Allan Ertl
704 8th St. SW
Dyersville IA
52040

FILED
Date 8/31/98
John R Klaus Jr.
County Assessor

AUG 31 1998

FILED
SHARON McCRABB
DELAWARE COUNTY AUDITOR

1998 AU 31 PM 1:

BOOK 8 PAGE 148
DEBORAH L. BOTTORF
DELAWARE CO. RECORDER

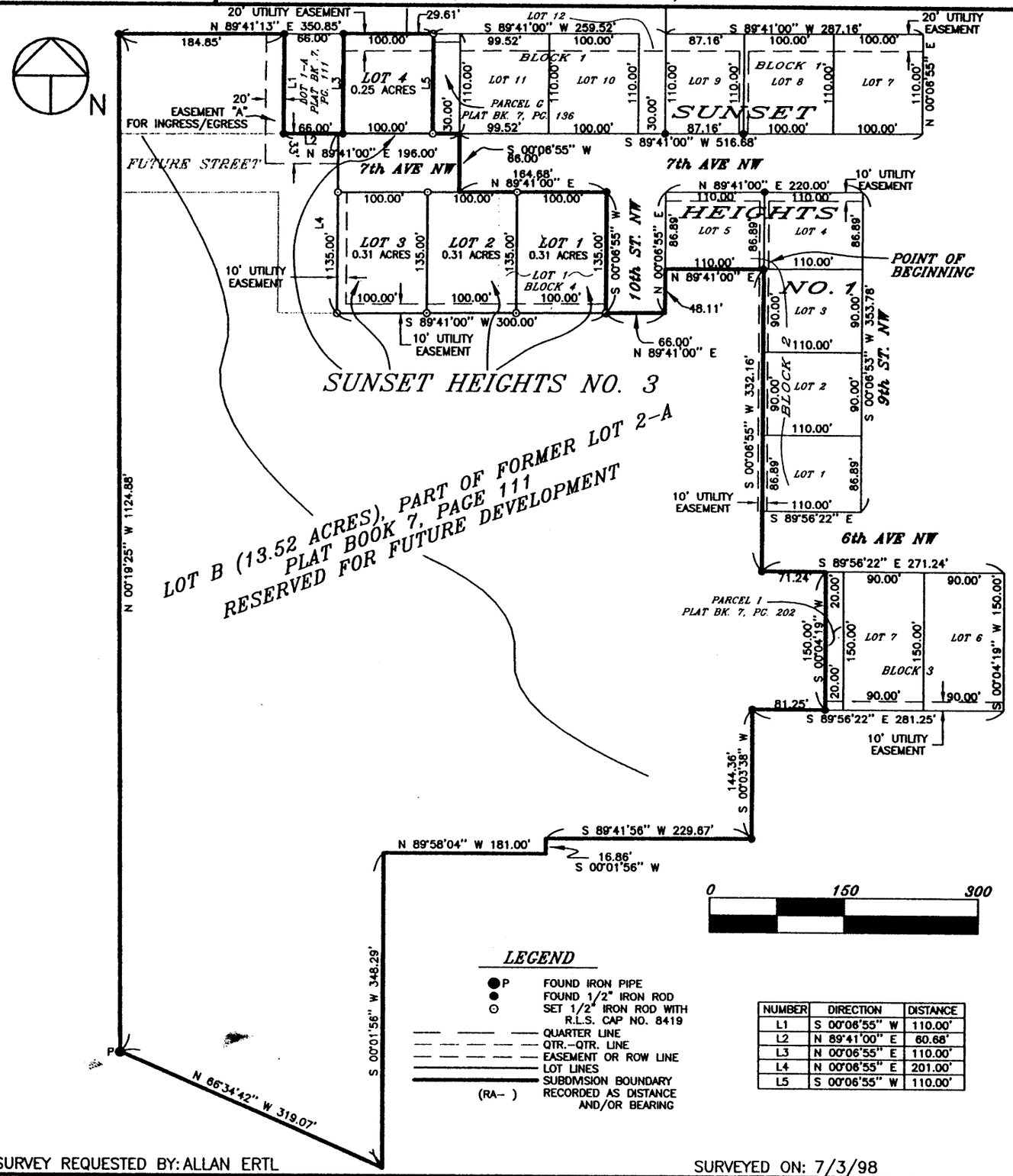
$51.00

798
DELAWARE COUNTY IOWA
FILED

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

PLAT OF SURVEY

SUNSET HEIGHTS NO. 3, A SUBDIVISION OF LOT 2-A, & LOT 1, BLOCK 4 OF SUNSET HEIGHTS NO. 1, SEC. 25, T89N, R3W OF THE FIFTH P.M., CITY OF DYERSVILLE, DELAWARE COUNTY, IOWA



LEGEND

- ●P FOUND IRON PIPE
- ● FOUND 1/2" IRON ROD
- ⊙ SET 1/2" IRON ROD WITH R.L.S. CAP NO. 8419
- QUARTER LINE
- QTR.-QTR. LINE
- EASEMENT OR ROW LINE
- LOT LINES
- SUBDIVISION BOUNDARY
- (RA-) RECORDED AS DISTANCE AND/OR BEARING

NUMBER	DIRECTION	DISTANCE
L1	S 00°06'55" W	110.00'
L2	N 89°41'00" E	60.68'
L3	N 00°06'55" E	110.00'
L4	N 00°06'55" E	201.00'
L5	S 00°06'55" W	110.00'

SURVEY REQUESTED BY: ALLAN ERTL

SURVEYED ON: 7/3/98

LICENSED LAND SURVEYOR
J. DAVID GIBBS
8419
IOWA

PROPRIETORS: *ALLAN LEO ERTL & SUSAN L. STEFFEN-ERTL*

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 7/14/98

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

MY LICENSE RENEWAL DATE IS DECEMBER 31,1998

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

PAGES OR SHEETS COVERED BY THIS SEAL: 1-3

PROJECT NO. 98-54
SCALE: 1"=150'
DATE: 7/6/98
DRAWN BY: RLR
CHECKED BY: JDG
FIELD BK: D.L.
REVISED
SHEET 1 OF 3

DATE 8-31-98 BOOK 8 PAGE 148

LEGAL DESCRIPTION:

***SUNSET HEIGHTS NO. 3**, A SUBDIVISION OF LOT 2-A , AS RECORDED IN PLAT BOOK 7, PAGE 111 IN THE OFFICE OF THE DELAWARE COUNTY RECORDER, AND OF LOT 1, BLOCK 4 OF SUNSET HEGHTS NO. 1, AS RECORDED IN PLAT BOOK 7, PAGE 90 IN THE OFFICE OF THE DELAWARE COUNTY RECORDER, SECTION TWENTY-FIVE (25), TOWNSHIP EIGHTY-NINE NORTH (T89N), RANGE THREE WEST (R3W) OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF DYERSVILLE, DELAWARE COUNTY, IOWA; DIVIDED INTO FIVE LOTS NUMBERED ONE (1) THROUGH FOUR (4) AND LOT B*, containing 14.91acres, subject to easements of record and more particularly described by metes and bounds as follows:

BEGINNING at the Northwest Corner of Lot Three (3), Block Two (2) of Sunset Heights No. 1 as recorded in Plat Book 7, Page 90 in the Office of the Delaware County Recorder;

THENCE along the Westerly Line of Lots Three (3), Two (2), and One (1) of Block Two (2) of said Sunset Heights No. 1, South 00° 06' 55" West, to the Southerly Line of 6th Avenue NW 332.16 feet;

THENCE along the Southerly Line of 6th Avenue NW, South 89° 56' 22" East, to the Westerly line of Parcel I, as recorded in Plat Book 7, Page 202 in the Office of the Delaware County Recorder, 71.24 feet;

THENCE along the Westerly line of said Parcel I, South 00° 04' 19" West, to the Southerly Line of Lot 2-A, as recorded in Plat Book 7, Page 111 in the Office of the Delaware County Recorder, 150.00 feet;

THENCE along the Southerly Line of said Lot 2-A, North 89° 56' 22" West, 81.25 feet;

THENCE continuing along the Southerly Line of said Lot 2-A, South 00° 03' 38" West, 144.36 feet;

THENCE continuing along said Southerly Line South 89° 41' 56" West, 229.67 feet;

THENCE continuing along said Southerly Line South 00° 01' 56" West, 16.86 feet;

THENCE continuing along said Southerly Line North 89° 58' 04" West, 181.00 feet;

THENCE continuing along said Southerly Line South 00° 01' 56" West, 348.29 feet;

THENCE continuing along said Southerly Line North 66° 34' 42" West, 319.07 feet;

THENCE along the Westerly Line of said Lot 2-A, North 00° 19' 25" West, to the Northerly Line of said Lot 2-A, 1124.88 feet;

THENCE along the Northerly Line of said Lot 2-A, North 89° 41' 13" East, to the Westerly Line of Lot 1-A, as recorded in Plat Book 7, Page 111 in the Office of the Delaware County Recorder, 184.85 feet;

THENCE along the Westerly Line of said Lot 1-A, South 00° 06' 55" West, to the Southerly Line of said Lot 1-A, 110.00 feet;

THENCE along the Southerly Line of said Lot 1-A, North 89° 41' 00" East, to the Easterly line of said Lot 1-A, 66.00 feet;

THENCE along the Easterly Line of said Lot 1-A, North 00° 06' 55" East, to the Northerly Line of said Lot 2-A, 110.00 feet;

THENCE along the said Northerly Line of said Lot 2-A, North 89° 41' 13" East, to the Westerly line of Parcel G as recorded in Plat Book 7, Page 111 in the Office of the Delaware County Recorder, 100.00 feet;

THENCE along the Westerly Line of said Parcel G, South 00° 06' 55" West, to the Southerly Line of said Parcel G, 110.00 feet;

THENCE along the Southerly Line of said Parcel G, North 89° 41' 00" East, to the Southwest Corner Lot Eleven (11), Block One (1), 30.00 feet;

THENCE along the Southerly Extension of the Westerly Line of Lot Eleven (11), Block One (1) of said Sunset Heights No. 1, South 00° 06' 55" West, to the Southerly Line of 7th Avenue NW, 66.00 feet;

THENCE along said Southerly Line 7th Avenue NW, North 89° 41' 00" East, to the Northeast Corner of Lot One (1), Block Four (4) of said Sunset Heights No. 1, 164.68 feet;

THENCE along the Easterly Line of Lot One (1), Block Four (4) of said Sunset Heights No. 1, South 00° 06' 55" West, to the Northerly Line of said Lot 2-A, 135.00 feet;

THENCE along the Northerly Line of said Lot 2-A, North 89° 41' 00" East, 66.00 feet;

THENCE along said Northerly Line of Lot 2-A, North 00° 06' 55" East, to the Southwesterly Corner of Lot Five (5), Block Two (2), 48.11 feet;

THENCE along the Southerly Line said Lot Five (5), North 89° 41' 00" East, 110.00 feet to the **POINT OF BEGINNING**;

containing a total of 14.91acres, subject to easements of record.

The Westerly Line of Block Two (2) of Sunset Heights No. 1 as recorded in Plat Book 7, Page 90 in the Office of the Delaware County Recorder is assumed to bear South 00° 06' 55" West.

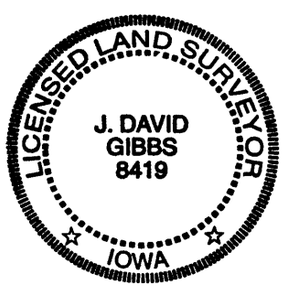
SURVEYOR'S CERTIFICATE

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.

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, License # 8419 DATE 7/14/98

My license renewal date is December 31, 1998.



OWNER'S ACKNOWLEDGMENT

We Allan Leo Ertl and Susan L. Steffen-Ertl 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.

Allan Leo Ertl

Susan L. Steffen-Ertl

State of Iowa)
)
County of DUBUQUE) Ss:

On this 17th day of July A.D. 1998, before me a Notary Public in and for said County, personally appeared Allan Leo Ertl and Susan L. Steffen-Ertl, 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.

Notary Public in and for said County

NOTARIAL SEAL IOWA
TOM JENK
MY COMMISSION EXPIRES
SEPTEMBER 15, 2000

DEDICATION OF STREET AND EASEMENTS

We Allan Leo Ertl and Susan L. Steffen-Ertl as owners and developers of ***Sunset Heights No. 3, Dyersville, Delaware County, Iowa***, do hereby dedicate to the public, Seventh Avenue NW and the utility easements as shown on the attached plat.

Dated this 17th day of July, 1998.

Allan Leo Ertl

Susan L. Steffen-Ertl

State of Iowa)
)
County of) Ss:

On this 17 day of JULY A.D. 1998, before me a Notary Public in and for said County, personally appeared Allan Leo Ertl and Susan L. Steffen-Ertl, 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.

Notary Public in and for said County

NOTARIAL SEAL IOWA
TOM JENK
MY COMMISSION EXPIRES
SEPTEMBER 15, 2000

MORTGAGE HOLDERS ACKNOWLEDGMENT

The Fidelity Bank & Trust, 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. per Deed of Trust recorded in Book 42, T.L.M., Page 113, filed for record on October 16, 1996, in the Delaware County Recorder's Office.

FIDELITY BANK & TRUST

By Daniel J. Zitelman

By Deborah J. Merfeld

STATE OF IOWA, DUBUQUE County, Iowa, Ss:

On this 17th day of July, 1998, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Daniel J. Zitelman and Deborah J. Merfeld, to me personally known, who being duly sworn, did say that they are the Sr. Vice President and Loan Officer respectively, of the Fidelity Bank & Trust 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) Fidelity Bank & Trust that said instrument was signed (and sealed) on behalf of the Fidelity Bank & Trust by authority of its Board of Directors ; and that Daniel J. Zitelman and Deborah J. Merfeld as officers acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the Fidelity Bank & Trust, by it and by them voluntarily executed.

Janet M. Schwers
Notary Public in and for said State

JANET M. SCHWERS
MY COMMISSION EXPIRES
10-20-2000

ATTORNEY'S OPINION - 7/17/98

I, Tom Jenk, a practicing attorney at law in Dyersville, Dubuque County, Iowa, have examined the abstract of title to the land included in ***Sunset Heights No. 3, Dyersville, Delaware County, Iowa***, on premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated July 14, 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 16th day of July, A.D., 1998, at the hour of 8:00 o'clock AM.

My examination of said abstract shows good and merchantible title on the date and hour of the certification to be 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
Dated at Dyersville, Iowa, in said County, this 17th day of July, 1998. subject to: (see attached sheet)

Tom Jenk
Attorney at Law
320-1st Avenue East, P.O. Box 304
Dyersville, Iowa 52040-0304
(319) 875-7191

CERTIFICATE OF TREASURER

I, the undersigned, Carolyn A. Wilson, Treasurer of Delaware County, Iowa, do hereby certify that all taxes and special assessments ***Sunset Heights No. 3, Dyersville, Delaware County, Iowa***, Delaware County, Iowa, have been paid and said real estate is free and clear of all taxes as of this date.

SEAL

Carolyn A. Wilson
Carolyn A. Wilson, County Treasurer

Continuation of ATTORNEY'S OPINION

subject to the following:

1. Mortgage recorded in Book 37, T.L.M., Page 289, executed by 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, to Prairie City Bank, dated May 15, 1995, and filed for record on May 18, 1995, consideration $380,000.00, due May 15, 1996, secures credit in the amount of $380,000.00, remains unsatisfied of record.

2. Deed of Trust recorded in Book 42, T.L.M., Page 113, executed by Allan Leo Ertl and Susan L. Steffen-Ertl, husband and wife, to Fidelity Bank & Trust, dated April 15, 1996, filed for record on October 16, 1996, secures credit in the amount of $100,000.00, covers Lot 1, Block 4 in Sunset Heights No. 1 in the City of Dyersville, Delaware County, Iowa, but not Lot 2-A of said subdivision.

3. Real estate taxes for the fiscal year 1996-1997 payable in 1997-1998 are all paid. Fiscal year 1997-1998 taxes payable in 1998-1999 are not yet available.

CITY PLANNING AND ZONING

Dyersville, Iowa July 13, 1998

The foregoing plat in the City of Dyersville, as appears on said plat shown on Sheet 1 of 3 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.

CITY OF DYERSVILLE PLANNING AND ZONING

By: Charles P [illegible] Chairman

CITY COUNCIL

Dyersville, Iowa July 20, 1998

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 3 hereof has been filed in the Office of the Clerk of the City of Dyersville. That by Resolution No. 32-98, the Dyersville City Council approved said plat.

CITY OF DYERSVILLE CITY COUNCIL

By: Art T. Hess

By: Susan L Ertl

CITY OF DYERSVILLE Iowa CITY SEAL

MORTGAGE HOLDERS ACKNOWLEDGMENT

The Prairie City Bank, State of Wisconsin, 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 per Mortgage recorded in Book 37, T.L.M., Page 289, filed for record on May 18, 1995 in the Delaware County Recorder's Office.

FOM BANK FKA PRAIRIE CITY BANK

By: [illegible] Sr. V.P. FOM BANK - FKA PRAIRIE CITY BANK

By: Linda J. Smreina - AVP

STATE OF WISCONSIN)
) ss:
COUNTY OF CRAWFORD)

On this 20th day of July, 1998, before me, the undersigned, a Notary Public in and for the State of Wisconsin, personally appeared Thomas J. Lynn and Linda J. Smreina, to me personally known, who being duly sworn, did say that they are the Sr. V.P. and Asst. V.P., respectively, of the Prairie City 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) _____; that said instrument was signed (and sealed) on behalf of the Prairie City Bank by authority of its Board of Directors; and that Thomas J. Lynn and Linda J. Smreina as such officers acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the Prairie City Bank, by it and by them voluntarily executed.

Sharon K Long

Notary Public in and for the State of Wisconsin

SHARON K. LONG NOTARY PUBLIC STATE OF WISCONSIN

Preparer Information:	Marc W. Casey Individual's Name	129 1st Avenue E Street Address	Dyersville City	(319) 875-7178 Phone

RESOLUTION NO. 32-98

RESOLUTION APPROVING THE PLAT OF SUNSET HEIGHTS NO. 3, A SUBDIVISION OF LOT 2-A AND LOT 1, BLOCK 4, OF SUNSET HEIGHTS NO. 1, SECTION 25, T89N, R3W OF THE FIFTH P.M., IN THE CITY OF DYERSVILLE, DELAWARE COUNTY, IOWA.

WHEREAS, there has been filed with the City Clerk a plat in which Lot 2-A and Lot 1, Block 4, of Sunset Heights No. 1, Section 25, T89N, R3W of the Fifth P.M., in the City of Dyersville, Delaware County, Iowa, has been subdivided by Allan Leo Ertl and Susan L. Steffen-Ertl, into Sunset Heights No. 3, consisting of Lots 1 through 4, and Lot B, and;

WHEREAS, said plat has been examined by the City Planning and Zoning Commission and approved by said body, and;

WHEREAS, upon said plat appear streets to be known as Seventh Avenue NW, and also easements for utilities which are represented on the plat, all of which the owners have dedicated to the public forever, and;

WHEREAS, said plat has been found by the City Council to conform to the statutes and ordinances relating thereto, except that the streets have not been reduced to grade, paving, sewer, storm sewers or water installed therein.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Dyersville, Iowa:

SECTION 1. That the dedication of Seventh Avenue NW, together with easements for public utilities, all as the same appear on said plat, be and the same are hereby accepted and that said street be and is herein established as a public street in the City of Dyersville, Iowa.

SECTION 2. That the plat of the above stated subdivision to be hereafter

known as Sunset Heights No. 3, is hereby approved and the Mayor and City Clerk are hereby authorized and directed to endorse the approval of the City of Dyersville of said plat provided the owners of said property, hereinbefore named execute written acceptance hereto attached, agreeing:

(a) To reduce the street to grade and curb and gutter and surface the street according to the City Code Specification. That said street shall be Portland Cement Concrete Pavement as provided in Section 166.07(E) of the City Code. That the City of Dyersville, Iowa, will reimburse developer $9.00 for each square yard of Portland Cement Concrete Pavement street, exclusive of curb and gutter. That reimbursement shall be made when developer's engineer certifies the final amount of Portland Cement Concrete Pavement installed that is eligible for reimbursement. Said reimbursement shall not apply to repairs made to 7th Ave. NW constructed as part of Sunset Heights #1.

(b) To install sanitary sewer mains and sewer service laterals in accordance with plans submitted with the plat.

(c) To install water mains and water Service laterals in accordance with plans submitted with the plat.

(d) To install storm sewers and catch-basins in accordance with plans submitted with the plat;

(e) To construct the foregoing in accordance with plans and specifications approved by the City Council, under the supervision of the developers engineer. Any changes in the plans and specifications must be approved by the developer's engineer and a revised plan and specification submitted to the City. The engineer shall certify to the substantial compliance with said plans upon completion. That upon completion, developer's engineers shall provide a complete set of as built drawings which must be received prior to final acceptance of this subdivision.

(f) To maintain the foregoing improvements for a period of two years from the date of their acceptance by the City of Dyersville, Iowa;

(g) To provide the forgoing construction and maintenance at the sole expense of the subdivider as owner except as otherwise provided for herein, and as normally provided by the City of Dyersville, Iowa;

(h) To construct said improvements prior to July 20, 2000, and further provided that Allan Leo Ertl and Susan L. Steffen-Ertl, owners of said subdivision, secure the performance of the foregoing conditions by providing security in such form and such sureties as may be acceptable to the City Council.

SECTION 3. That in the event that the owner herein shall fail to execute the acceptance and provide security provided for in Section 2 hereof within forty-five days from the date of this resolution, the provisions hereof shall be null and void and the

acceptance and dedication and approval of the plat shall not be effective.

Passed, adopted and approved this 20th day of July, 1998.

Alan T. Gibbs, Mayor

Attest: Susan L Ertl
Susan L. Steffen Ertl, Clerk

CITY OF DYERSVILLE (SEAL) Iowa CITY SEAL

ACCEPTANCE OF TERMS OF RESOLUTION

The undersigned, Allan Leo Ertl and Susan L. Steffen-Ertl, hereby accept the terms of Resolution No. 32-98.

Dated this 6th day of August, 1998.

Allan Leo Ertl

Allan Leo Ertl

Susan L Steffen-Ertl

Susan L. Steffen-Ertl

CERTIFICATE OF SECURITY

I, Susan L. Steffen-Ertl, Clerk for the City of Dyersville, Iowa hereby certify that the security required by the forgoing resolution No. 32-98 was provided within 45 days from the date of said resolution.

CITY OF DYERSVILLE (SEAL) Iowa CITY SEAL

Susan L Ertl

Susan L. Steffen Ertl, Clerk