FILED
Date 4-21-98
Cheryl Stufflebeam
Deputy

APR 21 1998

FILED
DELAWARE COUNTY AUDITOR

98 APR 21 PM 4:00
8 118
TO 01

98-3292

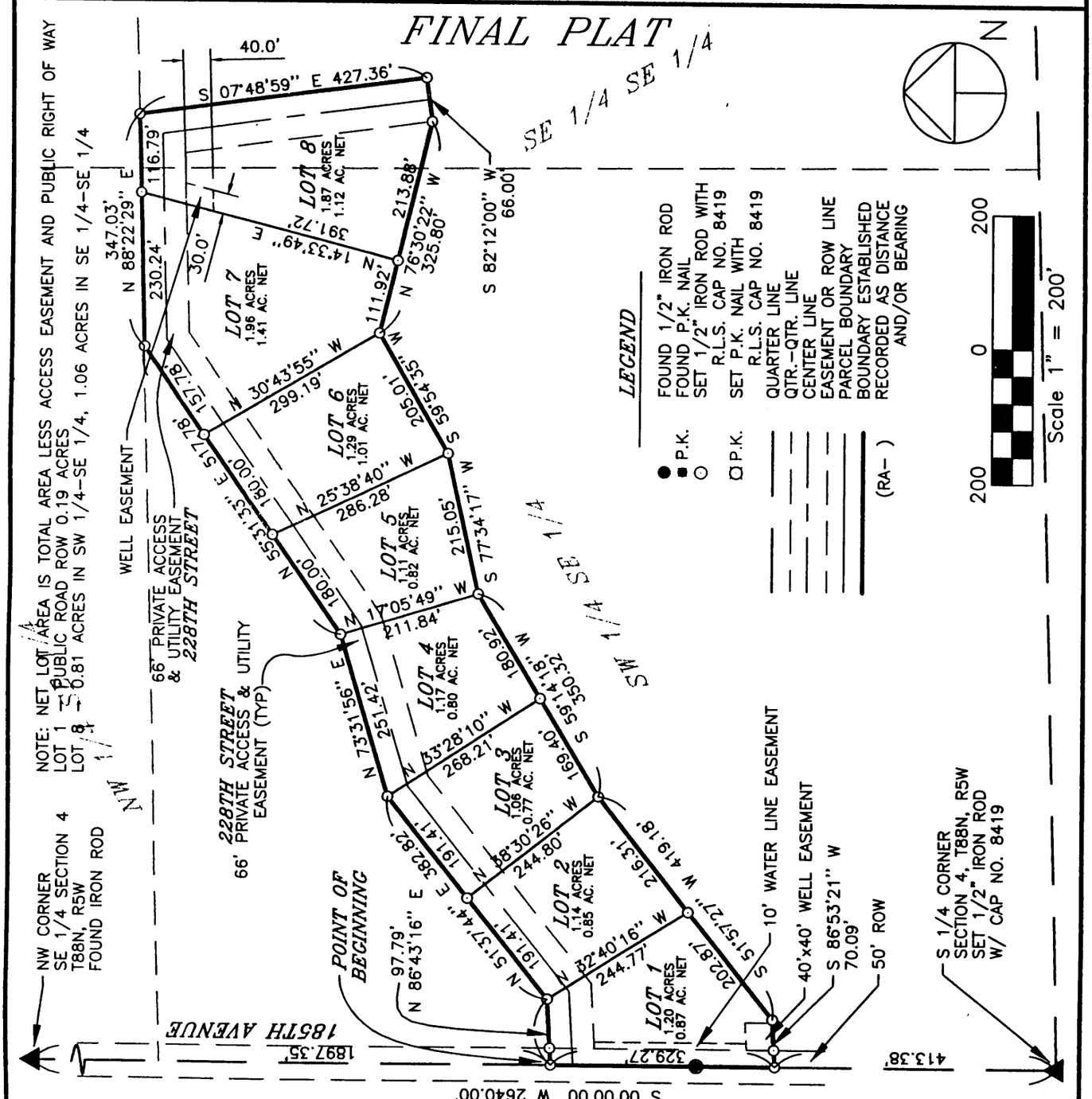
PREPARED BY: J DAVID GIBBS; P.O. BOX 295 MANCHESTER, IA 52057 319-927-2434

PLAT OF SURVEY

WHITETAIL RIDGE SUBDIVISION

PART OF THE SW 1/4 OF THE SE 1/4 AND PART OF THE SE 1/4 OF THE SE 1/4, SECTION 4, T88N, R5W, OF THE FIFTH P.M., DELAWARE COUNTY, IOWA

FINAL PLAT



SURVEY REQUESTED BY: RANDY SHOVER

SURVEYED ON: 8/18, 8/19 & 11/21/97

PROPRIETORS: *RANDY & MARY JO SHOVER*
2271 JEFFERSON ROAD, MANCHESTER, IOWA 52057

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED 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.

J. David Gibbs 4/2/98

J. DAVID GIBBS, P.E., L.S. REG. NO. 8419 DATE

MY LICENSE RENEWAL DATE IS DECEMBER 31,1998

LICENSED LAND SURVEYOR J. DAVID GIBBS 8419 IOWA

PAGES OR SHEETS COVERED BY THIS SEAL: 1-2

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

PROJECT NO. 97-35
SCALE: 1"=200'
DATE: 12/5/97
DRAWN BY: jdg
CHECKED BY:
FIELD BK: d.l.
REVISED
SHEET 1 OF 2

For Release, See Book 8 Misc. Page 15

For Release, See Book 19 Page 208 4/29/98

DATE 4-21-98 BOOK 8 PAGE 118

LEGAL DESCRIPTION:

WHITETAIL RIDGE SUBDIVISION, PART OF THE SOUTHWEST QUARTER (SW ¼) OF THE SOUTHEAST QUARTER (SE ¼), AND PART OF THE SOUTHEAST QUARTER (SE ¼) OF THE SOUTHEAST QUARTER (SE ¼), ALL OF SECTION FOUR (4), TOWNSHIP EIGHTY-EIGHT NORTH (T88N), RANGE FIVE WEST (R5W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA; containing 10.80 acres including 0.19 acres of public road right of way and subject to easements of record, divided into lots numbered Lot One (1) through Lot Eight (8) and more specifically described by metes and bounds as follows;

COMMENCING at the Northwest Corner of the Southeast Quarter (SE ¼) of Section Four (4), Township Eighty-eight North (T88N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa;

THENCE South 00° 00' 00" West along the Westerly Line of the Southeast Quarter (SE ¼) of said Section Four (4), also being the centerline of 185th Avenue, 1897.35 feet to the **POINT OF BEGINNING**;

THENCE North 86° 43' 16" East, 97.79 feet;

THENCE North 51° 37' 44" East, 382.82 feet;

THENCE North 73° 31' 56" East, 251.42 feet;

THENCE North 55° 31' 33" East to the Northerly Line of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of said Section Four (4), 517.78 feet;

SW aff.

THENCE along the Northerly Line of the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of said Section Four (4), North 88° 22' 29" East, 347.03 feet;

THENCE South 07° 48' 59" East, 427.36 feet;

THENCE South 82° 12' 00" West, 66.00 feet;

THENCE North 76° 30' 22" West, 325.80 feet;

THENCE South 59° 54' 35" West, 205.01 feet;

THENCE South 77° 34' 17" West, 215.05 feet;

THENCE South 59° 14' 18" West, 350.32 feet;

THENCE South 51° 57' 27" West, 419.18 feet;

THENCE South 86° 53' 21" West to the Westerly Line of the Southeast Quarter (SE ¼) of said Section Four (4) and the centerline of 185th Avenue, 70.09 feet;

THENCE along said Westerly Line and centerline of 185th Avenue, North 00° 00' 00" East, 329.27 feet to the **POINT OF BEGINNING**;

Containing a total of 10.80 acres including 0.19 acres of public road right of way, divided into lots numbered Lot One (1) through Lot Eight (8), and subject to easements of record.

The Westerly Line of the Southeast Quarter (SE ¼) of Section Four (4), Township Eighty-eight North (T88N), Range Five West (R5W) of the Fifth Principal Meridian is assumed to bear South 00° 00' 00" West.

SURVEYOR'S CERTIFICATE

I hereby certify that this land surveying document was prepared and the related surveying work was performed 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.

J. David Gibbs 4/2/98

J. David Gibbs, License # 8419 DATE

My license renewal date is December 31, 1998.

LICENSED LAND SURVEYOR
J. DAVID GIBBS 8419
IOWA

OWNER'S ACKNOWLEDGMENT

We Randy Shover and Mary Jo Shover of Delaware County, State of Iowa, do hereby certify that the above survey, as shown by the attached Plat, is made with our free consent, and in accordance with our desire.

Randy Shover

Mary Jo Shover

State of Iowa)
)
County of Delaware) Ss:

On this 15th day of April A.D. 1998, before me a Notary Public in and for said County, personally appeared Randy Shover and Mary Jo Shover to me known to be the person(s) named and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Linda K. Tutton
Notary Public in and for said County Linda K. Tutton

DEDICATION OF EASEMENT

Randy Shover as owner and developer of ***Whitetail Ridge Subdivision, Delaware County, Iowa***, see attached Plat, hereby dedicate to the owners of lots in said ***Whitetail Ridge Subdivision, Delaware County, Iowa,*** their successors and assigns, perpetual use of a sixty-six foot (66') wide road right of way and utility easement along the northerly side of Lot 1 through Lot 8 and along the easterly side of Lot 8 as shown in the attached plat. Said road right of way and utility easement shall be considered a part of the subdivision roadway system and subject to the Declaration of Covenants, Conditions, Restrictions, Reservations and Grants of ***Whitetail Ridge Subdivision, Delaware County, Iowa***.

Dated this 15th day of April, 1998.

Randy Shover

Mary Jo Shover

State of Iowa)
)
County of Delaware) Ss:

On this 15th day of April A.D. 1998, before me a Notary Public in and for said County, personally appeared Randy Shover and Mary Jo Shover, to me known to be the person(s) named and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Linda K. Tutton
Notary Public in and for said County Linda K. Tutton

MORTGAGE HOLDERS ACKNOWLEDGMENT

The Peoples State Bank, Manchester, State of Iowa, does hereby certify that the above survey, as shown by the attached Plat, is made with our free consent and in accordance with our desire as mortgage holder of a portion of the premises described herein.

By Michael J Funke
Michael J Funke, Vice President

By Jerry Burke
Jerry Burke, Vice President

STATE OF IOWA, Delaware County, Iowa, Ss:

On this 15th day of April, 199_, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Michael J Funke and Jerry Burke, to me personally known, who being duly sworn, did say that they are the Vice President and Vice President respectively, of the Peoples State Bank executing the within and foregoing instrument to which this is attached , that (~~no seal has been procured by the~~) (the seal affixed hereto is the seal of the) Peoples State Bank; that said instrument was signed (and sealed) on behalf of the Peoples State Bank by authority of its Board of Directors ; and that Michael J Funke and Jerry Burke as officers acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the Peoples State Bank, by it and by them voluntarily executed.

Notary Public in and for said State
Debra A Rollins 10-10-00

ATTORNEY'S OPINION

I, Thomas J. Hanson, a practicing attorney at law in Manchester, Delaware County, Iowa, have examined the abstract of title to the land included in ***Whitetail Ridge Subdivision, Delaware County, Iowa***, on premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated April 2, 1998.

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 8th day of April, A.D., 1998, at the hour of 8:00 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 Randy Shover.
Dated at Manchester, Iowa, in said County, this 16th day of April, 1998.

Attorney at Law
Thomas J. Hanson

CERTIFICATE OF TREASURER

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

Carolyn A. Wilson

Carolyn A. Wilson, County Treasurer

DELAWARE COUNTY E-911 BOARD

Delaware County, Iowa

The foregoing plat of ***Whitetail Ridge Subdivision, 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 17th day APRIL, 1998

Norman Wellman

Norman Wellman - Coordinator
Delaware County E-911 Board

State of Iowa)
)
County of Delaware) Ss:

On this 17th day of April, 1998 before me Linda K. Tutton, a Notary Public in and for the State of Iowa, personally appeared Norman Wellman to me personally known, and, who, being me duly sworn, did say that he is the Coordinator for the Delaware County E-911 Board.

Linda K. Tutton

Notary Public

RESOLUTION APPROVING PRELIMINARY AND FINAL PLAT

WHEREAS, the plat of ***Whitetail Ridge Subdivision, Delaware County, Iowa***, affecting premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated April 2, 1998, has been filed with the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa; and

WHEREAS, the subdivider, Randy Shover, has entered into an agreement and waiver regarding alternative systems for water, sewer and private streets with the City of Manchester which is attached hereto as Exhibit A, and which has been prepared by the City Attorney; and

WHEREAS, Section 127.33 of Chapter 127 Subdivision Regulations of the City of Manchester allows variances with regard to minimum improvements (Section 127.09) and street standards (Section 127.17); and

WHEREAS, the subdivider has included herewith a Declaration of Protective Covenants, Conditions, Restrictions, Reservations and Grants of ***Whitetail Ridge Subdivision, Delaware County, Iowa,*** which will control development in the subdivision as show in Exhibit B; and

WHEREAS, the final plat of ***Whitetail Ridge Subdivision, Delaware County, Iowa***, should be approved with the following declarations and conditions;

a. In the event this subdivision is annexed into the City of Manchester, the recommendation on zoning status would be residential.
b. No determination has been made as to compliance with this subdivision and platting requirements which are set forth in the Code of Iowa.
c. That easement access be provided to all real estate included in the subdivision pursuant to the easement which is attached hereto.
d. That plans and specifications shall be submitted to the City for approval for any private sewage disposal systems prior to development of any lot to be served by said system.

NOW, THEREFORE, BE IT RESOLVED, by the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa , that said ***Whitetail Ridge Subdivision, 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 15th day of April, A.D., 1998

PLANNING & ZONING COMMISSION
CITY OF MANCHESTER, IOWA

By _____
Mark Odden, Chairperson

By _____
Helen M. Knutson, Secretary

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 17th day of April, 1998, before me, Linda K. Tutton, a Notary Public in and for the State of Iowa, personally appeared Mark Odden 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 15th day of April, 1998, and that Mark Odden and Helen M. 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 ; Notary Public.

RESOLUTION R-195-98

RESOLUTION APPROVING PRELIMINARY AND FINAL PLAT

WHEREAS, the plat of ***Whitetail Ridge Subdivision,*** Delaware County, Iowa, affecting premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated April 2, 1998 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,

WHEREAS, the City Council has fully considered the same and found the same to be in accordance with the ordinances of the City of Manchester, Iowa, relating to plats and additions to cities or within a two mile radius of the City;

WHEREAS, the subdivider, Randy Shover, has entered into an agreement and waiver regarding alternative systems for water, sewer and private streets with the City of Manchester which is attached hereto as Exhibit A, and which has been prepared by the City Attorney; and

WHEREAS, Section 127.33 of Chapter 127 Subdivision Regulations of the City of Manchester allows variances with regard to minimum improvements (Section 127.09) and street standards (Section 127.17); and

WHEREAS, The subdivider has included herewith a Declaration of Protective Covenants, Conditions, Restrictions, Reservations and Grants of ***Whitetail Ridge Subdivision***, Delaware County, Iowa, which will control development in the subdivision as shown in Exhibit B; and

WHEREAS, the final plat of ***Whitetail Ridge Subdivision***, Delaware County, Iowa, should be approved with the following declarations and conditions:

a) In the event this subdivision is annexed into the City of Manchester, the recommendation on zoning status would be residential.

b) No determination has been made as to compliance with this subdivision and platting requirements which are set forth in the Code of Iowa.

c) That easement access be provided to all real estate included in the subdivision pursuant to the easement which is attached hereto.

d) That plans and specifications shall be submitted to the City for approval for any private sewage disposal systems prior to development of any lot to be served by said system.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manchester, Delaware County, Iowa, that said ***Whitetail Ridge Subdivision,*** 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 resolution of approval and affix the same to said plat at provided by law.

Passed this 20th day of April, A.D., 1998.

Milt L. Kramer

Milt L. Kramer, Mayor

ATTEST:

Karen K. Cole

Karen K. Cole, City Clerk

STATE OF IOWA)
) SS:
COUNTY OF DELAWARE)

On this 21st day of April, 1998, before me, Bruce A. Trapp, 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 Resolution R-195-98 passed by the City Council of the City of Manchester, Iowa on the 20th day of April, 1998, and that Milt L. 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.

Bruce A. Trapp, Notary Public.
My commission expires 8-25-98

EXHIBIT A

AGREEMENT AND WAIVER REGARDING ALTERNATIVE SYSTEMS FOR SEWER AND WATER AND PRIVATE STREETS

WHITETAIL RIDGE SUBDIVISION, DELAWARE COUNTY, IOWA

RANDY SHOVER, DEVELOPER

CITY OF MANCHESTER, IOWA

Whereas, Developers have proposed to establish a subdivision located in Delaware County, Iowa, more specifically described as:

WHITETAIL RIDGE SUBDIVISION, PART OF THE SOUTHWEST QUARTER (SW ¼) OF THE SOUTHEAST QUARTER (SE ¼), AND PART OF THE SOUTHEAST QUARTER (SE ¼) OF THE SOUTHEAST QUARTER (SE ¼), ALL OF SECTION FOUR (4), TOWNSHIP EIGHTY-EIGHT NORTH (T88N), RANGE FIVE WEST (R5W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA

Whereas, said proposed subdivision is located outside 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 therefore is subject to zoning and 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 the City sewer or water systems cannot be reasonably 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 City of Manchester, Iowa, has determined that unusual conditions exist with regard to said proposed subdivision which make a private street desirable; 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; and

Whereas, the Developer and the City of Manchester, Iowa, have determined that all private roads which are shown on the plat which have not been constructed at this time shall be completed to serve any lot which is sold by the developers.

IT IS THEREFORE AGREED as follows:

1. That the lots set forth in the proposed subdivision cannot reasonably be connected to the City water or sewer systems.

2. 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, of 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. Plans and specifications for private sewage disposal facilities shall be submitted to the City for approval prior to development of any lot to be served by such facilities.

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 Developers shall be solely responsible for development and creation of alternative facilities for the distribution of water or collection and disposal of sanitary waste. The Developer shall further 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 provides for the establishment of private streets. Streets set forth in the subdivision shall not be dedicated to the City of Manchester, Iowa. All private streets shown on the plat which are not completed at the time of execution of this agreement shall be completed in a sufficient manner to service any lots sold by the Developer. Pursuant to Chapter 127.31 (6) of the Manchester City Code, the private streets referred to on the plat shall constitute a covenant running with the land. The construction or reconstruction of any improvements necessary to meet City standards and the assessment of all cost to property owners in the event of annexation and dedication and acceptance is hereby required. This contract shall provide notice to purchasers of lots of this obligation.

7. The City of Manchester, Iowa will not and shall not assume any obligation for maintenance, repair, construction, or other responsibility for streets shown in the proposed subdivision.

8. The terms and conditions set forth in this Agreement shall be binding upon the Developers 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.

9. 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 or water facilities serving the land set forth in the proposed subdivision.

10. This Agreement is executed in compliance with Manchester Code of Ordinances 1997, Section 127.12 and 127.17(15).

11. By entering into this Agreement, the City of Manchester, Iowa, does not warrant of otherwise make any expression as to the suitability or desirability of the private streets set forth in the subdivision or their manner of construction.

Randy Shover

Randy Shover

Subscribed and sworn to before me by Randy Shover this 15 day of April, 1998.

Linda K. Tutton

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

LINDA K. TUTTON IOWA NOTARIAL SEAL

CITY OF MANCHESTER, IOWA

Milt L. Kramer

Milt L. Kramer, Mayor

Karen K. Cole

Karen K. Cole, City Clerk

CITY MANCHESTER IOWA SEAL