Del. Co. Recorder

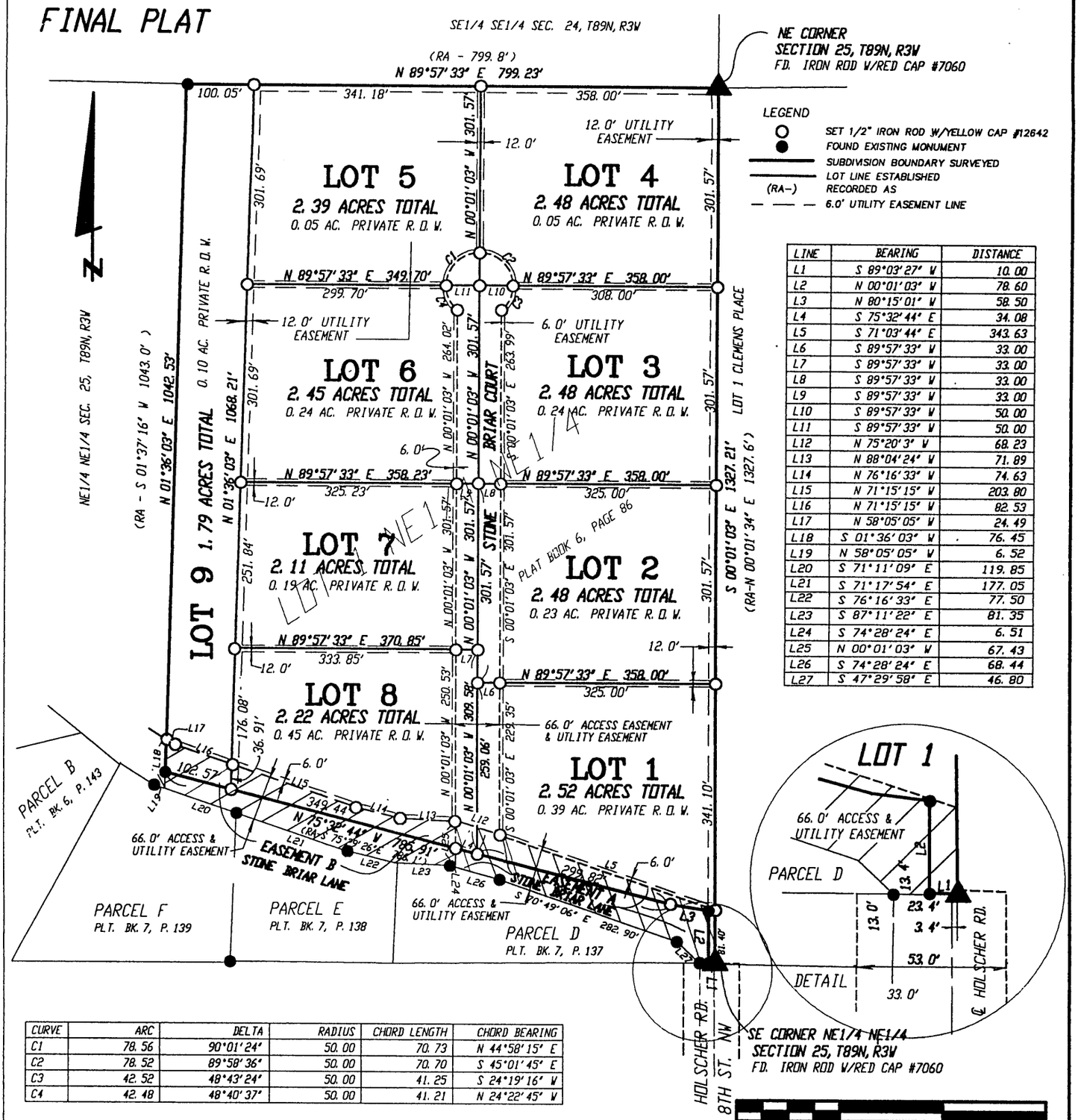
FILED
Date 8-10-00
County Assessor

FILED
SHARON McCRABB
DELAWARE COUNTY AUDITOR
AUG. 10 2000

PREPARED BY BILL BURGER OF WM. BURGER LANDSURVEYORS 510 3RD STREET WEST COURT, WORTHINGTON, IOWA 52078 (319) 855 2028

**PLAT OF SURVEY** HICKORY HILLS ESTATES A SUBDIVISION OF LOT ONE (1) OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHEAST QUARTER (NE1/4), SECTION TWENTY-FIVE (25), TOWNSHIP EIGHTY-NINE NORTH (T89N), RANGE THREE WEST (R3W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA

## FINAL PLAT




| LINE | BEARING | DISTANCE |
|---|---|---|
| L1 | S 89°03'27" W | 10.00 |
| L2 | N 00°01'03" W | 78.60 |
| L3 | N 80°15'01" W | 58.50 |
| L4 | S 75°32'44" E | 34.08 |
| L5 | S 71°03'44" E | 343.63 |
| L6 | S 89°57'33" W | 33.00 |
| L7 | S 89°57'33" W | 33.00 |
| L8 | S 89°57'33" W | 33.00 |
| L9 | S 89°57'33" W | 33.00 |
| L10 | S 89°57'33" W | 50.00 |
| L11 | S 89°57'33" W | 50.00 |
| L12 | N 75°20'3" W | 68.23 |
| L13 | N 88°04'24" W | 71.89 |
| L14 | N 76°16'33" W | 74.63 |
| L15 | N 71°15'15" W | 203.80 |
| L16 | N 71°15'15" W | 82.53 |
| L17 | N 58°05'05" W | 24.49 |
| L18 | S 01°36'03" W | 76.45 |
| L19 | N 58°05'05" W | 6.52 |
| L20 | S 71°11'09" E | 119.85 |
| L21 | S 71°17'54" E | 177.05 |
| L22 | S 76°16'33" E | 77.50 |
| L23 | S 87°11'22" E | 81.35 |
| L24 | S 74°28'24" E | 6.51 |
| L25 | N 00°01'03" W | 67.43 |
| L26 | S 74°28'24" E | 68.44 |
| L27 | S 47°29'58" E | 46.80 |

| CURVE | ARC | DELTA | RADIUS | CHORD LENGTH | CHORD BEARING |
|---|---|---|---|---|---|
| C1 | 78.56 | 90°01'24" | 50.00 | 70.73 | N 44°58'15" E |
| C2 | 78.52 | 89°58'36" | 50.00 | 70.70 | S 45°01'45" E |
| C3 | 42.52 | 48°43'24" | 50.00 | 41.25 | S 24°19'16" W |
| C4 | 42.48 | 48°40'37" | 50.00 | 41.21 | N 24°22'45" W |

NOTE: ALL CORNER MONUMENTS ARE SET OR WILL BE SET WITHIN ONE YEAR OF THE DATE OF RECORDING

SCALE: 1" = 150' | DATE OF SURVEY: 6/2/2000, 6/5/2000 | SHEET 1 OF 4

PROPRIETORS: BERNARD LeROY FREITAGER, INA LOIS PAPE & JOHN NEAL FREITAGER

LICENSED LAND SURVEYOR WILLIAM H. BURGER 12642 IOWA

no. of sheets covered by this seal 1

I HEREBY CERTIFY THAT THIS LANDSURVEYING DOCUMENT WAS PREPARED AND RELATED SURVEY WORK WAS PREFORMED 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. MY LICENSE RENEWAL DATE IS DECEMBER 31, 2000

William H. Burger 8/10/2000
WILLIAM H. BURGER #12642 DATE

**Wm. Burger LandSurveyors**
510 3rd Street West Court
Worthington, Iowa 52078

BOOK 2000 PAGE 3402

## LEGAL DESCRIPTION

**HICKORY HILLS ESTATES** a subdivision of Lot One (1) of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4), Section Twenty-five (25), Township Eighty-nine North (T89N), Range Three West (R3W) of the Fifth Principal Meridian, Delaware County, Iowa, as recorded in the Office of the Delaware County Recorder, plat book 6, page number 86, containing a total of 20.92 acres, divided into 9 Lots and numbered Lot 1 through 9 as shown on the attached; **subject to easements of record** and more particularly described by metes and bounds as follows;

**BEGINNING** at the Northeast corner of Section Twenty-five (25), Township Eighty-nine North (T89N), Range Three West (R3W) of the Fifth Principal Meridian, Delaware County, Iowa;

**Thence** South 00°-01'-03" East 1327.21 feet along the East line and to the Southeast corner of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of said Section Twenty-five (25);

**Thence** South 89°-03'-27" West 10.00 feet along the South line of said Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4);

**Thence** North 00°-01'-03" West 78.60 feet;

**Thence** North 80°-15'-01" West 58.50 feet;

**Thence** North 75°-32'-44" West 785.91 feet;

**Thence** North 01°-36'-03" East 1042.53 feet to the North line of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4);

**Thence** North 89°-57'-33" East 799.23 feet along the North line of said Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) to the **POINT OF BEGINNING** containing a total of 20.92 acres divided into 9 Lots and numbered Lot 1 through 9 as shown on the attached plat; **subject to easements of record.**

The East line of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section Twenty-five (25), Township Eighty-nine North (T89N), Range Three West (R3W) is assumed to bear South 00°-01'-03" East

Easement A, Easement B and Stone Briar Court are a 66.0 foot wide private access and utility easements created as shown on the attached plat. All other utility easements are created as shown.

## SURVEYORS CERTIFICATE :

I hereby certify that this land survey document was prepared and 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

My license renewal date is December 31, 2000

William H. Burger 8/10/2000

William H. Burger Date Reg. No. 12642

No. of sheets covered by this seal 1




NOTE: All rods are set or will be set within 1 year of the date of recording.

**OWNERS ACKNOWLEDGMENT**

I, Bernard LeRoy Freitager of Dubuque County, State of Iowa, do hereby certify that the above survey, as shown by the attached Plat, is made with my free consent, and in accordance with my desire.

Bernard LeRoy Freitager

Brenda L Freitager

STATE OF IOWA )
) ss.
DUBUQUE COUNTY )

On this 19th day of June A. D. 2000, before me, a Notary Public in and for said County, personally appeared Bernard Leroy Freitager and Brenda L. Freitager, to me known to be the person or persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Donna Gibbs
Notary Public in and for said County

DONNA GIBBS
MY COMMISSION EXPIRES
OCTOBER 4, 2001

**OWNERS ACKNOWLEDGMENT**

I, Ina Lois Pape of Dubuque County, State of Iowa, do hereby certify that the above survey, as shown by the attached Plat, is made with my free consent, and in accordance with my desire.

Ina Lois Pape

Jerry Pape

STATE OF IOWA )
) ss.
DELAWARE COUNTY )

JOANNE OBERBROECKLING
NOTARIAL SEAL
IOWA

On this 13th day of June A. D. 2000, before me, a Notary Public in and for said County, personally appeared Ina Lois Pape and Jerry Pape, to me known to be the person or persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Joanne Oberbroeckling
Notary Public in and for said County

## OWNERS ACKNOWLEDGMENT

I, John Neal Freitager of Ramsey County, State of Minnesota do hereby certify that the above survey, as shown by the attached Plat, is made with my free consent, and in accordance with my desire.

John Neal Freitager

Florence L. Freitager

STATE OF ~~IOWA~~ ) MN
) ss.
~~DELAWARE COUNTY~~ ) County Anoka

On this 17 day of June A. D. 2000, before me, a Notary Public in and for said County, personally appeared John Freitager and Florence L. Freitager to me known to be the person or persons named in and who executed the foregoing instrument, and acknowledged that _____ executed the same as _____ voluntary act and deed.

ANGELA CARLIN
Notary Public
Minnesota
My Commission Expires Jan. 31, 2005

Notary Public in and for said County

## ATTORNEY'S OPINION

I, Tom Jenk of Tom Jenk, P.C., a practicing attorney at law in Dyersville, Dubuque County, Iowa have examined the abstract of title to the land included within Lot One (1) of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4), Section Twenty-five (25), Township Eighty-nine North (T89N), Range Three West (R3W) of the Fifth Principal Meridian, Delaware County, Iowa; said abstract has been prepared in its entirety by the Delaware County Abstract Company, and was last certified to by said company on the 14th day of June, A.D. 2000, at the hour of 8:00 o'clock A. M.

My examination of said abstract shows good and merchantable title on the date and hour of certification to be in Bernard Leroy Freitager, Ina Lois Pape & John Neal Freitager, as tenants in common Dated at Dyersville, Iowa in said County, this 19th day of June, 2000, subject to Easement Agreement dated 11/27/91, filed for record on 12/5/91 and recorded in Book 2, Misc., Page 248, and City Ordinance #423 filed 11/23/77 in Book R, Misc., Page 157, extending the applicability of the City of Dyersville Zoning Ordinance #285 to two miles beyond the city limits.

Tom Jenk
Attorney at Law
225-1st Avenue East, P.O. Box 304
Dyersville, Iowa 52040-0304
(319) 875-9112

## DELAWARE COUNTY TREASURER

Delaware, Iowa

June 19, 2000

I the undersigned, Carolyn A. Wilson, Treasurer of Delaware County, Iowa do hereby certify that all taxes and special assessments levied against Lot One (1) of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4), Section Twenty-five (25), Township Eighty-nine North (T89N), Range Three West (R3W) of the Fifth Principal Meridian, Delaware County, Iowa; have been paid and said real estate is free and clear of all taxes as of this date.

DELAWARE COUNTY TREASURER SEAL IOWA

Carolyn A. Wilson
County Treasurer Delaware County, Iowa
Pam Klein, Dep. Treasurer

**MORTGAGE HOLDERS ACKNOWLEDGMENT**

The undersigned _____ BANK of _____ city State of Iowa, do hereby certify that the attached Plat of Survey of **Hickory Hills Estates** a subdivision of Lot One (1) of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4), Section Twenty-five (25), Township Eighty-nine North (T89N), Range Three West (R3W) of the 5th P.M., Delaware County, Iowa, has made with our free consent and in accordance with our desire as lien holder and mortgagee of the premises described herein.

_____ BANK

_____ CITY

By: _____
President

By: _____
Vice President

STATE OF IOWA )
) ss
DELAWARE COUNTY )

On this _____ day of _____ A. D. 20_____ before me, the undersigned, a Notary Public in and for said State, personally appeared _____ and _____, to me personally known, who being by me duly sworn, did say that they are the President and Vice President respectively, of the corporation executing the within and foregoing instrument; that the seal affixed thereto is the seal of the corporation; that the instrument was signed and sealed on behalf of the corporation by authority of its Board of Directors; and that _____ and _____ as officers, acknowledged the execution of the foregoing instrument to be the voluntarily act and deed of the corporation, by it and by them voluntarily executed.

_____
Notary Public in and for said State

**CITY OF DYERSVILLE PLANNING AND ZONING COMMISSION**

Dyersville, Iowa June 12, 2000

The foregoing plat of **Hickory Hills Estates** a subdivision of Lot One (1) of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4), Section Twenty-five (25), Township Eighty-nine North (T89N), Range Three West (R3W) of the 5th P.M., Delaware County, Iowa, being within 2 miles of the corporate limits of the City of Dyersville is hereby approved by the Dyersville Planning and Zoning Commission and approval of said plat by the City Council of the City of Dyersville, Dubuque County, Iowa is here by recommended.

Dyersville Planning & Zoning Commission

By _____
Chairperson

**CITY COUNCIL APPROVING FINAL PLAT**

Dyersville, Iowa June 19, 2000

The undersigned, Alan T. Gibbs, Mayor, and Susan L. Ertl, Clerk of the City of Dyersville, Dubuque County, Iowa do hereby certify that the foregoing Final Plat of **Hickory Hills Estates** a subdivision of Lot One (1) of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4), Section Twenty-five (25), Township Eighty-nine North (T89N), Range Three West (R3W) of the 5th P.M., Delaware County, Iowa, as appears heretofore has been filed in the Office of the City Clerk of Dyersville, Iowa and that the City Council of the City of Dyersville, Iowa approves said plat.

_____
Alan T. Gibbs, Mayor

_____
Susan L. Ertl, City Clerk

STATE OF IOWA )
) ss.
DELAWARE COUNTY )

On this 20th day of June, 2000, before me, Tricia Maiers, a Notary Public in and for the State of Iowa, personally appeared Alan T. Gibbs and Susan L. Ertl, 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 Dyersville, 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 Number 29-00 adopted by the City Council on the 19th day of June, 2000, and that Alan T. Gibbs and Susan L. Ertl acknowledged the execution of the instrument to be their voluntary act and deed of the corporation, by it voluntarily executed.

TRICIA L. MAIERS
NOTARY PUBLIC
STATE OF IOWA

_____
Notary Public
MY COMMISSION EXPIRES 10/21/00

DELAWARE COUNTY E-911 BOARD

Delaware County, Iowa JUNE 29, 2000

The foregoing plat of HICKORY HILLS ESTATES, Delaware County, Iowa has been examined and approved as to being in full compliance with Delaware County Ordinance #12, The Uniform Address System, as passed and adopted by the Delaware County Board of Supervisors on the 8th day of June, 1996.

Norman Wellman

Norman Wellman - Coordinator
Delaware County E-911 Board

State of Iowa )
) Ss.
County of Delaware )

On this 29TH day of JUNE, 2000, before me LOIS M. BURGER, a Notary Public in and for use 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 of the Delaware County E-911 Board.

Lois M. Burger

Notary Public

LOIS M. BURGER
MY COMMISSION EXPIRES
FEBRUARY 11, 2003

Prepared by: Tom Jenk, P.O.Box 304, Dyersville, Iowa 52040-0304 (319) 875-9112

***CONSENT TO PLAT***

**RE: Plat of Survey of Hickory Hills Estates, a Subdivision of Lot One (1) Of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼), Section Twenty-five (25), Township Eighty-Nine North (T89N), Range three West (R3W) of the Fifth Principal Meridian, Delaware County, Iowa.**

That Duane Thole and Mary B. Thole, husband and wife, do hereby join with the Developer in this plat and consent to said plat.

Duane Thole

Mary B. Thole

STATE OF IOWA )
) SS:
COUNTY OF DUBUQUE )

On this 25th day of July, 2000, before me, a Notary Public in and for said State, personally appeared Duane Thole and Mary B. Thole, husband and wife, to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

TOM JENK
MY COMMISSION EXPIRES
SEPTEMBER 15, 2000

Notary Public in and for the State of Iowa

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

RESOLUTION NO. **29-00**

RESOLUTION APPROVING THE PLAT OF SURVEY OF HICKORY HILLS ESTATES, A SUBDIVISION OF LOT 1 OF THE NORTHEAST QUARTER (NE¼) OF THE NORTHEAST QUARTER (NE¼, SECTION TWENTY-FIVE (25) TOWNSHIP EIGHTY-NINE NORTH (T89N), RANGE THREE WEST (R3W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA.

WHEREAS, there has been filed with the City Clerk, a plat in which Lot 1 of the Northeast Quarter (NE¼) of the Northeast Quarter (NE¼), Section Twenty-Five (25), Township Eighty-Nine North (89N), Range Three West (R3W) of the Fifth Principal Meridian, Delaware County, Iowa, is platted and now known as Lots 1 through 9 of Hickory Hills Estates.

WHEREAS, said plat has been found by the City Council to conform to the statutes and ordinances relating thereto.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DYERSVILLE, IOWA:

SECTION 1: That the plat of survey of Lots 1 through 9 of Hickory Hills Estates, is hereby approved and the Mayor and City Clerk are hereby authorized and directed to endorse the approval of the City of Dyersville, Iowa, on said plat.

SECTION 2: That there are no dedications of public streets or alleys accompanying the plat.

SECTION 3: That the approval of the plat is not contingent on the construction or completion of improvements, the installation of water mains, sanitary sewer mains or streets.

PASSED, ADOPTED and APPROVED, this 19th day of June, 2000.

CITY OF DYERSVILLE Iowa CITY SEAL

Alan T. Gibbs, Mayor

Susan L Ertl

Susan L Steffen-Ertl, City Clerk