FILED
DELAWARE COUNTY AUDITOR

JAN 17 1996

FILED
Date 1-17-96
Cheryl Stufflebeam
County Assessor

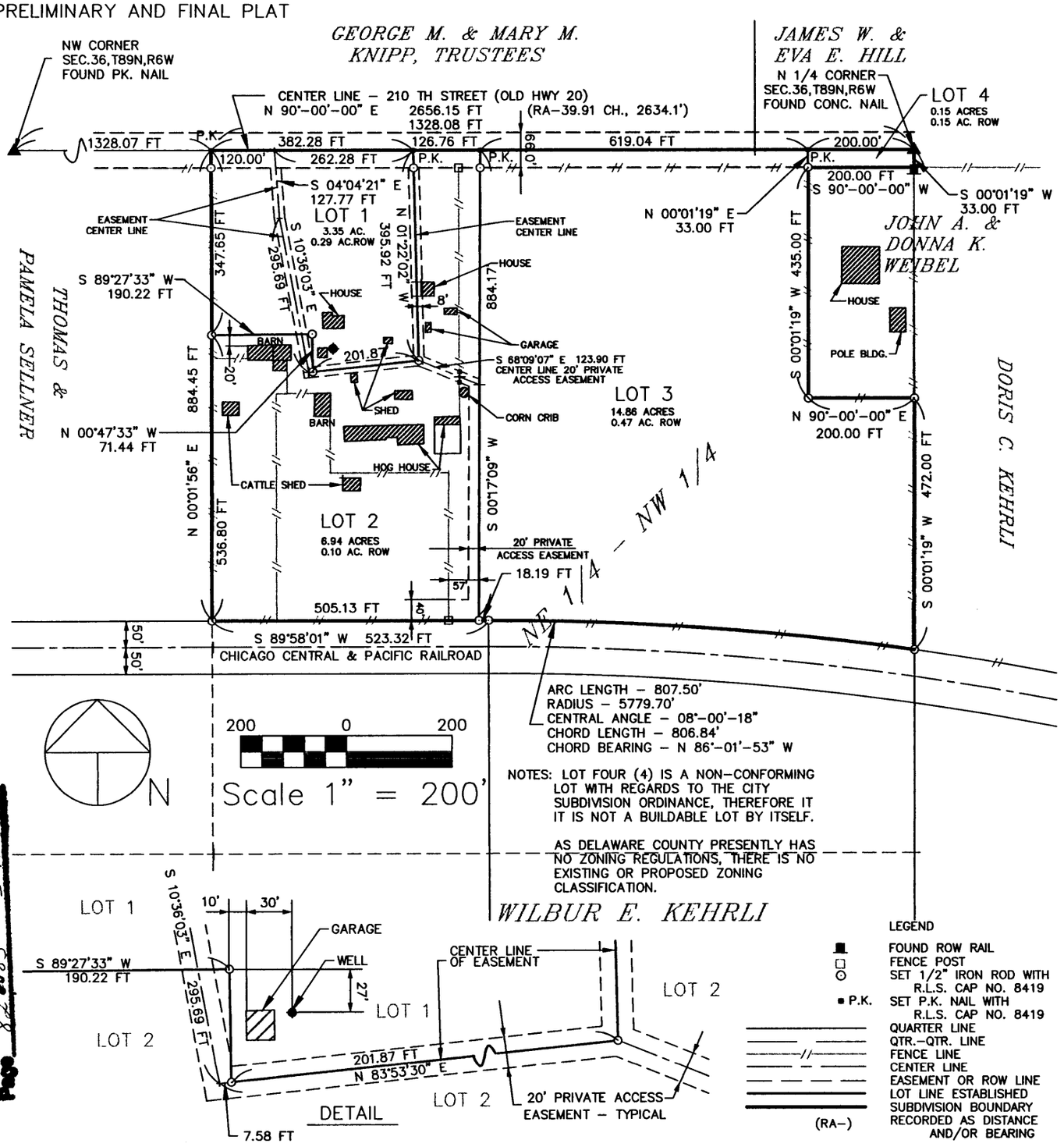
PREPARED BY: J DAVID GIBBS; P.O. BOX 295 MANCHESTER, IA 52057 319-927-2434

PLAT OF SURVEY

EF ACRES

A SUBDIVISION OF PART OF THE E 1/2 OF THE NW 1/4 SECTION 36, T89N, R6W OF THE FIFTH P.M., DELAWARE COUNTY, IOWA

PRELIMINARY AND FINAL PLAT



Water & well agreement to Lots 1 & 2 3-1-96
Page 82 & 83

SURVEYED ON: 12/11/95
FIELD BK NO. – D.L.

PROPRIETORS: WILBUR E. KEHRLI

PROJECT NO. 95-27

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

REGISTERED LAND SURVEYOR J. DAVID GIBBS 8419 IOWA

J. DAVID GIBBS, P.E., RLS. REG. NO. 8419 DATE 12/15/95

MY REGISTRATION WILL BE RENEWED ON JANUARY 1, 1997

SCALE: 1"=200'
DATE: 12/14/95
DRAWN BY: JDG
CHECKED BY:
REVISED
SHEET 1 OF 6

GIBBS ENGINEERING & SURVEYING
PROFESSIONAL SERVICES BUILDING, SUITE 2
223 WEST MAIN STREET, MANCHESTER, IA 52057

FILE No. 188-1987
RECORDING FEE $ 36.00
TRANSFER FEE $

FILED FOR RECORD THE 17 DAY OF January, 1996 AT 2:23 O'CLOCK P M. BOOK 7 PAGE 167

STATE OF IOWA, DELAWARE COUNTY
Deborah L. Peyton, Recorder
Plat A-99

LEGAL DESCRIPTION

***EF ACRES,* A SUBDIVISION OF PART OF THE EAST ONE HALF (E 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION THIRTY-SIX (36) TOWNSHIP EIGHTY-NINE NORTH (T89N), RANGE SIX WEST (R6W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA,** into four (4) lots numbered Lot One (1) through Lot Four (4), subject to easements of record and more specifically described by metes and bounds as follows:

BEGINNING at the North Quarter (N 1/4) Corner of Section Thirty-six (36), Township Eighty-nine North (T89N), Range Six West (R6W) of the Fifth Principal Meridian, Delaware County, Iowa;

Thence along the Easterly Line of the Northwest Quarter (NW 1/4) of said Section, South 00°-01'-19" West to the Southerly Line of the County Road right of way and the Northeasterly Corner of a 2.0 Acre Parcel as recorded in L.D. Book 104, Page 226 in the Office of the Delaware County Recorder, 33.00 feet;

Thence along the Northerly Line of said 2.0 Acre Parcel, South 90°-00'-00" West to the Northwesterly Corner of said Parcel 200.00 feet;

Thence along the Westerly Line of said 2.0 Acre Parcel South 00°-01-'19" West to the Southwesterly Corner of said Parcel 435.00 feet;

Thence along the Southerly Line of said 2.0 Acre Parcel North 90°-00'-00" East to the Easterly Line of said Northwest Quarter (NW 1/4) 200.00 feet;

Thence along the Easterly Line of said Northwest Quarter (NW 1/4) South 00°-01'-19" West to the Northerly Line of the Chicago Central And Pacific Railroad right of way 472.00 feet;

Thence along the Northerly Line of said railroad right of way along a circular curve concave southwesterly for an arc length of 807.50 feet, said circular curve having a radius of 5779.70 feet, a central angle of 08°-00'-18", a chord length of 806.84 feet and a chord bearing of North 86°-01'-53" West;

Thence continuing along the Northerly Line of said railroad right of way South 89°-58'-01" West to the Westerly Line of the East One Half (E 1/2) of said Northwest Quarter (NW 1/4) 523.32 feet;

Thence along the Westerly Line of said East One Half (E 1/2) North 00°-01'-56" East to the Northerly Line of said Northwest Quarter (NW 1/4) 884.45 feet;

Thence along the Northerly Line of said Northwest Quarter (NW 1/4) North 90°-00'-00" East 1328.08 feet to the **POINT OF BEGINNING**;

Containing a total of 25.30 acres including 1.00 acres of public road right of way.

The Northerly Line of the Northwest Quarter (NW 1/4) of Section Thirty-six (36), Township Eighty-nine North (T89N), Range Six West (R6W) of the Fifth P.M. is assumed to bear North 90°-00'-00" East.

Lot One (1) and Lot Two (2) contain a private access easement as shown on the attached plat for the benefit of Lot One (1) and Lot Two (2). An private access easement as shown in the attached plat along the Easterly Line of Lot One (1), southeasterly across Lot Two (2) and southerly along the Easterly Line of Lot Two (2) is provided for the benefit of that Part of the East One-half (E 1/2) of said Northwest Quarter (NW 1/4) south of the railroad right of way. A well easement is created on Lot One (1) for the joint benefit of Lot One (1) and Lot Two (2), including an easement for existing water lines, with rights for access for maintenance, repair and or replacement of related appurtenances.

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.

I hereby certify that a minimum of two (2) control monuments have been found or placed and that all monuments indicated will be placed within one (1) year of the recording of the plat.

J. David Gibbs 12/15/95

J. David Gibbs, REG. NO. 8419 DATE

My Registration will be renewed on January 1, 1997

REGISTERED LAND SURVEYOR
J. DAVID GIBBS 8419
IOWA

OWNER'S ACKNOWLEDGMENT

I Wilbur E. Kehrli 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.

Wilbur E. Kehrli

Wilbur E. Kehrli

State of Iowa)
)
County of Delaware) Ss:

On this 15th day of December A.D. 1995, before me a Notary Public in and for said County, personally appeared Wilbur E. Kehrli, to me known to be the person named and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.

Mary Villberg
Notary Public in and for said County

NOTARIAL SEAL IOWA

MARY VILLBERG
MY COMMISSION EXPIRES
8-26-97

MORTGAGE HOLDERS ACKNOWLEDGMENT

The First National Bank of Oelwein , State of Iowa, does hereby certify that the above survey, as shown by the attached Plat of *EF ACRES* in Section 36, T89N, R6W of the Fifth P.M., Delaware County, Iowa, is made with our free consent and in accordance with our desire as mortgage holder of a portion of the premises described herein.

FIRST NATIONAL BANK OF OELWEIN

By _____
Paul D. Gray, President.

By _____
Jeff A. Thoms, Vice President.

STATE OF IOWA, Fayette County, Iowa, Ss:

On this 17th day of January, 1996, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Paul D. Gray and Jeff A. Thoms, to me personally known, who being duly sworn, did say that they are the President and Vice President respectively, of the First National Bank of Oelwein executing the within and foregoing instrument to which this is attached , that (no seal/ has been procured by the) (the seal affixed thereto is the seal of the) First National Bank of Oelwein ; that said instrument was signed (and sealed) on behalf of the First National Bank of Oelwein by authority of its Board of Directors ; and that Paul D. Gray and Jeff A. Thoms as officers acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the First National Bank of Oelwein , by it and by them voluntarily executed.

Dixie Baumgartner
Notary Public in and for said State
Dixie Baumgartner

Commission expires: 4-4-96

RESOLUTION APPROVING PRELIMINARY AND FINAL PLAT

WHEREAS, the plat of ***EF ACRES***, , Delaware County, Iowa, affecting premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated December 18, 1995 has been filed with the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa, and after full consideration thereof the same is 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 preliminary and 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 - The present County hard surfaced road serves the subject subdivision. Property in this subdivision is subject to street assessments should annexation warrant future improvements as determined by the City.

2. Sanitary Sewer System - An alternate system for the 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 of parcel of the subdivision be annexed to the City **and** at such time as 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 Chapter 98.08. Cost of connection to be born by the property owner including any sewer connection in accordance with Section 96.01, Chapter 96 Building Sewers and Connections.

3. Storm Sewer System - None required unless and until construction of future streets.

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 Section 90.21, 90.22 and 92.18 regarding water main connection and fees.

5. Other Improvements relating to the construction of sidewalks, not required.

2. Section 127.24 Requirements of Preliminary Plat

8. No contours required.

NOW, THEREFORE, BE IT RESOLVED, by the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa , that said ***EF ACRES***, Delaware County, Iowa, be, and the same is hereby acknowledged, approved and accepted on the part of the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa, 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 18th day of December, AD, 1995.

PLANNING & ZONING COMMISSION
CITY OF MANCHESTER, IOWA

By Barbara K. Sailer
Barbara K. Sailer, Chairperson

By Helen M. Knutson
Helen M. Knutson, Secretary

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 18th day of December, 1995, before me, Linda K. Tutton, a Notary Public in and for the State of Iowa, personally appeared Barbara K. Sailer and Helen M. Knutson, to me personally known, and, who, being by me duly sworn, did say that they are the Chairperson and Secretary, respectively, of the 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 the authority of its Planning and Zoning Commission, as contained in Resolution adopted by the Planning and Zoning Commission on the 18th day of December, 1995, and that B. Sailer and H. Knutson acknowledge 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.

RESOLUTION APPROVING PRELIMINARY AND FINAL PLAT

WHEREAS, the plat of ***EF ACRES***, Delaware County, Iowa, affecting premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated December 15, 1995 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 said preliminary and final plat is hereby acknowledged and approved by the City Council of the City of Manchester 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 - The present County hard surfaced road serves the subject subdivision. Property in this subdivision is subject to street assessments should annexation warrant future improvements as determined by the City.

2. Sanitary Sewer System - An alternate system for the 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 of parcel of the subdivision be annexed to the City **and** at such time as 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 Chapter 98.08. Cost of connection to be born by the property owner including any sewer connection in accordance with Section 96.01, Chapter 96 Building Sewers and Connections.

3. Storm Sewer System - None required unless and until construction of future streets.

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 Section 90.21, 90.22 and 92.18 regarding water main connection and fees.

5. Other Improvements relating to the construction of sidewalks, not required.

2. Section 127.24 Requirements of Preliminary Plat

8. No contours required.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manchester, Delaware County, Iowa, that said ***EF ACRES***, 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 18th day of December, A.D., 1995.

Milt L. Kramer, Mayor

ATTEST:

Karen K. Cole

Karen Cole, City Clerk

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 19th day of December, 1995 before me, Linda K. Tutton, a Notary Public in and for the State of Iowa, personally appeared Milt L. Kramer and Karen 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 the authority of its City Council, as contained in Resolution Number A R-217-95 adopted by the City Council on the 18th day of December, 1995 and that Milt L. Kramer and Karen Cole acknowledge 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.

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 in ***EF ACRES***, Delaware County, Iowa, on premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated December 15, 1995.

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 29th day of November, A.D., 1995, at the hour of eight o'clock A.M.

My examination of said abstract shows good and merchantible title on the date and hour of the certification to be in Wilbur E. Kehrli, subject to a mortgage held by The First National Bank of Oelwein.

Dated at Manchester, Iowa, in said County, this 10th day of January, 1996.

Mary Lou Tracey
Mary Lou Tracey Attorney at Law

CERTIFICATE OF TREASURER

I, the undersigned, Carolyn A. Wilson Treasurer of Delaware County, Iowa, do hereby certify that all taxes and special assessments against ***EF ACRES***, Delaware County, Iowa, have been paid and said real estate is free and clear of all taxes as of this date.

Carolyn A. Wilson
County Treasurer

DELAWARE COUNTY IOWA TREASURER

188-1987
DELAWARE COUNTY IOWA
FILED

'96 JAN 17 PM 2 23

BOOK 7 PAGE 167
DEBORAH L. PEYTON
DELAWARE CO. RECORDER
$36.00

HANGING FILE A-99

J. David Gibbs R.L.S.

To

Wilbur E. Kehrli

Delaware County Recorder ✓