection shall be made to the public sewer of such lot or parcel in accordance with Section 98.08. Cost of connection to be born by property owner including any sewer connection in accordance with Section 96.01, Chapter 96 Building Sewers and Connections.

3. **Section 127.09 Minimum Improvements**
   3. Storm Sewer System - None required unless and until construction of future streets.

4. **Section 127.09 Minimum Improvements**
   4. Water Main System - An alternate system for supply and distribution shall be provided by the Owner as required for each lot or parcel in accordance with Section 127.12 and State standards. Should any lot or parcel of the subdivision be annexed to the City, **Title III - Public Services, Water Service System of the Code of Ordinances** shall apply to such lot or parcel notably Sections 90.21, 90.22 and 92.18 regarding water main connection extension and fees.

5. **Section 127.09 Minimum Improvements**
   5. Other Improvements relating to the construction of sidewalks.

NOW, THEREFORE, BE IT RESOLVED, by the City Planning and Zoning Commission of the City of Manchester, Iowa, that said LUX TRUST SUBDIVISION, 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 Chairperson 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 9th day of September, 1992.

PLANNING AND ZONING COMMISSION
MANCHESTER, DELAWARE COUNTY, IOWA

By Beverly A. Lyness
Beverly A. Lyness,
Vice Chairperson

By Helen M. Knutson
Helen M. Knutson, Secretary

STATE OF IOWA)
) ss.
COUNTY OF DELAWARE)

We, Beverly A. Lyness, Vice Chairperson, 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 9th day of September A.D., 1992.

Beverly A. Lyness
Beverly A. Lyness,
Vice Chairperson

Helen M. Knutson
Helen M. Knutson, Secretary

On this 10th day of September, 1992, before me Linda K. Tutton, a Notary Public in and for the State of Iowa, personally appeared Beverly A. Lyness and Helen M. Knutson, to me personally known, and, who, being by me duly sworn, did say that they are the Vice 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 September 9, 1992, and that Beverly A. Lyness 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 it voluntarily executed.



Linda K. Tutton
Notary Public in and for the State of Iowa

LINDA K. TUTTON

RESOLUTION APPROVING FINAL PLAT

WHEREAS, a plat of the LUX TRUST SUBDIVISION, Delaware County, Iowa, affecting premises more specifically described in the surveyor's certificate of J. David Gibbs, dated September 4, 1992, 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 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 the LUX TRUST SUBDIVISION shall be classified as a minor subdivision in accordance with Chapter 127, Subdivision Regulations of the Code of Ordinances of the City of Manchester, Section 127.22 and, therefore, submission of a preliminary plat is not required in accordance with Section 127.23.

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 Chapter 127, Subdivision Regulations of the Code of Ordinances of the City of Manchester:

1. **Section 127.09 Minimum Improvements**
   1. Streets - Private access easements (not dedicated to the City) and private street or road surfaces as desired by the Owner shall be provided. Such private street or road surfaces shall be maintained by the property owners. Property in this subdivision is subject to street assessments should additional property division and annexation warrant future improvements as determined by the City.

2. **Section 127.09 Minimum Improvements**
   2. Sanitary Sewer System - An alternate system for collection and disposal of sanitary waste shall be provided by the Owner as required for each lot or parcel in accordance with Section 127.12 and Chapter 98, Private and Semi-Private Sewer Systems. Should any lot or parcel of the subdivision be annexed to the City AND at such time as a public sewer becomes available to the property, a direct connection shall be made to the public sewer of such lot or parcel in accordance with Section 98.08. Cost of connection to be born by property owner including any sewer connection in accordance with Section 96.01, Chapter 96 Building Sewers and Connections.

3. **Section 127.09 Minimum Improvements**
   3. Storm Sewer System - None required unless and until construction of future streets.

4. **Section 127.09 Minimum Improvements**
   4. Water Main System - An alternate system for supply and distribution shall be provided by the Owner as required for each lot or parcel in accordance with Section 127.12 and State standards. Should any lot or parcel of the subdivision be annexed to the City, Title III - Public Services, Water Service System of the Code of Ordinances shall apply to such lot or parcel notably Sections 90.21, 90.22 and 92.18 regarding water main connection extension and fees.

5. **Section 127.09 Minimum Improvements**
   5. Other Improvements relating to the construction of sidewalks.

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

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 21st day of September, A.D., 19 92.

Milt L. Kramer
Milt L. Kramer, Mayor

ATTEST:

Karen K. Cole
Karen K. Cole, City Clerk

STATE OF IOWA)
)ss.
COUNTY OF DELAWARE)

On this 22nd day of September, 19 92, 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 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-886-92 adopted by the City Council on the 21st day of September, 19 92 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
Linda K. Tutton; Notary Public;
Commission Expires 8-29-93

LINDA K. TUTTON

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 LUX TRUST SUBDIVISION, Delaware County, Iowa, on premises more specifically described in the surveyor's certificate of J. David Gibbs, dated _____, 19____, as shown by the records of this office.

Witness my hand and seal of this office at Manchester, Iowa, in said County, this _____ day of _____, 19____.

_____
Helen McWilliams, Treasurer of
Delaware County, Iowa.