FILED
Date 11-25-02
County Assessor

NOV 25 2002

FILED
SHARON McCRABB
DELAWARE COUNTY AUDITOR

2002 NOV 25 PM 1:15
BOOK 2002 PAGE 4457
DEBORAH L. FREEMAN
DELAWARE CO. RECORDER

36.00

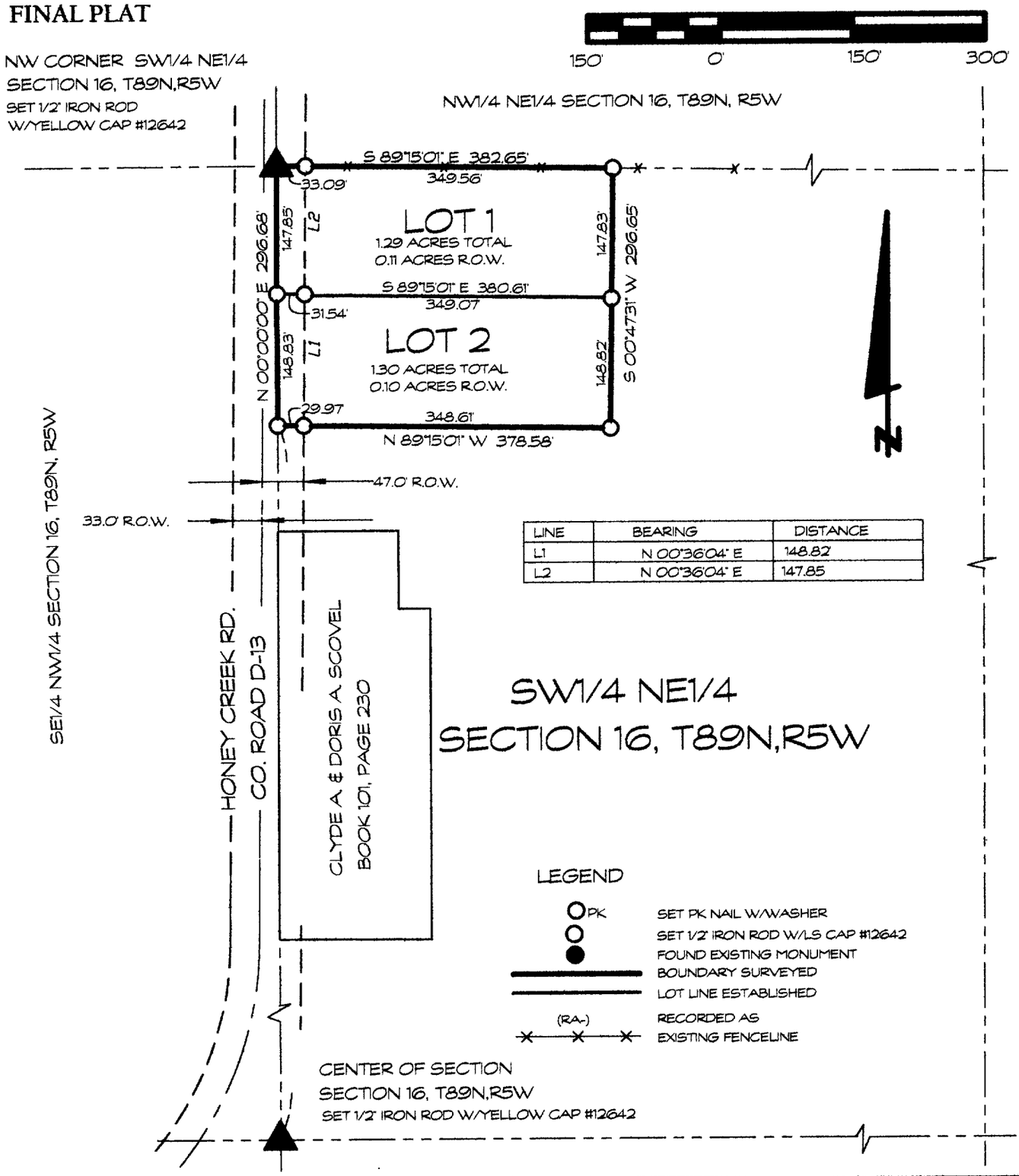
DELAWARE COUNTY IOWA
FILED

PREPARED BY BILL BURGER 510 3RD STREET WEST COURT, WORTHINGTON, IOWA 52078 (563) 855 2028

PLAT OF SURVEY

SCOVEL ADDITION PART OF THE SOUTHWEST QUARTER (SW1/4) OF THE NORTHEAST QUARTER (NE1/4), SECTION SIXTEEN (16), TOWNSHIP EIGHTY-NINE NORTH (T89N), RANGE FIVE WEST (R5W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA

FINAL PLAT



LINE	BEARING	DISTANCE
L1	N 00°36'04" E	148.82
L2	N 00°36'04" E	147.85

SCALE: 1" = 150.0'

DATE OF SURVEY: 10/19/02, 10/25/02

SHEET 1 OF 7

PROPRIETORS: CLYDE A. & DORIS A. SCOVEL

LICENSED LAND SURVEYOR
WILLIAM H. BURGER
12642
IOWA

I HEREBY CERTIFY THAT THIS LANDSURVEYING DOCUMENT WAS PREPARED AND RELATED SURVEY WORK WAS PREFORMED 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.
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2002

William H. Burger 11/07/02

WILLIAM H. BURGER #12642 DATE

NO. OF SHEETS COVERED BY THIS SEAL 1

Wm. Burger LandSurveyor
510 3rd Street West Court
Worthington, Iowa 52078

LEGAL DESCRIPTION:

SCOVEL ADDITION Part of the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4), Section Sixteen (16), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa containing a total of 2.59 acres including 0.21 acres of public road right of way, divided into Two lots numbered Lot 1 and Lot 2 as shown on the attached plat; **subject to easements of record** and more particularly described by metes and bounds as follows:

BEGINNING at the Northwest Corner of the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4) of Section Sixteen (16), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa;

Thence South 89°-15'-01" East 382.65 feet along the North line of said Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4);

Thence South 00°-47'-31" West 296.65 feet;

Thence North 89°-15'-01" West 378.58 feet to the West line of said Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4);

Thence North 00°-00'-00" East 296.68 feet along said West line to the **POINT OF BEGINNING**; containing a total of 2.59 acres including 0.21 acres of public road right of way, **subject to easements of record**

The West line of the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4), Section Sixteen (16), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa is assumed to bear North 00°-00'-00" East

SURVEYORS CERTIFICATE :

I hereby certify that this landsurvey document was prepared and 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 My license renewal date is December 31, 2002

William H. Burger 11/7/02

William H. Burger Date Reg. No. 12642
no. of sheets covered by this seal 1



OWNERS ACKNOWLEDGMENT

I (we) Clyde A. Scovel and Doris A. Scovel of Delaware County State of Iowa, do hereby certify that the attached Plat of Survey is made with our free consent and in accordance with our desire.

Clyde A. Scovel

Doris A. Scovel

STATE OF IOWA)
) SS:
DELAWARE COUNTY)

On this 1 day of Nov A. D. 2002 before me, a Notary Public in and for said County, personally appeared Clyde A. Scovel and Doris A. Scovel, to me known to be the person or persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Notary Public in and for said County
James K Graybill

[illegible] 2-7-03

MORTGAGE HOLDERS ACKNOWLEDGMENT

The undersigned, Community Savings Bank BANK of Edgewood, IA 52042 CITY State of Iowa, do hereby certify that the attached Plat of Survey of **SCOVEL ADDITION** Part of the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4), Section Sixteen (16), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa is made with our free consent and in accordance with our desire as lien holder and mortgagee of the premises described herein.

Community Savings Bank BANK Edgewood, IA 52042 CITY

By: President

By: Brian L. Praile
Vice President

REGINA R. SELOC[illegible]
Commission Number 1[illegible]
My Commission Expires
05/18/04

STATE OF IOWA)
) SS:
DELAWARE COUNTY)

On this 18th day of November A. D. 2002 before me, the undersigned, a Notary Public in and for said State, personally appeared Steven A. Brady and Brian L. Praile to me personally known, who being by me duly sworn, did say that they are the President and Vice President respectively, of the corporation executing the within and foregoing instrument; that the seal affixed thereto is the seal of the corporation; that the instrument was signed and sealed on behalf of the corporation by authority of its Board of Directors; and that Steven A. Brady and Brian L. Praile as officers, acknowledged the execution of the foregoing instrument to be the voluntarily act and deed of the corporation, by it and by them voluntarily executed.

Peggy A. Knipper
Notary Public in and for said State

PEGGY A. KNIPPER
Commission Number 707482
My Commission Expires
12/26/03

DELAWARE COUNTY TREASURER

Manchester , Iowa

11-25 , 2002

I the undersigned, Carolyn A. Wilson Treasurer of Delaware County, Iowa, do hereby certify that all taxes and special assessments levied against Clyde A. Scovel and Doris A. Scovel as proprietors of the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4), Section Sixteen (16), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, 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 Delaware County, Iowa

ATTORNEY'S OPINION

I , E. Michael Carr , a practicing attorney at law in Delaware County , Iowa have examined the abstract of title to the land included within of Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4), Section Sixteen (16), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa. Said abstract has been prepared in its entirety by the Delaware County Abstract Company, and was last certified to by said company on the 5th day of November , AD, 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 certification to be in Clyde Allen Scovel/ subject to mortgage to Community Savings Bank shown in Book 2001, Page 4064 & further subject to unpaid (but not delinquent) real estate taxes in amount of $1887.00 & further subject to easements of record.

Dated at Manchester , Iowa in said County , this 15th day of November . 2002

E. Michael Carr Attorney at Law

DELAWARE COUNTY E-911 BOARD

Delaware County, Iowa) NOV 12 , 2002

The foregoing plat of SCOVEL ADDITION, Delaware County, Iowa has been examined and approved as to being in full compliance with Delaware County Ordinance #12, The Rural Address System, as passed and adopted by the Delaware County Board of Supervisors on the 8th day of June, 1996

Norman Wellman - Coordinator
Delaware County E-911 Board

STATE OF IOWA)
) ss.
DELAWARE COUNTY)

On this 12 day of November A. D. 2002 before me, a Notary Public in and for said County, personally appeared Norman Wellman to me personally known, and, who, being me duly sworn; did say that he is the Coordinator of the Delaware County E-911 Board.

Notary Public in and for said County

SHARON McCRABB
Commission Number [illegible]
Comm. Exp. 2-14-03

RESOLUTION R-170-2002

RESOLUTION APPROVING FINAL PLAT

WHEREAS, a final plat of **SCOVEL ADDITION** - Part of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE1/4), Section Sixteen (16), Township Eighty - nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa , being within the Two mile radius of the corporate limits of the City of Manchester has been filed with the City of Manchester, Delaware County, Iowa; and

WHEREAS, **SCOVEL ADDITION** - Part of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE1/4), Section Sixteen (16), Township Eighty - nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa falls under Section 127.22 of Chapter 127 Subdivision Regulations of the City of Manchester MINOR SUBDIVISION REQUIREMENTS AND PROCEDURES, a preliminary plat or planning and zoning approval is not required; 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 cities or within a two mile radius of the City; and

WHEREAS, the subdivider , Clyde A. Scovel and Doris A. Scovel has an existing well and septic system on Lot 2 and has entered into a agreement and waiver regarding alternative systems for water , sewer and private streets within the City of Manchester which is attached hereto as Exhibit A and which has been prepared by the City Attorney; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANCHESTER, DELAWARE COUNTY, IOWA: be, and the same is hereby acknowledged, **Approved and accepted on the part of the City Manchester of 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 November, A.D., 2002.

Milt L. Kramer

Milt L. Kramer, Mayor

ATTEST:

Erin Rempe, City Clerk

STATE OF IOWA)
) SS.
DELAWARE COUNTY)

On this 20th day of November, 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 authority of its City Council , as contained in Resolution Number R-170-2002 adopted by the City Council on the 18th day of November, 2002, and that Milt L. Kramer and Erin Rempe acknowledged the execution of the instrument to be their 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. 8-23-05

EXHIBIT A
AGREEMENT AND WAIVER REGARDING ALTERNATE SYSTEMS FOR SEWER AND WATER

SUBDIVISION, DELAWARE COUNTY, IOWA

CLYDE A. SCOVEL AND DORIS A. SCOVEL
DEVELOPERS
CITY OF MANCHESTER, IOWA

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

SCOVEL ADDITION, Part of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE1/4), Section Sixteen (16), Township Eighty - nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County.

Whereas, said proposed subdivision is located outside the city limits of the City of Manchester, Iowa, but is within the 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 alternate systems may be designed to protect the public health, safety, and welfare and meet the 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 collection and disposal of sanitary waste, however, such alternate facilities must be designed to fully protect the public health, safety, and welfare and shall meet all requirements of the State, County, or other applicable health regulations. Said alternate sanitary waste disposal facility must be located entirely upon the lot where the residential structure to be served is located. Developer specifically have granted to the City of Manchester, Iowa, and acknowledge its authority to review all plans for private sewer systems serving residential structures located upon lots in the above described property. Failure to obtain prior approval for the construction of alternate facilities for water distribution and private sewage systems may result in the City obtaining an injunction to prohibit the 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, and 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 alternate water 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 serving the above premises. Failure to obtain prior approval for the construction of alternate facilities for water distribution and private sewage systems may result in the City obtaining an injunction to prohibit the 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, and other applicable health regulations.

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 and water facilities serving the land set forth in the proposed subdivision.

4. The Developers shall be solely responsible for developments and creation of alternate 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.

5. 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 subdivision and the terms of the Agreement shall further run with the land.

6. 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, sidewalks or water facilities serving the land set forth in the proposed subdivision.

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

Clyde A. Scovel Doris Scovel

Clyde and Doris Scovel

Subscribed and sworn to before me by Nov 19, this 19 day of Nov, 2002.

LINDA M. BURKLE
Commission Number 172325
My Commission Expires
12-14-05

Linda M Burkle
Notary Public in and for the State of Iowa

CITY OF MANCHESTER, IOWA.

Milt L. Kramer
Milt L. Kramer, Mayor

Erin Rempe
Erin Rempe, City Clerk

IOWA
SEAL

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 20th day of November, 2002, before me, Laura K. Thomas, 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-170-2002 adopted by the City Council on the 18th day of November 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.

Laura K. Thomas
Laura K. Thomas, Notary Public

LAURA K. THOMAS
Commission Number 718135
My Commission Expires
8-26-05