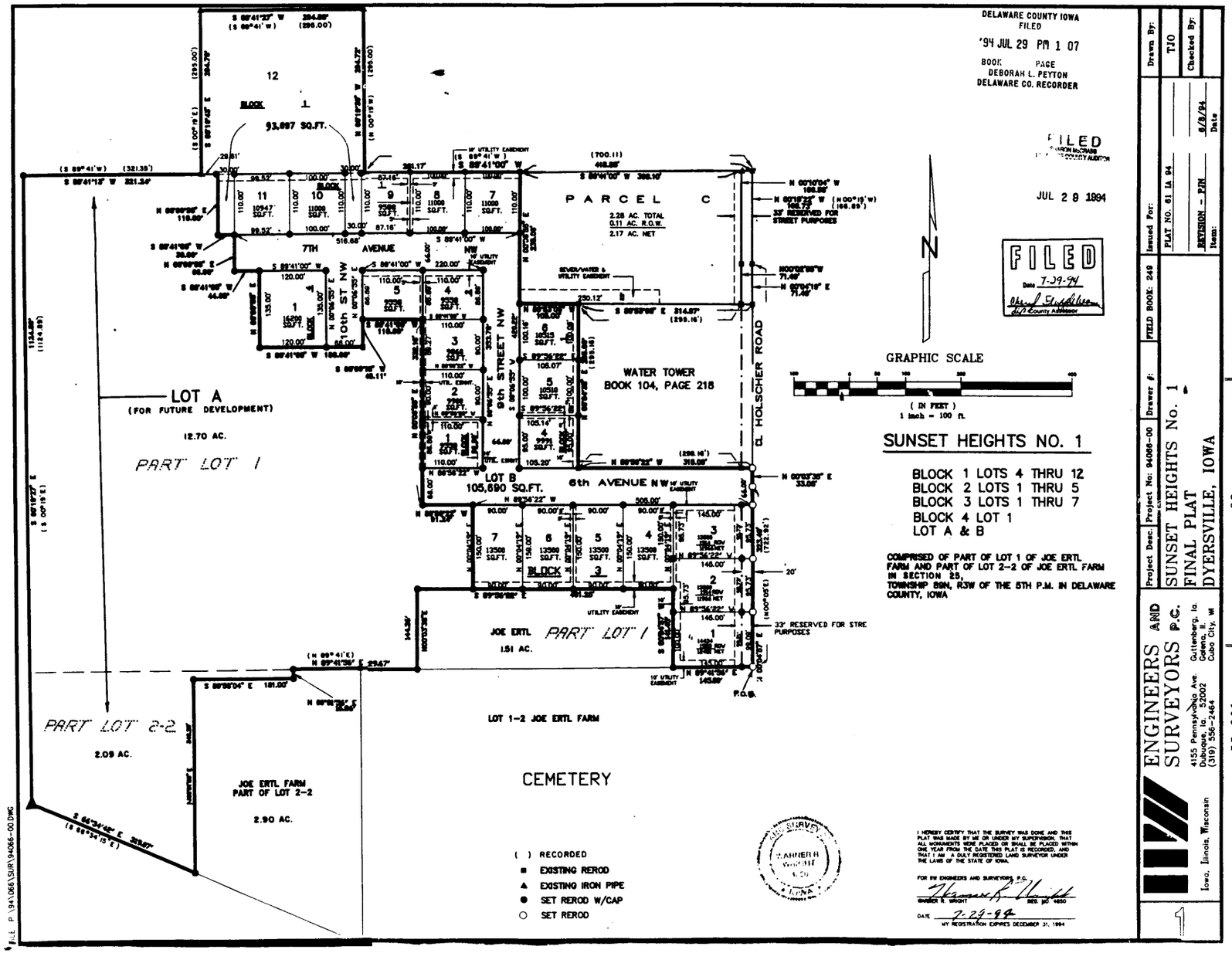


Wilkin County Courthouse (Wahpeton, North Dakota)

For Easements, See Book 5

Page 43 9/8/94

SURVEYOR'S CERTIFICATE

I, Warner R. Wright, Registered Land Surveyor in the State of Iowa, do hereby certify that the following tract of real estate was surveyed and platted by me or under my direct personal supervision, To Wit:

Lots 4-12 inclusive Block 1, Lots 1-5 inclusive Block 2, Lots 1-7 inclusive Block 3, Lot 1 Block 4, and Lots A and B of Sunset Heights No. 1 in the City of Dyersville, Delaware County, Iowa, being comprised of part of the balance of Lot 1 of Joe Ertl Farm and part of Lot 2 of 2 of Joe Ertl Farm all in the City of Dyersville, Delaware County, Iowa, and is more particularly described as follows:

Beginning at the Northeast Corner of Lot 1 of 2 of Joe Ertl Farm;

Thence North 00 degrees 04 minutes 57 seconds East 323.49 feet along the centerline of Holscher Road;

Thence North 00 degrees 03 minutes 35 seconds East 33.05 feet along the centerline of Holscher Road;

Thence North 89 degrees 56 minutes 22 seconds West 315.06 feet;

Thence North 00 degrees 04 minutes 35 seconds East 295.06 feet;

Thence North 89 degrees 53 minutes 05 seconds West 105.00 feet;

Thence North 00 degrees 06 minutes 55 seconds East 235.06 feet;

Thence South 89 degrees 41 minutes 00 seconds West 281.17 feet;

Thence North 00 degrees 19 minutes 39 seconds West 294.72 feet;

Thence South 89 degrees 41 minutes 27 seconds West 294.88 feet;

Thence South 00 degrees 16 minutes 43 seconds East 294.76 feet;

Thence South 89 degrees 41 minutes 13 seconds West 321.24 feet;

Thence South 00 degrees 19 minutes 27 seconds East 1124.89 feet;

Thence South 66 degrees 34 minutes 42 seconds East 319.07 feet;

Thence North 00 degrees 01 minute 56 seconds East 348.29 feet;

Thence South 89 degrees 58 minutes 04 seconds East 181.00 feet;

Thence North 00 degrees 01 minute 56 seconds East 16.86 feet;

Thence North 89 degrees 41 minutes 56 seconds East 229.67 feet;

Thence North 00 degrees 03 minutes 38 seconds East 144.36 feet;

Thence South 89 degrees 56 minutes 22 seconds East 461.25 feet;

Thence South 00 degrees 04 minutes 57 seconds West 141.45 feet

Thence North 89 degrees 41 minutes 56 seconds East 145.00 feet to the centerline of Holscher Road and the point of beginning. This parcel contains 24.99 acres more or less, the plat of which is attached hereto and made a part of this certificate. All monuments were placed or shall be placed within one year from the date this plat is recorded.

IN WITNESS WHEREOF I have hereunto signed and affixed my seal this 29TH day of July 1994.

LAND SURVEYOR
WARNER R. WRIGHT
4850
IOWA

IIW ENGINEERS AND SURVEYORS, P.C.

Warner R. Wright
Iowa Reg. No. 4850

OWNER'S CONSENT

Dyersville, Iowa July 22, 1994

The foregoing plat of Lots 4-12 inclusive Block 1, Lots 1-5 inclusive Block 2, Lots 1-7 inclusive Block 3, Lot 1 Block 4, and Lots A and B of Sunset Heights No. 1 in the City of Dyersville, Delaware County, Iowa, is made with free consent and in accordance with the desire of the undersigned owners and proprietors of said real estate. We hereby dedicate Lot B; 6th Avenue N.W., 9th Street N.W., 7th Avenue N.W., 10th ST. N.W., Holscher Road, and all easements to the public.

Helen R. Ertl By Joseph L. Ertl
Helen R. Ertl (wife of Joseph L. Ertl) Joseph L. Ertl

Susan L. Steffen-Ertl By Allan Leo Ertl
Susan L. Steffen-Ertl Allan Leo Ertl
wife of Allan Leo Ertl

State of Iowa)
) ss:
County of DUBUQUE)

On this 25th day of July, 1994, before me a Notary Public in and for said state personally appeared Helen R. Ertl and Susan L. Steffen Ertl to me known to be the persons named in and who executed the foregoing instrument and acknowledged they executed the same as their voluntary act and deed.

THOMAS H. JENK

On this 22 day of July, A.D. 1994, before me, a Notary Public in and for said state, personally appeared Joseph Ertl and Allan Ertl to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Judith Mescher
Notary Public in the State of Iowa

JUDITH MESCHER
MY COMMISSION EXPIRES
5-23-96

My Commission Expires 5-23-96

CITY PLANNING AND ZONING

Dyersville, Iowa June 13, 1994

The foregoing plat in the City of Dyersville, Iowa, as appears on said plat shown on Sheet 1 of 4 hereof is hereby approved by the Dyersville Planning and Zoning Commission and approval of said plat by the City Council of the City of Dyersville, Iowa, is hereby recommended.

Charles P. Geers Chairman
CHARLES P. GEERS
Dyersville Planning and Zoning Commission

CITY COUNCIL

Dyersville, Iowa July 5, 1994

The Dyersville City Council of the City of Dyersville, Iowa, do hereby certify that the foregoing plat in the City of Dyersville, Iowa, as appears on Sheet 1 of 4 hereof has been filed in the office of the Clerk of the City of Dyersville, that by Resolution No. 20-94 the Dyersville City Council approved said plat.

CITY OF DYERSVILLE Iowa CITY SEAL

Robert H Kramer
Mayor of the City of Dyersville ROBERT H. KRAMER

Susan L Steffen-Ertl
Clerk of the City of Dyersville SUSAN L. STEFFEN-ERTL

COUNTY AUDITOR

_____, Iowa _____, 19__

The foregoing plat was entered of record in the office of the Delaware County Auditor this _____ day of _____, 19__.

_____
County Auditor of Delaware County, Iowa

COUNTY ASSESSOR

_____, Iowa _____, 19__

The foregoing plat was entered of record in the office of the Delaware County Assessor this _____ day of _____, 19__.

_____

County Assessor of Delaware County, Iowa

COUNTY TREASURER

Manchester, Iowa July 29, 1994

I, the undersigned, Carolyn A. Wilson, Treasurer of Delaware County, Iowa, do hereby certify that all taxes and special assessments levied against Lot 1 of Joe Ertl Farm and Lot 2 of 2 of Joe Ertl Farm all in Section 25, Township 89 North, Range 3 West of the Fifth Principal Meridian, Delaware County, Iowa, have been paid and said real estate is free and clear of all taxes as of this date.

TREASURER SEAL IOWA

Carolyn A. Wilson CAROLYN A. WILSON

Pam Klein, Dep PAM KLEIN

Treasurer for Delaware County, Iowa

ATTORNEY'S OPINION

Dyersville, Iowa July 25, 19 94

This will certify that I have examined the abstract of title covering Lot 1 of Joe Ertl Farm and Lot 2 of 2 of Joe Ertl Farm all in Section 25, Township 89 North, Range 3 West of the Fifth Principal Meridian, Delaware County, Iowa, according to the plats thereof covering the period from government entry to April 7, 1994 certified on that date by Delaware County Abstract Company, Inc. and find that said abstract shows good and merchantable title to said real estate in Joseph L. Ertl free and clear of all liens and encumbrances and shows taxes paid including taxes for the year 1993-1994.

Tom Jenk

Attorney At Law Tom Jenk
P.O. Box 304
320-1st Avenue East
Dyersville, Iowa 52040-0304
(319) 875-7191

RESOLUTION NO. 20-94

RESOLUTION APPROVING PLAT OF SUNSET HEIGHTS NO. 1, A SUBDIVISION OF PART OF THE BALANCE OF LOT 1 OF JOE ERTL FARM AND PART OF LOT 2 OF LOT 2 OF JOE ERTL FARM, ALL IN THE CITY OF DYERSVILLE, DELAWARE COUNTY, IOWA.

WHEREAS, there has been filed with the City Clerk a plat in which a part of the balance of Lot 1 of Joe Ertl Farm and part of Lot 2 of Lot 2 of Joe Ertl Farm, all in the City of Dyersville, Delaware County, Iowa, has been subdivided by Joseph L. Ertl and Helen Ertl, husband and wife, and Allen Ertl and Susan L. Steffen - Ertl, husband and wife into Sunset Heights No. 1, consisting of Block 1, Lots 4 through 12; Block 2, Lots 1 through 5; Block 3, Lots 1 through 7; Block 4 Lot 1, Lot A; and Lot B; and;

WHEREAS, said plat has been examined by the City Planning and Zoning Commission and approved by said body and;

WHEREAS upon said plat appear streets to be known as 6th Avenue NW, 9th Street NW, 7th Avenue NW, 10th Street NW, and Holscher Road, and also easements for utilities which are represented on the plat, all of which the owners now dedicate to the public forever, and;

WHEREAS, said plat has been found by the City Council to conform to the statutes and ordinances relating thereto, except that the streets have not been reduced to grade, paving, sewer, storm sewers or water installed therein.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Dyersville, Iowa:

SECTION 1. That the Dedication of 6th Avenue NW, 9th Street NW, 7th Avenue NW, 10th Street NW, and Holscher Road together with easements for public utilities, all as the same appear on said plat, be and the same are hereby accepted and that said streets be and are herein established as public streets in the City of Dyersville, Iowa.

SECTION 2. That the plat of the above stated subdivision to be hereafter known as Sunset Heights No. 1, is hereby approved and the Mayor and City Clerk are hereby authorized and directed to endorse the approval of the City of Dyersville of said plat provided the owners of said property, hereinbefore named execute written acceptance hereto attached, agreeing:

a) To reduce the street to grade and curb and gutter and surface the street according to the City Code Specification;

b) To install sanitary sewer mains and sewer service laterals in accordance with plans submitted with the plat.

c) To install water mains and water service laterals in accordance with plans submitted with the plat.

d) To install storm sewers and catch basins as follows:

(1) Owners will install two intakes and a 36 inch reinforced concrete pipe street crossing on 6th Avenue NE at a location to be designated by city and according to engineers plans.

(2) Prior to final acceptance of the plat, owners will pay to city the sum of thirty thousand ($30,000.00). The payment shall satisfy owners obligations to install storm sewers and catch basins, with the exceptions of those items referred to in Section 2(d)(1), above.

MOSS, HEIMS & CASEY
LAW OFFICES
DYERSVILLE, IOWA
52040

e) To construct the foregoing in accordance with plans and specifications approved by the City Council, under the supervision of the developers engineer. The engineer shall certify to the substantial compliance with said plans upon completion;

f) To maintain the foregoing improvements for a period of two years from the date of their acceptance by the City of Dyersville, Iowa;

g) To provide the forgoing construction and maintenance at the sole expense of the subdivider as owner except as otherwise provided for herein, and as normally provided by the City of Dyersville, Iowa;

h) To construct said improvements prior to July 5, 1996, and further provided that Joseph L. Ertl and Helen Ertl, husband and wife, and Allen Ertl and Susan L. Steffen Ertl, husband and wife, as owners of said subdivision, secure the performance of the foregoing conditions by providing security in such form and such sureties as may be acceptable to the City Council.

SECTION 3. That Lots 1 and 2 of Block 3 are approved with thus plat, but shall be considered non-buildable and no building permit shall be issued for them until such time as a sanitary sewer is constructed to serve said lots. That my resolution of final acceptance must contain thus restriction of the sanitary sewer service has not been extended to these lots. At such time as sanitary sewer service is extended to these lots they may then be finally accepted by the city, subject to the maintaining said sanitary sewer service for a period of two years from the date of its final acceptance by the City of Dyersville, Iowa.

SECTION 4. That in the event that the owners herein shall fail to execute the acceptance and provide security provided for in Section 2 hereof within forty-five days from the date of this resolution, the provisions hereof shall be null and void and the acceptance and dedication and approval of the plat shall not be effective.

Passed, adopted and approved this 5th day of July, 1994.

Robert Kramer, Mayor

Attest: Susan L. Steffen-Ertl
Susan L. Steffen Ertl,
Clerk

CITY OF DYERSVILLE IOWA CITY SEAL

ACCEPTANCE OF TERMS OF RESOLUTION

We, the undersigned, hereby accept the terms of Resolution No. 20-94.

Dated this 18th day of July, 1994.

Joseph L. Ertl
Joseph Ertl

Allan Leo Ertl
Allen Ertl

Helen Ertl
Helen Ertl

Susan L. Steffen Ertl
Susan L. Steffen Ertl

MOSS, HEIMS & CASEY
LAW OFFICES
DYERSVILLE, IOWA
52040

CERTIFICATE OF SECURITY

I, Susan L. Steffen-Ertl, Clerk for the City of Dyersville, Iowa, hereby certify that the security required by the forgoing resolution No. 20-94 was provided with in 45 days from the date of said resolution.

Susan L Steffen-Ertl
Susan L. Steffen Ertl, Clerk



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