DELAWARE COUNTY IOWA
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BOOK 2001 PAGE 967
DEBORAH L. PEYTON
DELAWARE CO. RECORDER
$26.00

MAR 27 2001

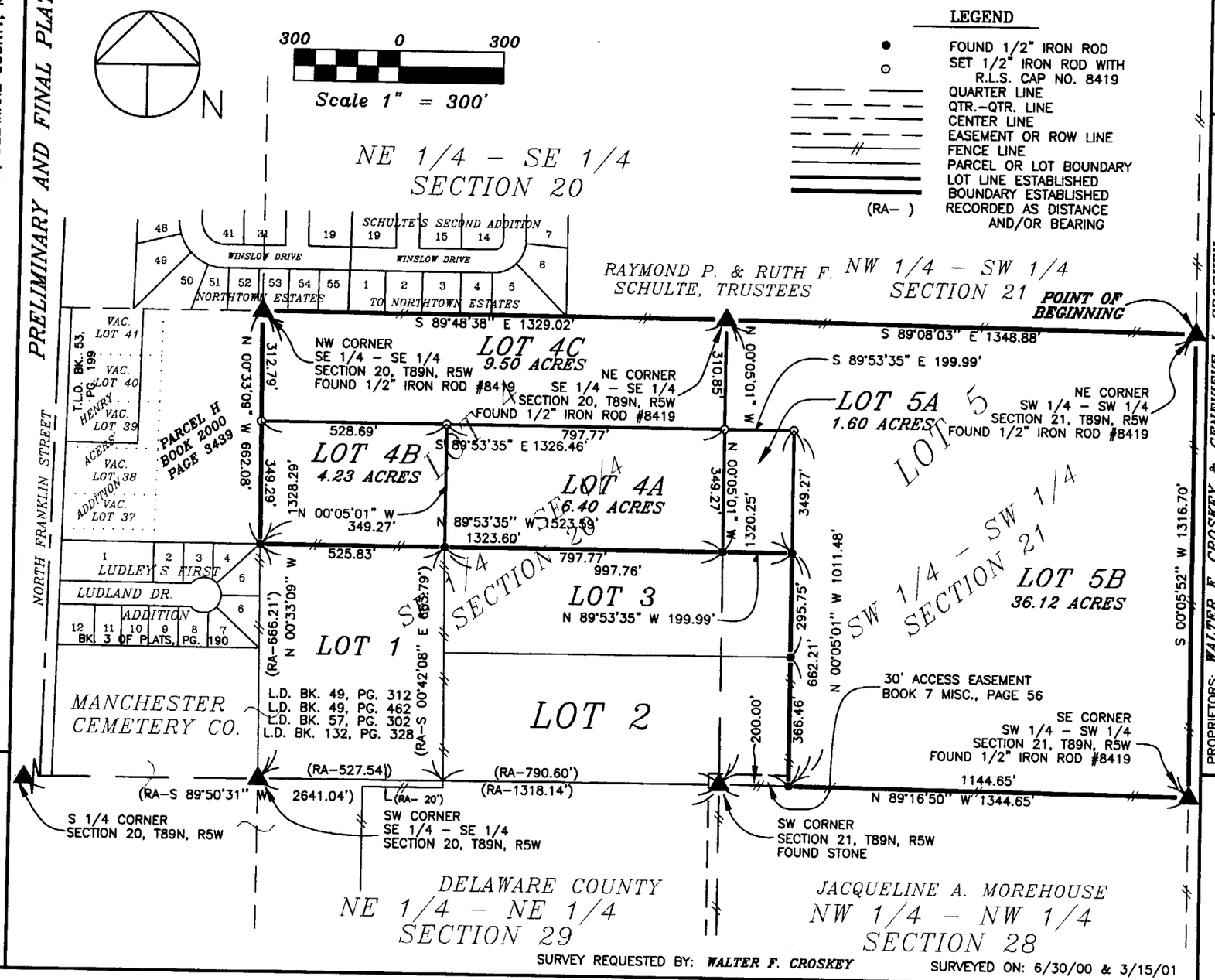
FILED
Date 3-27-01
County Assessor

SUBDIVISION PLAT

SUBDIVISION OF LOT 4 AND LOT 5 OF AUDITOR'S PLAT NO. 5-TOOL'S FIRST ADDITION OF THE SUB. OF THE SE 1/4 OF SEC. 20, AND OF THE SW 1/4 OF SEC. 21, ALL OF T89N, R5W OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF MANCHESTER, DELAWARE COUNTY, IOWA

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

PRELIMINARY AND FINAL PLAT



PROJECT NO. 00-12
SCALE: 1"=300'
DATE: 3/6/01
DRAWN BY: JDG
CHECKED BY: JDG
FIELD BK: D.L.
REVISED
SHEET 1 OF 5

PROPRIETORS: WALTER F. CROSKEY & GENEVIEVE J. CROSKEY
20680 251st Street, Manchester, IA

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., R.L.S. LIC. NO. 8419
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2002

3/16/01
DATE

LICENSED IOWA J. DAVID GIBBS 8419

GIBBS ENGINEERING & SURVEYING

PROFESSIONAL SERVICES BUILDING
223 WEST MAIN STREET, MANCHESTER, IA 52057

PAGES OR SHEETS COVERED BY THIS SEAL: 1-2

BOOK 2001 PAGE 967

LEGAL DESCRIPTION:

SUBDIVISION OF LOT 4 AND LOT 5 OF AUDITOR'S PLAT NO. 5 - TOOL'S FIRST ADDITION, *A SUBDIVISION OF THE SOUTHEAST QUARTER (SE ¼) OF THE SOUTHEAST QUARTER OF SECTION TWENTY (20), AND OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION TWENTY-ONE (21), ALL IN TOWNSHIP EIGHTY-NINE NORTH (T89N), RANGE FIVE WEST (R5W) OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF MANCHESTER, DELAWARE COUNTY, IOWA,* containing a total of 57.85 acres, divided into five (5) lots numbered Lot 4A through Lot 4C and Lot 5A and Lot 5B, subject to easements of record, and more specifically described by metes and bounds as follows;

BEGINNING at the Northeast Corner of Lot Five (5) of *Auditor's Plat No. 5 – Tool's First Addition, Manchester, Iowa* as recorded in Book 8 of Plats, Page 60, also being the Northeast Corner of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of Section Twenty-one (21), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, City of Manchester, Delaware County, Iowa;

THENCE along the Easterly Line of said Lot 5, South 00° 05' 52" West to the Southeasterly Corner of said Lot 5, 1316.70 feet;

THENCE along the Southerly Line of said Lot 5, North 89° 16' 50" West to the Southwesterly Corner of said Lot 5, 1144.65 feet;

THENCE along the Westerly Line of said Lot 5 North 00° 05' 01" West to the Northeasterly Corner of Lot 3 of said *Auditor's Plat No. 5 – Tool's First Addition*, 662.21 feet;

THENCE along the Northerly Line of Lot 3 and Lot 1 of said *Auditor's Plat No. 5 – Tool's First Addition*, North 89° 53' 35" West to the Southwesterly Corner of Lot 4 of *Auditor's Plat No. 5 – Tool's First Addition*, 1523.59 feet;

THENCE along the Westerly Line of said Lot 4, North 00° 33' 09" West to the Northwesterly Corner of said Lot 4, 662.08 feet;

THENCE along the Northerly Line of said Lot 4, South 89° 48' 38" East to the Northwesterly Corner of said Lot 5, 1329.02 feet;

THENCE along the Northerly Line of said Lot 5, South 89° 08' 03" East, 1348.88 feet to the **POINT OF BEGINNING**;

Containing a total of 57.85 acres, divided into five (5) lots numbered Lot 4A through Lot 4B and Lot 5A and lot 5B, and subject to easements of record.

The Easterly Line of the Southeast Quarter (SE ¼) of Section 28, T89N, R5W, of the Fifth P.M. is assumed to bear North 00° 05' 01" West.

The subdivision includes the following easement:

> *Easement No. 1*, 66 feet in width running from the South Line of Lot 5B to the North Line of Lot 5B for street and right of way purposes. The City shall be entitled to the exercise of this easement, and the Developer shall identify the location of the easement, in the event any further division of property is made from Lot 5B or in the event a building permit is issued for construction of a new structure on Lot 5B.
>
> *Easement No. 2*, 15 feet in width running from the West Line of Lot 4C to the West Line of *Easement No. 1* for walkway bikeway purposes. The City shall be entitled to exercise of this easement, and the Developer shall identify the location of the easement, in the event any further division of property is made from Lot 4C or in the event a building permit is issued for the construction of a new structure on Lot 4C. This easement may be a part of a 66-foot wide street right of way.

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 3/16/01

My license will be renewed on December 31, 2002

LICENSED LAND SURVEYOR
J. DAVID GIBBS
8419
IOWA

OWNER'S ACKNOWLEDGMENT

I (we) Walter F. Croskey and Genevieve J. Croskey 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.

Walter F. Croskey

Genevieve J. Croskey

State of Iowa)
)
County of Delaware) Ss:

On this 15th day of March A.D. 2001, before me a Notary Public in and for said County, personally appeared Walter F. Croskey and Genevieve J. Croskey 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

DONNA M. KUNDE
MY COMMISSION EXPIRES
8-16-2002

ATTORNEY'S OPINION

I, John M. Carr, a practicing attorney at law in Manchester, Delaware County, Iowa, have examined the abstract of title to the land included in ***SUBDIVISION OF LOT 4 AND LOT 5 OF AUDITOR'S PLAT NO. 5 - TOOL'S FIRST ADDITION,*** City of Manchester, Delaware County, Iowa, on premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated March 16, 2001.

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 14 day of March, A.D. 2001, 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 the certification to be in Walter F. Croskey and Genevieve J. Croskey

Dated at Manchester, Iowa, in said County, this 26 day of March, 2001.

Attorney at Law John M. Carr

CERTIFICATE OF TREASURER

I, the undersigned, Carolyn A. Wilson, Treasurer of Delaware County, Iowa, do hereby certify that all taxes and special assessments against ***SUBDIVISION OF LOT 4 AND LOT 5 OF AUDITOR'S PLAT NO. 5 - TOOL'S FIRST 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, County Treasurer

3-13-01

Q:\Surveys\Croskey\Sub_4_5\legal_00-12.doc

RESOLUTION APPROVING PRELIMINARY AND FINAL PLAT

WHEREAS, the preliminary and final plat of ***SUBDIVISION OF LOT 4 AND LOT 5 OF AUDITOR'S PLAT NO. 5 - TOOL'S FIRST ADDITION, City of Manchester, Delaware County, Iowa***, affecting premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated March 16, 2001, 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) and street standards (Section 127.17); and

WHEREAS, the preliminary and final plat of ***SUBDIVISION OF LOT 4 AND LOT 5 OF AUDITOR'S PLAT NO. 5 - TOOL'S FIRST ADDITION, City of Manchester, Delaware County, Iowa***, should be approved with the following variances, declarations and conditions;

1. No determination has been made as to compliance with this subdivision and platting requirements which are set forth in the Code of Iowa.
2. Street improvements, water and sewer mains and services, storm drainage, and sidewalks will not be required as part of this subdivision until further subdivided.

NOW, THEREFORE, BE IT RESOLVED, by the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa, that

1. The Developer shall grant to the City an easement, referred to as *Easement No. 1*, 66 feet in width running from the South Line of Lot 5B to the North Line of Lot 5B for street and right of way purposes. The City shall be entitled to the exercise of this easement, and the Developer shall identify the location of the easement, in the event any further division of property is made from Lot 5B or in the event a building permit is issued for construction of a new structure on Lot 5B.
2. The Developer shall grant to the City an easement, referred to as *Easement No. 2*, 15 feet in width running from the West Line of Lot 4C to the West Line of *Easement No. 1* for walkway bikeway purposes. The City shall be entitled to exercise of this easement, and the Developer shall identify the location of the easement, in the event any further division of property is made from Lot 4C or in the event a building permit is issued for the construction of a new structure on Lot 4C. This easement may be a part of a 66 foot wide street right of way.
3. Said ***SUBDIVISION OF LOT 4 AND LOT 5 OF AUDITOR'S PLAT NO. 5 - TOOL'S FIRST 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 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 14th day of March, A.D., 2001.

PLANNING & ZONING COMMISSION
CITY OF MANCHESTER, IOWA

By _____
Lori Cole, Chairperson

By _____
Julie Swanson, Secretary

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 21st day of March, 2001, 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 14th day of March, 2001, 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 2-19-02

RESOLUTION R-042-2001

RESOLUTION APPROVING PRELIMINARY AND FINAL PLAT

WHEREAS, the preliminary and final plat of ***SUBDIVISION OF LOT 4 AND LOT 5 OF AUDITOR'S PLAT NO. 5 - TOOL'S FIRST 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 March 16, 2001, 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, 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 ***SUBDIVISION OF LOT 4 AND LOT 5 OF AUDITOR'S PLAT NO. 5 - TOOL'S FIRST ADDITION, City of Manchester, Delaware County, Iowa***, as presented with the following variances, declarations and conditions;

1. No determination has been made as to compliance with this subdivision and platting requirements which are set forth in the Code of Iowa.
2. Street improvements, water and sewer mains and services, storm drainage, and sidewalks will not be required as part of this subdivision until further subdivided.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manchester, Delaware County, Iowa, that

1. The Developer shall grant to the City an easement, referred to as *Easement No. 1*, 66 feet in width running from the South Line of Lot 5B to the North Line of Lot 5B for street and right of way purposes. The City shall be entitled to the exercise of this easement, and the Developer shall identify the location of the easement, in the event any further division of property is made from Lot 5B or in the event a building permit is issued for construction of a new structure on Lot 5B.
2. The Developer shall grant to the City an easement, referred to as *Easement No. 2*, 15 feet in width running from the West Line of Lot 4C to the West Line of *Easement No. 1* for walkway bikeway purposes. The City shall be entitled to exercise of this easement, and the Developer shall identify the location of the easement, in the event any further division of property is made from Lot 4C or in the event a building permit is issued for the construction of a new structure on Lot 4C. This easement may be a part of a 66 foot wide street right of way.
3. Said ***SUBDIVISION OF LOT 4 AND LOT 5 OF AUDITOR'S PLAT NO. 5 - TOOL'S FIRST ADDITION, City of Manchester, 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 final plat as by law provided.

Passed this 26th day of March, 2001 A.D.

Gordon F. Goettsch, Mayor Pro-tem

ATTEST: Karen K. Cole

Karen Cole, City Clerk

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 26th day of March , 2001, before me, Julie A. Swanson, a Notary Public in and for the State of Iowa, personally appeared Gordon F. Goettsch 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-042-2001 adopted by the City Council on the 19th day of March, 2001, and that Gordon F. Goettsch 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, Notary Public. #224151