FILED
Date 2-21-2002
John R Klausly
County Assessor

FEB 21 2002

FILED
SHARON McCRABB
DELAWARE COUNTY AUDITOR

BOOK 2002 PAGE 650
DEBORAH L. FENTON
DELAWARE CO RECORDER
41.00

2002 FE 21 AM 10: 05

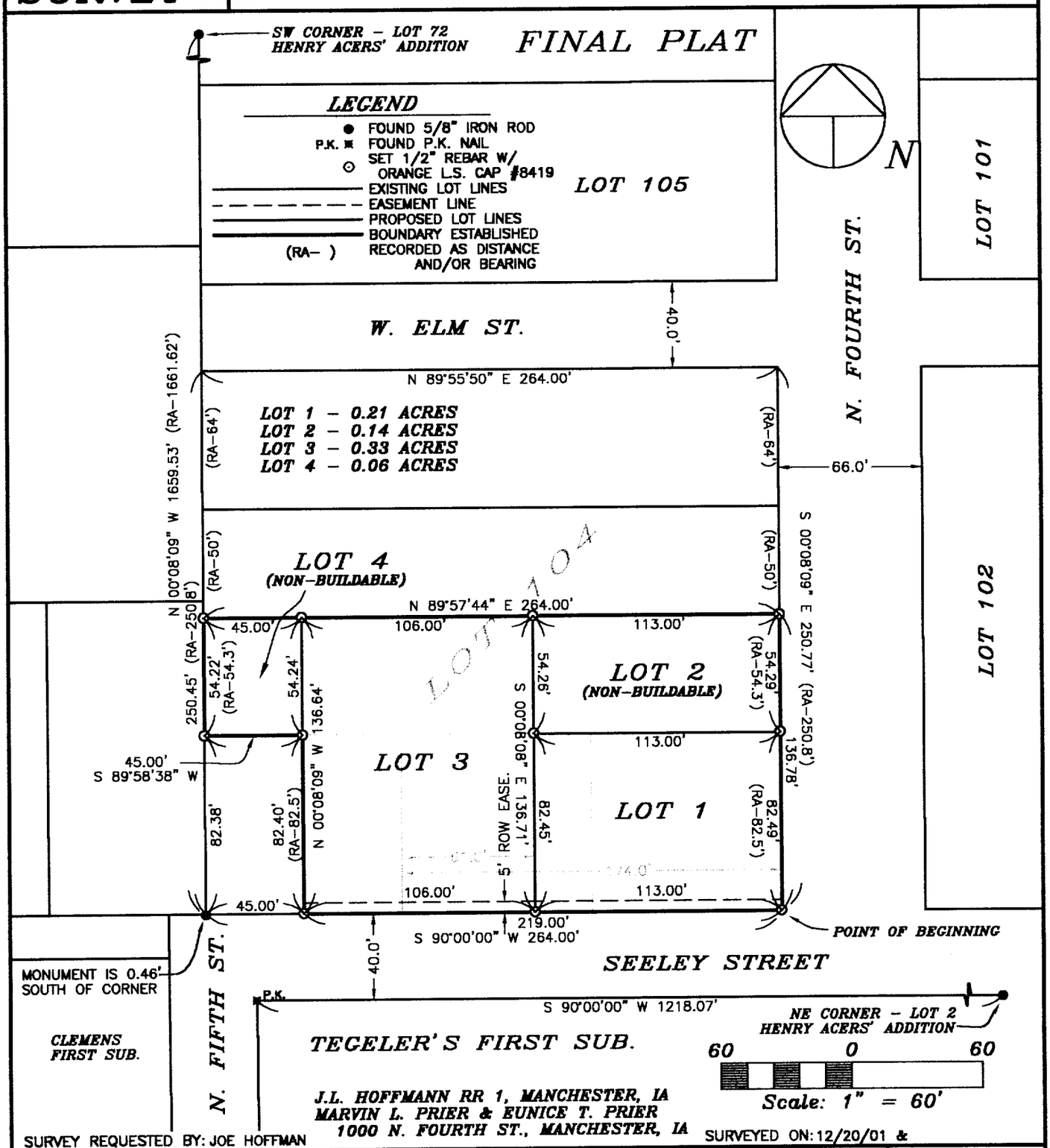
DELAWARE COUNTY IOWA
FILED

c#6

PREPARED BY: J DAVID GIBBS; 105 W. MAIN ST., MANCHESTER, IA 52057 563-927-2434

PLAT OF SURVEY

SUBDIVISION OF PART OF LOT 104; A SUBDIVISION OF PART OF LOT 104, HENRY ACERS' ADDITION TO MANCHESTER, SEC. 29, T89N, R5W OF THE FIFTH P.M., DELAWARE COUNTY, IOWA



SURVEY REQUESTED BY: JOE HOFFMAN

SURVEYED ON: 12/20/01 &

PROPRIETORS: SEE ABOVE

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.

LICENSED LAND SURVEYOR
J. DAVID GIBBS
8419
IOWA

J. DAVID GIBBS, P.E., L.S. LIC. #8419 DATE 2/13/02

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2002

PAGES OR SHEETS COVERED BY THIS SEAL: 1–2

GIBBS ENGINEERING & SURVEYING
105 WEST MAIN STREET
MANCHESTER, IA 52057

PROJECT NO. 01–75
SCALE: 1"=60'
DATE: 1/30/02
DRAWN BY: RLR
CHECKED BY: JDG
FIELD BK: D.L.
REVISED
SHEET 1 OF 7

BOOK 2002 PAGE 650

LEGAL DESCRIPTION:

SUBDIVISION OF PART OF LOT 104 OF HENRY ACERS' ADDITION TO MANCHESTER, SECTION TWENTY-NINE (29), TOWNSHIP EIGHTY-NINE NORTH (T89N), RANGE FIVE WEST (R5W) OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF MANCHESTER, DELAWARE COUNTY, IOWA; containing 0.74 acres, divided into four (4) Lots numbered Lot One (1) through Lot Four (4), subject to easements of record, and more particularly described by metes and bounds as follows;

BEGINNING at the Southeast Corner of Lot 104 of Henry Acers' Addition to Manchester, Section Twenty-nine (29), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, City of Manchester, Delaware County, Iowa;

THENCE along the Southerly Line of said Lot 104, South 90° 00' 00" West, 219.00 feet;

THENCE North 00° 08' 09" West, 82.40 feet;

THENCE South 89° 58' 38" West, to the Westerly Line of said Lot 104, 45.00 feet;

THENCE along the Westerly Line of said Lot 104, North 00° 08' 09" West, 54.22 feet;

THENCE North 89° 57' 44" East, to the Easterly Line of said Lot 104, 264.00 feet;

THENCE along the Easterly Line of said Lot 104, South 00° 08' 09" East, 136.78 feet to the **POINT OF BEGINNING**;

Containing 0.74 acres, divided into four (4) Lots numbered Lot One (1) through Lot Four (4), and subject to easements of record.

The Southerly Line of Lot 104 of Henry Acers' Addition to Manchester, Section Twenty-nine (29), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, City of Manchester, Delaware County, Iowa is assumed to bear South 90° 00' 00" West.

SURVEYOR'S CERTIFICATE

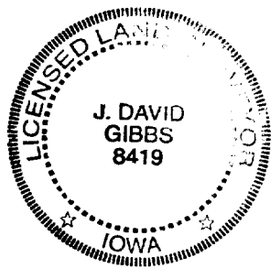
I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

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 2/13/02

J. David Gibbs, L.S. #8419 DATE

My license will be renewed on December 31, 2002



OWNER'S ACKNOWLEDGMENT

I J.L. Hoffmann 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.

J.L. Hoffmann

DONNA M. KUNDE
Commission Number 175597
My Commission Expires
4-16-03

State of Iowa)
)
County of Delaware) Ss:

On this 11th day of February A.D. 2002, before me a Notary Public in and for said County, personally appeared J.L. Hoffmann 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.

Donna M. Kunde
Notary Public in and for said County

OWNER'S ACKNOWLEDGMENT

I Marvin L Prier and Eunice T. Prier 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.

Marvin L Prier

Eunice T. Prier

State of Iowa)
)
County of Delaware) Ss:

On this 13th day of February A.D. 2002, before me a Notary Public in and for said County, personally appeared Marvin L Prier and Eunice T. Prier 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.

Donna M. Kunde
Notary Public in and for said County

DONNA M. KUNDE
Commission Number 175597
My Commission Expires
4-16-03

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ATTORNEY'S OPINION

I, Thomas J. Hanson, a practicing attorney at law in Manchester, Delaware County, Iowa, have examined the abstract of title to the land included in the ***SUBDIVISION OF PART OF LOT 104 OF HENRY ACERS' ADDITION TO MANCHESTER, Delaware County, Iowa***, on premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated February 13, 2002.

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 7th day of February, A.D., 2002, 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 J.L. Hoffmann, Marvin L Prier and Eunice T. Prier.
Dated at Manchester, Iowa, in said County, this 13th day of February, 2002.

Attorney at Law
Thomas J. Hanson

CERTIFICATE OF TREASURER

I, the undersigned, Carolyn A. Wilson, Treasurer of Delaware County, Iowa, do hereby certify that all taxes and special assessments against the ***SUBDIVISION OF PART OF LOT 104 OF HENRY ACERS' ADDITION TO 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

2-7-02
Date

MORTGAGE HOLDERS ACKNOWLEDGMENT

The _____, 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.

_____

By _____

By _____

STATE OF IOWA, Delaware County, Iowa, Ss:

On this _____ day of _____, 200_, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared _____ and _____, to me personally known, who being duly sworn, did say that they are the _____ and _____ respectively, of the _____ 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) _____ ; that said instrument was signed (and sealed) on behalf of the _____ by authority of its Board of Directors ; and that _____ and _____ as officers acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the _____, by it and by them voluntarily executed.

_____

Notary Public in and for said State

RESOLUTION APPROVING PRELIMINARY AND FINAL PLAT

WHEREAS, the plat of ***SUBDIVISION OF PART OF LOT 104 OF HENRY ACERS' ADDITION TO MANCHESTER, Delaware County, Iowa***, affecting premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated February 13, 2002, 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) stating, *"The owner and subdivider of the land being platted shall be responsible for the installation of sidewalks".* The City of Manchester has determined that as the subdivision is a re-division of existing platted lots, that sidewalks will be required at the time of lot development.

NOW, THEREFORE, BE IT RESOLVED, by the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa, that said ***SUBDIVISION OF PART OF LOT 104 OF HENRY ACERS' ADDITION TO 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 13 day of February, A.D., 2002.

PLANNING & ZONING COMMISSION
CITY OF MANCHESTER, IOWA

By Dan Stelken
Dan Stelken, Chairperson

By Laura Thomas
Laura Thomas, Secretary

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 20th day of February , 2002, before me, Julie A. Swanson, a Notary Public in and for the State of Iowa, personally appeared Dan Stelken and Laura Thomas, 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 13th day of February, 2002, and that Dan Stelken and Laura Thomas 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

JULIE A. SWANSON
Commission Number 224151
My Comm. Exp. 8-23-03

RESOLUTION R-034-2002

RESOLUTION APPROVING PRELIMINARY AND FINAL PLAT

WHEREAS, the plat of ***SUBDIVISION OF PART OF LOT 104 OF HENRY ACERS' ADDITION TO MANCHESTER, Delaware County, Iowa***, affecting premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated February 13, 2002, 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 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) stating, *"The owner and subdivider of the land being platted shall be responsible for the installation of sidewalks".* The City of Manchester has determined that as the subdivision is a re-division of existing platted lots, that sidewalks will be required at the time of lot development.

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;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manchester, Delaware County, Iowa, that said ***SUBDIVISION OF PART OF LOT 104 OF HENRY ACERS' ADDITION TO 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 plat as by law provided.

Passed this 18th day of February, A.D., 2002.

IOWA

Milt L. Kramer, Mayor

ATTEST:

Karen K. Cole

Karen Cole, City Clerk

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 20th day of February, 2002, before me, Julie A. Swanson, 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-034-2002 adopted by the City Council on the 18th day of February, 2002, 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; Notary Public.

NOTARIAL SEAL IOWA
JULIE A. SWANSON
Commission Number 224151
My Comm. Exp. 8-23-02

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DEDICATION

The undersigned owners of the land described in the foregoing surveyor's certificate of the ***SUBDIVISION OF PART OF LOT 104 OF HENRY ACERS' ADDITION TO MANCHESTER, Delaware County, Iowa***, have caused said tract to be surveyed and subdivided in the manner shown on the above plat.

The five (5) right of way easement shown on the above plat on the south line of Lot 1 and Lot 3 is further hereby granted to the City of Manchester, Iowa, for the purpose of installing and maintaining public utilities or for the installation of sidewalk, in, under, or over said easement.

IN WITNESS WHEREOF, I have set our hands this 20th day of February 20 02

J.L. Hoffmann

DONNA M. KUNDE
Commission Number 175597
My Commission Expires
8-16-03

State of Iowa)
)
County of Delaware) Ss:

On this 20th day of February A.D. 2002, before me a Notary Public in and for said County, personally appeared J.L. Hoffmann 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.

Donna M. Kunde
Notary Public in and for said County

IN WITNESS WHEREOF, we have set our hands this 21st day of February 2002

Marvin L Prier

Marvin L Prier

Eunice T. Prier

Eunice T. Prier

State of Iowa)
)
County of Delaware) Ss:

On this 21st day of February A.D. 2002, before me a Notary Public in and for said County, personally appeared Marvin L Prier and Eunice T. Prier 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.

Donna M. Kunde
Notary Public in and for said County

DONNA M. KUNDE
Commission Number 175597
My Commission Expires
8-16-03