292-3654
DEL... COUNTY IOWA
FILED
'93 JUN 14 AM 10 08
BOOK 7 PAGE 29 A-69
RECORDER
$45.00

LOGAN – BLACK FIRST ADDITION TO DELAWARE COUNTY, IOWA
A REPLAT OF LOTS 1 & 2 OF LOGAN'S FIFTH SUBDIVISON

James D. Witt P.E., L.S.
To
Leonard Black

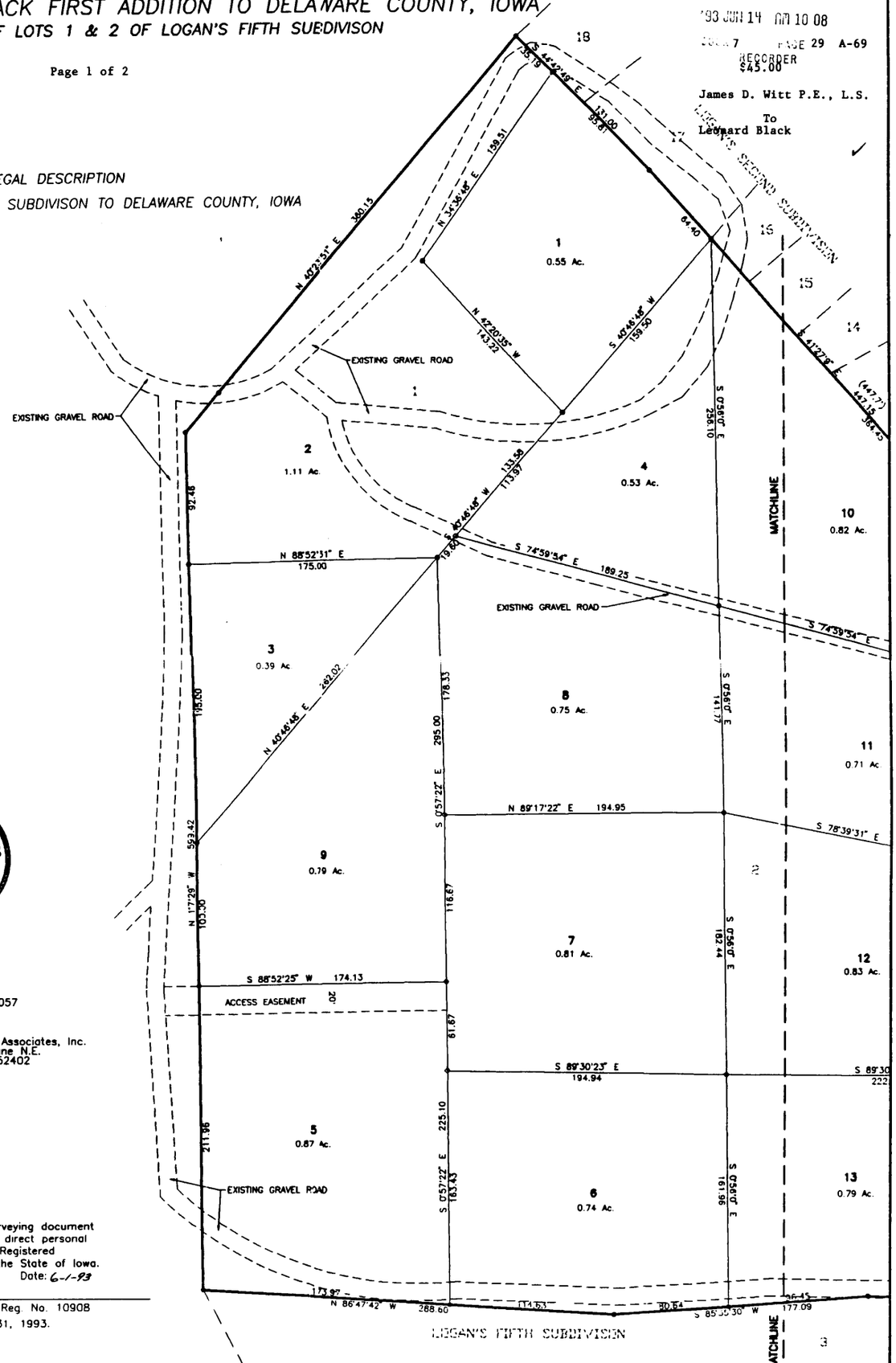
LEGAL DESCRIPTION

LOTS 1 & 2 LOGAN'S FIFTH SUBDIVISON TO DELAWARE COUNTY, IOWA

FILED
SHARON McCRABB
DELAWARE COUNTY AUDITOR
JUN 14 1993

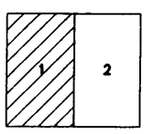
FILED
Date 6-14-93
County Assessor

93-88-S



OWNER: Leonard Black
R. R. 1
Manchester, Ia. 52057
(319)927-6326

SURVEYORS: Ament Engineering Associates, Inc.
5825 Dry Creek Lane N.E.
Cedar Rapids, Ia. 52402
378-1401



I hereby declare that this land surveying document 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.
Signed James D. Witt Date: 6-1-93
James D. Witt, P.E., L.S. Iowa Reg. No. 10908
My registration expires December 31, 1993.
Date of Survey: May, 1993

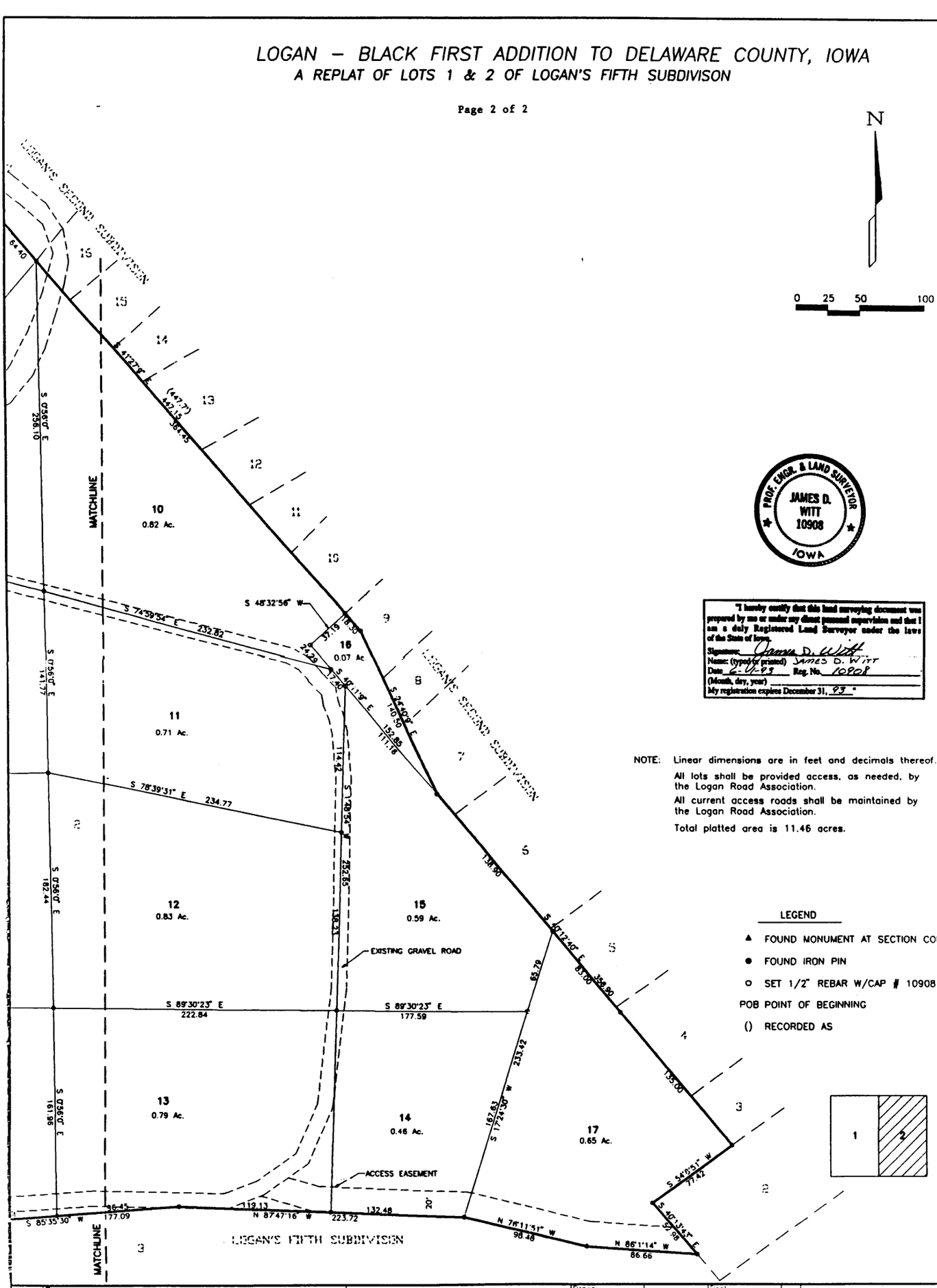
Project No. Z3303-1A	Title: FINAL PLAT A REPLAT OF LOTS 1 & 2 OF LOGAN'S FIFTH SUBDIVISON LOGAN – BLACK FIRST ADDITION	AMENT ENGINEERING ASSOCIATES, INC. CEDAR RAPIDS, IOWA	Drawn: RRW Checked: Reviewed:	Book: 143 Scale: 1" = 100'	No. / Revision / Date

FILE No. 292-3654
RECORDING FEE $ 45.00
TRANSFER FEE $

FILED FOR RECORD THE 14 DAY OF June 19 93 AT 10:08 O'CLOCK A. M. BOOK 7 PAGE 29

STATE OF IOWA, DELAWARE COUNTY
Deborah L. Peyton, Recorder
Plat A-69

LOGAN – BLACK FIRST ADDITION TO DELAWARE COUNTY, IOWA
A REPLAT OF LOTS 1 & 2 OF LOGAN'S FIFTH SUBDIVISON



PROF. ENGR. & LAND SURVEYOR
JAMES D. WITT
10908
IOWA

"I hereby certify that this land surveying document 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."

Signature: James D. Witt
Name: (typed or printed) JAMES D. WITT
Date: 6-11-93 Reg. No. 10908
(Month, day, year)
My registration expires December 31, 93

NOTE: Linear dimensions are in feet and decimals thereof.
All lots shall be provided access, as needed, by the Logan Road Association.
All current access roads shall be maintained by the Logan Road Association.
Total platted area is 11.46 acres.

LEGEND

- ▲ FOUND MONUMENT AT SECTION CORNER
- ● FOUND IRON PIN
- o SET 1/2" REBAR W/CAP # 10908
- POB POINT OF BEGINNING
- () RECORDED AS

Project No. 23303-1A	Title: FINAL PLAT A REPLAT OF LOTS 1 & 2 OF LOGAN'S FIFTH SUBDIVISON LOGAN – BLACK FIRST ADDITION	AMENT ENGINEERING ASSOCIATES, INC. CEDAR RAPIDS, IOWA	Drawn: RRW Checked: Reviewed:	Book: 143 Scale: 1" = 100'	No. Revision

CONSENT TO PLATTING BY PROPRIETORS

The undersigned herewith consent to the platting of Logan Black First Addition to Delaware County, Iowa, which property is more specifically described in the surveyor's certificate of James D. Witt. The undersigned state that the platting is made with the free consent and in accordance with the undersigned owners of the property so platted.

Leonard N. Black

STATE OF IOWA)
) ss.
DELAWARE COUNTY)

On this 7 day of June, 1993, before me the undersigned a Notary Public in and for State of Iowa personally appeared Leonard N. Black to me known to be the identical person named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

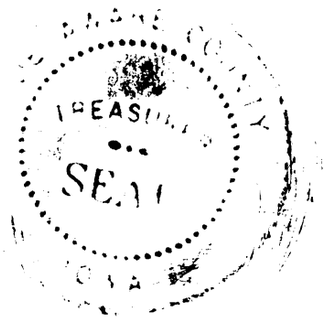
Notary Public in and for State of Iowa
CAROLYN A. WILSON

CAROLYN A. WILSON NOTARIAL SEAL

TREASURER'S CERTIFICATE

Manchester, Iowa June 7, 1993

I, the undersigned, Helen McWilliams, Treasurer of Delaware County, Iowa do certify that all taxes levied against the real estate included within the plat of Logan ~~Black~~ ~~First~~ ~~Addition~~ 5th Sub - Lot(2) + (1) to Delaware County, Iowa which property is more specifically described in the surveyor's certificate of James D. Witt, have been paid and said real estate is free from taxes as of this date.



Helen McWilliams

Helen McWilliams, Treasurer of
Delaware County, Iowa

TRACEY & TRACEY
ATTORNEYS AT LAW
P.O. BOX 279
105 North Franklin Street
MANCHESTER, IOWA 52057

THOMAS H. TRACEY (1894-1987)
DAVID C. TRACEY
MARY LOU TRACEY

AREA CODE-319
927-4926
927-4925

May 3, 1993

Mr. Leonard N. Black
R.R. 1, Box 235-L
Manchester, Iowa 52057

Re: Title Opinion on Logan Fifth Subdivision Land

Dear Leonard:

At your request, we have examined the abstract of title, consisting of one part and 26 entries, last certified to April 5, 1993 at eight o'clock a.m., prepared under the provisions of the Iowa Marketable Title Act by the Delaware County Abstract Company, Inc., to the following described real estate situated in Delaware County, Iowa:

> Lot Two (2) of Logan's Fifth Subdivision to Delaware County, Iowa, according to plat recorded in Book 5 Plats, Page 77;

and find title in Leonard Black per Court Officer deed dated September 21, 1984, filed of record on May 3, 1985, in Book 117, L.D., Page 52, as shown at Entry No. 15, subject to the following:

1. The deed referred to above includes the right to use the present access road and this right is subject to the use of the said road by all owners and tenants occupying lots in the subdivision. The deed further recites "this conveyance is made with the express understanding that the premises will not be used for commercial purposes.".

2. Entry No. 12 sets out the plat of Logan's Fifth Subdivision, which is dated August 15, 1984, and was filed of record on September 13, 1984. Lot 2 is a large, irregularly shaped lot, containing 9.49 acres. It abuts Logan's Second Subdivision on its NE line; an access road runs along its West line. We note this for your information.

3. Entry No. 8 sets out a copy of an aerial photograph in respect to the access road running from the County road; the photograph indicates that the road runs East from the County road and then continues in various directions to the South. Entry No. 16 shows an easement, dated December 29, 1986, granting to all the owners, future owners, their heirs and assignees of Lots in Logan's First, Second Third, Fourth, Fifth and Sixth Subdivisions to Delaware County, Iowa, a permanent easement on, over and across the North 33.0 feet of Lots 1, 2, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of Logan's Fourth Subdivision and over and across the North 33.0 feet of Lot 1 of Logan's Sixth Subdivision, said easment being for the purpose of ingress and egress and of providing and confirming access from the County road to the lots in the various subdivisions. Logan's Fourth Subdivision abuts the County road on its East

To: Leonard Black

May 3, 1993

line and extends in an Easterly direction therefrom. The grantor of the easement is shown as Viola M. Logan, Executor and Co-Trustee, and Viola M. Logan, individually; the grantor covenants to erect no buildings, obstructions or other improvements on or under the property covered by the easement which would interfere with its purpose.

4. Entry No. 19 shows an easement agreement, dated July 8, 1987, between Leonard N. Black as the owner of Lot 2 in Logan's Fifth Subdivision, and Richard Gelski and Donna Gelski, husband and wife, as the owners of Lot 16 of Logan's Second Subdivision. The agreement is for a roadway, 30.0 feet wide, over and across the Northeasterly lot line of Lot 2 which easement is to be used by the Gelskis for the purpose of ingress and egress to Lot 16. The parties also agree that the Gelskis shall be responsible for the maintenance and repair of the easement. The easement is binding upon the heirs, assigns and successors of the parties. We note this for your information.

5. Entry No. 20 shows a fire protection agreement, dated July 30, 1987, between the Delhi Volunteer Fire Department and Milo Township. The agreement was to remain effective for a period of five years commencing on July 1, 1987, and was to be automatically renewable for consecutive periods of three years thereafter unless one or the other party chose not to renew the agreement. The agreement further provided for an annual tax levy of 32¢ per $1,000.00 of assessed value against all taxable property in the fire district. We note this for your information.

6. Entry No. 25 shows that there are no unpaid real estate taxes.

7. Because the following cannot be determined by examination of the abstract, you should take notice of the rights of all persons in possession of the real estate other than the titleholder of record; any facts that would be disclosed by a survey; the right to file mechanics' liens against the premises for labor or materials furnished in connection with improvements thereon, within 90 days from the furnishing of the last item; any matters affecting the real estate arising out of bankruptcy proceedings, when those proceedings have not been transcribed to Delaware County; the existence of wells, hazardous wastes, solid waste disposal sites and underground storage tanks, which might require cleanup procedures; and all rights of access to and from highways, including those which may be designated as "controlled access" by State or County authorities.

Yours very truly,

TRACEY & TRACEY

By Mary Lou Tracey
Mary Lou Tracey

MLT:tkg

abstract of title returned herewith

TRACEY & TRACEY
ATTORNEYS AT LAW
P.O. BOX 279
105 North Franklin Street
MANCHESTER, IOWA 52057

THOMAS H. TRACEY (1894-1987)
DAVID C. TRACEY
MARY LOU TRACEY

AREA CODE-319
927-4926
927-4925

December 29, 1992

Mr. Leonard N. Black
R.R. #1, Box 235-L
Manchester, Iowa 52057

Re: Title Opinion on Logan Subdivision Land

Dear Leonard:

At your request, we have examined the abstract of title, consisting of one part and eighty entries, last certified to September 18, 1992, at eight o'clock a.m., together with three entries in an addendum dated November 25, 1992, all prepared by the Delaware County Abstract Company, Inc., to the following described real state situated in Delaware County, Iowa:

> Lot Seventeen (17) of Logan's Second Subdivision of Part of the South one-half (S½) of Section Fourteen (14) and Part of the Northeast Quarter (NE¼) of Section Twenty Three (23), Township Eighty Eight (88) North, Range Five (5), West of the Fifth Principal Meridian, according to plat recorded in Book 4 Plats, Page 55, also Lot One (1) of Logan's Fifth Subdivision To Delaware County, Iowa, according to plat recorded in Book 5 Plats, Page 77.

We find the title as follows: as to Lot 17, in Leonard N. Black per warranty deed dated August 10, 1982, filed of record on August 11, 1982, in Book 111, L.D., Page 289; as to Lot 1, in Leonard Black per Court Officer deed dated September 21, 1984, filed of record on May 3, 1985, in Book 117, L.D., Page 52.

We note the following objections to title:

1. In reference to the Court Officer deed at Entry 58A, the order admitting the will to probate in Iowa should be shown, and the testamentary authority of the executor as set out in the will to transfer and convey real estate should be shown. We know of our own personal knowledge that these matters are of record in Delaware County. This is the Court Officer Deed conveying Lot 1 to Leonard Black.

2. A mortgage appears at Entry No. 73, executed by Leonard N. Black and Betty L. Black, husband and wife, on November 16, 1990, in favor of Brenton Bank and Trust Company of Cedar Rapids; the mortgage was filed of record on November 19, 1990, in Book 111, L.M., Page 346, and is in the principal amount of $25,670.00. The mortgage incumbers Lot 17 of Logan's Subdivision and is not shown as released.

3. Entry No. 79 shows that real estate taxes for fiscal year 1991-1992, payable 1992-1993, in the amount of $480.00, are unpaid as of the date of certification. The abstractor notes that this amount includes other real estate.

We note the following matters relating to the property under examination:

4. Entry No. 27 shows certified copies of matters before the Iowa Natural Resources Council, filed September 25, 1974, in regard to the application of Interstate Power Company to operate and maintain the dam on the Maquoketa River near Delhi, Iowa; among others, are conditions that the water level in the impoundment shall be maintained at an elevation ranging between 121.5 and 122.0 assumed local datum subject to local flow of the river, and that the water area will continue to be available for recreational use by property owners in the area and the general public and that public access to the water area shall continue through the public parks and access points.

5. Entry No. 29 shows the plat of Logan's Second Subdivision, which is dated December 23, 1975, and was filed of record on January 5, 1976. Lot 17 is an irregularly shaped lot, fronting on the Maquoketa River, which lies to the North and East of the lot.

6. Entry No. 30 shows a machine copy of an aerial photograph, filed March 23, 1976, in Book Q, Misc., Page 83; the photograph shows the access road in respect to Logan's First Subdivision and Logan's Second Subdivision. From the photograph, it appears that the access road runs East from the County road to the subdivisions and then meanders to the South in various branches.

7. The Deed to Leonard N. Black, previously mentioned, at Entry No. 45, also shows that the grantors quit claim all their right, title and interest, claim and demand in and to the lake frontage running to the middle of the Maquoketa River with respect to the premises, subject to the existing flood plain rights and subject to the condition that the grantee shall not change or alter the lake frontage without written permission of the Lake Delhi Recreation Association, Incorporated. The right to the present access road is included in the deed and the conveyance is subject to the rights of use of said access road by all owners and tenants occupying lots in the subdivision. The conveyance is further subject to an easement to the owners of Lot 16, adjoining, for access purposes, and is also subject to the right of the owners of Lot 16 to participate in the use of the well on Lot 17. Lot 16 abuts Lot 17 on its Easterly and Southerly line. No location of the access nor the well is given in the deed.

8. Entry No. 50D shows the plat of Logan's Fifth Subdivision to Delaware County, Iowa, dated August 15, 1984, and filed of record on September 13, 1984. From the plat it appears that Lot 1 is a long rectangularly shaped lot abutting Lot 17 on its Southwesterly line.

9. Entry No. 65 shows an easement, dated December 29, 1986, filed of record on January 5, 1987, in Book Y, Misc., Page 115, by Viola M. Logan, as Executor of the Estate of Marvin Logan, Deceased, and as Co-Trustee of Trust A under the Last Will and Testament of Marvin Logan, Deceased, and as a single person, individually, granting, setting over and conveying unto all the owners, future owners, their heirs and assignees of lots in Logan's First, Second, Third, Fourth, Fifth and Sixth Subdivisions to Delaware County, Iowa, a permanent easement on, over and across the North 33.0 feet of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, of Logan's Fourth Subdivision, Delaware County, Iowa, and on, over and across the Norrh 33.0 feet of Lot 1 of Logan's Sixth Subdivision to Delaware County, Iowa, said easement being for the purpose of ingress and egress and of providing and confirming access from the County road to the lots in the various subdivisions. The grantor covenants to erect no buildings, obstructions or other improvements upon or under the property covered by the easement, which would interfere with its purpose. Entry No. 66 sets out the plat of Logan's Fourth Subdivision and indicates that it lies 50.0 feet East of the County road and that its lots are laid out extending from West to East.

10. Entry No. 69 shows an easement agreement, dated July 8, 1987, and filed of record January 29, 1988, in Book Z, Misc., Page 101, between Leonard N. Black, as owner of Lot 2 in Logan's Fifth Subdivision (Lot 2 abuts Lot 1 on the Southeast) and Richard Gelski as owner of Lot 16 of Logan's Second Subdivision; Black grants to Gelski a 30.0 foot roadway easement over the Northeasterly lot line of Lot 2 and Gelski shall be reponsible for the maintainance and repair of this easement and the parties agree that this 30.0 foot easement is in lieu and in place of a 30.0 foot easement mistakenly granted to Gelski over the Northerly 30.0 feet of Lot 17 and the parties acknowledge and agree there shall be no easement over and across any part of Lot 17.

11. Entry No. 70 shows a fire protection agreement, dated July 30, 1987, between the Delhi volunteer fire department and Milo Township, whereby the fire department will provide fire protection for a period of five years commencing on July 1, 1987, and whereby the agreement shall be automatically renewable for consecutive periods of three years thereafter unless one or the other parties choose not to renew the agreement. The agreement further provides for an annual tax levy of thirty two cents per one thousand dollars of assessed value against all taxable property in the fire district. This same fire protection agreement is set out again at Entry No. 70D.

12. We do not certify as to any matters that may have been placed of record subsequent to September 18, 1992, at eight o'clock a.m., other than those items set out in the addendum.

13, Because the following cannot be determined by examination of the abstract, you should take notice of the rights of all persons in possession of the real estate other than the titleholders of record; any facts that would be disclosed by a survey; the right to file mechanics' liens against the premises for labor or materials furnished in connection with improvements thereon, within 90 days from the furnishing of the last item; any matters affecting real estate arising out of bankruptcy proceedings, when those proceedings have not been transcribed to Delaware County; and all rights of access to and from highways, including those which may be designated "controlled access" by State or County authorities. For your information, we enclose a copy of part of the plat of Logan's Sixth Subdivision, which shows the relationship of Lot 17 of Logan's Second to Lot 1 of Logan's Fifth.

Yours very truly,

TRACEY & TRACEY

By Mary Lou Tracey
Mary Lou Tracey

MLT:tkg

abstract of title retained by Tracey & Tracey

Fax: Michael Morrissey
Assistant Vice President
Prairie City Bank