FILED
Date 12-23-98
County Assessor

FILED
SHARON McCRABB
DELAWARE COUNTY AUDITOR

DEC 23 1998

BOOK 8 PAGE 176
DELAWARE COUNTY IOWA
FILED
1998 DE 23 PM 2:02
$ 51.00

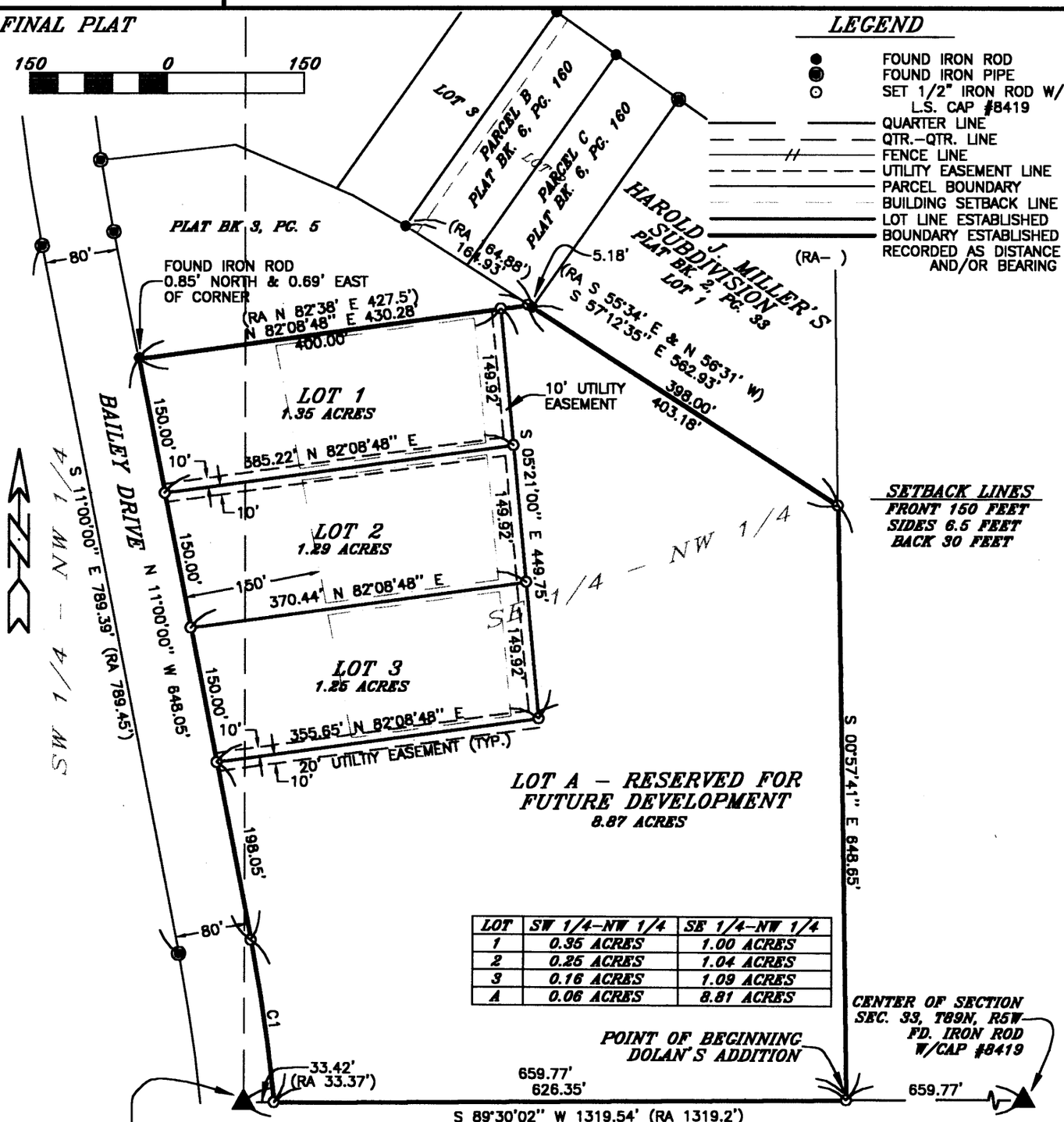
PREPARED BY: J DAVID GIBBS; P.O. BOX 295 MANCHESTER, IA 52057 319-927-2434

PLAT OF SURVEY

DOLAN'S ADDITION, PART OF THE NW 1/4 OF SEC. 33, T89N, R5W OF THE FIFTH P.M., CITY OF MANCHESTER, DELAWARE COUNTY, IOWA

FINAL PLAT

150 0 150



LEGEND

- FOUND IRON ROD
- FOUND IRON PIPE
- SET 1/2" IRON ROD W/ L.S. CAP #8419
- QUARTER LINE
- QTR.-QTR. LINE
- FENCE LINE
- UTILITY EASEMENT LINE
- PARCEL BOUNDARY
- BUILDING SETBACK LINE
- LOT LINE ESTABLISHED
- BOUNDARY ESTABLISHED
- RECORDED AS DISTANCE AND/OR BEARING

SETBACK LINES

FRONT 150 FEET
SIDES 6.5 FEET
BACK 30 FEET

LOT	SW 1/4-NW 1/4	SE 1/4-NW 1/4
1	0.35 ACRES	1.00 ACRES
2	0.25 ACRES	1.04 ACRES
3	0.16 ACRES	1.09 ACRES
A	0.06 ACRES	8.81 ACRES

Curve	Central Angle	Chord Bearing	Radius	Arc Length	Chord Length
C1	05°16'16"	N 08°21'52" W	1950.08	179.41	179.34
RA-C1	03°	———	1950.08	178.71'	———

SURVEY REQUESTED BY: PAT DOLAN

SURVEYED ON: 11/25 -12/4/98

LICENSED LAND SURVEYOR
J. DAVID GIBBS 8419
IOWA

PAGES OR SHEETS COVERED BY THIS SEAL: 1-2

PROPRIETORS: PATRICK O. DOLAN & REBECCA A. DOLAN
252 BAILEY DRIVE, 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 12/8/98

J. DAVID GIBBS, P.E., L.S. LIC. #8419 DATE

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2000

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

PROJECT NO. 98-71
SCALE: 1"=150'
DATE: 12/4/98
DRAWN BY: RLR
CHECKED BY: JDG
FIELD BK: D.L.
REVISED
SHEET 1 OF 6

DATE 12-23-98 BOOK 8 PAGE 176

LEGAL DESCRIPTION:

DOLAN'S ADDITION, *PART OF THE NORTHWEST QUARTER (NW ¼) OF, SECTION THIRTY-THREE (33), TOWNSHIP EIGHTY-NINE NORTH (T89N), RANGE FIVE WEST (R5W) OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF MANCHESTER, DELAWARE COUNTY, IOWA;* containing 12.76 acres, divided into Four (4) lots, numbered Lot One (1) through Lot Three (3), and Lot A (reserved for future development), subject to easements of record, and more particularly described by metes and bounds as follows;

COMMENCING at the Center of Section Thirty-three (33), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa;

THENCE along the Southerly Line of the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of said Section Thirty-three (33), South 89° 30' 02" West, 659.77 feet to the **POINT OF BEGINNING**;

THENCE continuing along the Southerly Line of the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of said Section Thirty-three (33), South 89° 30' 02" West, to the Easterly Line of Bailey Drive, 626.35 feet;

THENCE along the Easterly Line of Bailey Drive along a circular curve concave Southwesterly for a arc length of 179.41 feet, having a radius of 1950.08 feet, a central angle of 05° 16' 16", a chord length of 179.34 feet, and a chord bearing of North 08° 21' 52" West;

THENCE continuing along the Easterly Line of Bailey Drive, North 11° 00' 00" West, to the Southerly Line of a parcel as recorded in Book 3 of Plats, Page 5 in the Office of the Delaware County Recorder, 648.05 feet;

THENCE along the Southerly Line of said parcel, North 82° 08' 48" East, to the Southerly Line of Harold J. Miller's Subdivision, as recorded in Book 2 of Plats, Page 33 in the Office of the Delaware County Recorder, Page 33, 430.28 feet;

THENCE along the Southerly Line of said Harold J. Miller's Subdivision, South 57° 12' 35" East, to the Southeast Corner of Lot One (1) of said Harold J. Miller's Subdivision, 403.18 feet;

THENCE, South 00° 57' 41" East, 648.65 feet to the **POINT OF BEGINNING**;

Containing a total of 12.76 acres, divided into Four (4) lots, numbered Lot One (1) through Lot Three (3), and Lot A (reserved for future development) and subject to easements of record.

The 648.05 foot portion of Bailey Drive is assumed to bear North 11° 00' 00" West.

The above Legal Description and attached Plat represent a subdivision of the Parcel in the West Three-quarters (W ¾) of the South One-half (S ½) of the Northwest Quarter (NW ¼), Section Thirty-three (33), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian as recorded in L.D. Book 137, Page 66 in the Office of the Delaware County Recorder.

SURVEYOR'S CERTIFICATE

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.

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 L.S. #8419 DATE 12/8/98
My license will be renewed on December 31, 1998



OWNER'S ACKNOWLEDGMENT

I (we) Patrick O. Dolan and Rebecca A. Dolan 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.

Patrick O. Dolan

Rebecca A. Dolan

Patrick O. Dolan

Rebecca A. Dolan

State of Iowa)
)
County of Delaware) Ss:

On this 8th day of Dec. A.D. 19 98, before me a Notary Public in and for said County, personally appeared Patrick O. Dolan and Rebecca A. Dolan 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

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 ***Dolan's Addition,*** City of Manchester, Delaware County, Iowa, on premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated December 8, 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 30th day of September, 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 Patrick O. Dolan and Rebecca A. Dolan.
Dated at Manchester, Iowa, in said County, this 8th day of December, 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 ***Dolan's Addition, City of Manchester, Delaware County, Iowa,*** have been paid and said real estate is free and clear of all taxes as of this date.

Carolyn A. Wilson By Pam Klein, Deputy
Carolyn A. Wilson, County Treasurer

MORTGAGE HOLDERS ACKNOWLEDGMENT

The First State Bank, 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.

First State Bank

By _____

By _____

STATE OF IOWA, Delaware County, Iowa, Ss:

On this 8th day of Dec, 199[illegible], before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Joseph Wiewel and David R Dudley to me personally known, who being duly sworn, did say that they are the President and Exec. Vice Pres respectively, of the First 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) First State Bank; that said instrument was signed (and sealed) on behalf of the First State Bank by authority of its Board of Directors; and that President and Exec. Vice Pres. as officers acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the First State Bank, by it and by them voluntarily executed.

Debra A Ratzlaff
Notary Public in and for said State

DEBRA A. RATZLAFF
MY COMMISSION EXPIRES
2-25-00

RESOLUTION APPROVING PRELIMINARY AND FINAL PLAT

WHEREAS, the plat of ***Dolan's Addition, City of Manchester, Delaware County, Iowa***, affecting premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated December 8, 1998, has been filed with the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa; 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) the City of Manchester will enter into a Development agreement with the owner in lieu of complying with Section 127.09.5 stating "The owner and subdivider of the land being platted shall be responsible for the installation of sidewalks", which is attached hereto as Exhibit A. Said agreement will provide up to a ten foot wide right of way along the entire length of the Dolan property for the construction of a bikeway/walkway.

NOW, THEREFORE, BE IT RESOLVED, by the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa , that said ***Dolan's Addition, City of Manchester, 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 Vice 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 9th day of December, A.D., 1998.

PLANNING & ZONING COMMISSION
CITY OF MANCHESTER, IOWA

By _____
Lori Cole, Vice Chairperson

By _____
Helen M. Knutson, Secretary

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 14th day of December, 1998, before me, Linda K. Tutton, a Notary Public in and for the State of Iowa, personally appeared Lori Cole and Helen M. Knutson, to me personally known, and, who, being by me duly sworn, did say that they are the Vice 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 9th day of December, 1998, and that Lori Cole 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 276-98

RESOLUTION APPROVING PRELIMINARY AND FINAL PLAT

WHEREAS, the plat of ***Dolan's Addition, City of Manchester, Delaware County, Iowa*** Delaware County, Iowa, affecting premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated December 8, 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 the City;

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 the City of Manchester will enter into a Development Agreement with the owner in lieu of complying with Section 127.09.5 stating "The owner and subdivider of the land being platted shall be responsible for the installation of sidewalks", which is attached here to as Exhibit A. Said agreement will provide up to a ten-foot wide right of way along the entire length of the Dolan property for the construction of a bikeway/walkway.

WHEREAS, water and sewer mains have already been constructed along Bailey Drive, additional main will not be required for this subdivision. As lots 1 through 3 are developed, a connection fee shall be charged by the City for obtaining water and sewer service to said lots.

WHEREAS, the subdivision plat and its attachments conform to Sections 354.6, 354.11 and 355.8 of the Iowa Code and therefore can be approved pursuant to 354.8 of the Iowa Code;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manchester, Delaware County, Iowa, that said ***Dolan's Addition, City of Manchester, Delaware County, Iowa***, including Agreement for Future Construction of Sidewalk/Bicycle Path, be, and the same is hereby acknowledged, approved and accepted on the part of the City of Manchester, Delaware County, Iowa.

The Mayor and City Clerk are hereby directed to certify this approval and affix the same to said plat as by law provided.

Passed this 21st day of December, A.D., 1998.

Milt L. Kramer

Milt L. Kramer, Mayor

ATTEST:

Karen K. Cole

Karen Cole, City Clerk

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 23rd day of December, 1998, 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-276-98 adopted by the City Council on the 21st day of December, 1998, and that Milt L. Kramer and Karen Cole acknowledge the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

Linda K. Tutton

Linda K. Tutton, Notary Public

EXHIBIT A

AGREEMENT FOR FUTURE CONSTRUCTION OF SIDEWALK/BICYCLE PATH

THIS AGREEMENT made by and between Patrick O. Dolan and Rebecca A. Dolan, husband and wife, (Developers), and the City of Manchester, Iowa, (City) on this 18th day of December, 1998.

WHEREAS, the Developers own and are platting a parcel of real estate located within the city limits of the City of Manchester, Iowa, which is legally described on Exhibit A, a copy of which is attached hereto and by this reference made a part hereof.;

AND WHEREAS, the City has determined that there is no present need for the Developers to take action on the construction of sidewalks abutting Lots 1, 2 and 3 and Lot A of the proposed Dolan's Addition to the City of Manchester, Iowa;

AND WHEREAS, the City and Developers agree that it is necessary to provide for the manner in which future construction of sidewalks and/or bicycle path abutting the herein described premises shall take place.

NOW, THEREFORE, in consideration of the covenants and agreements set forth herein the parties agrees as follows:

1. Construction of sidewalks abutting Lots 1, 2 and 3, and Lot A of Dolan's Addition shall not be required until such time as the City has developed a comprehensive plan for the construction of sidewalks along Bailey Drive in Manchester, Iowa.

2. If at some future date the City plans for the development of a sidewalk along Bailey Drive, the City will also give consideration to the construction of a bicycle path in lieu of a sidewalk along this street. In the event that a plan for such a bicycle path in lieu of a sidewalk is developed, the Developers agree that they will convey to the City a strip of land of up to ten (10) feet in width, along Bailey Drive, which said strip will be within the Westerly ten (10) feet of Lots 1, 2, 3, and Lot A of Dolan's Addition to be used for the placement of such bicycle path.

3. In the event that the bicycle path is constructed, the City agrees to pay the cost of any planning, development, engineering, surveying, grading, construction and installation of said bicycle path, and shall hold the Developers, their heirs, successors and assigns harmless from any such costs or expenses with respect to the bicycle path. The City

also agrees that any future maintenance, repair or snow removal with respect to said bicycle path shall be paid by the City.

4. In addition, the Developers agree that in the event that said bicycle path is developed, they shall also agree to convey a strip of land up to ten (10) feet in width adjacent to Bailey Drive over and across the real estate described in Exhibit B attached hereto and by this reference made a part hereof which said real estate lies South of and adjacent to Lot A of Dolan's Addition described herein.

5. This agreement and all provisions hereto shall be binding upon the heirs, successors and assigns of the parties hereto.

6. This agreement shall be recorded by the Developers in the Office of the Delaware County Recorder with the final plat of the subdivision.

Patrick O. Dolan - Developer

Rebecca A. Dolan - Developer

STATE OF IOWA)
) ss:
COUNTY OF DELAWARE)

On this 18 day of December, 1998, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Patrick O. Dolan and Rebecca A. Dolan, to me personally known, and who, being by me duly sworn, did say that they acknowledge the execution of the instrument to be their voluntary act and deed.

Notary Public In & For the State of Iowa

CITY OF MANCHESTER, IOWA

By Milt L. Kramer
Milt L. Kramer - Mayor

By Karen K. Cole
Karen K. Cole - City Clerk

STATE OF IOWA)
) ss:
COUNTY OF DELAWARE)

On this 23rd day of December, 1998, 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-276-98 passed (the Resolution adopted) by the City Council, under Roll Call No. _____ of the City Council on the 21st day of December, 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.

Linda K. Tutton
Notary Public In & For the State of Iowa
Linda K. Tutton

LEGAL DESCRIPTION:

***DOLAN'S ADDITION**, PART OF THE NORTHWEST QUARTER (NW ¼) OF, SECTION THIRTY-THREE (33), TOWNSHIP EIGHTY-NINE NORTH (T89N), RANGE FIVE WEST (R5W) OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF MANCHESTER, DELAWARE COUNTY, IOWA;* containing 12.76 acres, divided into Four (4) lots, numbered Lot One (1) through Lot Three (3), and Lot A (reserved for future development), subject to easements of record, and more particularly described by metes and bounds as follows;

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THENCE along the Southerly Line of the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of said Section Thirty-three (33), South 89° 30' 02" West, 659.77 feet to the **POINT OF BEGINNING**;

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THENCE along the Southerly Line of said parcel, North 82° 08' 48" East, to the Southerly Line of Harold J. Miller's Subdivision, as recorded in Book 2 of Plats, Page 33 in the Office of the Delaware County Recorder, Page 33, 430.28 feet;

THENCE along the Southerly Line of said Harold J. Miller's Subdivision, South 57° 12' 35", to the Southeast Corner of Lot One (1) of said Harold J. Miller's Subdivision, 403.18 feet;

THENCE, South 00° 57' 41" East, 648.65 feet to the **POINT OF BEGINNING**;

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Exhibit A

The Northwest Quarter (NW¼) of the Northeast Quarter (NE¼) of the Southwest Quarter (SW¼) of Section Thirty Three (33), Township Eighty Nine (89) North, Range Five (5), West of the Fifth P.M., except that part contained in the following described tract: Beginning at the Southwest corner of the Northeast Quarter (NE¼) of the Southwest Quarter (SW¼) of said Section Thirty Three (33), and running thence East fifty five (55) feet, thence North 0° 35' West one thousand one hundred fifty one and six-tenths (1151.6) feet, thence in a Northerly direction on the arc of a circle of radius one thousand nine hundred fifty and eight hundredths (1950.08) feet, concave Westerly a distance of one hundred seventy four and four-tenths (174.4) feet, more or less, to the North line of said Northeast Quarter (NE¼) of the Southwest Quarter (SW¼) of said Section, thence West thirty three and thirty seven hundredths (33.37) feet to the Northwest corner of said Northeast Quarter (NE¼) of the Southwest Quarter (SW¼), thence South one thousand three hundred twenty five and five-tenths (1325.5) feet to the place of beginning.

Exhibit B