FILED
Date 11/26/02
John R Klaus Jr.
County Assessor

NOV 26 2002

FILED
SHARON McCRABB
DELAWARE COUNTY AUDITOR

BOOK 2002 PAGE 4458
DELAWARE COUNTY, IOWA RECORDER

NOV 26 2002 2:45 PM

DELAWARE COUNTY IOWA
FILED

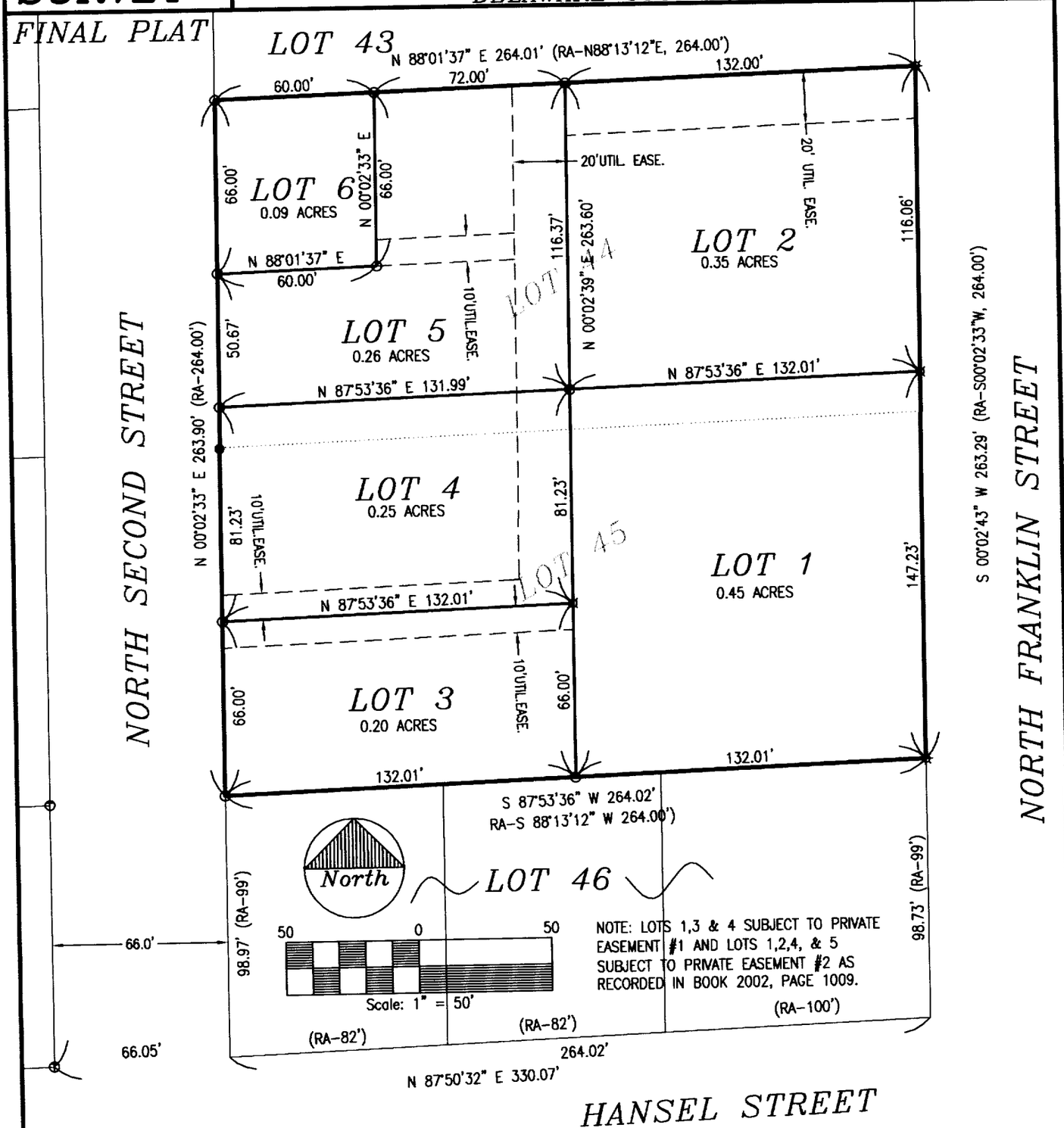
CHG

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

PLAT OF SURVEY

HILL'S FIRST ADDITION, A SUBDIVISION OF LOT 44 & 45 OF HENRY ACERS' ADDITION, CITY OF MANCHESTER, DELAWARE COUNTY, IOWA

FINAL PLAT



SURVEY REQUESTED BY: JIM HILL

SURVEYED ON: 11/4/02

PROPRIETORS: *JAMES W. & EVA E. HILL 1551 210TH ST., MANCHESTER, IA*
C/P LOT 1 – BRIAN & KATHY OBERREUTER

PROJECT NO. 02-68

SCALE: 1"=50'

DATE: 11/05/02

DRAWN BY: JDG

CHECKED BY: RLR

FIELD BK: D.L.

REVISED

SHEET 1 OF 8

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.

11/7/02

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

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2002

LICENSED LAND SURVEYOR
J. DAVID GIBBS
8419
IOWA

PAGES OR SHEETS COVERED BY THIS SEAL: 1–3

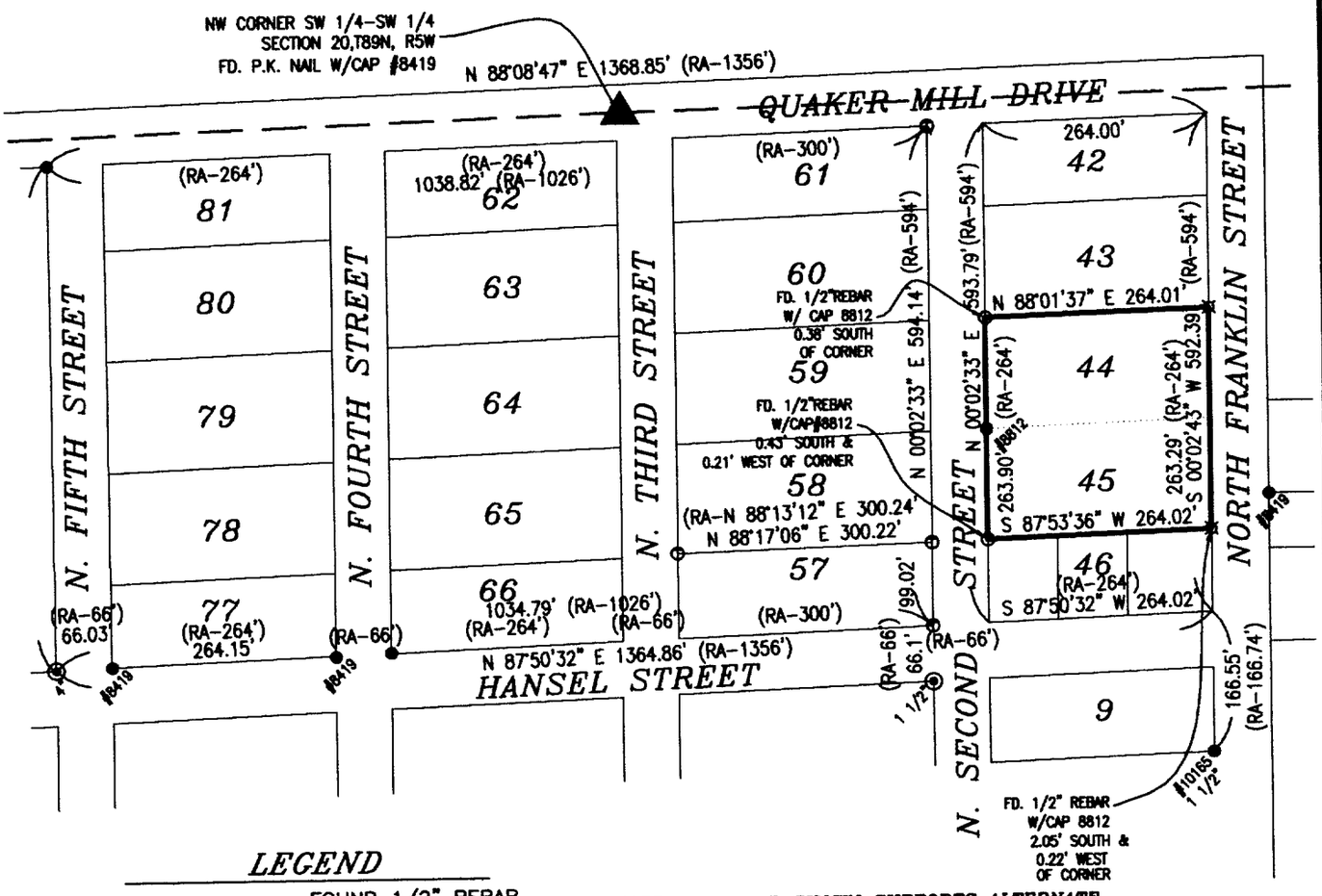
GIBBS ENGINEERING & SURVEYING
105 WEST MAIN STREET
MANCHESTER, IA 52057

BOOK 2002 PAGE 4458

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

PLAT OF SURVEY

HILL'S FIRST ADDITION, A SUBDIVISION OF LOT 44 & 45 OF HENRY ACERS' ADDITION, CITY OF MANCHESTER, DELAWARE COUNTY, IOWA



LEGEND

- ● FOUND 1/2" REBAR AS NOTED
- ◉ FOUND 2" IRON PIPE (UNLESS NOTED)
- ⊕ FOUND T-BAR
- ⊡ CORNER POST
- ⊙ 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
- VACATED LOT LINE
- PARCEL OR LOT BOUNDARY
- BOUNDARY ESTABLISHED
- (RA-) RECORDED AS DISTANCE AND/OR BEARING

NOTE: EVIDENCE SHOWN SUPPORTS ALTERNATE LOCATION OF CORNERS ON LOT 44 AND 45 FROM SURVEY IN BOOK 2002, PAGE 4013.

North

200 0 200

Scale: 1" = 200'

SURVEY REQUESTED BY: JIM HILL

SURVEYED ON: 11/4/02

PROPRIETORS: *JAMES W. & EVA E. HILL 1551 210TH ST., MANCHESTER, IA*
C/P LOT 1 - BRIAN & KATHY OBERREUTER

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 11/7/02

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2002

LICENSED LAND SURVEYOR
J. DAVID GIBBS
8419
IOWA

PAGES OR SHEETS COVERED BY THIS SEAL: 1-3

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

PROJECT NO. 02-68
SCALE: 1"=200'
DATE: 11/05/02
DRAWN BY: JDG
CHECKED BY: RLR
FIELD BK: D.L.
REVISED
SHEET 2 OF 8

LEGAL DESCRIPTION

***HILL'S FIRST ADDITION**, A SUBDIVISION OF LOT 44 AND LOT 45 OF THE HENRY ACERS' ADDITION, 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 1.60 acres, divided into six (6) lots, numbered Lot 1 through Lot 6, subject to easements of record, and more specifically described by metes and bounds as follows;

BEGINNING at the Southwest Corner of Lot 45 of *Henry Acers' Addition* to Manchester, as recorded in Book 1 of Plats, Page 1 in the Office of the Delaware County Recorder;

THENCE along the Westerly Line of Lot 44 and Lot 45 of said *Henry Acers' Addition* North 00°02'33" East to the Northwesterly Corner of said Lot 44, 263.90 feet;

THENCE along the Northerly Line of said Lot 44, North 88°01'37" East to the Westerly Line of North Franklin Street, 264.01 feet;

THENCE along the Westerly Line of North Franklin Street, South 00°02'43" West to the Southeast Corner of said Lot 45, 263.29 feet;

THENCE along the Southerly Line of said Lot 45, South 87°53'36" West 264.02 feet to the POINT OF BEGINNING.

CONTAINING 1.60 acres, divided into six (6) lots, numbered Lot 1 through Lot 6, and subject to easements of record.

Lots 1, 3, and 4 are subject to private easement number 1. and Lots 1, 2, 4, and 5 are subject to private easement number 2. as recorded in Book 2002, Page 1009 as recorded in the Office of the Delaware County Recorder.

The Westerly Line of Lots 42 through 46 of *Henry Acers' Addition* is assumed to bear North 00°02'33" East.

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 L.S. #8419 — DATE 11/7/02

My license will be renewed on December 31, 2002

OWNER'S ACKNOWLEDGMENT

I (we) James W. Hill and Eva E. Hill 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.

James W. Hill

Eva E. Hill

State of Iowa)
)
County of Delaware) ss:

On this 7th day of November A.D. 2002, before me a Notary Public in and for said County, personally appeared James W. Hill and Eva E. Hill 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.

Notary Public in and for said State

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

OWNER'S ACKNOWLEDGMENT

I (we) Brian Oberreuter and Kathy Oberreuter 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.

Brian Oberreuter

Kathy Oberreuter

State of Iowa)
)
County of Delaware) ss:

On this 13th day of November A.D. 2002, before me a Notary Public in and for said County, personally appeared Brian Oberreuter and Kathy Oberreuter 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.

Notary Public in and for said State

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

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 know as *Hill's First Addition, City of Manchester, Delaware County, Iowa.*

All easements for utilities, sidewalks 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.

IN WITNESS WHEREOF, we have set our hands this 7th day of November 2002.

James W. Hill

Eva E. Hill

STATE OF IOWA, COUNTY OF Delaware, SS:

On this 7th day of November, 2002, before me the undersigned, a Notary Public in and for said State, personally appeared James W. Hill and Eva E. Hill, to me know to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

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

Notary Public in and for said State.

IN WITNESS WHEREOF, we have set our hands this 13th day of November, 2002.

Brian Oberreuter

Kathy Oberreuter

STATE OF IOWA, COUNTY OF Delaware, SS:

On this 13th day of November, 2002, before me the undersigned, a Notary Public in and for said State, personally appeared Brian Oberreuter and Kathy Oberreuter, to me know to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

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

Notary Public in and for said State.

CERTIFICATE OF TREASURER

I, the undersigned, Carolyn A. Wilson, Treasurer of Delaware County, Iowa, do hereby certify that all taxes and special assessments against ***Hill'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 /Pam Kleindl 11/26/02
Carolyn A. Wilson, County Treasurer Date

ATTORNEY'S OPINION

I, Mary Lou Tracey, a practicing attorney at law in Manchester, Delaware County, Iowa, have examined the abstract of title to the land included in ***Hill's First Addition,*** City of Manchester, Delaware County, Iowa, on premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated November 7, 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 13th day of November, A.D. 2002, at the hour of eight 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 James W. Hill and Eva E. Hill, as Joint Tenants with Full Rights of Survivorship, and not as Tenants in Common, and in Brian Oberreuter and Kathy Oberreuter, husband and wife, as contract purchasers and holders of option to purchase.
Dated at Manchester, Iowa, in said County, this 15th day of Nov., 2002.

Mary Lou Tracey
Attorney at Law

*subject to the second half of current real estate taxes in the amount of $2051.00

RESOLUTION APPROVING PRELIMINARY AND FINAL PLAT

WHEREAS, the final plat of ***HILL'S FIRST ADDITION, City of Manchester, Delaware County, Iowa***, affecting premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated November 7, 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 ***HILL'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 providing sewer service to the lots as the City will build a sewer main in utility easements as shown in the plat together with temporary construction easements provide by the owner, with service sewer connections in the future. The existing building sewer serving Lot 1, if crossed will be connected. Connection fees will be charge at the time building connections are made. There will be no new connection fee for the building on Lot 1 as there is an existing service connection.
c. A variance from providing water service to lots, as the City will install water service stubs during Second Street improvements and the cost assessed to the property when construction is complete. Connection fees will be charge at the time building connections are made. There will be no new connection fees for the building on Lot 1 or Lot 6 as there are existing service connections.
d. Sidewalks will be installed on Lots when Second Street improvements are constructed by the City and assessed to the property when construction is complete.
e. A variance from the requirement in preliminary platting for contours.

NOW, THEREFORE, BE IT RESOLVED, by the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa, that said ***HILL'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 13th day of November , 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 15th day of November, 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 November, 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

JULIE A. SWANSON
Commission Number 224151
My Comm. Exp. 5-23-05

R-165-2002
RESOLUTION APPROVING PRELIMINARY AND FINAL PLAT

WHEREAS, final plat of ***HILL'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 November 7th, 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 ***HILL'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 providing sewer service to the lots as the City will build a sewer main in utility easements as shown in the plat together with temporary construction easements provide by the owner, with service sewer connections in the future. The existing building sewer serving Lot 1, if crossed will be connected. Connection fees will be charge at the time building connections are made. There will be no new connection fee for the building on Lot 1 as there is an existing service connection.
c. A variance from providing water service to lots, as the City will install water service stubs during Second Street improvements and the cost assessed to the property when construction is complete. Connection fees will be charge at the time building connections are made. There will be no new connection fees for the building on Lot 1 or Lot 6 as there are existing service connections.
d. Sidewalks will be installed on Lots when Second Street improvements are constructed by the City and assessed to the property when construction is complete.
e. A variance from the requirement in preliminary platting for contours.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manchester, Delaware County, Iowa, that said ***HILL'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 18th day of November, A.D., 2002.

Milt L. Kramer, Mayor

ATTEST:

Erin Rempe, City Clerk

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

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 the authority of its City Council, as contained in Resolution Number R-165-2002 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.

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

Julie A. Swanson, Notary Public