Diane & Carl Iverr

FILED
Date 5-6-99
Carol Shuttleworth
Dep County Assessor

MAY 6 1999

FILED
SHARON K. [illegible]
DELAWARE COUNTY AUDITOR

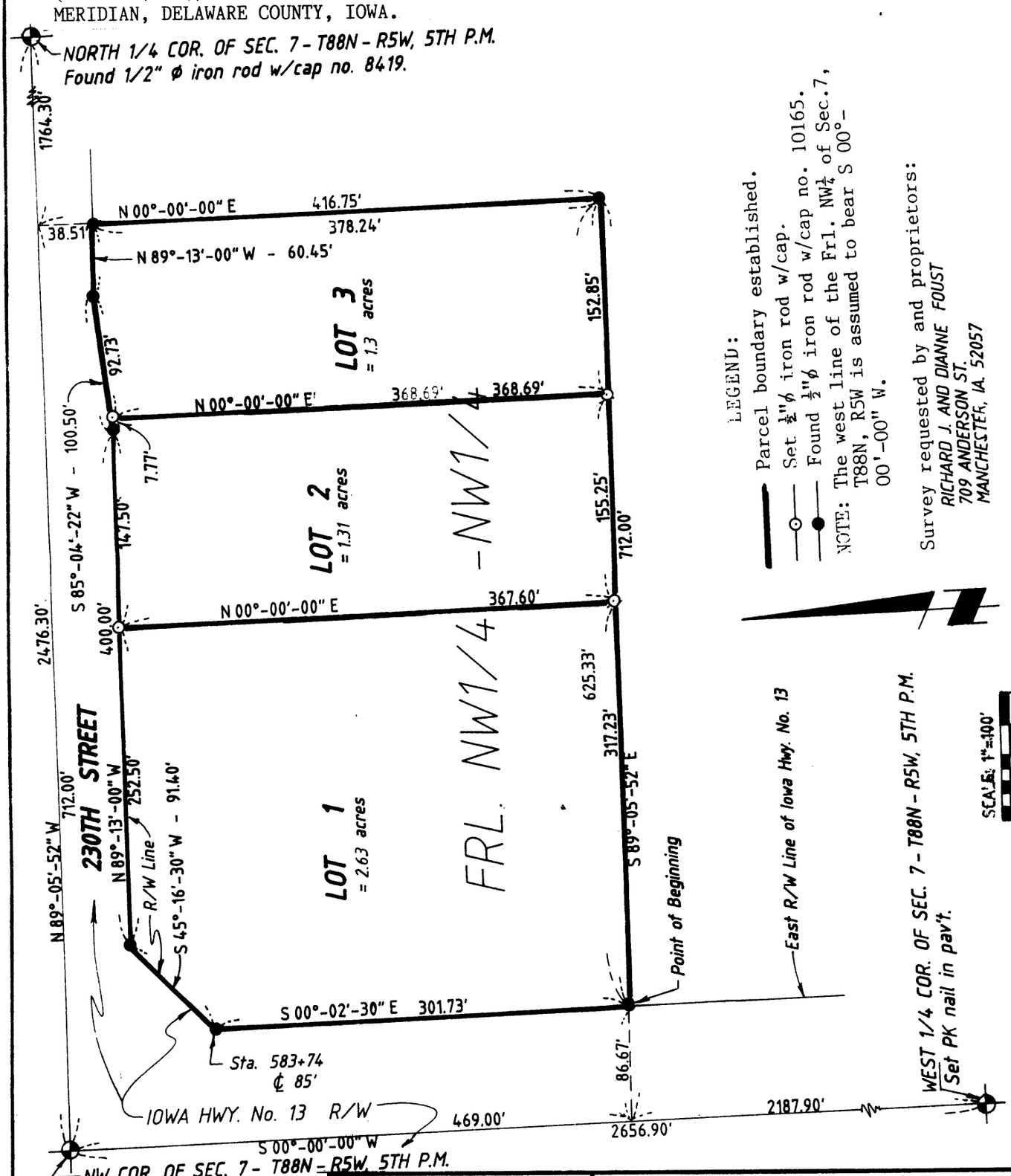
BOOK 1999 PAGE 1600
RECORDED FOR RECORD
DELAWARE COUNTY IOWA

1999 MAY -6 PM 1:12
FILED
DELAWARE COUNTY IOWA

MOHN SURVEYING • ROGER R. MOHN • 1888 GREAT RIVER ROAD • LANSING, IOWA 52151 • 319-538-4067

FINAL PLAT OF D AND D SUBDIVISION

A SUBDIVISION OF PARCEL B IN THE FRACTIONAL NORTHWEST QUARTER OF THE NORTHWEST QUARTER (FRL. NW¼-NW¼) OF SECTION 7, TOWNSHIP 88 NORTH, RANGE 5 WEST OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA.



LEGEND:
- Parcel boundary established.
- Set ½"ø iron rod w/cap.
- Found ½"ø iron rod w/cap no. 10165.

NOTE: The west line of the Frl. NW¼ of Sec.7, T88N, R5W is assumed to bear S 00°-00'-00" W.

Survey requested by and proprietors:
RICHARD J. AND DIANNE FOUST
709 ANDERSON ST.
MANCHESTER, IA. 52057

Surveyed: Aug. - Sept.,1998

Sheet No. 1 of 7

LICENSED LAND SURVEYOR
ROGER R. MOHN
10165
IOWA

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.

Roger R. Mohn October 31, 1998
Roger R. Mohn *Date*

License Number 10165

My license renewal date is December 31, 1998

Pages or sheets covered by this seal:
This sheet only.

LEGAL DESCRIPTION OF D AND D SUBDIVISION:

A subdivision of Parcel "B" being part of the Fractional Northwest Quarter of the Northwest Quarter (Frl. NW1/4-NW1/4) of Section Seven (7), Township Eighty-eight (88) North, Range Five (5) West of the Fifth Principal Meridian, Delaware County, Iowa, containing 5.25 acres, more or less, and more particularly described by metes and bounds as follows:

Commencing at the Northwest Corner of Section 7, Township 88 North, Range 5 West of the 5th P.M.; thence S 00°-00'-00" W, 416.75 feet along the west line of the Frl. NW1/4 of said Section 7; thence S 89°-05'-52" E, 86.67 feet to the Point of Beginning; thence S 89°-05'-52" E, 625.33 feet; thence N 00°-00'-00" E, 378.24 feet; thence N 89°-13'-00" W, 60.45 feet along the easterly right-of-way line of Iowa Highway No. 13; thence S 85°-04'-22" W, 100.50 feet along said right-of-way line; thence N 89°-13'-00" W, 400.00 feet along said right-of-way line; thence S 45°-16'-30" W, 91.40 feet along said right-of-way line; thence S 00°-02'-30" E, 301.73 feet along said right-of-way line to the Point of Beginning. Said described parcel contains 5.25 acres, more or less. The west line of the Frl. NW1/4 of Section 7, T88N, R5W is assumed to bear S 00°-00'-00" W.

LICENSED LAND SURVEYOR
ROGER R. MOHN 10165
★ IOWA ★

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.

Roger R. Mohn October 31, 1998

Roger R. Mohn *Date*

License Number 10165

My license renewal date is December 31, 1998

Pages or sheets covered by this seal:

This sheet only.

OWNER'S CONSENT:

The attached plat represents a survey of D AND D SUBDIVISION being a subdivision of Parcel "B" in the Fractional Northwest Quarter of the Northwest Quarter (Frl. NW¼-NW¼) of Section 7, Township 88 North, Range 5 West of the Fifth Principal Meridian, Delaware County, Iowa.

I (We) Richard J. Foust and Dianne Foust of Delaware County, State of Iowa, do hereby certify that the above survey, as shown by the attached Plat, is made with my (our) free consent and in accordance with my (our) desire.

Richard J. Foust
Richard J. Foust

Dianne Foust
Dianne Foust

STATE OF IOWA, Delaware County SS.

On the 5 day of Nov. A.D. 19 98 before me, a Notary Public in and for said County, personally appeared Richard J. Foust and Dianne Foust of said County, to me personally known to be the identical person(s) whose name(s) is (are) affixed to the foregoing statement, and acknowledged the same to be their voluntary act and deed.

CAROL A. COOPER Iowa NOTARIAL SEAL

Witness my hand and seal.

Carol A. Cooper
Carol A. Cooper Notary Public in and for said County

ATTORNEY'S OPINION

I, E. Michael Carr, a practicing attorney at law in Manchester, Delaware County, Iowa, have examined the abstract of title to the land included in D AND D SUBDIVISION, Delaware County, Iowa, on premises more specifically described on Sheet No. 2 of 7.

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 5 day of April, A.D., 1999, 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 Richard J. Foust and Dianne Foust.
Dated at Manchester, Iowa, in said County, this 9 day of April, 1999.

E. Michael Carr
Attorney at Law

CERTIFICATE OF TREASURER

I, the undersigned, Carolyn A. Wilson, Treasurer of Delaware County, Iowa, do hereby certify that all taxes and special assessments against D AND D SUBDIVISION, 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
Pam Klein, Deputy Treasurer
Carolyn A. Wilson, County Treasurer

DELAWARE COUNTY E-911 BOARD

The foregoing plat of D AND D 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 9th day April, 1999.

Norman Wellman
Norman Wellman - Coordinator
Delaware County E-911 Board

State of Iowa)
)
County of Delaware) Ss:

On this 9 day of April, 1999, before me Sharon McCrabb 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.

Sharon McCrabb
Notary Public

SHARON K. McCRABB NOTARIAL SEAL DELAWARE COUNTY, IOWA

RESOLUTION APPROVING PRELIMINARY AND FINAL PLAT

WHEREAS, the plat of D and D Subdivision, Delaware County, Iowa, affecting premised more specifically described in the Legal Description of D and D Subdivision on Sheet No. 2 of 7 and Surveyor's Certificate of Roger R. Mohn, dated October 31, 1998, has been filed with the Planning and Zoning Commission of the City of Manchester, 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 per Chapter 127, Subdivision Regulations of the Code of Ordinances of the City of Manchester:

1. *Sanitary Sewer System.* Subdividers shall be allowed to install private septic systems as specified in Section 127.12 of the Manchester Subdivision Ordinance. Plans and specifications shall be submitted to the City of Manchester for approval for any private sewage disposal systems prior to development of any lot to be served by said system. This variance is conditioned upon the owners and subdividers providing the City with a waiver of assessment or other legally binding documents necessary to protect the City from the expense of subsequent installation of required sewer facilities. (Exhibit A)
2. *Storm Sewer System.* Although the preliminary plat does not indicate the need for a storm sewer system, the developers remain responsible for any needed drainage improvements.
3. *Water Main System.* Subdividers shall be allowed to install private wells as specified in Section 127.12 of the Manchester Subdivision Ordinance. This variance is conditioned upon the owners and subdividers providing the City with a waiver of assessment or other legally binding documents necessary to protect the City from the expense of subsequent installation of required water facilities. (Exhibit A)
4. *Sidewalks.* Not required at this time.

NOW, THEREFORE, BE IT RESOLVED, by the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa, that said D and D 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, . In the event that this subdivision is annexed into the City of Manchester, B-3 Service and Wholesale would be the zoning classification recommended. THEREFORE, the Commission hereby recommends to the City Council the acceptance of the same and 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.

PLANNING & ZONING COMMISSION
CITY OF MANCHESTER, IOWA

By: Lori Cole
Lori Cole, Vice Chairperson

By: Helen M. Knutson
Helen M. Knutson, Secretary

STATE OF IOWA)
) SS
COUNTY OF DELAWARE)

On this 23rd day of November, 1998, before me, Linda K. Tutton, a Notary Public in and for 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 18th day of November, 1998, and that Lori Cole 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 it voluntarily executed.

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

RESOLUTION NO. R-271-98

RESOLUTION APPROVING PRELIMINARY AND FINAL PLAT

WHEREAS, the plat of D and D Subdivision, Delaware County, Iowa, affecting premises more specifically described in the Legal Description of D and D Subdivision on Sheet No. 2 of 7 and in the Surveyor's Certificate of Roger R. Mohn, dated October 31, 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 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 per Chapter 127, Subdivision Regulations of the Code of Ordinances of the City of Manchester:

1. *Sanitary Sewer System.* Subdividers shall be allowed to install private septic systems as specified in Section 127.12 of the Manchester Subdivision Ordinance. Plans and specifications shall be submitted to the City of Manchester for approval for any private sewage disposal systems prior to development of any lot to be served by said system. This variance is conditioned upon the owners and subdividers providing the City with a waiver of assessment or other legally binding documents necessary to protect the City from the expense of subsequent installation of required sewer facilities. (Exhibit A)
2. *Storm Sewer System.* Although the preliminary plat does not indicate the need for a storm sewer system, the developers remain responsible for any needed drainage improvements.
3. *Water Main System.* Subdividers shall be allowed to install private wells as specified in Section 127.12 of the Manchester Subdivision Ordinance. This variance is conditioned upon the owners and subdividers providing the City with a waiver of assessment or other legally binding documents necessary to protect the City from the expense of subsequent installation of required water facilities. (Exhibit A)
4. *Sidewalks.* Not required at this time.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manchester, Delaware County, Iowa, that said D and D 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. In the event that this subdivision is annexed into the City of Manchester, B-3 Service and Wholesale would be the zoning classification recommended.

Passed and adopted this 7th day of December, 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 9th 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 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-271-98 passed by the City Council of the City of Manchester, Iowa on the 7th 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
Linda K. Tutton, Notary Public
My commission expires 8-29-99

EXHIBIT A

AGREEMENT AND WAIVER REGARDING ALTERNATIVE SYSTEMS FOR SEWER AND WATER

D AND D SUBDIVISION, DELAWARE COUNTY, IOWA

Richard J. and Dianne Foust
DEVELOPERS

CITY OF MANCHESTER, IOWA

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

D AND D SUBDIVISION:
A subdivision of Parcel "B" being part of the Fractional Northwest Quarter of the Northwest Quarter (Frl. NW1/4-NW1/4) of Section Seven (7), Township Eighty-eight (88) North, Range Five (5) West 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 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 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.

7. 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.

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

I (We) Richard J. Foust and Dianne Foust of Delaware County, State of Iowa, do hereby certify that the above survey, as shown by the attached Plat, is made with my (our) free consent and in accordance with my (our) desire.

Richard J. Foust
Richard J. Foust

Dianne Foust
Dianne Foust

STATE OF IOWA, Delaware County SS.

On the 5 day of Nov. A.D. 19 98 before me, a Notary Public in and for said County, personally appeared Richard J. Foust and Dianne Foust of said County, to me personally known to be the identical person(s) whose name(s) is (are) affixed to the foregoing statement, and acknowledged the same to be their voluntary act and deed.

Witness my hand and seal.

Carol A. Cooper
Carol A. Cooper, Notary Public in and for said County