FILED
Date 8-2-02
County Assessor

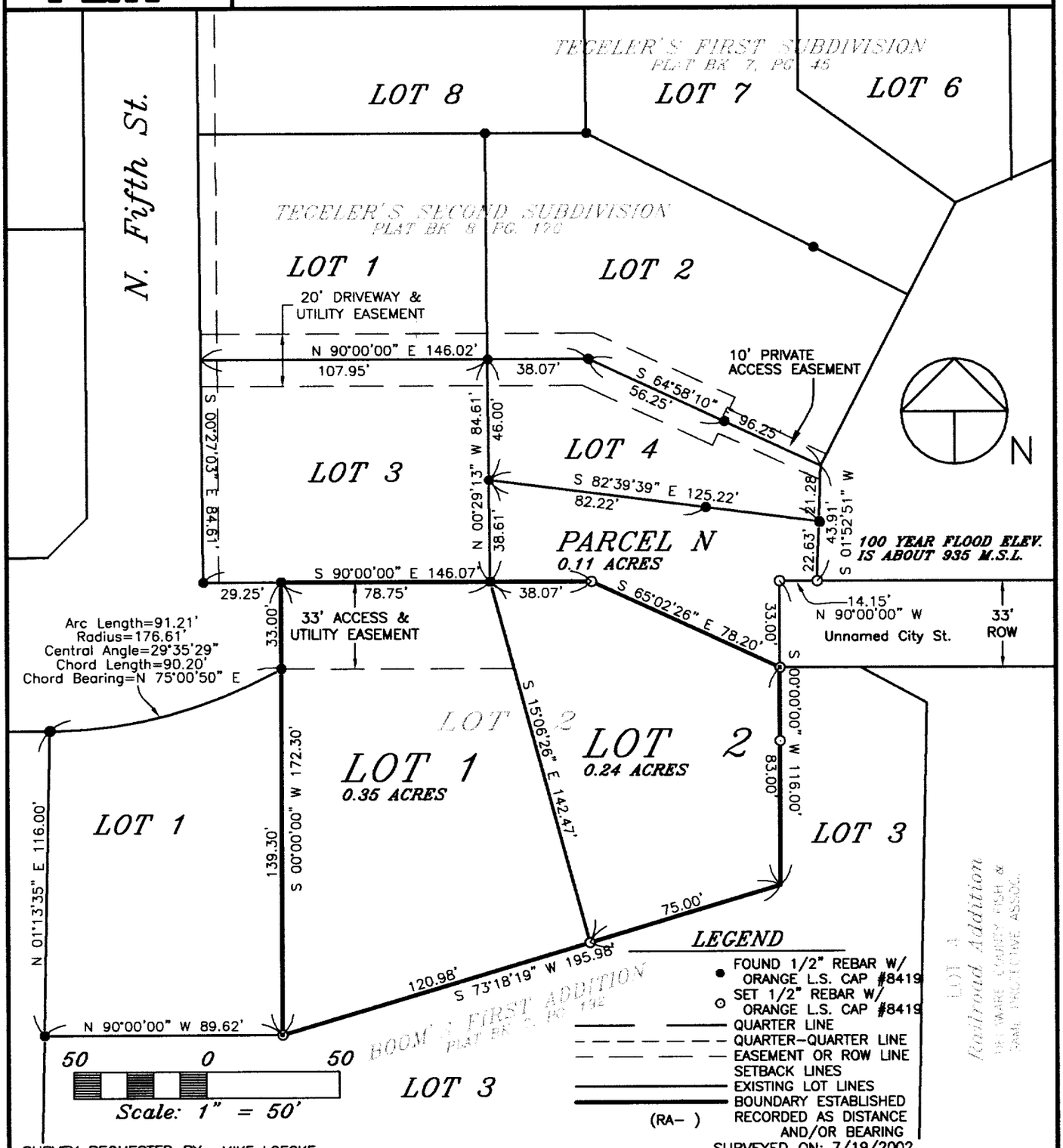
AUG 2 1 2002

DELAWARE COUNTY, IOWA
FILED
2002 AUG -2 PM 1:19
BOOK 2002 PAGE 2785
RECORDED AND ENTERED ON TRANSFER BOOK
Aug 2 2002

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

FINAL PLAT

LOECKE'S FIRST ADDITION, A SUBDIVISION OF LOT 2 OF BOOM'S FIRST ADDITION, SECTION 29, T89N, R5W OF THE FIFTH P.M., CITY OF MANCHESTER, DELAWARE COUNTY, IOWA



SURVEY REQUESTED BY: MIKE LOECKE

SURVEYED ON: 7/19/2002

PROPRIETORS: *M.E.P. CONSTRUCTION, INC.*

PROJECT NO. 00-49

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 7/25/02

J. DAVID GIBBS, P.E., L.S. LIC. #8419 DATE

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2002

PAGES OR SHEETS COVERED BY THIS SEAL: 1-2

SCALE: 1"=100'

DATE: 7/22/2002

DRAWN BY: RLR

CHECKED BY: JDG

FIELD BK: D.L.

REVISED

SHEET 1 OF 5

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

BOOK 2002 PAGE 2785

LEGAL DESCRIPTION

***LOECKE'S FIRST ADDITION**, A SUBDIVISION OF LOT 2 OF BOOM'S FIRST ADDITION AS RECORDED IN PLAT BOOK 7, PAGE 192 IN THE OFFICE OF THE DELAWARE COUNTY RECORDER, IN 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 0.59 acres, divided into Lot 1 and Lot 2, and subject to easements of record.

OWNER'S ACKNOWLEDGMENT

I Michael F. Loecke of Delaware County, State of Iowa, do hereby certify that the above survey, as shown by the attached Plat, is made with ~~our~~ my free consent, and in accordance with our desire.

Michael F. Loecke, PRESIDENT, M.E.P. CONSTRUCTION, INC.

State of Iowa)
)
County of Delaware) Ss:

On this 22 day of July A.D. 2002, before me a Notary Public in and for the State of Iowa, personally appeared Michael F. Loecke to me personally known who being by me duly sworn, did say he/she is the President of the corporation executing the within and foregoing instrument, that no seal has been procured by the corporation; that said instrument was signed on behalf of the by the authority of its Board of Directors; and that as such officer acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the corporation, by it and by him voluntary executed.

Notary Public in and for said County

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

CERTIFICATE OF TREASURER

I, the undersigned, Carolyn A. Wilson, Treasurer of Delaware County, Iowa, do hereby certify that all taxes and special assessments against ***Loecke'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 — Date 7-22-02

DELAWARE COUNTY TREASURER'S SEAL IOWA

MORTGAGE HOLDERS ACKNOWLEDGMENT

The Citizens State Bank, State of Iowa, does herby 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 Audrey L Savage

By Keith A Kramer

STATE OF IOWA, Delaware County, Iowa, Ss:

On this 31 day of July, 2002, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Audrey L Savage and Keith A Kramer, to me personally known, who being duly sworn, did say that they are the President and Secretary respectively, of the Citizens 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) Citizens State Bank; that said instrument was signed (and sealed) on behalf of the Citizens State Bank by authority of its Board of Directors; and that Audrey L Savage and Keith A Kramer as officers acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the Citizens State Bank, by it and by them voluntarily executed.

Jerry Burke
Notary Public in and for said State

JERRY BURKE
Commission Number 189291
My Comm. Exp. 03-19-03

ATTORNEY'S OPINION

I, William D. Werger, a practicing attorney at law in Manchester, Iowa Delaware County, Iowa, have examined the abstract of title to the land included in ***Loecke's First Addition,*** City of Manchester, Delaware County, Iowa, on premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated July 25, 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 5th day of July, A.D., 2002, 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 M.E.P. Construction, Inc. by Warranty Deed dated November 15, 2000 and filed November 16, 2000 in Book 2000, Page 3346 of the Delaware County records. Said title is subject to a first mortgage given to Peoples State Bank dated July 16, 1996 and filed July 23, 1996 in Book 41 T.L.M., Page 114 of the Delaware County records and by a second lien by virtue of a Deed of Trust to Peoples State Bank dated November 15, 2000 and filed November 17, 2000 in Book 2000, Page 3360 of the Delaware County records.

Dated at Manchester, Iowa, in said County, this 25th day of July, 2002.

William D. Werger

RESOLUTION APPROVING PRELIMINARY AND FINAL PLAT

WHEREAS, the final plat of ***LOECKE'S FIRST ADDITION, City of Manchester, Delaware County, Iowa***, affecting premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated 06-27-2002 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); and

WHEREAS, final plat of ***LOECKE'S FIRST ADDITION, City of Manchester, Delaware County, Iowa***, should be approved with the following variances, declarations and conditions;

a. No determination has been made as to compliance with this subdivision and platting requirements which are set forth in the Code of Iowa.
b. A variance from all lots abutting on a public/private street (127.18.6) due to limitations of surrounding development.
c. A variance in setback distances (123.02.4) on Lot 2 and Parcel N as shown in attached Plat due to irregular lot shape and limitation in surrounding previous development.
d. Sidewalks will be installed on the 33 feet adjacent to Lot 1 when construction is complete on Lot 1 and Lot 2 of Loecke's First Addition, or within five years, which ever is sooner. Security shall be provided for construction of sidewalks.

NOW, THEREFORE, BE IT RESOLVED, by the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa, that said ***LOECKE'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 10th day of July, A.D., 2002.

PLANNING & ZONING COMMISSION
CITY OF MANCHESTER, IOWA

By _____
Lori Cole, Acting Chairperson

By _____
Laura Thomas, Recording Secretary

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 12th day of July, 2002, before me, Julie A. Swanson, a Notary Public in and for the State of Iowa, personally appeared Lori Cole and Laura Thomas, to me personally known, and, who, being by me duly sworn, did say that they are the Acting Chairperson and Recording 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 10th day of July, 2002, and that Lori Cole 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 Swanson, #224151
Notary Public.

JULIE A. SWANSON
Commission Number 224151
My Comm. Exp. 8-23-05

A:\02-36_LEGAL.doc

R-111-2002
RESOLUTION APPROVING PRELIMINARY AND FINAL PLAT

WHEREAS, final plat of ***LOECKE'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 June 27th, 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, Section 127.33 of Chapter 127 Subdivision Regulations of the City of Manchester allows variances with regard to minimum improvements (Section 127.09); 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, final plat of ***LOECKE'S FIRST ADDITION, City of Manchester, Delaware County, Iowa***, should be approved with the following variances, declarations and conditions;

a. No determination has been made as to compliance with this subdivision and platting requirements which are set forth in the Code of Iowa.
b. A variance from all lots abutting on a public/private street (127.18.6) due to limitations of surrounding development.
c. A variance in setback distances (123.02.4) on Lot 2 and Parcel N as shown in attached Plat due to irregular lot shape and limitation in surrounding previous development.
d. Sidewalks will be installed on the 33 feet adjacent to Lot 1 when construction is complete on Lot 1 and Lot 2 of Loecke's Addition, or within five years, which ever is sooner. Security shall be provided for construction of sidewalks.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manchester, Delaware County, Iowa, that said ***LOECKE'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 15th day of July, A.D., 2002.

Milt L. Kramer, Mayor

ATTEST:

Erin Rempe, City Clerk

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 18th day of July, 2002, before me, Julie A. Swanson, a Notary Public in and for the State of Iowa, personally appeared Milt L. Kramer and Erin Rempe, 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-111-2002 adopted by the City Council on the 15th day of July, 2002, and that Milt L. Kramer and Erin Rempe 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. 8-23-02

C:\My Documents\resolutions\r-111-2002.doc