FILED
Date 6-25-02
County Assessor

JUN 25 2002

FILED
SHARON K. COBB
DELAWARE COUNTY, IOWA

2002 JUN 25 PM 1:15
BOOK 2002 PAGE 2363
DEBORAH L. HERON
DELAWARE COUNTY RECORDER
46.00

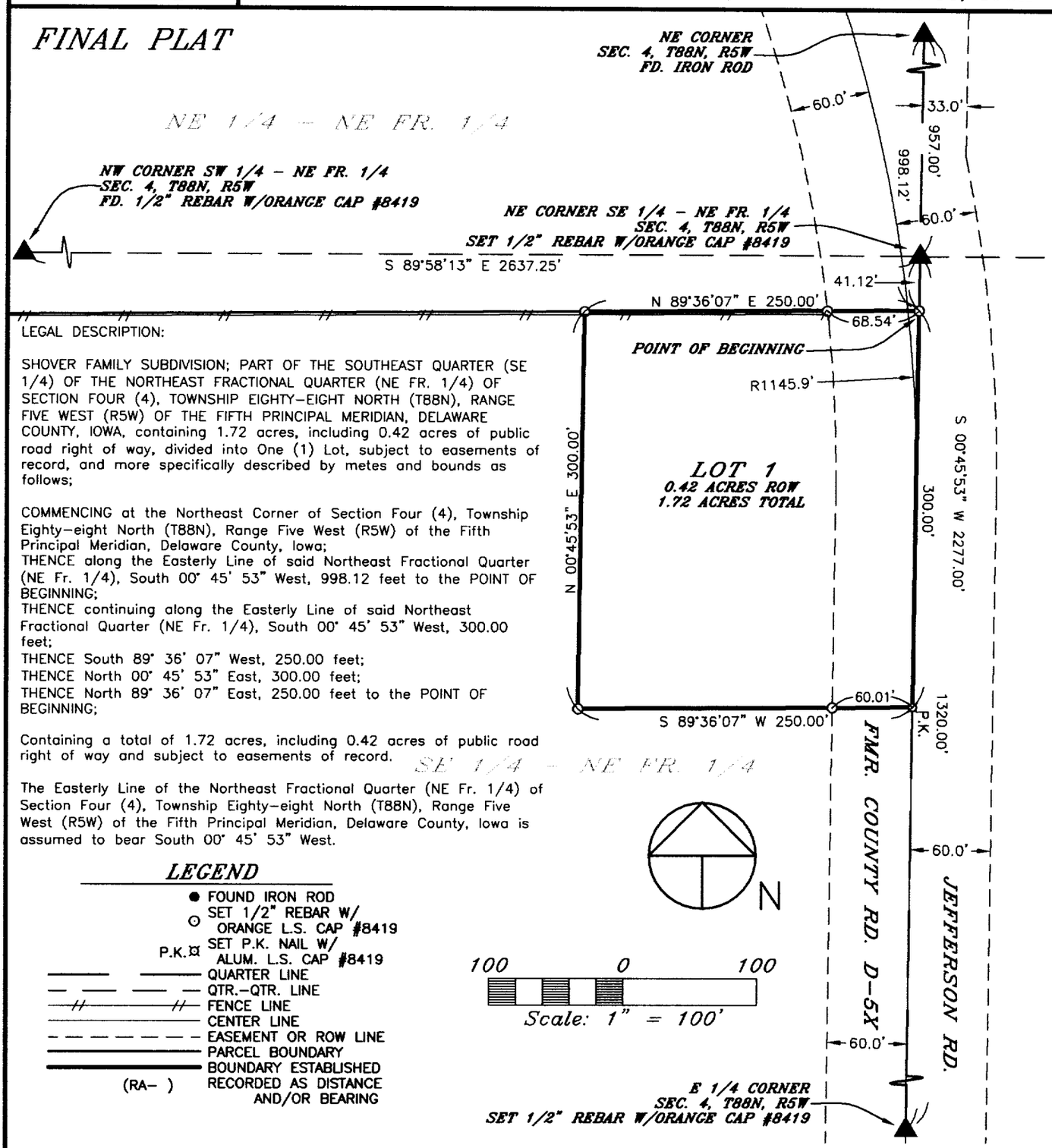
DELAWARE COUNTY IOWA
FILED
2002 JUN 25 PM 1:15

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

PLAT OF SURVEY

SHOVER FAMILY SUBDIVISION
PART OF THE SE 1/4 OF THE NE FR. 1/4
SEC. 4, T88N, R5W OF THE FIFTH P.M., DELAWARE COUNTY, IOWA

FINAL PLAT



LEGAL DESCRIPTION:

SHOVER FAMILY SUBDIVISION; PART OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST FRACTIONAL QUARTER (NE FR. 1/4) OF SECTION FOUR (4), TOWNSHIP EIGHTY-EIGHT NORTH (T88N), RANGE FIVE WEST (R5W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA, containing 1.72 acres, including 0.42 acres of public road right of way, divided into One (1) Lot, subject to easements of record, and more specifically described by metes and bounds as follows;

COMMENCING at the Northeast Corner of Section Four (4), Township Eighty-eight North (T88N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa;
THENCE along the Easterly Line of said Northeast Fractional Quarter (NE Fr. 1/4), South 00° 45' 53" West, 998.12 feet to the POINT OF BEGINNING;
THENCE continuing along the Easterly Line of said Northeast Fractional Quarter (NE Fr. 1/4), South 00° 45' 53" West, 300.00 feet;
THENCE South 89° 36' 07" West, 250.00 feet;
THENCE North 00° 45' 53" East, 300.00 feet;
THENCE North 89° 36' 07" East, 250.00 feet to the POINT OF BEGINNING;

Containing a total of 1.72 acres, including 0.42 acres of public road right of way and subject to easements of record.

The Easterly Line of the Northeast Fractional Quarter (NE Fr. 1/4) of Section Four (4), Township Eighty-eight North (T88N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa is assumed to bear South 00° 45' 53" West.

LEGEND

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

SURVEY REQUESTED BY: RANDY SHOVER

SURVEYED ON: 5/21/02

PROPRIETORS: RANDY SHOVER 2271 JEFFERSON RD. MANCHESTER, IA 52057

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 6/12/02

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2002

LICENSED LAND SURVEYOR
J. DAVID GIBBS
8419
IOWA

PAGES OR SHEETS COVERED BY THIS SEAL: 1

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

PROJECT NO. 02-22
SCALE: 1"=100'
DATE: 6/4/2002
DRAWN BY: RLR
CHECKED BY: JDG
FIELD BK: D.L.
REVISED
SHEET 1 OF 7

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OWNER'S ACKNOWLEDGMENT

I Randy Shover & Mary Jo Shover 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.

Randy Shover Mary Jo Shover

State of Iowa)
)
County of Delaware) Ss:

On this 14th day of June A.D. 2002, before me a Notary Public in and for said County, personally appeared Randy Shover & Mary Jo Shover 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
8-16-03

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 ***Shover Family Subdivision,*** Delaware County, Iowa, on premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated June 12th, 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 14th day of June, 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 Randy Shover & Mary Jo Shover.
Dated at Manchester, Iowa, in said County, this 25th day of June, 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 ***Shover Family Subdivision,*** Delaware County, Iowa, have been paid and said real estate is free and clear of all taxes as of this date.

DELAWARE COUNTY TREASURER'S OFFICE SEAL IOWA

Carolyn A. Wilson
Carolyn A. Wilson, County Treasurer

Date: 6-13-02

DELAWARE COUNTY E-911 BOARD

Delaware County, Iowa

The foregoing plat of ***Shover Family Subdivision***, 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 13th day of June, 02, 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.

Donna M. Kunde

Notary Public

DONNA M. KUNDE
Commission Number 175597
My Commission Expires
6-16-03

MORTGAGE HOLDERS ACKNOWLEDGMENT

The FIRST STATE BANK, MANCHESTER, IOWA, 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 Steve Reinig Sr. V.P.

By David R Dudley EVP

STATE OF IOWA, Delaware County, Iowa, Ss:

On this 17th day of June, 2002, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Steve Reinig and David R. Dudley, to me personally known, who being duly sworn, did say that they are the Sr. V. President and Ex. V. President respectively, of the First 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) First State Bank ; that said instrument was signed (and sealed) on behalf of the First State Bank by authority of its Board of Directors; and that Steve Reinig and David R Dudley as officers acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the First State Bank, by it and by them voluntarily executed.

Donna M. Kunde

Notary Public in and for said State

DONNA M. KUNDE
Commission Number 175597
My Commission Expires
6-16-03

FIRST STATE BANK CORPORATE SEAL MANCHESTER

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RESOLUTION APPROVING PRELIMINARY AND FINAL PLAT

WHEREAS, the preliminary and final plat of ***Shover Family Subdivision, Delaware County, Iowa***, affecting premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated June 12, 2002, has been filed with the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa; and

WHEREAS, the subdivider, Randy Shover, 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 preliminary and final plat of ***Shover Family Subdivision, 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. 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 Jefferson Road, 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 ***Shover Family Subdivision, 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 12th day of June, A.D., 2002.

PLANNING & ZONING COMMISSION
CITY OF MANCHESTER, IOWA

By _____
Dan Stelken, Chairperson

By _____
Laura Thomas, Secretary

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 14 day of June, 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 12th day of June, 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. #22151

JULIE A. SWANSON
Commission Number 22151
My Commission Expires
8-23-03

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R-102-2002
RESOLUTION APPROVING PRELIMINARY AND FINAL PLAT

WHEREAS, the preliminary and final plat of ***Shover Family Subdivision, Delaware County, Iowa*** Delaware County, Iowa, affecting premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated June 12, 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 cities or within a two mile radius of the City;

WHEREAS, the subdivider, Randy Shover, 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 ***Shover Family Subdivision, 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. 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 Jefferson Road, 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 ***Shover Family Subdivision, Delaware County, Iowa***, including Exhibit A, 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 17th day of June, A.D., 2002.

Milt L. Kramer, Mayor

ATTEST: Karen K. Cole
Karen K. Cole, City Clerk

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 18th day of June, 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-102-2002 adopted by the City Council on the 17th day of June, 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. 8-13-02

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BOOK 2002 PAGE 23163

EXHIBIT A

AGREEMENT AND WAIVER REGARDING ALTERNATIVE SYSTEMS FOR SEWER AND WATER

SHOVER FAMILY SUBDIVISION, DELAWARE COUNTY, IOWA
RANDY SHOVER, DEVELOPER
CITY OF MANCHESTER, IOWA

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

SHOVER FAMILY SUBDIVISION, PART OF SOUTHEAST QUARTER (SE ¼) OF THE NORTHEAST FRACTIONAL QUARTER (NE FR. ¼), SECTION FOUR (4), TOWNSHIP EIGHTY-EIGHT NORTH (T88N), RANGE FIVE WEST (R5W) 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.

8. 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.

9. 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.

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

Randy Shover

Mary Jo Shover

Subscribed and sworn to before me by Randy Shover and Mary Jo Shover this 14 day of June, 2002.

Donna M. Kunde
Notary Public in and for the State of Iowa

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

CITY OF MANCHESTER, IOWA

Milt L. Kramer, Mayor

Karen K. Cole, City Clerk

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 25th day of June, 2002, 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-102-02 adopted by the City Council on the 17th day of June, 2002, 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, Notary Public #22415

JULIE A. SWANSON
Commission Number 224151
My Comm. Exp. 8-2-05

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Preparer: James T. Peters, PO Box 774, Independence, IA 50644; (319) 334-9992

NOTICE OF AGREEMENT FOR ALTERNATIVE SYSTEMS FOR SEWER AND WATER

SHOVER FAMILY SUBDIVISION
DELAWARE COUNTY, IOWA

THE UNDERSIGNED, Randy Shover, as Developer of Shover Family Subdivision, Delaware County, Iowa, more specifically described as:

> Shover Family Subdivision; Part of the Southeast Quarter (SE 1/4) of the Northeast Fractional Quarter (NE FR. 1/4) of Section Four (4), Township Eighty-Eight North (T88N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa,

record this notice to serve as formal notice to all purchasers of property of lots located within the above-property of the following:

1. That as Developer, he has agreed to be bound by the terms of Exhibit A, a copy of which is attached hereto, and he further agrees that obligations created by the agreement shown on Exhibit A shall run with the land, being binding upon all subsequent owners.

2. That the Developer has agreed as set forth in Exhibit A that no residence or other structure designed for human habitation shall be constructed upon any lot within the subdivision without construction of a private disposal facility located entirely upon the lot where the residential structure is located. Said private sewage system must comply with all state, county and other applicable health regulations.

3. Developer specifically has granted to the City of Manchester, Iowa and, acknowledges, its authority to review all plans for private sewer systems serving residential structures located upon lots in the above-described property.

4. Developer further acknowledges and provides notice that private sewer systems constructed on the above-described property must receive prior approval by the City of Manchester, Iowa, and failure to obtain prior approval for the construction of a private sewage system may result in the City obtaining an injunction to prohibit construction of structures upon the property and obtaining all other remedies allowed by law necessary to assure that the private sewage system complies with all state, county, another applicable health regulations.

5. That no residence or other structure designed for human habitation shall be constructed upon any lot within the subdivision without obtaining prior approval from the City of Manchester, Iowa, of the private water system serving the lot. All private water systems serving the lot shall comply with the state, federal, county, and other applicable health regulations. Failure to obtain prior approval by the City of Manchester, Iowa, of the private water system shall authorize the City of Manchester, Iowa, to obtain injunctive relief prohibiting any further construction of facilities located on the lot and any other relief provided by law.

6. All property located within the subdivision shall be subject to each and every term and condition set forth on Exhibit A which is attached hereto.

7. The City of Manchester, Iowa, shall be authorized to review all plans for construction of a private street located within the subdivision prior to construction of the street and consistent with the terms of the agreement shown on Exhibit A.

8. The City of Manchester, Iowa, shall have authority to enforce all of the terms and conditions set forth on Exhibit A by injunctive relief, damages, or any other remedy allowed by law, which shall include the right to be reimbursed for reasonable attorney fees incurred by the City in enforcing a violation of the terms of the attached agreement and this notice.

9. Developers shall have no liability and shall not be responsible for actions taken by subsequent landowners in violation of the agreement referred to herein.

Randy Shover

Mary Jo Shover

Randy Shover

Mary Jo Shover

STATE OF IOWA, COUNTY OF DELAWARE, SS:

On this 17th day of June, 2002, before me, the undersigned, A Notary Public in and for the State, personally appeared Randy Shover, & Mary Jo Shover to me known to be the person named in and who executed the forgoing instrument, and acknowledges that they executed the same as their voluntary act and deed.

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

Donna M. Kunde

Notary Public in and for said State