Pel. Co. Recorder

FILED
6-25-97
Cheryl Stufflebeam
Dep

JUN 25 1997

FILED
SHARON McCRUM
DELAWARE COUNTY AUDITOR

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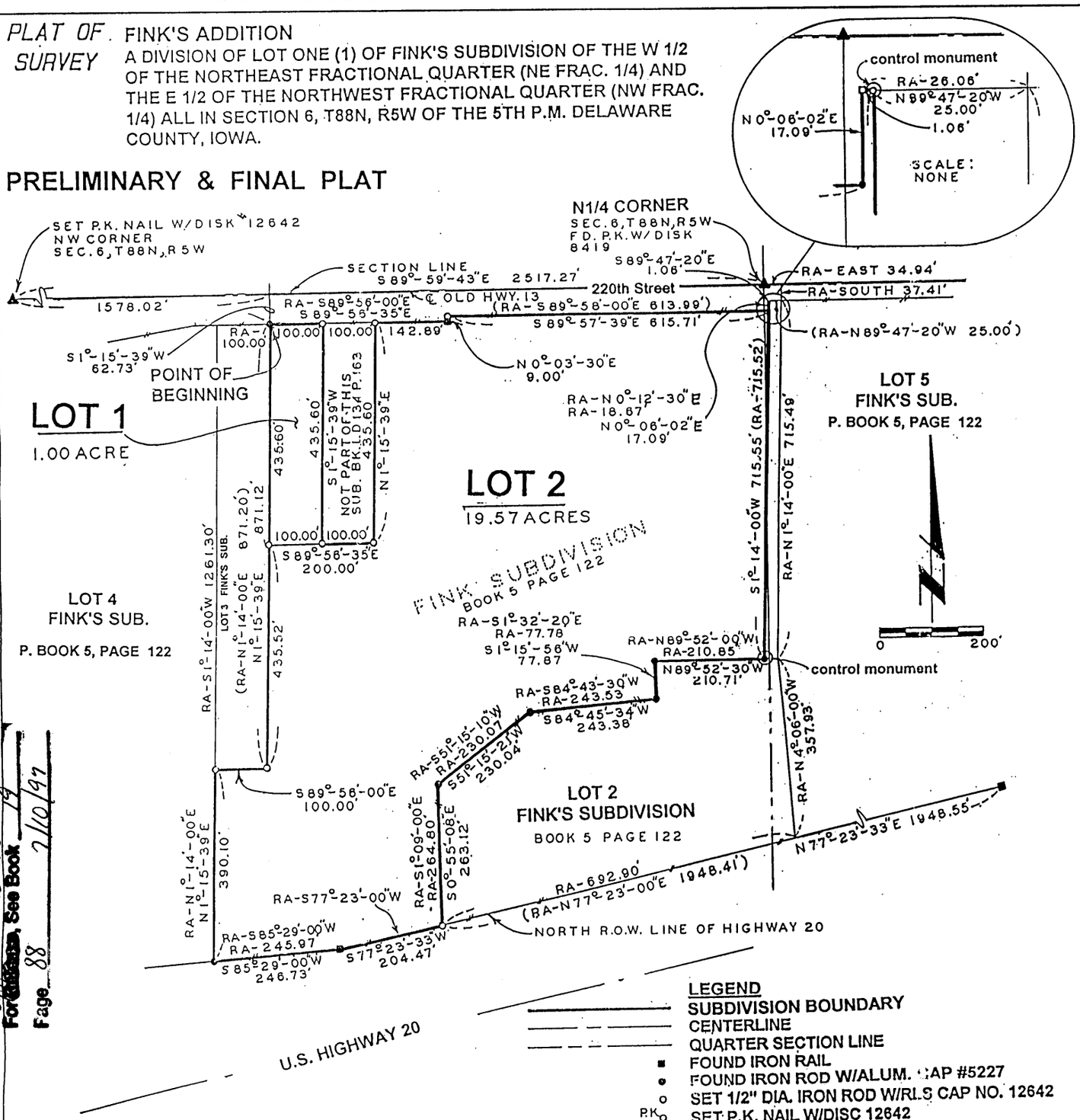
PREPARED BY WM. BURGER LANDSURVEYORS 510 3RD STREET WEST COURT, WORTHINGTON, IOWA 52078 PHONE 319 855 2028

PLAT OF SURVEY

FINK'S ADDITION

A DIVISION OF LOT ONE (1) OF FINK'S SUBDIVISION OF THE W 1/2 OF THE NORTHEAST FRACTIONAL QUARTER (NE FRAC. 1/4) AND THE E 1/2 OF THE NORTHWEST FRACTIONAL QUARTER (NW FRAC. 1/4) ALL IN SECTION 6, T88N, R5W OF THE 5TH P.M. DELAWARE COUNTY, IOWA.

PRELIMINARY & FINAL PLAT



LEGEND

- SUBDIVISION BOUNDARY
- CENTERLINE
- QUARTER SECTION LINE
- ■ FOUND IRON RAIL
- ● FOUND IRON ROD W/ALUM. CAP #5227
- o SET 1/2" DIA. IRON ROD W/R.L.S CAP NO. 12642
- P.K.o SET P.K. NAIL W/DISC 12642
- RA- RECORDED AS DISTANCE AND OR BEARING
- ◎ CONTROL MONUMENT

NOTE: All rods are set or will be set within 1 year of the date of recording

Aff. Re: Quiet Title, See Book 19 Page 88 7/10/97

SCALE: 1" = 200' | DATE OF SURVEY: 5/20/97, 6/5/97 | SHEET 1 OF 6

PROPRIETORS: LESLIE C. FINK NEW ALBIN, IOWA

LICENSED LAND SURVEYOR WILLIAM H. BURGER 12642 IOWA

Wm. Burger LandSurveyors

510 3rd Street West Court
Worthington, Iowa 52078

I hearby certify that this landsurveying document was prepared and related survey work was preformed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa. My license renewal date is December 31, 1998

William H. Burger 6/7/97
WILLIAM H. BURGER 12642 DATE

Pages or Sheets covered by this seal: 1 thru 3

DATE 6-25-97 BOOK 8 PAGE 61 B-17

LEGAL DESCRIPTION

FINK'S ADDITION - A division of Lot One (1) of Fink's Subdivision of the West 1/2 of the Northeast Fractional Quarter (NE Frac. 1/4) , and the East 1/2 of the of the Northwest Fractional Quarter (NW Frac.1/4) all in Section Six (6), Township Eighty-eight North (T88N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa. As recorded in the Office of the Delaware County Recorder , Plat Book 5, Page 122. Containing a total of 20.57 acres , divided into two (2) lots numbered Lot One (1) and Lot Two (2) , subject to easements of record and more particularly described by metes and bounds as follows: See Off

BEGINNING at the Northeast corner of Lot Three (3) of Fink's Subdivision as recorded in the Office of the Delaware County Recorder, Plat Book 5, Page 122;

Thence South 89°-56'-35" East 100.00 feet along the South right of way line of 220th Street (formerly known as Old Highway 13) to the Northwest corner of a One (1) acre parcel as described in the Office of the Delaware County Recorder L.D. Book 134, Page 163;

Thence South 01°-15'-39" West 435.60 feet along the West line and to the Southwest corner of said One (1) acre parcel ;

Thence South 89°-56'-35" East 100.00 feet along the South line and to the Southeast corner of said One (1) acre parcel;

Thence North 01°-15'-39" East 435.60 feet along the East line and to the Northeast corner of said One (1) acre parcel;

Thence South 89°-56'-35" East 142.89 feet along the South right of way line of 220th Street (formerly known as Old Highway 13);

Thence continuing along the South right of way line of 220th Street (formerly known as Old Highway 13) North 00°-03'-30" East 9.00 feet;

Thence continuing along the South right of way line of 220th Street (formerly known as Old Highway 13) South 89°-57'-39" East 615.71( ) See Off.

Thence continuing along the South right of way line of 220th Street (formerly known as Old Highway 13) North 00°-06'-02" East 17.09 feet;

Thence continuing along the South right of way line of 220th Street (formerly known as Old Highway 13) South 89°-47'-20" East 1.06 feet;

See Off → **Thence** South 01°-14'-00" West 715.55 feet along Westerly line of Lot Two (2) of Fink's Subdivision as recorded in the Office of the Delaware County Recorder Plat Book 5, Page 122;

Thence North 89°-52'-30" West 210.71 feet along a Northerly line of said Lot Two (2) of Fink's Subdivision;

Thence continuing along a Northerly line of said Lot Two (2) South 01°-15'-56" West 77.87 feet;

Thence continuing along a Northerly line of said Lot Two (2) South 84°-45'-34" West 243.38 feet;

Thence continuing along a Northerly line of said Lot Two (2) South 51°-15'-21" West 230.04 feet;

LEGAL DESCRIPTION

Thence along a Westerly line of said Lot Two (2) South 00°-55'-08" East 263.12 feet to the Southwesterly corner of said Lot Two (2) of Fink's Subdivision, said point also being on the North right of way line of U.S. Highway Twenty (20);

Thence South 77°-23'-33" West 204.47 feet along the North right of way line of said Highway Twenty (20);

Thence continuing along said right of way South 85°-29'-00" West 246.73 feet to the Southeast corner of Lot Four (4) of said Fink's Subdivision;

Thence North 01°-15'-39" East 390.10 feet along the East line of said Lot Four (4) to the Southwest corner of Lot Three (3) of said Fink's Subdivision;

Thence South 89°-56'-00" East 100.00 feet along the South line and to the Southeast corner of said Lot Three (3);

Thence North 01°-15'-39" East 871.12 feet along the East line of said Lot Three (3) to the **POINT OF BEGINNING**;

containing a total of 20.57 acres divided into Two (2) Lots numbered Lot One (1) and Lot Two (2) , subject to easements of record. The East line of the above described parcel is assumed to bear South 01°-14'-00" West in relation to the Subdivision Plat of Fink's Subdivision as recorded in the Office of the Delaware County Recorder Plat Book 5, Page 122.

DELAWARE COUNTY E-911 BOARD

Delaware County, Iowa JUNE 25, 1997

The forgoing plat of Fink's Addition Delaware County, Iowa has been examined and approved as to being in full compliance with Delaware County Ordinance #12, The Uniform Rural Address System, as passed and adopted by the Delaware County Board of Supervisors on the 8th day of June, 1996

Norman Wellman

Norman Wellman - Coordinator
Delaware County E-911 Board

STATE OF IOWA)
) ss.
DELAWARE COUNTY)

On this 25 day of June A. D. 1997 before me, a Notary Public in and for said County, personally appeared Norman Wellman, to me known to be the person or persons named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.

Sharon McCrabb

Notary Public in and for said County

Sheet 3 of 6

BOOK 8 PAGE 61

OWNERS ACKNOWLEDGMENT

I Leslie C. Fink of ALLAMAKEE 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.

Leslie C. Fink
Leslie C. Fink

STATE OF IOWA)
ALLAMAKEE) SS.
COUNTY OF ~~DELAWARE~~)

On this 12 day of June A. D. 19 97 before me,
a Notary Public in and for said County, personally appeared Leslie C. Fink, to me known to be the person
or persons named in and who executed the foregoing instrument, and acknowledged that
he executed the same as his voluntary act and deed.

Raymond J. Whalen
Notary Public in and for said County and State of Iowa

RAYMOND J. WHALEN
MY COMMISSION EXPIRES
August 22, 1999

ATTORNEY'S OPINION

I, BARRY S. Mueller, a practicing attorney at law in LANSING, ALLAMAKEE County, Iowa have examined the abstract of title to the land included within **Lot One (1) of Fink's Subdivision of the West 1/2 of the Northeast Fractional Quarter (NE Frac. 1/4), and the East 1/2 of the of the Northwest Fractional Quarter (NW Frac.1/4) all in Section Six (6), Township Eighty-eight North (T88N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa.** Said abstract has been prepared in its entirety by the DELAWARE County Abstract Company, and was last certified to by said company on the 18th day of JUNE, AD, 19 97, at the hour of 8:00 o'clock A. M.

My examination of said abstract shows good and merchantable title on the date and hour of certification to be in Leslie C. FINK and
Dated at LANSING, Iowa in said County, this 23 RD day of
June, 1997

Barry S. Mueller
Attorney at Law

DELAWARE COUNTY TREASURER

Delaware, Iowa 6-25, 19 97

I the undersigned, Carolyn A. Wilson, Treasurer of Delaware County, Iowa do hereby certify that all taxes and special assessments levied against **Lot One (1) of Fink's Subdivision of the West 1/2 of the Northeast Fractional Quarter (NE Frac. 1/4), and the East 1/2 of the of the Northwest Fractional Quarter (NW Frac.1/4) all in Section Six (6), Township Eighty-eight North (T88N), Range Five West (R5W) 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.

Carolyn A. Wilson
County Treasurer Delaware County, Iowa

RESOLUTION APPROVING PRELIMINARY & FINAL PLAT

WHEREAS, the plat of **FINK'S ADDITION - A division of Lot One (1) of Fink's Subdivision of the West 1/2 of the Northeast Fractional Quarter (NE Frac. 1/4), and the East 1/2 of the Northwest Fractional Quarter (NW Frac. 1/4) all in Section Six (6), Township Eighty-eight North (T88N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa,** affecting premises more specifically described in the Surveyor's Certificate of William H. Burger, dated June 7, 1997, being within a 2 mile radius of the corporate limits of the City of Manchester 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.

1. A " Storm Water Drainage Detail" map be provided in lieu of a topographical map showing contour lines.
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 or parcel of the subdivision by annexed to the City and at such time as the 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 96s Building Sewer and Connections. See recorded Agreement and Waiver.
3. Water Main System - An alternate system for supply and distribution shall be provided 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.
4. Streets - The present County hard surfaced road (formerly Old Highway 13, now Burrington Road) serves the subject subdivision. Property in this subdivision is subject to street assessments should annexation warrant future improvements as determined by the City.
5. Other improvements relating to the construction of sidewalks, not required.

The same has been found to be correct and in accordance with the ordinance of the City of Manchester, Iowa, and the laws of the State of Iowa relating to the plat and addition to cities;

If ever this property is annexed into the City, it will be zoned as B-3, Business District-Service and Wholesale zoning classification.

NOW, THEREFORE, BE IT RESOLVED, by the Planning and Zoning Commission of Manchester, Delaware County, Iowa, that said 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 11th day of June, A.D., 1997.

PLANNING & ZONING COMMISSION
CITY OF MANCHESTER, IOWA

By _____
James E. Fisher, Chairperson

By Helen M. Knutson
Helen M. Knutson, Secretary

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 13th day of June, 1997, before me Linda K. Tutton, a Notary Public in and for the State of Iowa, personally appeared James E. Fisher 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 on the 11th day of June, 1997 and that James E. Fisher and Helen M. Knutson acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by them voluntarily executed.

Linda K. Tutton
Notary

RESOLUTION APPROVING PRELIMINARY & FINAL PLAT **RESOLUTION** R-070-97

WHEREAS, the plat of **FINK'S ADDITION - A division of Lot One (1) of Fink's Subdivision of the West 1/2 of the Northeast Fractional Quarter (NE Frac. 1/4), and the East 1/2 of the Northwest Fractional Quarter (NW Frac. 1/4) all in Section Six (6), Township Eighty-eight North (T88N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa,** affecting premises more specifically described in the Surveyor's Certificate of William H. Burger, dated June 7, 1997, being within a 2 mile radius of the corporate limits of the City of Manchester 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 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 Manchester Planning and Zoning Commission with allowance for the following variances.

1. A " Storm Water Drainage Detail" map be provided in lieu of a topographical map showing contour lines.
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 or parcel of the subdivision by annexed to the City and at such time as the 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 96s Building Sewer and Connections. See recorded Agreement and Waiver.
3. Water Main System - An alternate system for supply and distribution shall be provided 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.
4. Streets - The present County hard surfaced road (formerly Old Highway 13, now Burrington Road) serves the subject subdivision. Property in this subdivision is subject to street assessments should annexation warrant future improvements as determined by the City.
5. Other improvements relating to the construction of sidewalks, not required.

The same has been found to be correct and in accordance with the ordinance of the City of Manchester, Iowa, and the laws of the State of Iowa relating to the plat and addition to cities;

If ever this property is annexed into the City, it will be zoned as B-3, Business District-Service and Wholesale zoning classification.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manchester, Delaware County, Iowa, that said **FINK'S ADDITION A division of Lot One (1) of Fink's Subdivision of the West 1/2 of the Northeast Fractional Quarter (NE Frac. 1/4), and the East 1/2 of the Northwest Fractional Quarter (NW Frac. 1/4) all in Section Six (6), Township Eighty-Eight North (T88N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa** be, and the same is hereby acknowledged, approved and accepted. 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 16th day of June, A.D., 1997.

By Milt L. Kramer
Milt L. Kramer, Mayor

By Karen K. Cole
Karen Cole, City Clerk

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 16th day of June, 1997, 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 R-070-97 adopted by the City Council on the 16th day of June, 1997 and that Milt L. Kramer and Karen Cole 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.

Linda K. Tutton
Notary

AGREEMENT AND WAIVER REGARDING ALTERNATIVE SYSTEMS FOR SEWER AND WATER

FINK'S ADDITION

Proprietor and Developer - Leslie C. Fink

City of Manchester, Iowa

WHEREAS, Developer has proposed to establish a subdivision located in Delaware County, Iowa, more specifically described as:

> Fink's Addition - A division of Lot One (1) of Fink's Subdivision of the W 1/2 of the Northeast Fractional Quarter (NE Frac. 1/4) and the E 1/2 of the Northwest Fractional Quarter (NW Frac. 1/4) All in Section 6, T88N, R5W of the 5th P.M. Delaware County, Iowa.

WHEREAS, said proposed Subdivision is located outside of the City Limits of the City of Manchester, Iowa, but is within a two-mile radius of the City Limits of the City of Manchester, Iowa, and is therefore, subject to Subdivision Regulations for the City of Manchester, Iowa; and

WHEREAS, the City Council for the City of Manchester, Iowa, has reviewed the proposed Subdivision and determined that the connection of the Subdivision to City sewer or water systems cannot be reasonable made and that alternative systems may be designed to fully protect the public health, safety and welfare and meet requirements of state, county or other applicable health regulations; and

WHEREAS, the Developer and the City of Manchester, Iowa, have executed this Agreement to provide notice to all current owners of the real estate that is subject to the proposed Subdivision, and all persons or entities who may hereafter acquire an interest in said property as to the Agreement set forth in this document;

IT IS, THEREFORE, AGREED as follows:

1. That the lots set forth in the proposed Subdivision cannot at this time reasonably be connected to the City water or sewer system.

2. That until such time as the above-described property is annexed into the City Limits of the City of Manchester, Iowa, the City of Manchester, Iowa, approves the use of alternate facilities for the distribution of water and the collection and disposal of sanitary waste; however, such alternative facilities must be designed to fully protect the public health, safety and welfare, and shall meet all requirements of state, county, city, or other applicable health regulations.

3. Approval of the Subdivision by the City of Manchester, Iowa, does not constitute a finding by the City of Manchester, Iowa, that alternative water systems or alternative systems for collection and disposal of sanitary waste do in fact meet with the requirements of state, county, or other applicable health regulations.

4. The purchasers of real estate contained in the proposed Subdivision are hereby put on notice that the City of Manchester, Iowa, shall not be required to install sewer or water facilities serving the land set forth in the proposed Subdivision.

5. The Developer shall hold harmless the City of Manchester, Iowa, for any cost, liability, damage, or other injury of any kind resulting from the creation of said alternate facilities for the distribution of water or the collection and disposal of sanitary waste.

6. The proposed Subdivision does not provide for private streets. All lots in the Subdivision front in the existing hard surfaced County road (formerly Old Highway 13, now Burrington Road), located in Delaware County, Iowa, and the Delaware County Engineer has provided notice that there is sufficient visibility for entrance from the lots directly to the County Road. No streets will be dedicated to the City of Manchester, Iowa.

7. The terms and conditions set forth in this Agreement shall be binding upon the developer and other current owners of the property more specifically described in the proposed Subdivision. Terms, conditions and obligations set forth in this Agreement shall further be binding upon all heirs, assigns, devisees, or other persons acquiring land contained in the proposed Subdivision and the terms of the Agreement shall further run with the land.

8. Purchasers and owners of land described in the proposed Subdivision have expressly, by the creation of this Agreement, waived any right to require the City to incur any expense for subsequent installation of sewer and water facilities serving the land set forth in the proposed Subdivision.

9. This Agreement is executed in compliance with Manchester Code of Ordinances 1997, Sections 127.12 and 127.17.

10. That Developer, Leslie C. Fink, hereby agrees and consents to waive any rights that he may have whatsoever to contest any assessment, or protest or take any other action to require the City of Manchester, Iowa, to incur expenses for subsequent installation of sewer and/or water facilities to serve the property shown above. In the event the property shown above is annexed into the City Limits for the City of Manchester, Iowa, Developer hereby agrees that unless otherwise agreed upon in writing by the Developer and the City of Manchester, Iowa, all costs for installation of sewer and water facilities shall be paid by Developer or his successors and assigns without contribution by the City.

11. This Agreement shall be recorded by Developer in the Office of the Delaware County Recorder with the final plat of the Subdivision.

Leslie C. Fink

CITY OF MANCHESTER, IOWA

By Milt L. Kramer
Milt L. Kramer, Mayor

By Karen K. Cole
Karen K. Cole, City Clerk

Subscribed and sworn to before me by Leslie C. Fink this 12 day of June, 1997.

RAYMOND J. WHALEN
MY COMMISSION EXPIRES
August 22, 1999

Raymond J. Whalen
Notary Public in & for the State of Iowa

STATE OF IOWA)
) ss:
COUNTY OF DELAWARE)

On this 16th day of June, 1997, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Milt L. Kramer and Karen K. 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 authority of its City Council, as contained in R-070-97 passed (the Resolution adopted) by the City Council, under Roll Call No. _____ of the City Council on the 16th day of June, 1997, and that Milt Kramer and Karen K. Cole 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.

LINDA K. TUTTON
NOTARIAL SEAL
IOWA

Linda K. Tutton
Notary Public in & for the State of Iowa