TeKippe Engineering
P.O. Box 357
Manchester, IA

FILED
Date 9-23-02
County Assessor
SEP 23 2002

FILED
SHARON K. GRABB
DELAWARE COUNTY, IOWA
BOOK 2002 PAGE 3414
DEBORAH L. FENTON
DELAWARE CO. RECORDER
34.00

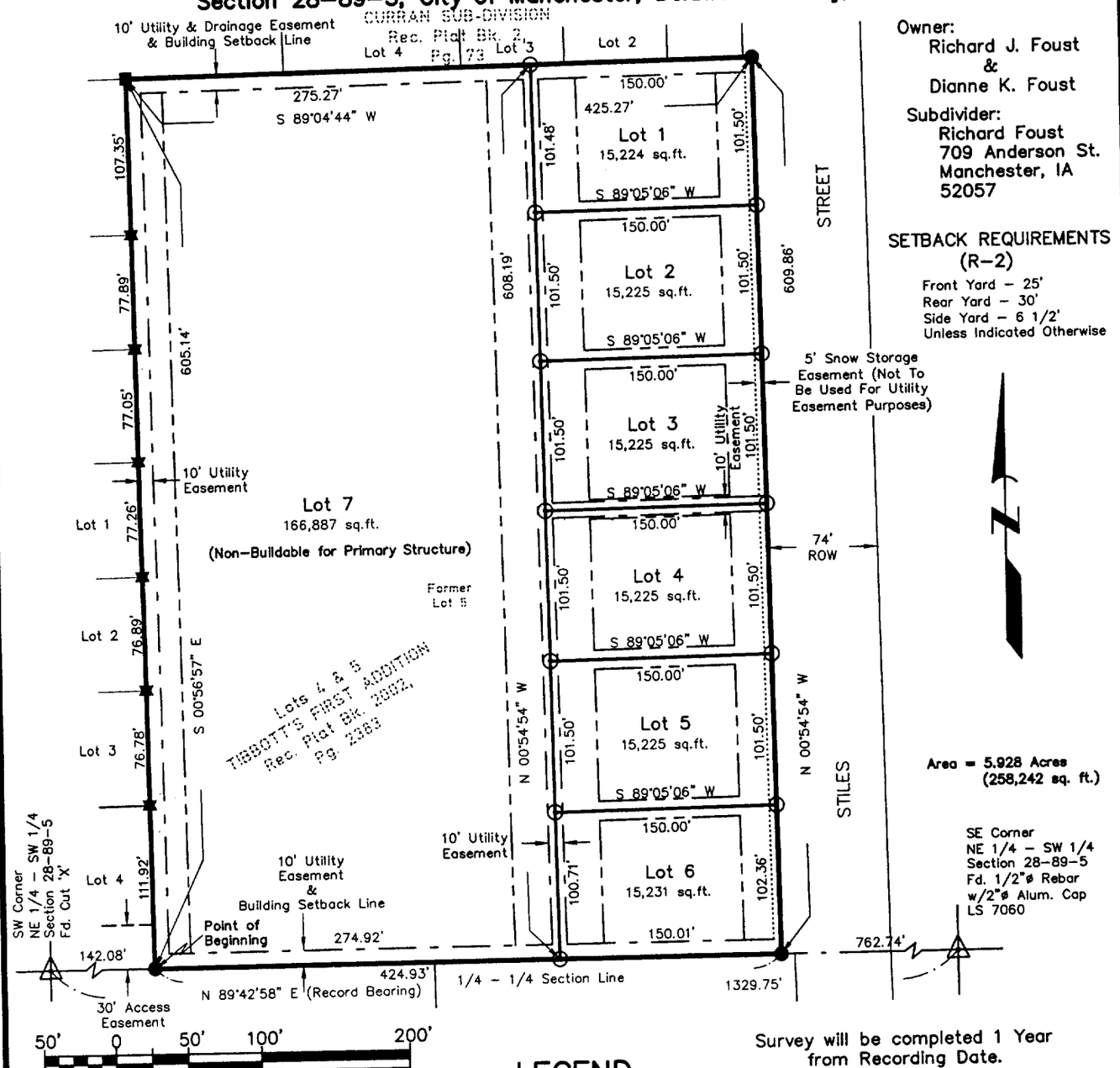
DELAWARE COUNTY IOWA
FILED
2002 SP 23 PM 1:18

TeKIPPE ENGINEERING, P.C., 128 South Vine Street, West Union, Iowa 52175 Phone #563/422-5131

Final Plat of

Foust First Addition,

a Subdivision of Lot 5 (except Parcel No. 1), Tibbott's First Addition, a Subdivision of Part of Lot 5 of the Subdivision of the SW 1/4 & the S 1/2 of the NW 1/4 of Section 28-89-5, City of Manchester, Delaware County, Iowa



Owner:
Richard J. Foust
&
Dianne K. Foust

Subdivider:
Richard Foust
709 Anderson St.
Manchester, IA
52057

SETBACK REQUIREMENTS (R-2)
Front Yard - 25'
Rear Yard - 30'
Side Yard - 6 1/2'
Unless Indicated Otherwise

Area = 5.928 Acres (258,242 sq. ft.)

50' 0 50' 100' 200'
1 inch = 100 ft.

Survey will be completed 1 Year from Recording Date.

LEGEND

Section Corner.....
Building Setback Line.....
Utility Easement Line.....
Fd. 3/4"ø Gas Pipe.....
Fd. 1 1/2"ø Gas Pipe.....
Fd. 1/2" Rebar w/RPC LS 7060.....
1/2"ø Rebar w/RPC LS 7060 to be set within one year of recording date.....
Survey Boundary.....
Red Plastic Cap.....RPC

July 26, 2002

PROF. ENGR. & LAND SURVEYOR
LYLE G. TeKIPPE
7060
IOWA

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. The unadjusted error of closure does not exceed 1:10,000 for the subdivision boundary and does not exceed 1:5,000 for any individual lot.

Lyle G. TeKippe 7-26-02
Lyle G. TeKippe Date:
License number 7060
My license renewal date is December 31, 2002.
Sheets covered by this seal: P1

TeKIPPE ENGINEERING, P.C.

128 South Vine Street
West Union, IA 52175
PH. (563) 422-5131
FAX (563) 422-5884

1919 210th Street
P.O. Box 357
Manchester, IA 52057
PH. (563) 927-2060
FAX (563) 927-3603

X:_Projects\2001\01604\dwg\01604.dwg
Field Book Manchester 1 Pages 1-15
Project No. 01604.LS Sheet P1

BOOK 2002 PAGE 3414

TeKIPPE ENGINEERING, P.C., 128 South Vine Street, West Union, Iowa 52175 Phone #563/422-5131

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Lyle G. TeKippe 7-26-02
Lyle G. TeKippe Date
License Number 7060
My license renewal date is December 31, 2002.
Pages covered by this seal: SD-1 through SD-2

State of Iowa)
ss.
County of Fayette)

Subscribed and sworn to before me by Lyle G. TeKippe this 26th day of July, 2002.

LORI CADDELL
Iowa Notarial Seal
Commission Number: 220273
My Commission Expires: 01-19-2005

Lori Caddell
Notary Public

FOUST FIRST ADDITION

Boundary Description:

Boundary Description of Foust First Addition, a Subdivision of Lot 5 (except Parcel No. 1), Tibbott's First Addition, a Subdivision of Part of Lot 5 of the Subdivision of the Southwest Quarter and the South Half of the Northwest Quarter of Section 28, Township 89 North, Range 5 West of the 5th P.M., City of Manchester, Delaware County, Iowa, and more particularly described as follows:

Commencing at the Southwest Corner of the Northeast Quarter of the Southwest Quarter of said Section;

Thence North 89°-42'-58" East (Record Bearing) 142.08 feet along the South Line of said Quarter-Quarter Section to the Point of Beginning;

Thence continuing North 89°-42'-58" East 424.93 feet along said South Line to the West Right-of-Way Line of Stiles Street;

Thence North 00°-54'-54" West 609.86 feet along said West Right-of-Way Line to the North Line of Lot 5 of said Tibbott's First Addition;

Thence South 89°-04'-44" West 425.27 feet along said North Line to the West Line of said Lot 5;

Thence South 00°-56'-57" East 605.14 feet along said West Line to the Point of Beginning.

Containing 5.928 Acres, subject to easements of record.
(See plat attached to this original survey description.)

References are hereby made to Tibbott's First Addition made by John L. Franklin II, recorded September 25, 1983, in Book 5, page 54; to a Survey and Plat made by Lyle G. TeKippe, recorded June 6, 2002, in Book 2002, page 2129; and to a Survey and Plat made by Lyle G. TeKippe, recorded June 27, 2002, in Book 2002, page 2383, all on file in the Delaware County Recorder's Office, Manchester, Iowa.

TeKIPPE ENGINEERING, P.C., 128 South Vine Street, West Union, Iowa 52175 Phone #563/422-5131

OWNER'S ACKNOWLEDGMENT

We, Richard J. Foust and Dianne K. Foust of Delaware County, State of Iowa, do hereby certify that the above survey, as shown by attached Plat, is made with our free consent, and in accordance with our desire.

Richard J. Foust

Richard J. Foust

Dianne K. Foust

Dianne K. Foust

State of Iowa)
ss.
County of Delaware)

On this 10 day of July, 2002, before me a Notary Public in and for said County, personally appeared Richard J. Foust and Dianne K. Foust, to me know 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.

J.M. Carr

Notary Public in and for said County

JOHN M. CARR
COMMISSION NO. 192855
MY COMMISSION EXPIRES
4/7/03

DEDICATION

The undersigned owners of the land described in the foregoing surveyor's certificate have caused said tract to be surveyed and subdivided in the manner shown on the above plat, which shall hereafter be known as ***Foust First Addition, a Subdivision of Lot 5 (Except Parcel No. 1) Tibbott's First Addition, a Subdivision of Part of Lot 5 of the Subdivision of the Southwest Quarter and the South Half of the Northwest Quarter of Section 28, Township 89 North, Range 5 West of the 5th P.M., City of Manchester, Delaware County, Iowa.***

All easements for utilities or other public easements shown on the above plat are further hereby granted to the City of Manchester, Iowa, for the purpose of installing and maintaining public utilities or other facilities, in, under, or over said easements.

Dated this 10 day of July, 2002.

Richard J. Foust

Richard J. Foust

Dianne K. Foust

Dianne K. Foust

State of Iowa)
ss.
County of Delaware)

On this 10 day of July, 2002,before me a Notary Public in and for said County, personally appeared Richard J. Foust and Dianne K. Foust, 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.

J.M. Carr

Notary Public in and for said County

JOHN M. CARR
COMMISSION NO. 192855
MY COMMISSION EXPIRES
4/7/03

ATTORNEY'S OPINION

I, John M. Carr, a practicing attorney at law in the City of Manchester, Delaware County, Iowa, have examined the abstract of title to the land included in ***Foust First Addition, a Subdivision of Lot 5 (Except Parcel No.1), Tibbott's First Addition, a Subdivision of Part of Lot 5 of the Subdivision of the Southwest Quarter and the South Half of the Northwest Quarter of Section 28, Township 89 North, Range 5 West of the 5th P.M., City of Manchester, Delaware County, Iowa,*** on premises more specifically described in the Surveyor's Certificate of Lyle G. TeKippe, dated July 26, 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 26th 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

Richard J. Foust and Dianne K. Foust as joint tenants with full rights of survivorship and not as tenants in common

Dated at Manchester, Iowa, in said County, this 10th day of Sept, 2002.

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 ***Foust First Addition, a Subdivision of Lot 5 (Except Parcel No.1), Tibbott's First Addition a Subdivision of Part of Lot 5 of the Subdivision of the Southwest Quarter and the South Half of the Northwest Quarter of Section 28, Township 89 North, Range 5 West of the 5th P.M., 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

9-20-02

R-135-2002
RESOLUTION APPROVING PRELIMINARY AND FINAL PLAT

WHEREAS, the plat of Foust First Addition, City of Manchester, Delaware County, Iowa, affecting premises more specifically described in the Surveyor's Certificate of Lyle G. TeKippe, dated July 26, 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; and

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; 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; and

WHEREAS, the Manchester Planning and Zoning Commission has recommended to the City Council that they accept the plat of said Foust First Addition, City of Manchester, Delaware County, Iowa, as presented with the following declarations and conditions;

1. Water and sewer hook up fees shall be required prior to the connection of services to the city water and sewer systems.
2. Ag deferments for special assessments related to the Stiles Street Reconstruction Project and Baum Park Walkway/Bikeway Project will be revoked.
3. Lot 7, as shown on the plat, shall remain a non-developed lot. No buildings shall be constructed or placed upon the lot nor shall any building development occur on the lot due to its topography and high water table. Nothing set forth herein shall prohibit construction of accessory buildings for gazebos, park shelters, garages or similar accessory structures.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manchester, Delaware County, Iowa, that said Foust 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 plat as by law provided.

Passed this 19th day of August, A.D., 2002.

Milt L. Kramer

Milt L. Kramer, Mayor

ATTEST:

Erin Rempe, City Clerk

STATE OF IOWA)
) SS
COUNTY OF DELAWARE)

On this 20th day of August, 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-135-2002 adopted by the City Council on the 19th day of August, 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 in and for said County

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

RESOLUTION APPROVING PRELIMINARY AND FINAL PLAT

WHEREAS, the plat of ***Foust First Addition, City of Manchester, Delaware County, Iowa***, affecting premises more specifically described in the Surveyor's Certificate of Lyle G. TeKippe, dated July 26, 2002, has been filed with the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa.

WHEREAS, the subdivision plat of Foust First Addition, Delaware ***Foust First Addition, City of Manchester, Delaware County, Iowa,*** should be approved with the following declarations and conditions:

a. Water and sewer hook up fees shall be required prior to the connection of services to the city water and sewer systems.

b. Ag deferments for special assessments related to the Stiles Street Reconstruction Project and Baum Park Walkway/Bikeway Project will be revoked.

c. Lot 7, as shown on the plat, shall remain a non-developed lot. No buildings shall be constructed or placed upon the lot nor shall any building development occur on the lot due to its topography and high water table. Nothing set forth herein shall prohibit construction of accessory buildings for gazebos, park shelters, garages or similar accessory structures.

NOW, THEREFORE, BE IT RESOLVED, by this Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa, that said ***Foust 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 August, A.D., 2002.



PLANNING & ZONING COMMISSION
CITY OF MANCHESTER, IOWA

By Dan Stelken
Dan Stelken, Chairperson

By Laura Thomas
Laura Thomas, Recording Secretary

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 16th day of August, 2002, before me, Loretta J. Welcher, 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 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 14th day of August, 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.

Loretta J. Welcher
Notary Public in and for said County

LORETTA J. WELCHER
Commission Number 705592
My Comm. Exp. 5-26-03