SUNSET HEIGHTS NO. 2

LOTS 1 THRU 13

COMPRISED OF PART OF THE SE-NE AND PART OF THE NE-SE-SECTION 25, T89N, R3W OF THE 5TH P.M. AND LOT 1-A OF SUNSET HEIGHTS NO. 1 DELAWARE CO., IOWA

DEC 15 1994

Affidavit
For Revision, See Book 18
Page 95 2-21-95

LEGEND

- ■ EXISTING REROD
- △ EXISTING REROD W/CAP
- ▲ EXISTING IRON PIPE
- ● SET REROD W/CAP
- ○ SET REROD
- —// EXISTING FENCE
- ( ) RECORD DIMENSION

I HEREBY CERTIFY THAT THE SURVEY WAS DONE AND THIS PLAT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION, THAT ALL MONUMENTS WERE PLACED OF SHALL BY PLACED WITHIN ONE YEAR FROM THE DATE THIS PLAT IS RECORDED, AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

IOWA LAND SURVEYOR WARNER R. WRIGHT 4850 IOWA

FOR IIW ENGINEERS AND SURVEYORS, P.C.

WARNER R. WRIGHT REG. NO. 4850

DATE: 11-3-94

MY REGISTRATION EXPIRES DECEMBER 31, 1994

PROPRIETOR: ALLAN ERTL

IIW ENGINEERS & SURVEYORS P.C.

4155 PENNSYLVANIA AVE. DUBUQUE, IA. 52001 (319) 556-2464
P.O. BOX 275 GALENA, ILL. 61036 (815) 777-0359
302 S. RIVER PARK DR. GUTTENBERG, IA. 52052 (319) 252-3823

PROJ. NO. 947196	SHEET
PLAT NO. 126-1A-94	BOOK NO. 251

SCREENFILE: 947196 T. J. O.

FILE No. 91-1584
RECORDING FEE $ 46.00
TRANSFER FEE $

FILED FOR RECORD THE 15 DAY OF December, 19 94 AT 11:16 O'CLOCK A M. BOOK 7 PAGE 112

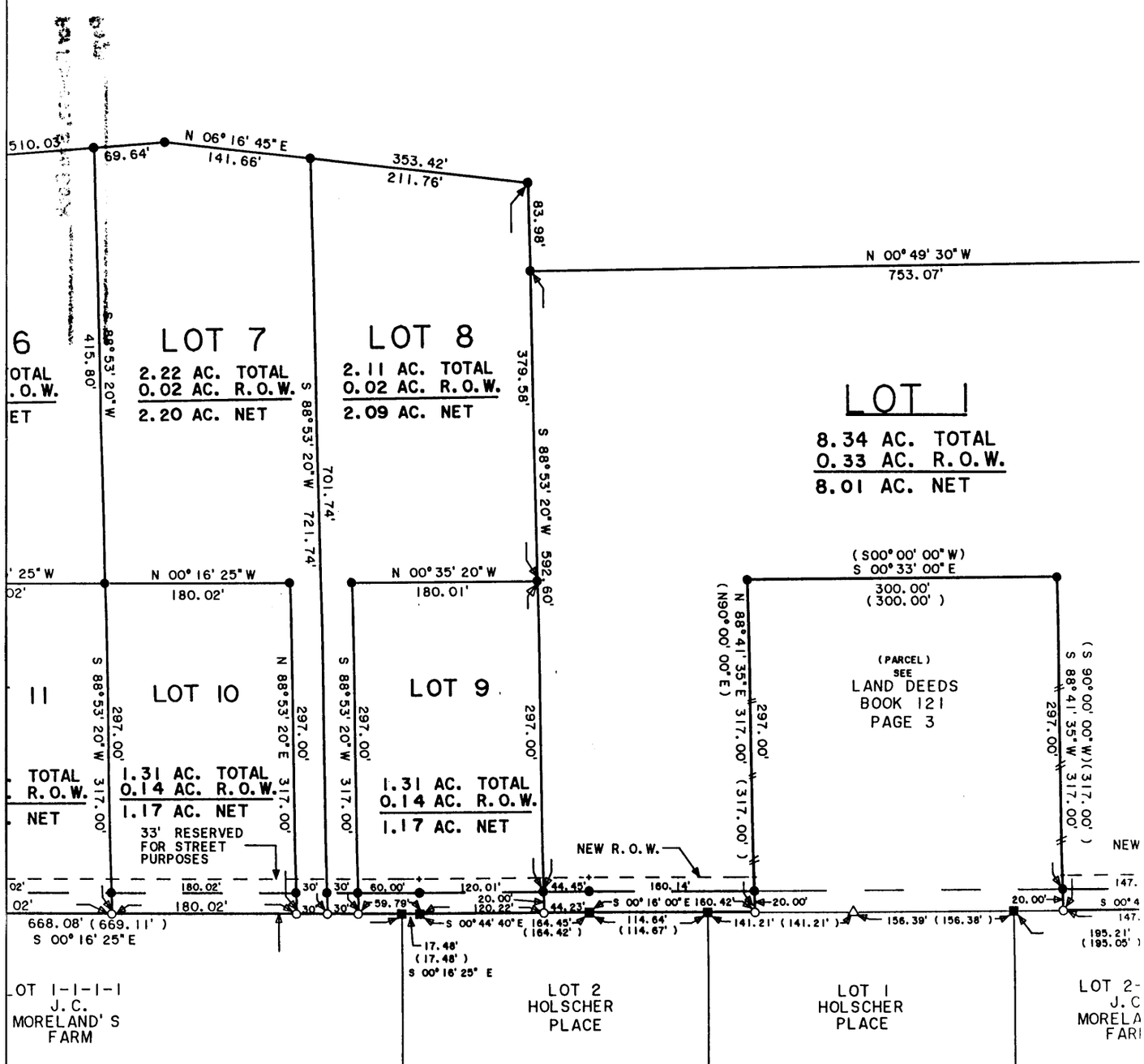
STATE OF IOWA, DELAWARE COUNTY
Deborah L. Peyton, Recorder
Plats A-90

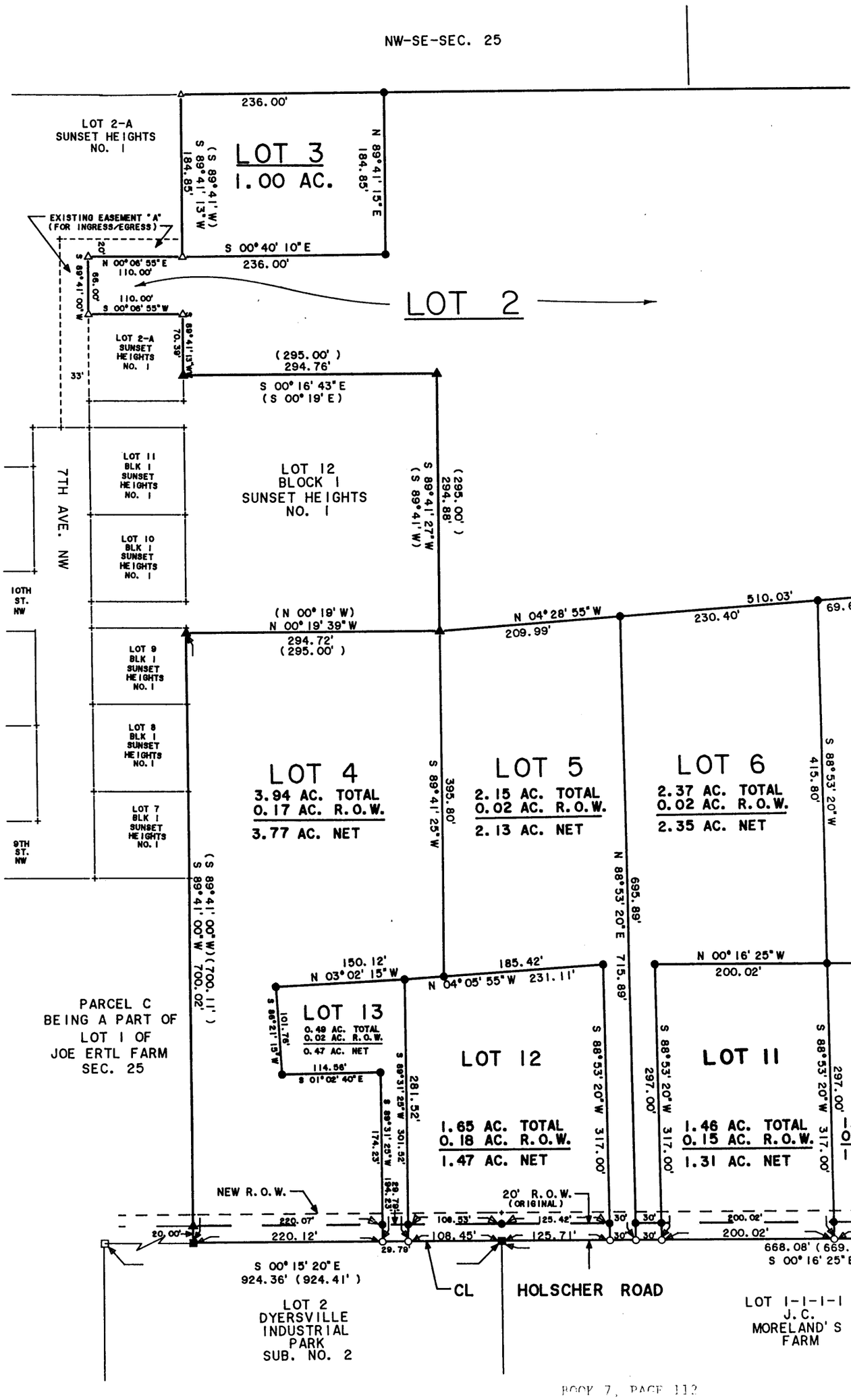
SW-NE-SEC. 25

S
T8
OF TI

N 00° 40' 10" W 1916.61'

LOT 2
25.61 AC.




NW-SE-SEC. 25
236.00'
LOT 2-A
SUNSET HEIGHTS
NO. 1
LOT 3
1.00 AC.
(S 89° 41' W)
S 89° 41' 13" W
184.85'
N 89° 41' 15" E
184.85'
EXISTING EASEMENT "A"
(FOR INGRESS/EGRESS)
20'
S 00° 40' 10" E
236.00'
N 00° 06' 55" E
110.00'
S 89° 41' 00" W
65.00'
110.00'
S 00° 06' 55" W
LOT 2
LOT 2-A
SUNSET
HEIGHTS
NO. 1
S 89° 41' 13" W
70.38'
33'
(295.00')
294.76'
S 00° 16' 43" E
(S 00° 19' E)
7TH AVE. NW
LOT 11
BLK 1
SUNSET
HEIGHTS
NO. 1
LOT 10
BLK 1
SUNSET
HEIGHTS
NO. 1
LOT 12
BLOCK 1
SUNSET HEIGHTS
NO. 1
S 89° 41' 27" W
(S 89° 41' W)
(295.00')
294.88'
10TH
ST.
NW
(N 00° 19' W)
N 00° 19' 39" W
294.72'
(295.00')
N 04° 28' 55" W
209.99'
510.03'
230.40'
LOT 9
BLK 1
SUNSET
HEIGHTS
NO. 1
LOT 8
BLK 1
SUNSET
HEIGHTS
NO. 1
LOT 7
BLK 1
SUNSET
HEIGHTS
NO. 1
9TH
ST.
NW
LOT 4
3.94 AC. TOTAL
0.17 AC. R.O.W.
3.77 AC. NET
LOT 5
2.15 AC. TOTAL
0.02 AC. R.O.W.
2.13 AC. NET
LOT 6
2.37 AC. TOTAL
0.02 AC. R.O.W.
2.35 AC. NET
S 89° 41' 25" W
395.80'
S 88° 53' 20" W
415.80'
(S 89° 41' 00" W)
S 89° 41' 00" W
700.02'
(700.11')
N 88° 53' 20" E
695.89'
715.89'
150.12'
N 03° 02' 15" W
185.42'
N 04° 05' 55" W
231.11'
N 00° 16' 25" W
200.02'
PARCEL C
BEING A PART OF
LOT 1 OF
JOE ERTL FARM
SEC. 25
LOT 13
0.49 AC. TOTAL
0.02 AC. R.O.W.
0.47 AC. NET
S 88° 21' 15" W
101.76'
114.58'
S 01° 02' 40" E
LOT 12
1.65 AC. TOTAL
0.18 AC. R.O.W.
1.47 AC. NET
LOT 11
1.46 AC. TOTAL
0.15 AC. R.O.W.
1.31 AC. NET
S 88° 53' 20" W
317.00'
297.00'
S 88° 53' 20" W
297.00'
281.52'
S 89° 31' 25" W 301.92'
174.23'
S 89° 31' 25" W
194.23'
29.79'
NEW R.O.W.
20' R.O.W.
(ORIGINAL)
220.07'
220.12'
20.00'
108.53'
108.45'
125.42'
125.71'
30'
30'
30'
30'
200.02'
200.02'
668.08' (669.
S 00° 16' 25" E
29.79'
S 00° 15' 20" E
924.36' (924.41')
CL
HOLSCHER ROAD
LOT 2
DYERSVILLE
INDUSTRIAL
PARK
SUB. NO. 2
LOT 1-1-1-1
J.C.
MORELAND'S
FARM

RESOLUTION NO. 48-94

RESOLUTION APPROVING THE PLAT OF SURVEY OF SUNSET HEIGHTS NO. 2, LOTS 1 THROUGH 13.

WHEREAS, there has been filed with the City Clerk a plat in which part of the Northeast Quarter of the Southeast Quarter and the Southeast Quarter of the Northeast Quarter of Section 25, Township 89 North, Range 3 West of the Fifth Principal Meridian, and Lot 1A of Sunset Heights No. 1, in the City of Dyersville, Delaware County, Iowa is platted and now known as Lots 1 through 13 of Sunset Heights No. 2 in the City of Dyersville, Delaware County, Iowa; and

WHEREAS, said plat has been examined by the City Planning and Zoning Commissions for the City of Dyersville, Iowa, and has been approved by that commission; and

WHEREAS, upon said plat appears Holscher Road and easement for utilities, 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;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DYERSVILLE, IOWA;

SECTION I: That the plat of part of the Northeast Quarter of the Southeast Quarter and the Southeast Quarter of the Northeast Quarter of Section 25, Township 89 North, Range 3 West of the Fifth Principal Meridian and Lot 1A of Sunset Heights No. 1 in the City of Dyersville, Delaware County, Iowa, to be known hereafter as Lots 1 through 13 of Sunset Heights No. 2 in the City of Dyersville, Delaware County, Iowa, is hereby approved and the Mayor and the city Clerk are hereby authorized and directed to endorse the approval of the City of Dyersville, Iowa, on said plat.

SECTION II: That the dedication of that part of Holscher Road (8th Street NW) within the corporate limits of the City of Dyersville, Iowa, together with easements for public utilities, all as the same appear on said plat, be and the same are hereby accepted and that part of said Holscher Road within the corporate limits of the City of Dyersville, Iowa, be and is herein established as a public street in the City of Dyersville, Iowa. That said plat shows Existing Easement A, and states that it is for ingress/ egress purpose to/from Lots 2 and 3 of Sunset Heights No. 2. That said Easement A is not dedicated as a public street or alley, is not accepted by the City of Dyersville, Iowa, and the City of Dyersville, Iowa shall have no obligation at any time for improvement or maintenance of said Easement A.

MOSS, HEIMS & CASEY
W OFFICES
L ‹SVILLE, IOWA
52040

SECTION III: That the approval of the plat is not contingent on the construction or completion of improvements, the installation of water mains, sanitary sewer mains or streets.

PASSED, ADOPTED and APPROVED, this 12th day of December, 1994.

CITY OF DYERSVILLE Iowa CITY SEAL

Michael J. English Mayor Pro-Tem

ATTEST: Susan L. Steffen - Ertl
Susan L. Steffen - Ertl, City Clerk

MOSS, HEIMS & CASEY
W OFFICES
‹SVILLE, IOWA
52040

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 1 thru 13 inclusive of Sunset Heights No. 2 in the City of Dyersville, Delaware County, Iowa, being comprised of part of the Northeast Quarter of the Southeast Quarter and the Southeast Quarter of the Northeast Quarter of Section 25, Township 89 North, Range 3 West of the Fifth Principal Meridian and Lot 1A of Sunset Heights No. 1 in the City of Dyersville, Delaware County, Iowa, and is more particularly described as follows:

Commencing at the Southeast Corner of the Northeast Quarter of the Northeast Quarter of Section 25, Township 89 North, Range 3 West of the Fifth Principal Meridian in Delaware County, Iowa;

Thence North 89 degrees 40 minutes 40 seconds West, 3.66 feet to the centerline of Holscher Road, the point of beginning;

Thence South 00 degrees 04 minutes 00 seconds East, 85.98 feet along the centerline of Holscher Road;

Thence South 00 degrees 41 minutes 00 seconds East, 147.03 feet along the centerline of Holscher Road;

Thence South 88 degrees 41 minutes 35 seconds West, 317.00 feet;

Thence South 00 degrees 33 minutes 00 seconds East, 300.00 feet;

Thence North 88 degrees 41 minutes 35 seconds East, 317.00 feet to the centerline of Holscher Road;

Thence South 00 degrees 16 minutes 00 seconds East, 160.42 feet along the centerline of Holscher Road;

Thence South 00 degrees 44 minutes 40 seconds East, 164.45 feet along the centerline of Holscher Road;

Thence South 00 degrees 16 minutes 25 seconds East, 685.56 feet along the centerline of Holscher Road;

Thence South 00 degrees 15 minutes 20 seconds East, 358.36 feet along the centerline of Holscher Road;

Thence South 89 degrees 41 minutes 00 seconds West, 700.02 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, 70.39 feet;

Thence South 00 degrees 06 minutes 55 seconds West, 110.00 feet;

Thence South 89 degrees 41 minutes 00 seconds West, 66.00 feet;

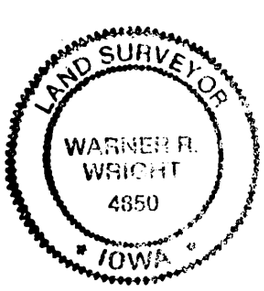
Thence North 00 degrees 06 minutes 55 seconds East 110.00 feet;

Thence South 89 degrees 41 minutes 13 seconds West, 184.85 feet;

Thence North 00 degrees 40 minutes 10 seconds West, 1,916.61 feet;

Thence South 89 degrees 40 minutes 40 seconds East, 1,326.30 feet to the centerline of Holscher Road, the point of beginning. This parcel contains 53.96 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. Also, Easement "A" for ingress/egress purposes to/from Lots 2 and 3 of Sunset Heights No. 2.

IN WITNESS WHEREOF I have hereunto signed and affixed my seal this 3RD day of November, 1994.



IIW ENGINEERS AND SURVEYORS, P.C.

Warner R. Wright
Iowa Reg. No. 4850

OWNER'S CONSENT

Dyersville, Iowa Dec. 12, 1994

The foregoing plat of Lots 1-13 inclusive of Sunset Heights No. 2 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 Holscher Road and all easements to the public.

By Allan Leo Ertl
Allan Leo Ertl

By Susan L Steffen-Ertl
Susan L. Steffen-Ertl

State of Iowa)
) ss:
County of Dubuque)

On this 12th day of December, A.D. 19 94 before me, a Notary Public in and for said state, personally appeared Allan Leo Ertl and Susan L. Steffen-Ertl, husband and wife 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.

Mary A. Goerdt
Notary Public in the State of Iowa

MARY A. GOERDT
MY COMMISSION EXPIRES
5-05-97

My Commission Expires 5-05-97

CITY PLANNING AND ZONING

Dyersville, Iowa Dec 12, 1994

The foregoing plat in the City of Dyersville, Iowa, as appears on said plat shown on Sheet 1 of 6 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. Penn Chairman
Dyersville Planning and Zoning Commission

CITY COUNCIL

Dyersville, Iowa Dec. 12, 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 6 hereof has been filed in the office of the Clerk of the City of Dyersville, that by Resolution No. 48-94 the Dyersville City Council approved said plat.

CITY OF DYERSVILLE Iowa CITY SEAL

Mayor Pro Tem of the City of Dyersville

Susan L Steffen-Ertl
Clerk of the City of Dyersville

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 12 15, 1994

I, the undersigned, Carolyn A. Wilson, Treasurer of Delaware County, Iowa, do hereby certify that all taxes and special assessments levied against the Southeast Quarter of the Northeast Quarter except beginning at the Northeast Corner of the Southeast Quarter of the Northeast Quarter, thence South 233 feet to the point of beginning; thence 90 degrees West 317 feet; thence 00 degrees South 300 feet; thence 90 degrees East 317 feet; thence 00 degrees North 300 feet to the point of beginning; and the Northeast Quarter of the Southeast Quarter except Lots 1 and 2 of Joe Ertl Farm per plat recorded in Book 4 Plats Page 60 in the office of the Delaware County Recorder, all the above located in Section 25, Township 89 North, Range 3 West of the Fifth Principal Meridian, Delaware County, Iowa, subject to highways and easements of record, have been paid and said real estate is free and clear of all taxes as of this date.

DELAWARE COUNTY TREASURER SEAL IOWA

Carolyn A. Wilson
CAROLYN A. WILSON
Treasurer for Delaware County, Iowa

ATTORNEY'S OPINION

Dyersville, Iowa December 13, 1994

This will certify that I have examined the abstract of title covering the Southeast Quarter of the Northeast Quarter except beginning at the Northeast Corner of the Southeast Quarter of the Northeast Quarter, thence South 233 feet to the point of beginning; thence 90 degrees West 317 feet; thence 00 degrees South 300 feet; thence 90 degrees East 317 feet; thence 00 degrees North 300 feet to the point of beginning; and the Northeast Quarter of the Southeast Quarter except Lots 1 and 2 of Joe Ertl Farm per plat recorded in Book 4 Plats Page 60 in the office of the Delaware County Recorder, all the above located in Section 25, Township 89 North, Range 3 West of the Fifth Principal Meridian, Delaware County, Iowa, subject to highways and easements of record, according to the plats thereof covering the period from government entry to November 28, 1994 at 8:00 a.m. 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 Allan Leo Ertl and Susan L. Steffen-Ertl, husband and wife, as joint tenants with full rights of survivorship and not as tenants in common. and shows taxes paid ~~including taxes for the year~~, subject to:
Deed of Trust to Fidelity Bank & Trust dated 10/14/94, filed for record on 10/19/94, and recorded in Book 124, L.M.Page 259.

Tom Jenk
Attorney At Law Tom Jenk
P.O. Box 304
Dyersville, Iowa 52040-0304

COUNTY PLANNING AND ZONING

_____, Iowa _____, 19__

The foregoing plat in the County of Delaware, Iowa, as appears on said plat shown on Sheet 1 of 6 hereof is hereby approved by the Delaware County Zoning Office and approval of said plat by the County Board of Supervisors of the County of Delaware Iowa, is hereby recommended.

_____
Delaware County Zoning Commission

COUNTY BOARD OF SUPERVISORS

_____, Iowa _____, 19__

The Delaware County Board of Supervisors of the County of Delaware, Iowa, do hereby certify that the foregoing plat in the County of Delaware, Iowa, as appears on Sheet 1 of 6 hereof has been filed in the office of the County Board of Supervisors, that by Resolution No. _____, the _____ County Board of Supervisors approved said plat.

Delaware County Board of Supervisors

_____
Chairperson

_____
Supervisor

_____
Supervisor

CONSENT TO PLAT

Dyersville, Iowa December 14, 1994

Fidelity Bank & Trust, Grantee of a Deed of Trust dated October 14, 1994, filed for record on October 19, 1994, recorded in Book 124, L.M., Page 259, hereby consents to the foregoing plat of Sunset Heights No. 2 Lots 1 thru 13 comprised of part of the SE-NE and part of the NE-SE of Section 25, Township 89 North, Range 3 West of the 5th P.M., and Lot 1-A of Sunset Heights No. 1, in Delaware County, Iowa.

FIDELITY BANK & TRUST

By: Daniel J. Zitelman
DANIEL J. ZITELMAN

By: Thomas H. Lucas
THOMAS H. LUCAS

STATE OF IOWA)
) ss:
COUNTY OF DUBUQUE)

On this 14th day of December, 1994, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Daniel J. Zitelman and Thomas H. Lucas, to me personally known, who being by me duly sworn, did say that they are the Senior Vice-President and President, respectively, of the Corporation executing the within and foregoing instrument; that the seal affixed thereto is the seal of the Corporation; that said instrument was signed and sealed on behalf of the Corporation by authority of its Board of Directors; and that Daniel J. Zitelman and Thomas H. Lucas as officers acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the Corporation, by it and by them voluntarily executed.

JULIE A. WIENEKE
MY COMMISSION EXPIRES
9-10-95

Julie A. Wieneke
Notary Public in and for the State of Iowa