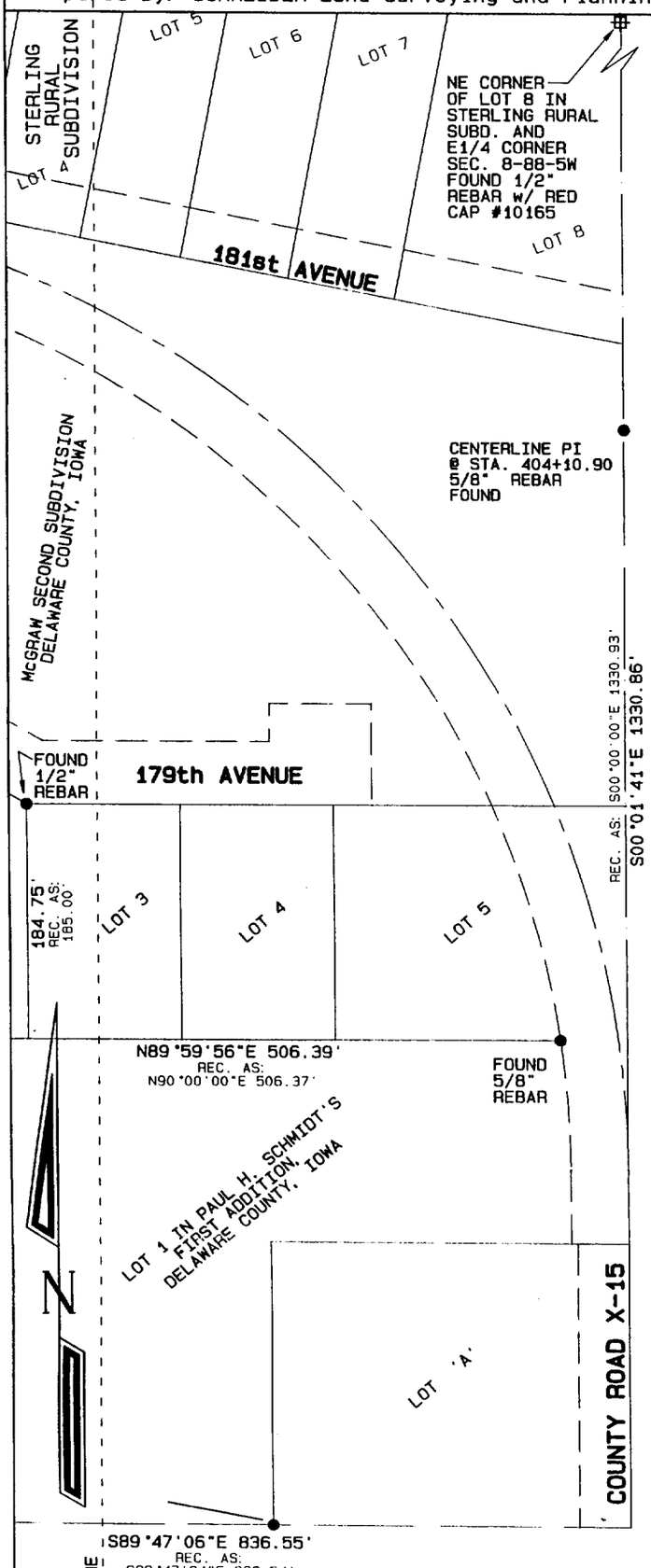
FILED
Date 8-13-01
County Assessor

AUG 13 2001

FILED
DELAWARE CO. IOWA
2001 AUG 13 PM 2:31
BOOK 2001 PAGE 8210
RECORDER

Prepared by: SCHNEIDER Land Surveying and Planning P.O.Box 105 Peosta, Iowa 52068 Ph#319-556-9055



PROPRIETOR: DIANA L. McGRAW

SURVEY REQUESTED BY: JIM McGRAW

SURVEY DESCRIPTION:

McGRAW THIRD SUBDIVISION

Part of Lot 9 in McGraw Second Subdivision in the Northeast Quarter of the Southeast Quarter of Section 8, Township 88 North, Range 5 West of the 5th P.M., Delaware County, Iowa, more particularly described as follows: Beginning at the northwest corner of the Northeast Quarter of the Southeast Quarter of said Section 8; thence N89°45'00"E, 90.45 feet along the north line of the Northeast Quarter of the Southeast Quarter of said Section 8 to the northwesterly corner of Parcel 'D' of Lot 9 in McGraw Second Subdivision and the beginning of a curve; thence southeasterly and easterly, 380.14 feet along said curve having a radius of 458.40 feet, concave to the northeast, and a central angle of 47°30'48" and a chord which bears S55°18'15"E, 369.34 feet; thence S79°05'17"E, 100.13 feet to the southeast corner of said Parcel 'D', the southwest corner of Lot 1 in Sterling Rural Subdivision and the northwest corner of Lot 2 of Lot B in McGraw Subdivision; thence S05°39'02"W, 316.42 feet to the southwest corner of said Lot 2 of Lot B; thence S05°18'30"W, 396.11 feet to the westerly corner of Lot 2 in McGraw Second Subdivision; thence N89°59'56"E, 336.37 feet to the northwesterly corner of Lot 1 of Paul H. Schmidt's First Addition to Delaware County; thence S35°52'34"W, 473.76 feet to the southwest corner of Parcel 'A' of Lot 1 in said Paul H. Schmidt's First Addition; thence N89°47'06"W, 483.49 feet to the southwest corner of Northeast Quarter of the Southeast Quarter of said Section 8; thence N00°00'18"E, 1320.14 feet to the point of beginning, containing 14.07 acres, which includes 0.47 acres of existing public road right of way.

TOTAL AREA

14.07 ACRES TOTAL
-0.47 ACRES ROAD
13.60 ACRES NET

GRAPHIC SCALE 1"=100' (0, 100, 200, 300)

LEGEND

- BOUNDARY LINE
- LOT LINE
- SECTION LINE
- STREET CENTERLINE
- RIGHT OF WAY LINE
- EASEMENT LINE
- BUILDING SETBACK LINE
- SECTION CORNER
- IRON PIN FOUND
- 1/2" REBAR w/ CAP #14417 SET
- PK NAIL SET OR FOUND
- IRON PIPE FOUND
- CUT 'X' IN CONC. SET OR FOUND
- WATER LINE
- ELECTRIC LINE
- SANITARY SEWER
- GAS LINE
- TELEPHONE LINE
- CABLE TV
- STORM SEWER
- FIRE HYDRANT
- POWER POLE
- LIGHT POLE
- GUY ANCHOR
- SPOT ELEVATION
- GAS METER
- WATER VALVE OR CURB BOX
- POWERPOLE/LIGHT POLE
- BEEHIVE INTAKE
- ELECT. BOX
- CONTROL NAIL
- UTILITY POLE
- TELEPHONE PED.

SCHNEIDER
Land Surveying & Planning
P.O. Box 105
Peosta, Iowa 52068
Ph# 319-556-9055
Fax 319-556-9054

Project: 226
Date: 6/15/2001
Sheet: 1 of 4

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.

David P. Schneider P.L.S. #14417 Date: 6/15/2001
My license renewal date is December 31, 2001.

Pages or sheets covered by this seal: SHEETS 1 & 2

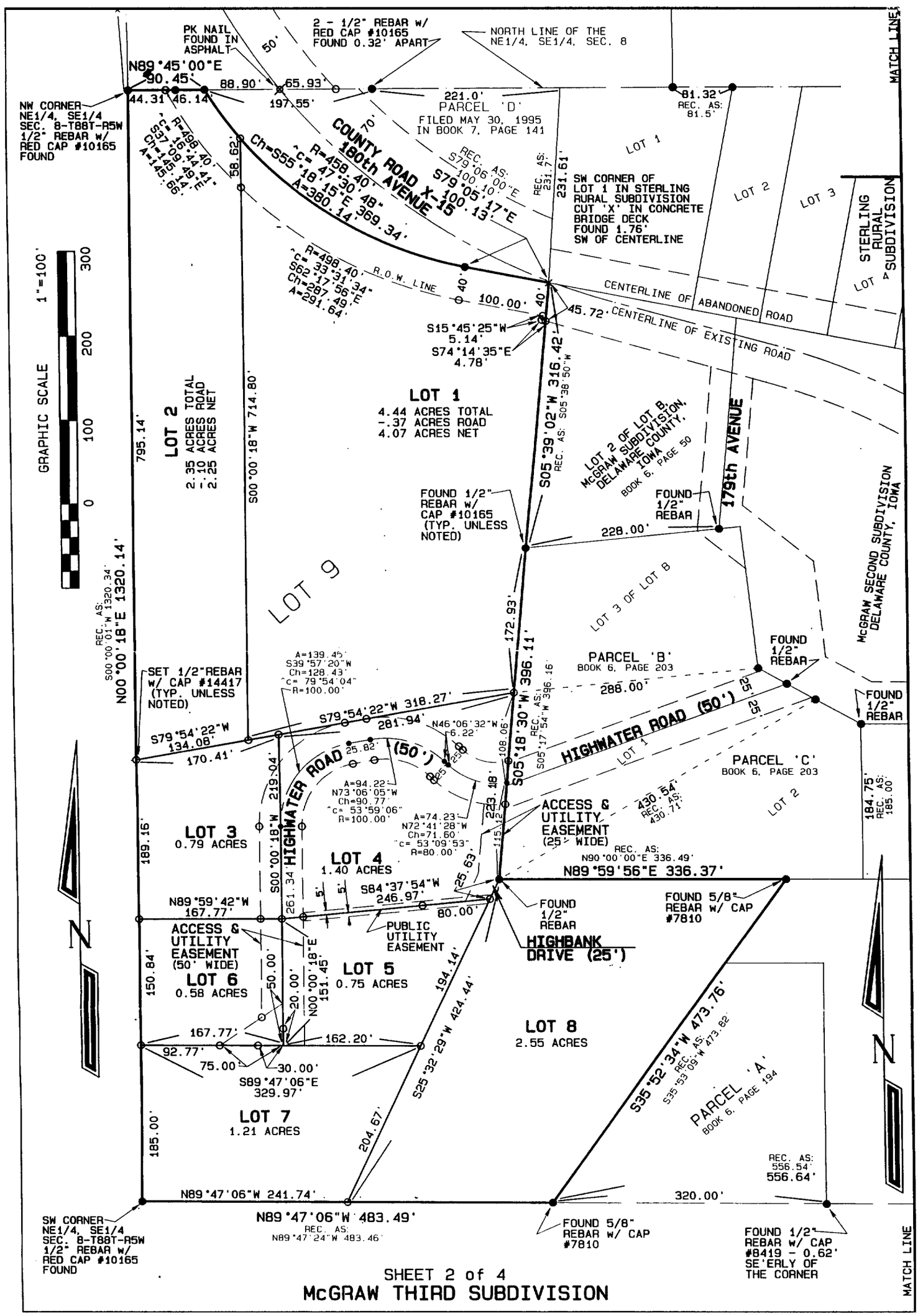
LICENSED LAND SURVEYOR DAVID P. SCHNEIDER #14417 IOWA

McGRAW THIRD SUBDIVISION

A SUBDIVISION OF PART OF LOT 9 IN McGRAW SECOND SUBDIVISION IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 88 NORTH, RANGE 5 WEST OF THE 5th P.M., DELAWARE COUNTY, IOWA.

SHEET 1 of 4
McGRAW THIRD SUBDIVISION

BOOK 2001 PAGE 8210



SHEET 2 of 4

McGRAW THIRD SUBDIVISION

Easement Descriptions:

Survey Description – Access & Utility Easement:
A strip of land 50.0 feet in width across Lots 3, 4, 5 and 6 in McGraw Third Subdivision, Delaware County, Iowa, being situated 25.0 feet on each side of a centerline described as follows: Commencing at the northeast corner of said Lot 4 in McGraw Third Subdivision; thence S05°18'30"W, 108.06 feet along the easterly line of said Lot 4 to the point of beginning; thence westerly and northwesterly, 74.23 feet along the curve concave to the north, having a radius of 80.00 feet, a central angle of 53°09'53" and a chord which bears N72°41'28"W, 71.60 feet; thence N46°06'32"W tangent to said curve, 6.22 feet to the beginning of a curve tangent to said line; thence northwesterly and westerly, 94.22 feet along the curve concave to the south, having a radius of 100.00 feet and a central angle of 53°59'06"; thence S79°54'22"W tangent to said curve, 25.82 feet to the beginning of a curve tangent to said line; thence westerly, southwesterly and southerly, 139.45 feet along the curve concave to the southeast, having a radius of 100.00 feet and a central angle of 79°54'04" to the west line of said Lot 4; thence S00°00'18"W tangent to said curve, 261.34 feet along the line between said Lots 3 and 4 and Lots 5 and 6 to the north line of Lot 7 in McGraw Third Subdivision and there terminating.

Survey Description – Access & Utility Easement:
Part of Lot 6 in McGraw Third Subdivision, Delaware County, Iowa, more particularly described as follows; Beginning at the southeast corner of said Lot 6; thence along the south line of said Lot 6, 75.00 feet; thence northeasterly to a point on the east line of said Lot 6, 50.00 feet north of the southeast corner of said Lot 6; thence southerly 50.00 feet to the point of beginning.

Survey Description – Access & Utility Easement:
A strip of land 25.0 feet in width across Lot 4 in McGraw Third Subdivision, Delaware County, Iowa, being situated 25.0 feet westerly of a line described as follows: Beginning at the southeast corner of said Lot 4; thence N25°32'29"E, 25.63 feet along the easterly line of said Lot 4 to the northwest corner of Lot 8 in McGraw Third Subdivision; thence N05°18'30"E, 115.12 feet along the easterly line of said Lot 4 to the centerline of the 50' feet wide access easement and there terminating.

Survey Description – Utility Easement:
The southerly 5.0 feet of Lot 4 and the northerly 5.0 feet of Lot 5 in McGraw Third Subdivision, Delaware County, Iowa.

I hereby certify that this land survey 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.

David P. Schneider P.L.S. #14417 Date: 7/6/2001
My license renewal date is December 31, 2001.
Sheets or sheets covered by this seal: Surveyor's Certificate Only

LICENSED LAND SURVEYOR
DAVID P. SCHNEIDER 14417
IOWA

Schneider Land Surveying & Planning
P.O. Box 105 Peosta, Iowa 52068
Phone: 319-556-9055 Fax: 319-556-9054
Email: schneiderlsp@mwci.net

Job No.226ea

Date:6/18/2001

OWNER'S CERTIFICATE

KNOWN ALL MEN BY THESE PRESENTS: That we, Diana L. McGraw and James McGraw, being the owners in fee simple of all the land included in McGraw Third Subdivision, Delaware County, Iowa, have caused a survey and subdivision of said land to be made, the lots and streets to be marked, named and numbered, as shown on a plat dated June 15, 2001 and certified by David P. Schneider, Licensed Land Surveyor, of which document is attached hereto, to the end that the same may be recorded and hereafter designated and known as McGraw Third Subdivision, Delaware County, Iowa.

And we the owners, hereby acknowledge the subdivision of said land to be by our free consent and in accordance with our desires, and do hereby set apart and dedicate to the lot owner's of McGraw's First, Second and Third Subdivisions for the use as private highways forever, all land included in the streets as shown on said plat and/or described in said certificate.

Diana L. McGraw

James McGraw

STATE OF IOWA)
) ss
DELAWARE COUNTY)

I, Terri L Philgreen, hereby certify the above signatures were signed by the persons indicated. In witness whereof, I have hereunto signed my name and affixed my Notaries Seal the day and year written below.

Terri L Philgreen
Notary Public in and for Delaware County, State of Iowa

7-13-01
Date Notarized

NOTARIAL SEAL IOWA
TERRI L. PHILGREEN
COMMISSION # 703495
MY COMMISSION EXPIRES
06-05-03

DELAWARE COUNTY E-911 BOARD

DELAWARE COUNTY, IOWA AUG 9, 2001

The foregoing plat of McGraw Third 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 8th day of June, 1996.

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

STATE OF IOWA)
) ss:
COUNTY OF DELAWARE)

On this 9th day of August, 2001, before me, Terri L. Philgreen, a Notary Public in and for the state of Iowa, personally appeared, Norman Wellman, to me personally known, and, who, being by me duly sworn, did say that he is the Coordinator for the Delaware County E-911 Board.

Terri L. Philgreen
Notary Public

NOTARIAL SEAL IOWA
TERRI L. PHILGREEN
COMMISSION # 703495
MY COMMISSION EXPIRES
06-05-03

BOOK 2001 PAGE 2920

RESOLUTION R-117-2001

RESOLUTION WAIVING RIGHT TO REVIEW SUBDIVISION PLAT

WHEREAS, A PLAT OF MCGRAW'S THIRD SUBDIVISION IN DELAWARE COUNTY, IOWA, located on the premises described as follows:

Part of Lot 9 in McGraw Second Subdivision in the Northeast Quarter of the Southeast Quarter of Section 8, Township 88 North, Range 5 West of the 5th P.M., Delaware County, Iowa, more particularly described as follows: Beginning at the northwest corner of the Northeast Quarter of the Southeast Quarter of said Section 8; thence N89°45'00"E. 90.45 feet along the north line of the Northeast Quarter of the Southeast Quarter of said Section 8 to the northwesterly corner of Parcel 'D' of Lot 9 in McGraw Second Subdivision and the beginning of a curve; thence southeasterly and easterly, 380.14 feet along said curve having a radius of 458.40 feet, concave to the northeast, and a central angle of 47°30'48" and a chord which bears S55°18'15"E, 369.34 feet; thence S79°05'17"E, 100.13 feet to the southeast corner of said Parcel 'D', the southwest corner of Lot 1 in Sterling Rural Subdivision and the northwest corner of Lot 2 of Lot B in McGraw Subdivision; thence S05°39'02"W, 316.42 feet to the southwest corner of said Lot 2 of Lot B; thence S05°18'30"W, 396.11 feet to the westerly corner of Lot 2 in McGraw Second Subdivision thence N89°59'56"E, 336.37 feet to the northwesterly corner of Lot 1 of Paul H. Schmidt's First Addition to Delaware County; thence S35°52'34"W, 473.76 feet to the southwest corner of Parcel 'A' of Lot 1 in said Paul H. Schmidt's First Addition; thence N89°47'06"W, 483.49 feet to the southwest corner of Northeast Quarter of the Southeast Quarter of said Section 8; thence N00°00'18"E, 1320.14 feet to the point of beginning, containing 14.07 acres, which includes 0.47 acres of existing public road right of way.

WHEREAS, said subdivision is located on the fringes of the two mile radius of the current city limits, and outside the Urban Growth Area and

WHEREAS, it is unlikely that the city limits will extend to include this subdivision;

WHEEREAS, the Manchester Planning and Zoning Commission has recommended to the City Council that the City waive it's right to review the subdivision;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manchester, Iowa that the City Council hereby waives it's right to review the plat of McGraw's Third Subdivision as described above, all located in Delawae County, Iowa, and that the Mayor and City Clerk are hereby authorized and directed to certify this resolution and affix the same to said plat as provided by law.

PASSED AND APPROVED this 2nd day of July, 2001

Milt L. Kramer, Mayor

ATTEST:

Karen K. Cole, City Clerk

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 3rd day of July, 2001, before me, Bruce A. Trapp, 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 the authority of its City Council, as contained in Resolution Number R-117-2001 adopted by the City Council on the 2nd day of July, 2001, 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.

BRUCE A. TRAPP
Commission Number 116508
My Comm. Exp. 8-25-02

Notary Public.

RESOLUTION WAIVING RIGHT TO REVIEW SUBDIVISION PLAT

WHEREAS, A PRELIMINARY PLAT OF MCGRAW'S THIRD SUBDIVISION IN DELAWARE COUNTY, IOWA, located on the premises described as follows:

Part of Lot 9 in McGraw Second Subdivision in the Northeast Quarter of the Southeast Quarter of Section 8, Township 88 North, Range 5 West of the 5th P.M., Delaware County, Iowa, more particularly described as follows: Beginning at the northwest corner of the Northeast Quarter of the Southeast Quarter of said Section 8; thence N89°45'00"E. 90.45 feet along the north line of the Northeast Quarter of the Southeast Quarter of said Section 8 to the northwesterly corner of Parcel 'D' of Lot 9 in McGraw Second Subdivision and the beginning of a curve; thence southeasterly and easterly, 380.14 feet along said curve having a radius of 458.40 feet, concave to the northeast, and a central angle of 47°30'48" and a chord which bears S55°18'15"E, 369.34 feet; thence S79°05'17"E, 100.13 feet to the southeast corner of said Parcel 'D', the southwest corner of Lot 1 in Sterling Rural Subdivision and the northwest corner of Lot 2 of Lot B in McGraw Subdivision; thence S05°39'02"W, 316.42 feet to the southwest corner of said Lot 2 of Lot B; thence S05°18'30"W, 396.11 feet to the westerly corner of Lot 2 in McGraw Second Subdivision thence N89°59'56"E, 336.37 feet to the northwesterly corner of Lot 1 of Paul H. Schmidt's First Addition to Delaware County; thence S35°52'34"W, 473.76 feet to the southwest corner of Parcel 'A' of Lot 1 in said Paul H. Schmidt's First Addition; thence N89°47'06"W, 483.49 feet to the southwest corner of Northeast Quarter of the Southeast Quarter of said Section 8; thence N00°00'18"E, 1320.14 feet to the point of beginning, containing 14.07 acres, which includes 0.47 acres of existing public road right of way.

WHEREAS, said subdivision is located on the fringes of the two mile radius of the current city limits, and outside the Urban Growth Area and

WHEREAS, it is unlikely that the city limits will extend to include this subdivision;

NOW, THEREFORE, BE IT RESOLVED, that the Planning and Zoning Commission hereby recommends to the City Council that the City waive it's right to review McGraw's Third Subdivision, and that the chairperson and the secretary are hereby authorized and directed to certify this resolution and affix the same to said plat as provided by law.

PASSED AND APPROVED this 27th day of June, 2001

CITY OF MANCHESTER IOWA SEAL

PLANNING & ZONING COMMISSION
CITY OF MANCHESTER, IOWA

Dan Stelken, Chairperson

Julie A. Swanson, Secretary

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 29th day of June, 2001, before me Mary E. Kleinschmidt, a Notary Public in and for the State of Iowa, personally appeared Dan Stelken and Julie A. 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 & Zoning Commission of City of Manchester, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that he instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in resolution R-___ passed by the Planning & Zoning Commission of the City of Manchester, Iowa on the 27th day of June, 2001, and that Dan Stelken and Julie A. Swanson 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.

Mary E Kleinschmidt
Notary Public

MARY E. KLEINSCHRODT
Commission Number 148950
My Comm. Exp 10/13/03

LIENHOLDER'S CONSENT TO PLAT

McGraw Third Subdivision, as described on Sheets 1-3, is made with the free consent and in accordance with the desire of the Board of Directors of First State Bank as lienholder of said property.

Dated this 9 day of Aug., 2001

FIRST STATE BANK MANCHESTER, IOWA CORPORATE SEAL

Steve R Reinig
By:
Title: Sr V.P.

STATE OF IOWA)
) ss:
COUNTY OF DELAWARE)

On this 9th day of August, 2001, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Steve R Reinig, to me personally known, who being by me duly sworn, did say that he is the Sr. Vice Pres. of the corporation executing the within and foregoing instrument **to which this is attached,** that the seal affixed thereto is the seal of the corporation; that said instrument was signed **(and sealed)** on behalf of the corporation by authority of its Board of Directors; and that Steve Reinig as officer acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the corporation, by it and by him voluntarily executed.

COLLEEN MEYER NOTARIAL SEAL IOWA COMM. # 704010 MY COMM. EXP. 8-28-03

Colleen Meyer
Notary Public in and for said State

CERTIFICATE OF TREASURER

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

Dated this 9th day of August, 2001

Carolyn A. Wilson, County Treasurer

ATTORNEY'S OPINION

I, William D. Werger, a practicing attorney at law in Manchester, Delaware County, Iowa, have examined the abstract of title to the land included in McGraw Third Subdivision, Delaware County, Iowa, on premises more specifically described in the Surveyor's Certificate of David P. Schneider dated July 6, 2001.

Said abstract was prepared in its entirety by the Delaware County Abstract Company, Inc. and was last certified to by said corporation on the 3rd day of August, 2001 at the hour of 8:00 AM.

My examination of said abstract shows good and merchantable title on the date and hour of the certification to be in Diana L. McGraw by warranty deed dated 9-7-1990 and recorded 9-18-1990 in Book 126, L.D., Page 357, Delaware County records, subject mortgages given to First State Bank dated October 18, 1994 and shown in Book 125, L.D., Page 113 and dated January 3, 2000 and shown in Book 2000, Page 169.

Dated this 9th day of August, 2001

William D. Werger, Attorney at Law