FILED
Date 5/25/00
Vinn R. Klausbar
County Assessor

FILED
SHARON McCRABB
DELAWARE COUNTY AUDITOR

MAY 25 2000

BOOK 2000 PAGE 1579
DEBORAH L. REYTON
DELAWARE CO. RECORDER
Fee 11.00

2000 MY 25 PM 3:29

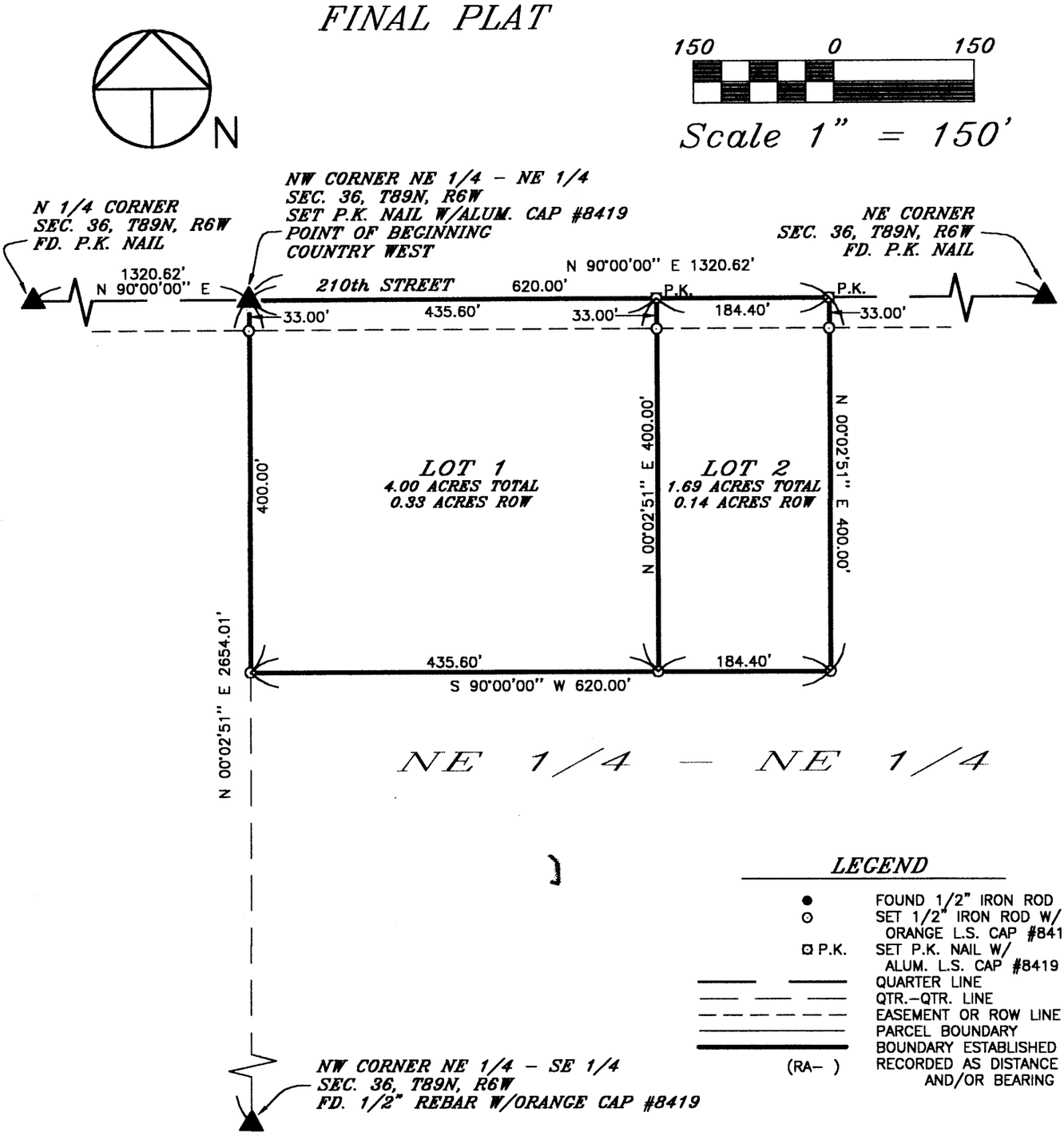
DELAWARE COUNTY IOWA
FILED

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

SUBDIVISION PLAT

COUNTRY WEST
A SUBDIVISION OF PART OF THE NE 1/4 OF THE NE 1/4 SEC. 36. T89N, R6W OF THE FIFTH P.M., DELAWARE COUNTY, IOWA

FINAL PLAT



LEGEND

●	FOUND 1/2" IRON ROD
⊙	SET 1/2" IRON ROD W/ ORANGE L.S. CAP #8419
⊡ P.K.	SET P.K. NAIL W/ ALUM. L.S. CAP #8419
——— ———	QUARTER LINE
——— — ———	QTR.-QTR. LINE
- - - - - -	EASEMENT OR ROW LINE
———	PARCEL BOUNDARY
———	BOUNDARY ESTABLISHED
(RA-)	RECORDED AS DISTANCE AND/OR BEARING

SURVEY REQUESTED BY: WILBUR KEHRLI

SURVEYED ON:

PROPRIETORS: *LARRY J. KEHRLI*

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, P.E., L.S. LIC. #8419 DATE 5/4/00

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2000

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. 00-21
SCALE: 1"=150'
DATE: 4/26/2000
DRAWN BY: RLR
CHECKED BY: JDG
FIELD BK: D.L.
REVISED
SHEET 1 OF 8

BOOK 2000 PAGE 1579

LEGAL DESCRIPTION:

COUNTRY WEST, *A SUBDIVISION OF PART OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHEAST QUARTER (NE ¼) IN SECTION THIRTY-SIX (36), TOWNSHIP EIGHTY-NINE NORTH (T89N), RANGE SIX WEST (R6W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA,* containing a total of 5.69 acres, including 0.47 acres of public road right of way, divided into Two (2) lots numbered Lot 1 and Lot 2, subject to easements of record, and more specifically described by metes and bounds as follows;

COMMENCING at the North Quarter Corner of Section Thirty-six (36), Township Eighty-nine North (T89N), Range Six West (R6W) of the Fifth Principal Meridian, Delaware County, Iowa;

THENCE along the Northerly Line of the Northeast Quarter (NE ¼) of said Section Thirty-six (36), North 90° 00' 00" East, 1320.62 feet to the Northwest Corner of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of said Section Thirty-six (36), the **POINT OF BEGINNING**;

THENCE along the Northerly Line of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of said Section Thirty-six (36), North 90° 00' 00" East, 620.00 feet;

THENCE South 00° 02' 51" West, 400.00 feet;

THENCE South 90° 00' 00" West, to the Westerly Line of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of said Section Thirty-six (36), 620.00 feet;

THENCE along the Westerly Line of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of said Section Thirty-six (36), North 00° 02' 51" East, 400.00 feet to the **POINT OF BEGINNING**;

Containing a total of 5.69 acres, including 0.47 acres of public road right of way, divided into Two (2) lots numbered Lot 1 and Lot 2, and subject to easements of record.

The Northerly Line of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) in Section Thirty-six (36), Township Eighty-nine North (T89N), Range Six West (R6W) of the Fifth Principal Meridian, Delaware County, Iowa is assumed to bear North 90° 00' 00" East.

SURVEYOR'S CERTIFICATE

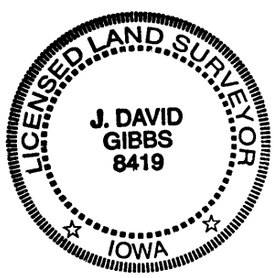
I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

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.

David Gibbs 5/4/00

J. David Gibbs L.S. #8419 DATE

My license will be renewed on December 31, 2000



Q:\surveys\kehrli\00-21\legal 00-21

OWNER'S ACKNOWLEDGMENT

I Larry J. Kehrli 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.

Larry J. Kehrli

Larry J. Kehrli

State of Iowa)
County of ~~Delaware~~ Chickasaw) Ss:

On this 8th day of May A.D. 2000, before me a Notary Public in and for said County, personally appeared Larry J. Kehrli 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 R. Heit

Notary Public in and for said County

NOTARIAL SEAL IOWA
LINDA R. HEIT
MY COMMISSION EXPIRES
10-20-2000

DELAWARE COUNTY E-911 BOARD

Delaware County, Iowa

The foregoing plat of Country West, 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 6th day of August, 1996.

Norman Wellman

Norman Wellman - Coordinator
Delaware County E-911 Board

State of Iowa)
)
County of Delaware) Ss:

On this 11th day of May 2000 before me Donna M. Kunde 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.

NOTARIAL SEAL IOWA
DONNA M. KUNDE
MY COMMISSION EXPIRES
8-16-2003

Donna M. Kunde

Notary Public

Q:\surveys\kehrli\00-21\legal 00-21

BOOK 2000 PAGE 1579

MORTGAGE HOLDERS ACKNOWLEDGMENT

The Peoples 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.

Peoples State Bank

By _____
James A. Wiewel-President

By _____
Jerry Burke-Vice-President

STATE OF IOWA, Delaware County, Iowa, Ss:

On this 11th day of May, 2000, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared James A. Wiewel and Jerry Burke, to me personally known, who being duly sworn, did say that they are the 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 James.A. Wiewel 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

ATTORNEY'S OPINION

I, Mary Lou Tracey, a practicing attorney at law in Manchester, Delaware County, Iowa, have examined the abstract of title to the land included in ***Country West,*** Delaware County, Iowa, on premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated May 4, 2000. I have also examined the original of a Quit Claim Deed dated & acknowledged 5/22/2000 from Ken Kehrli & Kathy Kehrli, husband & wife, to Larry J. Kehrli, given to release the option of the Grantors to purchase the premises. 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 15th day of May, A.D. 2000, at the hour of 8:00 o'clock A .M.

My examination of said abstract and said deed shows good and merchantible title on the date and hour of the certification to be in Larry J. Kehrli, subject to the rights of the mortgage holder. Dated at Manchester, Iowa, in said County, this 23rd day of May, 2000.

_____
Attorney at Law Mary Lou Tracey

CERTIFICATE OF TREASURER

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

_____ 5/11/00
Carolyn A. Wilson, County Treasurer

Q:\surveys\kehrli\00-21\legal 00-21

RESOLUTION APPROVING FINAL PLAT

WHEREAS, the final plat of ***Country West, Delaware County, Iowa***, affecting premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated May 4, 2000, has been filed with the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa; and

WHEREAS, the subdivider, Larry J. Kehrli, has entered into an agreement and waiver regarding alternative systems for water and sewer 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 final plat of ***Country West, Delaware County, Iowa***, should be approved with the following variances, 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 plans and specifications shall be submitted to the City for approval for any private sewage disposal systems and private water system prior to development of any lot to be served by said system. Developers consent and agree that the City of Manchester, Iowa, shall have authority to prohibit construction of any private sewage disposal system that does not comply with Chapter 98 of the Manchester City Code.
d. Sidewalks shall not be required at this time due to low pedestrian traffic needs. The Owner or Owners of record may be required to construct sidewalks at a future date as required by the City of Manchester. The cost of said sidewalks shall be assessed to the owner or owners of record of the lots.
e. Improvements to 210th Street, an existing public road are not required.

NOW, THEREFORE, BE IT RESOLVED, by the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa , that said ***Country West, 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 10th day of May, A.D., 2000.

PLANNING & ZONING COMMISSION
CITY OF MANCHESTER, IOWA

By _____
Lori Cole, Chairperson

By _____
Julie Swanson, Secretary

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 12 day of May, 2000, before me Jo Ann Heffernan, a Notary Public in and for the State of Iowa, personally appeared Lori Cole and Julie Swanson, 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 10th day of May, 2000 and that Lori Cole and Julie Swanson 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.

_____
Notary Public.

Jo Ann Heffernan
Notary Public, State of Iowa
My Commission Expires 2-19-2002

RESOLUTION R-068-2000

RESOLUTION APPROVING FINAL PLAT

WHEREAS, the final plat of ***Country West, Delaware County, Iowa*** Delaware County, Iowa, affecting premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated May 4, 2000, 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, Larry J. Kehrli, 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 City Council determines it would not be appropriate to require installation of certain public improvements in conjunction with the approval of said subdivision; and

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;

WHEREAS, the Manchester Planning and Zoning Commission has recommended to the Council that they accept the plat of ***County West, Delaware County, Iowa***, as presented with the following variances, 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 plans and specifications shall be submitted to the City for approval for any private sewage disposal systems and private water system prior to development of any lot to be served by said system. Developers consent and agree that the City of Manchester, Iowa, shall have authority to prohibit construction of any private sewage disposal system which does not comply with Chapter 98 of the Manchester City Code.
d. Sidewalks shall not be required at this time due to low pedestrian traffic needs. The Owner or Owners of record of the numbered lots may be required to construct sidewalks at a future date as required by the City of Manchester. The cost of said sidewalks shall be assessed to the owner or owners of record of the lots.
e. Improvements to 210th Street, an existing public road are not required.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manchester, Delaware County, Iowa, that said Final Plat of ***County West, 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 approval and affix the same to said plat as by law provided.

Passed this 15th day of May, A.D., 2000.

Milt L. Kramer

Milt L. Kramer, Mayor

ATTEST: Karen K. Cole

Karen Cole, City Clerk

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 16th day of May, 2000, before me, Julie A. Swanson, 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-068-2000 adopted by the City Council on the 15th day of May, 2000, and that Milt L. Kramer and Karen K. 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.

Julie A. Swanson

Julie A. Swanson, Notary Public. #224151

EXP 8-23-2002

EXHIBIT A

AGREEMENT AND WAIVER REGARDING ALTERNATIVE SYSTEMS FOR SEWER AND WATER

COUNTRY WEST, DELAWARE COUNTY, IOWA
LARRY J. KEHRLI, DEVELOPER
CITY OF MANCHESTER, IOWA

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

COUNTRY WEST, A SUBDIVISION OF PART OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHEAST QUARTER (NE ¼) IN SECTION THIRTY-SIX (36), TOWNSHIP EIGHTY-NINE NORTH (T89N), RANGE SIX WEST (R6W) 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 subdivision regulations for the City of Manchester, Iowa; and

Whereas, the City Council for the City of Manchester, Iowa, has reviewed the proposed subdivision, that alternative systems may be designed to 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. 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.

2. 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 and private water systems shall be submitted to the City for approval prior to development of any lot to be served by such facilities. Plans shall include a location of building sewer and water service line at the building entry points, suitable for possible future connection to public sewer and public water main. Private disposal systems or water supply systems, and costs thereof, shall be the responsibility of the property owner developing such private facility, including costs incurred by the City to review and inspect such alternate system. In the event it is determined that a public sewer is necessary to serve the above described property, it is acknowledged and agreed by the developer that the City of Manchester, Iowa, may not be required to incur expense for the subsequent installation of a sewer facility serving the above premises.

3. 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.

4. 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.

5. 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.

6. 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 streets, storm sewer, sanitary sewer, sidewalks or water facilities serving the land set forth in the proposed subdivision.

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

Larry J. Kehrli

Subscribed and sworn to before me by Larry J. Kehrli this 8th day of May, 2000

Linda R. Heit
Notary Public in and for the State of Iowa

NOTARIAL SEAL IOWA
LINDA R. HEIT
MY COMMISSION EXPIRES
10-20-2000

CITY OF MANCHESTER, IOWA

Milt L. Kramer
Milt L. Kramer, Mayor

Karen K. Cole
Karen K. Cole, City Clerk

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 24th day of May, 2000, before me, Julie A. Swanson, 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 R068-2000 adopted by the City Council on the 15th day of May, 2000, 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.

Julie A. Swanson
Julie A. Swanson, Notary Public #224151