DELAWARE COUNTY IOWA
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BOOK 2003 PAGE 4274
DEPUTY
DELAWARE CO. RECORDER
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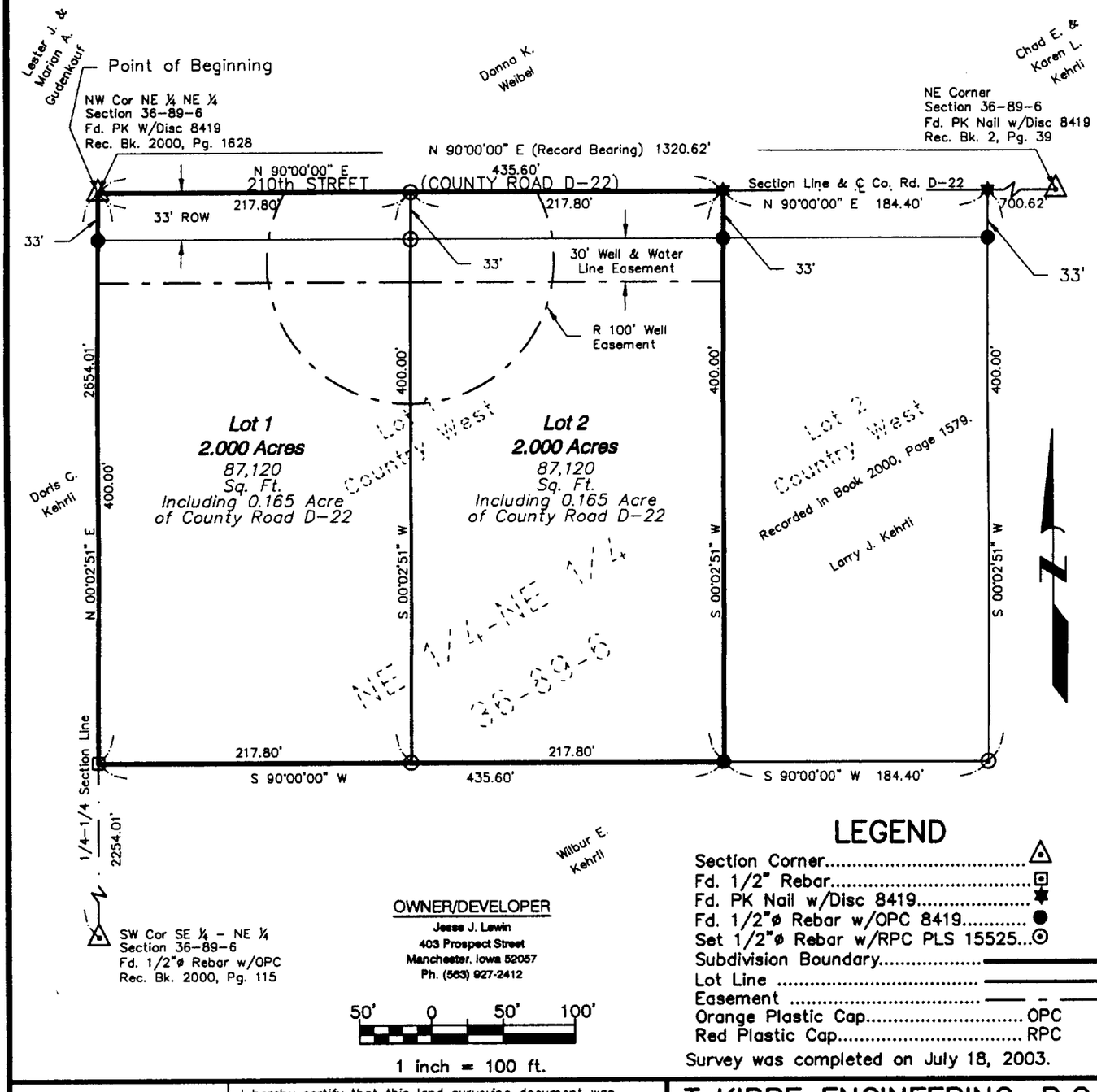
FILED
JOHN R. KLAUS
DELAWARE COUNTY ASSESSOR
SEP 2 2003

FILED
SEP 2 2003

TeKIPPE ENGINEERING, P.C., 1919 – 210th Street P.O. Box 357, Manchester, Iowa 52057

Final Plat

Lewin Addition, A Subdivision of Lot 1 of Country West, in the NE 1/4 – NE 1/4 Section 36 – T89N – R6W Delaware County, Iowa



OWNER/DEVELOPER
Jesse J. Lewin
403 Prospect Street
Manchester, Iowa 52057
Ph. (563) 927-2412

LEGEND

Section Corner	△
Fd. 1/2" Rebar	▣
Fd. PK Nail w/Disc 8419	★
Fd. 1/2"ø Rebar w/OPC 8419	●
Set 1/2"ø Rebar w/RPC PLS 15525	⊙
Subdivision Boundary	———
Lot Line	———
Easement	— — —
Orange Plastic Cap	OPC
Red Plastic Cap	RPC

Survey was completed on July 18, 2003.

LICENSED LAND SURVEYOR
PAUL R. HEROLD
15525
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.

Paul R. Herold 8-11-03

Paul R. Herold Date:
License number 15525
My license renewal date is December 31, 2004.
Sheets covered by this seal: Sheet 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/2003/03629LS

Field Book: Coffins Grove Twp. 1 Pages: 1–3

Project No. 03629.LS Sheet P1

BOOK 2003 PAGE 4274

TeKIPPE ENGINEERING, P.C., PO Box 357, Manchester, Iowa 52057 Phone #563/927-2060

Project No. 03629.LS



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.

Paul R. Herold — 8-11-03

Paul R. Herold — Date

License Number 15525
My license renewal date is December 31, 2004.
Pages covered by this seal: SD-1

State of Iowa)
ss.
County of Fayette)

Subscribed and sworn to before me by Paul R. Herold this 11th day of August, 2003.

SANDRA J KLOSTERMAN
Iowa Notarial Seal
Commission Number: 706806
My Commission Expires: 11-9-2003

Sandra J Klosterman
Notary Public

LEWIN ADDITION

Lewin Addition, a Subdivision of Lot 1 of Country West, in the Northeast Quarter of the Northeast Quarter of Section 36, Township 89 North, Range 6 West of the 5th P.M., Delaware County, Iowa; more particularly described as follows:

Beginning at the Northwest Corner of the Northeast Quarter of the Northeast Quarter of Section 36, Township 89 North, Range 6 West of the 5th P.M., Delaware County, Iowa;

Thence **North 90°-00'-00" East (Record Bearing) 435.60 feet** along the North line of said Section and the Centerline of 210th Street (County Road D-22) to the Northwest corner of Lot 2 of Country West Addition in said Quarter-Quarter Section;

Thence **South 00°-02'-51" West 400.00 feet** along the West line of said Lot 2 to the Southwest Corner of said Lot 2;

Thence **South 90°-00'-00" West 435.60 feet** to the West line of said Quarter-Quarter Section;

Thence **North 00°-02'-51" East 400.00 feet** to the Point of Beginning.

Containing **174,240 Square Feet (4.000 Acres)**, including 0.330 Acre of County Road D-22.
Subject to any easements of record.
(See plat attached to this original survey description.)

Reference is hereby made to a Survey and Plat of Country West, made by J. David Gibbs, recorded in Book 2000, page 1579, on file in the Delaware County Recorder's Office, Manchester, Iowa.

OWNER'S ACKNOWLEDGMENT

I, Jesse J. Lewin, do hereby certify that the above survey, as shown by attached Plat, is made with my free consent, and in accordance with my desire.

Jesse J. Lewin, Owner

State of Iowa)
ss.
County of Delaware)

On this 9th day of August, 2003, before me, a Notary Public in and for said County, personally appeared Jesse J. Lewin, 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.

Winnie M. Zbornik
COMMISSION NUMBER 707242
My Commission Expires
12-04-03

Winnie Mae Zbornik
Notary Public

CERTIFICATE OF TREASURER

I, the undersigned, Carolyn A. Wilson, Treasurer of Delaware County, Iowa, do hereby certify that all taxes and special assessments against ***Lewin Addition, Delaware County, Iowa,*** have been paid and said real estate is free and clear of all taxes as of this date.

DELAWARE COUNTY IOWA TREASURER SEAL

Carolyn A. Wilson
Carolyn A. Wilson, County Treasurer

8-6-03
Date

DELAWARE COUNTY E-911 BOARD

Delaware County, Iowa

The foregoing plat of ***Lewin Addition, Delaware County, Iowa,*** 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)
ss.
County of Delaware)

On this 6 day of August, 2003, before me, 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.

SHARON McCRABB
Commission Number 002573
My Comm. Exp. 6-18-05

Sharon McCrabb
Notary Public

MORTGAGE HOLDERS ACKNOWLEDGMENT

The Farmers & Merchants Bk, State of Iowa, does hereby 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 Eric Anderson EVP

By Diane C. Hammell

STATE OF Iowa, Delaware County, _____, SS:

On this 6th day of August, 2003, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Eric C. Anderson and Diane C. Hammell, to me personally known, who being duly sworn, did say that they are the Exec. Vice President and Cashier respectively, of the Farmers & Merchants Savings Bank executing the within and foregoing instrument to which is attached, that (no seal has been procured by the) (the seal affixed hereto is the seal of the) Farmers & Merchants Savings Bank; that said instrument was signed (and sealed) on behalf of the Farmers & Merchants Savings Bank by authority of its Board of Directors; and that Eric C. Anderson and Diane C. Hammell as officers acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the Farmers & Merchants Bank, by it and by them voluntary executed.

Rosemary Drees

Notary Public

Rosemary Drees
COMMISSION NUMBER 144070
My Commission Expires
7/30/05

ATTORNEY'S OPINION

I, William D. Werger, a practicing attorney at law in the City of Manchester, Delaware County, Iowa, have examined the abstract of title to the land included in ***Lewin Addition, Delaware County, Iowa,*** on premises more specifically described in the Surveyor's Certificate of Paul R. Herold, dated August 11, 2003.

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 August, A.D. 2003, 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

Jesse J. Lewin, Subject to mortgage given to Farmers & Merchants Savings Bank filed June 13, 2000 in Book 2000, Page 1813 of the Delaware County records.

Dated at Manchester, Iowa, in said County, this 8th day of August, 2003.

Attorney at Law, William D. Werger

RESOLUTION APPROVING PRELIMINARY AND FINAL PLAT

WHEREAS, the preliminary and final plat of ***Lewin Addition, Delaware County, Iowa,*** affecting premises more specifically described in the Surveyor's Certificate of Paul R. Herold, dated August 11, 2003, has been filed with the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa; and

WHEREAS, the subdivider, Jesse J. Lewin, has entered into an agreement and waiver regarding alternative systems for water and sewer with the City of Manchester which is attached hereto as Exhibit A, and which has been prepared by the City Attorney; 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, preliminary and final plat of ***Lewin Addition, Delaware County, Iowa,*** should be approved with the following variances, declaration and conditions;

1) In the event this subdivision is annexed into the City of Manchester, the recommendation on zoning status would be residential.
2) No determination has been made as to compliance with this subdivision and platting requirements which are set forth in the Code of Iowa.
3) That plans and specifications shall be submitted to the City for approval for any private sewage disposal systems and private water system prior to development of any lot to be served by said system. Developers consent and agree that the City of Manchester, Iowa shall have authority to prohibit construction of any private sewage disposal system that does not comply with Chapter 98 of the Manchester City Code.
4) Sidewalks shall not be required at this time due to low pedestrian traffic needs. The Owner or Owners of record may be required to construct sidewalks at a future date as required by the City of Manchester. The cost of said sidewalks shall be assessed to the owner or owners of record of the lots.
5) Improvements to 210th Street, an existing road are not required.

NOW, THEREFORE, BE IT RESOLVED, by this Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa, that said ***Lewin Addition, 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 August, A.D., 2003.

CITY MANCHESTER IOWA SEAL

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 18 day of August, 2003, before me, 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 13th day of August, 2003, 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

LORETTA J. WELCHER
Commission Number 705592
My Comm. Exp. 2-29-04

R-073-2003
RESOLUTION APPROVING PRELIMINARY AND FINAL PLAT

WHEREAS, the preliminary and final plat of ***Lewin Addition, Delaware County, Iowa,*** affecting premises more specifically described in the Surveyor's Certificate of Paul R. Herold, dated August 11, 2003, 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, the subdivider, Jesse J. Lewin, has entered into an agreement and waiver regarding alternative systems for water, sewer and private streets with the City of Manchester which is attached hereto as Exhibit A, and which has been prepared by the City Attorney; 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 City Council determines it would not be appropriate to require installation of certain public improvements in conjunction with the approval of said subdivision; 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 Council that they accept the plat of ***Lewin Addition, Delaware County, Iowa,*** as presented with the following variances, declarations and conditions;

1. In the event this subdivision is annexed into the City of Manchester, the recommendation on zoning status would be residential.
2. No determination has been made as to compliance with this subdivision and platting requirements which are set forth in the Code of Iowa.
3. That plans and specifications shall be submitted to the City for approval for any private sewage disposal systems and private water system prior to development of any lot to be served by said system. Developers consent and agree that the City of Manchester, Iowa shall have authority to prohibit construction of any private sewage disposal system that does not comply with Chapter 98 of the Manchester City Code.
4. Sidewalks shall not be required at this time due to low pedestrian traffic needs. The Owner or Owners of record may be required to construct sidewalks at a future date as required by the City of Manchester. The cost of said sidewalks shall be assessed to the owner or owners of record of the lots.
5. Improvements to 210th Street, an existing public road are not required.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manchester, Delaware County, Iowa, that said Final Plat of ***Lewin Addition, 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 18th day of August, A.D., 2003.

CITY MANCHESTER IOWA

By Milt L. Kramer
Milt L. Kramer, Mayor

By
Erin Rempe, City Clerk

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 25th day of Augusut, 2003, before me, 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 adopted by the City Council on the 18th day of August, 2003, 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
Commission Number 716135
My Commission Expires
8-26-05

Laura K. Thomas
Notary Public

EXHIBIT A

AGREEMENT AND WAIVER REGARDING ALTERNATIVE SYSTEMS FOR SEWER AND WATER

LEWIN ADDITION, DELAWARE COUNTY, IOWA
JESSE J. LEWIN, DEVELOPER
CITY OF MANCHESTER, IOWA

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

LEWIN ADDITION, A SUBDIVISION OF LOT 1 OF COUNTRY WEST, IN THE NE ¼ - NE ¼ SECTION 36 – T89N – R6W, DELAWARE COUNTY, IOWA

Whereas, said proposed subdivision is located outside the city limits 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 alternative 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. 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 alternative 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 and 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 developers shall be solely responsible for development and creation of alternative 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 alternative 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).

Jesse J. Lewin

Subscribed and sworn to before me by Jesse J. Lewin this 20th day of August, 2003.

Notary Republic in and for the State of Iowa

RYAN M. WICKS
Iowa Notarial Seal
Commission Number: 723753
My Commission Expires: 08-04-2006

CITY OF MANCHESTER, IOWA

Milt L. Kramer, Mayor

Erin Rempe, City Clerk

CITY OF MANCHESTER IOWA SEAL

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 25th day of August, 2003, 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-073-2000 adopted by the City Council on the 18th day of August 2003, 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 voluntary executed.

Julie A. Swanson, Notary Public No. 224151

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