FILED
Date 12-30-02
John R Klaus Jr
County Assessor

DEC 30 2002

FILED
SHARON McCRABB
DELAWARE COUNTY AUDITOR

BOOK 2002 PAGE 4975
DEBORAH A. PETERS
DELAWARE COUNTY RECORDER
41.00

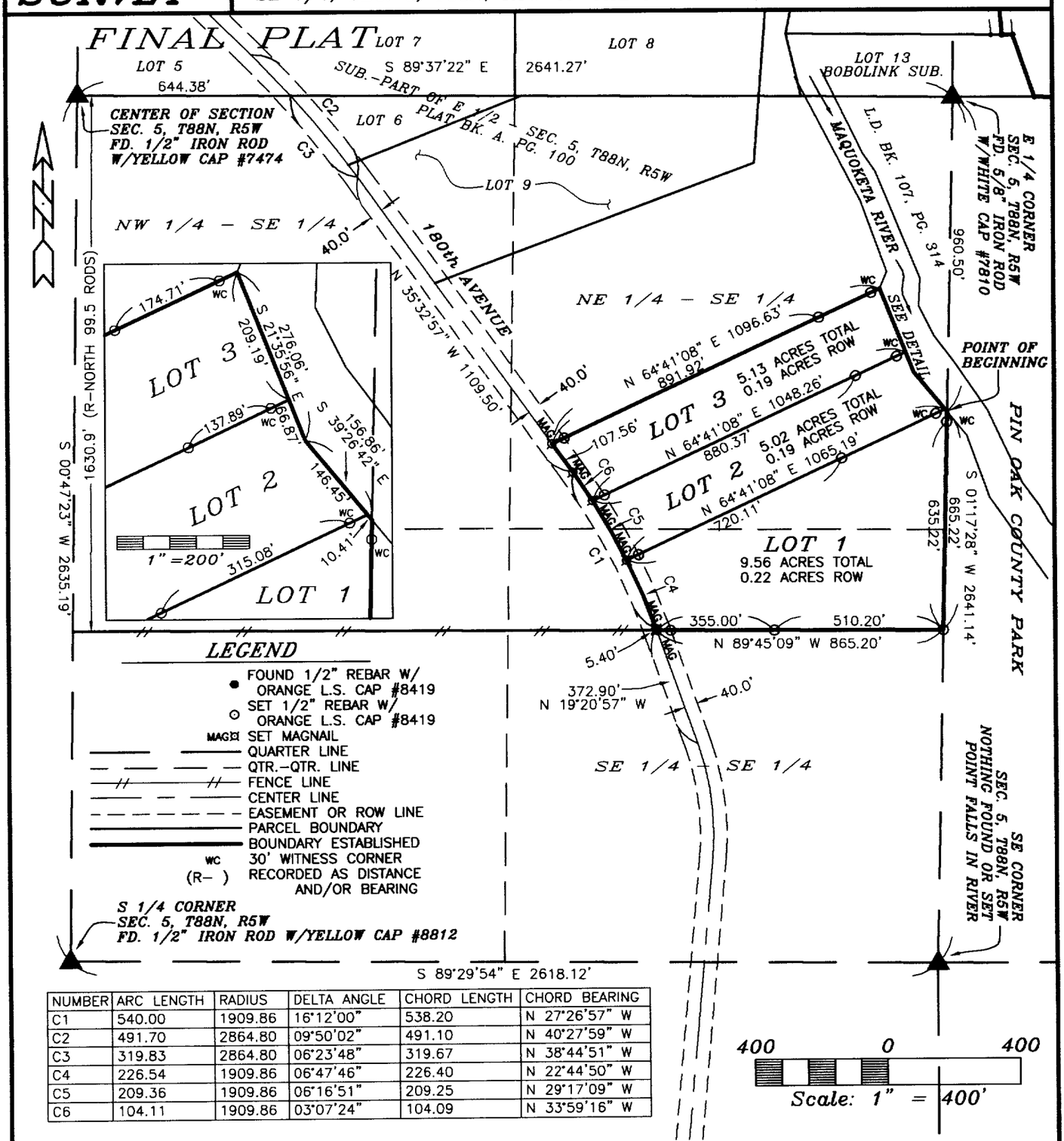
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DELAWARE COUNTY IOWA
FILED

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

PLAT OF SURVEY

RIVER POINTE
A SUBDIVISION OF PART OF THE NORTH 99 1/2 RODS OF THE SE 1/4, SEC. 5, T88N, R5W OF THE FIFTH P.M., DELAWARE COUNTY, IOWA



NUMBER	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD LENGTH	CHORD BEARING
C1	540.00	1909.86	16°12'00"	538.20	N 27°26'57" W
C2	491.70	2864.80	09°50'02"	491.10	N 40°27'59" W
C3	319.83	2864.80	06°23'48"	319.67	N 38°44'51" W
C4	226.54	1909.86	06°47'46"	226.40	N 22°44'50" W
C5	209.36	1909.86	06°16'51"	209.25	N 29°17'09" W
C6	104.11	1909.86	03°07'24"	104.09	N 33°59'16" W

SURVEY REQUESTED BY: JASON NOLZ, RON GIENAPP

SURVEYED ON: 11/8 & 11/15/2002

PROPRIETORS: RONALD D. GIENAPP & DIANE L. GIENAPP
2285 180th AVE. MANCHESTER, IOWA 52057

PROJECT NO. 02-64

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 12/4/02

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2002

LICENSED LAND SURVEYOR
J. DAVID GIBBS
8419
IOWA

PAGES OR SHEETS COVERED BY THIS SEAL: 1-2

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

SCALE: 1"=400'
DATE: 11/20/2002
DRAWN BY: RLR
CHECKED BY: JDG
FIELD BK: D.L.
REVISED
SHEET 1 OF 6

BOOK 2002 PAGE 4975

LEGAL DESCRIPTION:

RIVER POINTE: *A SUBDIVISON OF PART OF THE NORTH 99 ½ RODS OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION FIVE (5), TOWNSHIP EIGHTY-EIGHT NORTH (T88N), RANGE FIVE WEST (R5W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA,* containing a total of 19.71 acres, more or less, including 0.60 acres of public road right of way, divided into Three Lots (3) numbered Lot 1 through Lot 3, subject to easements of record, and more particularly described by metes and bounds as follows;

COMMENCING at the East Quarter Corner of Section Five (5), Township Eighty-eight North (T88N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa;

THENCE along the Easterly Line of the Southeast Quarter (SE ¼) of said Section Five (5), South 01° 17' 28" West, to the intersection with the West Bank of the Maquoketa River, 960.50 feet, more or less, the **POINT OF BEGINNING**;

THENCE continuing along the Easterly Line of the Southeast Quarter (SE ¼) of said Section Five (5), South 01° 17' 28" West, to the Southerly Line of the North 99 ½ Rods of the Southeast Quarter (SE ¼) of said Section Five (5) as recorded in Book 1999, Page 51 in the Office of the Delaware County Recorder, 665.22 feet, more or less;

THENCE along the Southerly Line of said North 99 ½ Rods, North 89° 45' 09" West, to the centerline of 180th Avenue, 865.20 feet;

THENCE along the centerline of 180th Avenue, North 19° 20' 57" West, 5.40 feet;

THENCE continuing along the centerline of 180th Avenue along a circular curve concave Southwesterly for an arc length of 540.00 feet, said circular curve having a radius of 1909.86 feet, a central angle of 16° 12' 00", a chord length of 538.20 feet, and a chord bearing of North 27° 26' 57" West;

THENCE continuing along the centerline of 180th Avenue, North 35° 32' 57 West, 107.56 feet;

THENCE North 64° 41' 08" East, to the West Bank of the Maquoketa River, 1096.63 feet, more or less;

THENCE along the West Bank of the Maquoketa River, South 21° 35' 56" East, 276.06 feet, more or less;

THENCE continuing along the West Bank of the Maquoketa River, South 39° 26' 42" East, 156.86 feet, more or less, to the **POINT OF BEGINNING**;

Containing a total of 19.71 acres, more or less, including 0.60 acres of public road right of way, divided into Three Lots (3) numbered Lot 1 through Lot 3, and subject to easements of record.

The Easterly Line of the Southeast Quarter (SE ¼) of Section Five (5), Township Eighty-eight North (T88N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa is assumed to bear South 01° 17' 28" West.

OWNER'S ACKNOWLEDGMENT

I Ronald D. Gienapp and Diane L. Gienapp 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.

Ronald D. Gienapp

Diane L. Gienapp

State of Iowa)
)
County of Delaware) ss:

On this 10th day of DECEMBER A.D. 2002, before me a Notary Public in and for said State, personally appeared Ronald D. Gienapp and Diane L. Gienapp 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

RANDY RATTENBORG
Commission Number 224055
My Commission Expires
8-17-2005

CERTIFICATE OF TREASURER

I, the undersigned, Carolyn A. Wilson, Treasurer of Delaware County, Iowa, do hereby certify that all taxes and special assessments against ***River Pointe,*** 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 Klein dep 12/30/02
Carolyn A. Wilson, County Treasurer Date

DELAWARE COUNTY E-911 BOARD

Delaware County, Iowa

The foregoing plat of ***River Pointe***, 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 11th day of December, 2002, 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
2-16-03

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ATTORNEY'S OPINION

I, John M. Carr, a practicing attorney at law in Manchester, Delaware County, Iowa, have examined the abstract of title to the land included in ***River Pointe,*** Delaware County, Iowa, on premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated 12/08/02.

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 12 day of Dec., 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 Ronald D. Gienapp and Diane L. Gienapp, husband and wife.

Dated at Manchester, Iowa, in said County, this 30 day of Dec., 2002.

Attorney at Law — Date: 12-30-02

RESOLUTION APPROVING PRELIMINARY & FINAL PLAT

WHEREAS, the final plat of ***River Pointe, Delaware County, Iowa***, affecting premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated December 4, 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 street standards (Section 127.17); and

WHEREAS, the final plat of ***River Pointe, 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 for Lot 1 through Lot 3 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 easement access shall be provided to all real estate included in the subdivision pursuant to the easements as shown in the attached plat.
d. Improvements to 180th Avenue, a public road right of way, are not required at this time.
e. Sidewalks shall not be required at this time. The Owner or Owners of record of the numbered lots, if voluntarily annexed to the City, may be required to construct sidewalks at a future date as required by the City of Manchester.

NOW, THEREFORE, BE IT RESOLVED, by the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa, that said final Plat of ***River Pointe, 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 exhibits attached thereto, subject to all conditions as presented and representations referred to above, 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 and all attachments referred to herein as provided by law.

Adopted and passed this 11th day of December, A.D. 2002.

PLANNING & ZONING COMMISSION
CITY OF MANCHESTER, IOWA

By _____
Dan Stelken, Chairperson

By _____
Laura Thomas, Recording Secretary

STATE OF IOWA)
) ss:
COUNTY OF DELAWARE)

On this 11th day of December, 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 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 11th day of December, 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

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

RESOLUTION NO. 177-2002

RESOLUTION APPROVING PRELIMINARY & FINAL PLAT

WHEREAS, the final plat of ***River Pointe, Delaware County, Iowa*** Delaware County, Iowa, affecting premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated December 4, 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; 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 amended preliminary plat of ***River Pointe, Delaware County, Iowa***, as presented with the following declarations and conditions;

a. In the event this subdivision is annexed into the City of Manchester, the recommendation on zoning status for Lot 1 through Lot 3 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 easement access shall be provided to all real estate included in the subdivision pursuant to the easements as shown in the attached plat.
d. Improvements to 180th Avenue, a public road right of way, are not required at this time.
e. Sidewalks shall not be required at this time. The Owner or Owners of record of the numbered lots, if voluntarily annexed to the City, may be required to construct sidewalks at a future date as required by the City of Manchester.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manchester, Delaware County, Iowa, that said Final Plat of ***River Pointe, Delaware County, Iowa***, and exhibits attached thereto, subject to all conditions and representations and referred to above, 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 and all attachments referred to herein by law provided.

Passed this 16th day of December, A.D., 2002.

Milt L. Kramer, Mayor

ATTEST:

Erin Rempe, City Clerk

STATE OF IOWA)
) ss:
COUNTY OF DELAWARE)

On this 18th day of December , 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 177-2002 adopted by the City Council on the 16th day of December 2002, and that Milt L. Kramer and Erin Rempe acknowledged 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 JULIE A. SWANSON Commission Number 151 My Comm. Exp. 3-13-04

EXHIBIT A

AGREEMENT AND WAIVER REGARDING ALTERNATIVE SYSTEMS FOR SEWER AND WATER

RIVER POINTE, DELAWARE COUNTY, IOWA
RONALD D. GIENAPP AND DIANE L. GIENAPP, DEVELOPERS

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

RIVER POINTE: *A SUBDIVISON OF PART OF THE NORTH 99 ½ RODS OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION FIVE (5), 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. Private disposal systems or water supply systems, and costs thereof, shall be the responsibility of the property owner developing such private facility. 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 purchasers of real estate shall be solely responsible for development and creation of alternative facilities for the distribution of water or collection and disposal of sanitary waste. The Purchasers of real estate 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 proposed 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, sanitary 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).

Ronald D. Gienapp

Diane L. Gienapp

Subscribed and sworn to before me by Ronald D. Gienapp and Diane L. Gienapp this 10th day of DECEMBER, 2002.

RANDY RATTENBORG
Commission Number 224055
My Commission Expires
8-17-2005

Notary Public in and for the State of Iowa

CITY OF MANCHESTER, IOWA

Milt L. Kramer, Mayor

Erin Rempe, City Clerk

STATE OF IOWA)
) ss:
COUNTY OF DELAWARE)

On this 16th day of December 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-177-2002 adopted by the City Council on the 16th day of December, 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. 8-23-05

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