FILED
Date 3-8-96
Cheryl Stufflebeam
Dep. County Assessor

MAR 8 1996

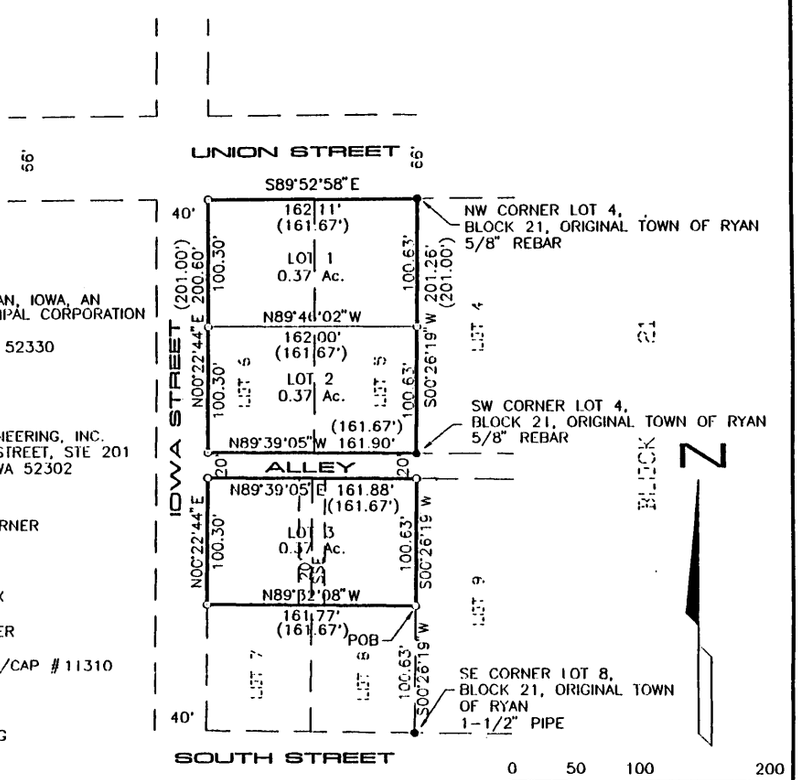
CLARENCE J. WALTON, LS, BRAIN ENGINEERING, INC., 777 10TH STREET MARION, IOWA 52302-3411 (319) 373-1318

FINAL PLAT
PARK FIRST ADDITION
TO THE CITY OF RYAN, DELAWARE COUNTY, IOWA
(A RESUBDIVISION OF LOTS 5 AND 6, AND THE N 1/2 OF LOTS 7 AND 8, BLOCK 21, RYAN, IOWA)

LEGAL DESCRIPTION

STATE OF IOWA
COUNTY OF DELAWARE

Lots Five (5) and Six (6), and the North One Half (N½) of Lots Seven (7) and Eight (8), all in Block Twenty One (21), Ryan, Iowa, according to the plat recorded in Book 1 Plats, Page 42



OWNER: CITY OF RYAN, IOWA, AN IOWA MUNICIPAL CORPORATION
CITY HALL
RYAN, IOWA 52330
932-2241

SURVEYOR: BRAIN ENGINEERING, INC.
700 11TH STREET, STE 201
MARION, IOWA 52302
373-1318

- ▲ FOUND SECTION CORNER
- ● FOUND IRON PIN
- ⊠ FOUND CHISELLED X
- △ SET SECTION CORNER
- ○ SET 1/2" REBAR W/CAP # 11310
- × SET CHISELLED X

POB POINT OF BEGINNING

() RECORDED AS

SCM SECTION CORNER MONUMENT

SSE SANITARY SEWER EASEMENT

NOTE: ALL MEASUREMENTS IN FEET AND DECIMALS THEREOF.

I hereby certify that this plat, 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.

Signed _____ Date 2/22/96

Clarence J. Walton, L.S. Iowa Reg No. 11310

My Registration Renewal Date Is December 31, 1997

REGISTERED LAND SURVEYOR
CLARENCE J. WALTON 11310
IOWA

Project No: 13105.10

Title: FINAL PLAT
PARK FIRST ADDITION

BRAIN ENGINEERING, INC.
700 11TH STREET, SUITE 201
MARION, IOWA 52302
(319) 373-1318

Book: 53

Scale: 1" = 100'

FILE No. 200-2439
RECORDING FEE $ 81.00
TRANSFER FEE $ _____

FILED FOR RECORD THE 8 DAY OF March, 19 96 AT 9:55 O'CLOCK A M. BOOK 7 PAGE 177

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

Prepared by: Walter McNamara 208 Executive Plaza Bldg Cedar Rapids, IA

DEDICATION

The City of Ryan, Iowa, an Iowa municipal corporation, the owner in fee of land included in Park First Addition to the City of Ryan, Delaware County, Iowa, more particularly described as follows:

STATE OF IOWA
COUNTY OF DELAWARE

Lots Five (5) and Six (6), and the North One Half (N1/2) of Lots Seven (7) and Eight (8), all in Block Twenty One (21), Ryan, Iowa, according to the plat recorded in Book 1 Plats, Page 42

does hereby acknowledge that the City of Ryan, Iowa, has caused a plat and subdivision of said land to be made and the lots and streets to be named and numbered, all as shown by a plat made by Clarence J. Walton, L.S., No. 11310, and which plat is attached hereto so that the same may be recorded and hereinafter be known as and designated as:

PARK FIRST ADDITION
TO THE CITY OF RYAN, DELAWARE COUNTY, IOWA

and the said City of Ryan, Iowa, hereby acknowledges the subdivision of said land known by said plat and subdivision to be by its free consent and in accordance with its desire, and does hereby dedicate all streets, alleys and easements to the public as provided by Chapter 354, Code of Iowa, (1995).

Passed and approved this 4 day of March, 1996.

CITY OF RYAN

Ingrid C. Anderson-Quint, Mayor

Dennis Glynn, Council Member

Dan Reiss

Dan Reiss, Council Member

Shelly Schrader

Shelly Schrader, Council Member

Julie A. Werner

Julie Werner, Council Member

Jack Zieser

Jack Zieser, Council Member

ATTEST: Kathy Wolfe

Kathy Wolfe, City Clerk

STATE OF IOWA)
) ss:
COUNTY OF DELAWARE)

On this 7 day of March, 1996, before me, the undersigned, a Notary Public in and for the state of Iowa, personally appeared Ingrid Anderson-Quint and Kathy Wolfe, 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 Ryan, Iowa, a municipal corporation; 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 City Council, as contained and set forth in the City of Ryan, Iowa, Subdivision Control Ordinance; and Ingrid Anderson-Quint and Kathy Wolfe 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.

Donald R. Huber

Donald R. Huber Notary Public
in and for the State of Iowa

Prepared by: Walter L. McNamara 208 Executive Plaza Bldg Cedar Rapids, IA

RESOLUTION 96-32
APPROVING FINAL PLAT OF PARK FIRST ADDITION
TO THE CITY OF RYAN, DELAWARE COUNTY, IOWA

WHEREAS, the Owner, City of Ryan, Iowa, filed with the City Clerk the final plat of Park First Addition to the City of Ryan, Delaware County, Iowa; and

WHEREAS, said subdivision is located on the following described real estate in Ryan, Delaware County, Iowa;

STATE OF IOWA COUNTY OF DELAWARE

Lots five (5) and Six (6), and the North One Half (N1/2) of Lots Seven (7) and Eight (8), all in Block Twenty One (21), Ryan, Iowa, according to the plat recorded in Book 1 Plats, Page 42.

WHEREAS, a dedication has been made to the public, and the subdivision has been made with the free consent and in accordance with the desires of the owner; and

WHEREAS, the final plat and subdivision are found to conform with Chapter 354, Code of Iowa (1995) and all other state and local requirements.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RYAN, IOWA, THAT:

1. The final plat and subdivision located on the above described real estate be and the same are hereby approved.

2. The City of Ryan, Iowa, accepts the dedication of the streets, alleys and easements, as provided by law.

3. The Mayor and the City Clerk of the City of Ryan, Iowa, are hereby authorized and directed to execute all legal documents relating to said subdivision, and to certify a copy of this resolution, which shall be affixed to the final plat after passage and approval by law. The owner/subdivider shall record the legal documents and the plat at the office of the Recorder of Delaware County, Iowa.

Passed and approved this 4 day of March, 1996.

City of Ryan, Iowa

Ingrid C. Anderson-Quint, Mayor

Dennis Glynn, Council Member

Dan Reiss, Council Member

Shelly Schrader, Council Member

Julie Werner, Council Member

Jack Zieser, Council Member

CITY OF RYAN SEAL IOWA

ATTEST: Kathy Wolfe, City Clerk

STATE OF IOWA)
) ss:
COUNTY OF DELAWARE)

On this 7th day of March, 1996, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Ingrid Anderson-Quint and Kathy Wolfe, 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 Ryan, Iowa, a municipal corporation; 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 City Council as contained in Resolution No. 96-3-2 passed and approved by the City Council on the 7th day of March, 1996 and that Ingrid Anderson-Quint and Kathy Wolfe 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.

Donald R. Huber Notary Public
In And For The State Of Iowa

DONALD R. HUBER NOTARIAL SEAL Iowa

Walter L. McNamara 208 Executive Plaza Bldg. 4403 First Avenue S.E. Cedar Rapids,Ia

PROTECTIVE COVENANTS AND RESTRICTIONS OF

PARK FIRST ADDITION
TO THE CITY OF RYAN, DELAWARE COUNTY, IOWA

The undersigned, being the owner of all of the lots in the subdivision in the City of Ryan, Iowa, known as Park First Addition To The City Of Ryan, Delaware County, Iowa, for the mutual benefit of those persons who may purchase any of the lots in said subdivision now owned by the undersigned, does hereby impose the following protective covenants and restrictions on each lot in said subdivision, and every parcel of land in said subdivision as protective covenants and restrictions running with the land, and with such force and effect as is contained in each subsequent conveyance of land:

1. All lots described in said subdivision shall be known, described and used solely as residential lots, and no other structure shall be erected on any residential building lot other than a single family dwelling not to exceed two (2) stories in height; provided however, each dwelling unit may have a one, two, or three car garage. No apartment or condominium dwellings, of any kind or nature, shall be allowed, erected or constructed on any lot in said subdivision.

2. No building shall be erected on any residential lot nearer than 25 feet from the front lot line nor nearer than 10 feet to any side lot line, or in corner lots, and no building shall be erected nearer than 25 feet from any lot line that abuts a street within the subdivision.

3. No residential lot shall be re-subdivided under any circumstances in said subdivision.

4. No one-story dwelling with an attached garage erected on any lot in said subdivision shall have a ground floor square foot living area of less than 1,200 square feet.

5. No temporary structure for living quarters shall be erected on any lot in said subdivision, and no trailer, basement, tent, shack, garage, barn or any other outbuilding erected in said subdivision shall at any time be used as a residence, and no residence of a temporary character shall be permitted.

6. No noxious or offensive trade shall be carried on or upon any lot in said subdivision nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

7. Construction of any residence on any lot in said subdivision shall be completed within one year from the date said construction is begun.

8. Before any construction of any building on any lot in said subdivision shall be commenced, the plans for said building shall be submitted by the owner to the City of Ryan, Iowa, and shall be approved by the City of Ryan, Iowa as being in harmony with existing structures in said subdivision.

A. The following procedure shall be followed by the owner in obtaining approval of said owner's building plans:

(1) Owner shall submit a copy of the plans for the building which the owner intends to construct. These plans shall show all drainage hookups for the building. After approval by the City of Ryan, Iowa, construction may commence. The owner shall notify the City of Ryan, Iowa, when the drainage pipes are in place prior to being covered with soil or any substance so that the City shall see that they are properly connected to the city sewer system. The City of Ryan, Iowa, shall have an employee present when drainage pipes and/or tiles are backfilled so the City may inspect said drainage pipes at that time.

9. The title holder of each lot in said subdivision, vacant or improved, shall keep their lot or lots free of weeds and debris.

10. These covenants are to run with the land and shall be binding on all persons claiming under them for twenty-five (25) years, at which time said covenants shall be automatically extended for successive periods of ten (10) years unless by a majority of the then owners of the lots it is agreed to change the said covenants in whole or in part.

11. If the parties hereto, or any of the, or their heirs or assigns, shall violate or attempt to violate any of the covenants or restrictions herein during the twenty-five (25) years, it shall be lawful for, and the exclusive right of any other person or persons owning any other lots in said subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenants or restrictions, and either prevent him or them from doing, or to recover damages or other dues for such violation.

12. Invalidation of any of these covenants by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

Passed and approved this 4 day of March, 1996.

City of Ryan, Iowa

Ingrid C. Anderson-Quint Mayor
Ingrid C. Anderson-Quint

Dennis Glynn Council Member
Dennis Glynn

Dan Reiss Council Member
Dan Reiss

Shelly Schrader Council Member
Shelly Schrader

Julie Werner Council Member
Julie Werner

Jack Zieser Council Member
Jack Zieser

CITY OF RYAN IOWA SEAL

Attest: Kathy Wolfe
City Clerk, Kathy Wolfe
City of Ryan, Iowa

STATE OF IOWA)
) ss:
COUNTY OF DELAWARE)

On this 7 day of March, 1996, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Ingrid Anderson Quint and Kathy Wolfe, 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 Ryan, Iowa, a municipal corporation; 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 suthority of its City Council, as contained and set forth in The City Of Ryan, Iowa, Subdivision Control Ordinance; and that Ingrid Anderson Quint and Kathy Wolfe 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.

Donald R. Huber
Donald R. Huber Notary Public
In And For The State Of Iowa



Walter L. McNamara 208 Executive Plaza Bldg. 4403 First Avenue S.E. Cedar Rapids, Ia

ATTORNEY'S OPINION

I, Walter L. McNamara, a regular practicing attorney of Cedar Rapids, Linn County, Iowa, have examined an abstract of title of subdivision land located upon and situated within Park First Addition To The City Of Ryan, Delaware County, Iowa, being more particularly described as follows:

STATE OF IOWA
COUNTY OF DELAWARE

Lots Five (5) and Six (6), and the North One Half (N½) of Lots Seven (7) and Eight (8), all in Block Twenty One (21), Ryan, Iowa, according to the plat recorded in Book 1 Plats, Page 42

and which abstract of title was certified to by the Delaware County Abstract Company, Inc., Manchester, Iowa, on the 26th day of February, 1996, at 8:00 o'clock A. M.

My examination of the said abstract of title of the above described land discloses and shows that fee simple title to the above described land is in the City of Ryan, Iowa, an Iowa municipal corporation, and that the above described land is free from encumbrances.

Dated at Cedar Rapids, Iowa, this 4th day of March, 1996.

Walter L. McNamara
Attorney & Counsellor at Law

Prepared by : City of Ryan, P.O. Box 40, Ryan, IA 52330

ORDINANCE NO. 95/11/1

AN ORDINANCE ESTABLISHING A RESTRICTED RESIDENCE DISTRICT IN THE CITY OF RYAN, IOWA.

6-10-1 PURPOSE. The purpose of this ordinance is to establish a restricted residence district in the City of Ryan, Iowa, and to provide reasonable rules and regulations for the erection, reconstruction, altering, and repairing of buildings of all kinds, and to provide that there shall be no use in such district except for residences, schoolhouses, churches, and other similar structures, except when a permit is granted in accordance with this ordinance. (Code of Iowa, Sec. 414.1 and 414.24)

6-10-2 DEFINITIONS. For use in this ordinance, the following terms are defined:

1. "Residence" is a building used exclusively for a dwelling. No business or occupation shall be conducted therein or in conjunction therewith whereby sales or services are made in a manner that the public served enters upon the residential property. The following are excepted: a beauty shop, conducted solely by the occupant and one person not resident on the property; music or art teacher, a rooming or boarding house with no more than two guests; and for which uses no external or internal alterations of the structure are made and no more than one sign indicating said occupation shall be displayed (but the sign may be double faced) nor shall the sign have a single face area of over one square foot.

2. "School" is a building used for educational purposes, public or private, that is regulated by the state department of public instruction as to curriculum.

3. "Garage" is a structure for sheltering motor vehicles or household equipment and/or effects.

4. "Residential accessory use" is a building or structure customarily used in conjunction with a dwelling, namely a garage with a capacity of not more than three cars or more than one garage per apartment building nor more than one stall per dwelling unit, a tool or "summer" house not exceeding 100 square feet floor area, or a private swimming pool properly fenced and screened.

Any other building on residential property shall not be deemed a residential accessory use if not incidental to a residential purpose, nor if it is used in conjunction with or for the business or selling goods or rendering services.

5. "Church", or "church school" is a building used for public worship, or connected with a building so used, for instruction in religious beliefs, or for the conduct of activities related to church affairs.

6-10-3 DISTRICT DESCRIBED. The following restricted residence district is hereby designated and established.

6-10-4 BUILDINGS PERMITTED. No buildings or other structures, except residences, schoolhouses, churches, and other similar structures shall be hereafter erected, reconstructed, altered, repaired, or occupied within said district without first securing from the city council a permit therefor. Permits for residences, schoolhouses, churches, and other similar structures, and for structures outside restricted residence districts, shall be applied for and are required, but shall be issued by the city clerk if the requirements of this and other applicable city ordinances are met, but no council permission shall be required under this ordinance.

6-10-5 RULES AND REGULATIONS. As permitted under Section 414.24 of the Code of Iowa, there are hereby adopted the following rules and regulations for the erection, reconstruction, altering, and repairing of buildings of all kinds within restricted districts established by this ordinance for the use and occupancy of such buildings, and for the granting of permits to erect, reconstruct, alter, or repair any structure other than a residence, residential accessory use, school, church, or church school within said districts.

6-10-6 SET BACK. No residential building or residential accessory use building shall be erected hereafter on a lot closer to the street property line on which it fronts than the set back of the nearest adjacent existing building except that no new construction shall be made closer than twenty feet, nor shall any construction be required to be built with its front further than thirty (30) feet from said front line. All buildings to be used for residential purposes shall be placed on lots of no less than 10,000 square feet.

No residence or other building exempted from permit shall be located in the restricted district closer than five (5) feet to the side lot lines, and no accessory building closer than five (5) feet to said side lot lines, and overhangs shall not extend over any lot line, regardless of the compliance of the main foundation with this set back rule. However, any residence, other building, or accessory building currently located closer than five (5) feet to the side lot lines may be extended or altered in conformance with its existing side lot set back lines. In no case may the residence, other building, or accessory building be located closer to the side lot line than it is currently located. Any other building granted a permit by council shall be placed at least as far from side lot lines as

the residential, school, and church related buildings. All set backs shall be measured from the main foundation line.

6-10-7 BUILDING REQUIRING SPECIAL PERMITS TO LOCATE WITHIN RESTRICTED DISTRICTS. Construction of clinics, offices, hospitals, utility buildings and substations, any type of commercial stores and warehouses, plant nurseries, farm buildings, and industrial buildings and structures may be authorized by special permit to locate within the restricted residential district only if it appears that said use and the type of building will be compatible with the residential character of the district, and if the particular use could not practicably be built in an unrestricted area, or if the restricted district boundaries cannot be amended logically, considering topography, access to railroad or highway or other proper reason acceptable to the council. Further, the construction and/or placement of a building or structure that would otherwise be violative of Section 6-10-6 may be authorized by special permit if it appears that such deviation from the lot size and/or set back requirements of that section would alleviate a substantial hardship for the permit applicant, be compatible with the character of the neighborhood and not create a substantial hardship for neighboring property owners.

6-10-8 SPECIAL PERMITS. A written special permit shall be required for the erection, reconstruction, alteration, or repair of any building and for its occupancy and use within the restricted residential district of this city except for buildings for residences, residential accessory use, schools, churches, and church schools. Further, a written special permit shall be required to authorize the construction and/or placement of any building or structure contrary to the requirements of Section 6-10-6. Any such permit shall be applied for in writing, accompanied by plans and specifications sufficient to determine compliance with applicable ordinances of the city and/or the extent to which proposed construction deviates from the requirements of Section 6-10-6. Said application shall be made to the city clerk at least sever (7) days before the council meeting at which council action is taken. No permit shall or will be granted until notice of the application has been posted at least four (4) days prior to the meeting at which final action is taken to grant or deny the permit.

6-10-9 PROTEST. No permit shall be granted when sixty (60) percent of the resident real estate owners in said district within six hundred (600) feet of the proposed building and occupancy object thereto, except by a three-fourths (3/4) vote of all the members of the council.

6-10-10 FEES. There shall be no fee required for a permit under this ordinance.

6-10-11 ACTION TO ABATE. Any building or structure erected, reconstructed, altered, or repaired in violation of the

provisions of this ordinance shall be deemed unlawful and a nuisance and it shall be abated by action in the district court. Such action for abatement shall be prosecuted in the name of the municipality.

6-10-12 CERTIFYING ORDINANCE. Within fifteen (15) days after this ordinance becomes effective the clerk shall prepare or have prepared a plat of the restricted residence district as established by this ordinance and certify such ordinance and plat to the county recorder.

(Code of Iowa, Sec. 380.11)

This ordinance shall be in effect December 4, 1995.

Passed by the Council on the 4th day of December, 1995 and approved this 4th day of December, 1995.

Mayor, Ingrid C. Anderson-Quint

ATTEST: Kathy Wolfe
City Clerk, Kathy Wolfe

I certify that the foregoing was published as Ordinance No. 95/11/1 on the 16th day of January, 1995.

Kathy Wolfe
City Clerk, Kathy Wolfe

RESOLUTION 95/8/2

A resolution selling certain city owned property.

WHEREAS, The City of Ryan, Iowa is the owner of the following described property:

Lots Five (5) and Six (6), and the North one half (N½) of Lots Seven (7) and Eight (8), all in Block Twenty One (21), Ryan, Iowa, according to the plat recorded in Book 1 Plats, Page 42.

and WHEREAS the city council of Ryan, Iowa proposes to sell lots 5 & 6 in block 21 and the N 1/2 of lots 7 & 8 in block 21. This property will be subdivided. This subdivision will be a restricted residence area.

and WHEREAS, the city council will publish notice of public hearing on the above sale of property, and will hold a public hearing on the sale,

and WHEREAS, the sale of the property is in the best interest of the City,

NOW THEREFOR BE IT RESOLVED BY THE CITY COUNCIL OF RYAN, IOWA THAT:

1. The property legally described above will be sold.

2. The Mayor and City Clerk are hereby ordered and authorized to execute legal documents on behalf of the City to proceed with the subdevelopment of this property.

PASSED AND APPROVED THIS 7 DAY OF August, 1995, BY THE CITY COUNCIL OF RYAN, IOWA.

Mayor Ingrid C Anderson-Quint

Mayor, Ingrid C. Anderson-Quint

Council: Dennis W Glynn ~~Dennis~~ Glynn

~~Shelly Schrader~~

~~Ted Reilly~~

Julie A Werner ~~Julie Werner~~

Jack Zieser ~~Jack Zieser~~

ATTEST: Kathy Wolfe

City Clerk, Kathy Wolfe

CERTIFICATE OF COUNTY TREASURER

I, Carolyn A. Wilson, hereby certify that I am the County Treasurer of Delaware County, Iowa, and that the property described as follows:

STATE OF IOWA
COUNTY OF DELAWARE

Lots Five (5) and Six (6), and the North One Half (N½) of Lots Seven (7) and Eight (8), all in Block Twenty One (21), Ryan, Iowa, according to the plat recorded in Book 1 Plats, Page 42

and shown on the plat attached hereto and known and designated as Park First Addition To The City Of Ryan, Delaware County, Iowa, is free from taxes as of this date.

Dated at Manchester, Iowa, this 8 day of March, 1996.

Carolyn A. Wilson

Carolyn A. Wilson
Treasurer of Delaware County, Iowa

DELAWARE COUNTY TREASURER SEAL IOWA

200-2439
DELAWARE COUNTY IOWA
FILED
'96 MAR 8 AM 9 55
BOOK 7 PAGE 177
DEBORAH L. PEYTON
DELAWARE CO. RECORDER
$81.00

Clarence J. Walton R.L.S.

To

City of Ryan

City Clerk Ryan
P.O. Box 40
Ryan, IA