DELAWARE COUNTY IOWA
FILED
2003 SEP 29 PM 2:41
BOOK 2003 PAGE 4690
DEBORAH L. PETTON
DELAWARE CO. RECORDER
36.00

FILED
JOHN R. KLAUS
DELAWARE COUNTY ASSESSOR

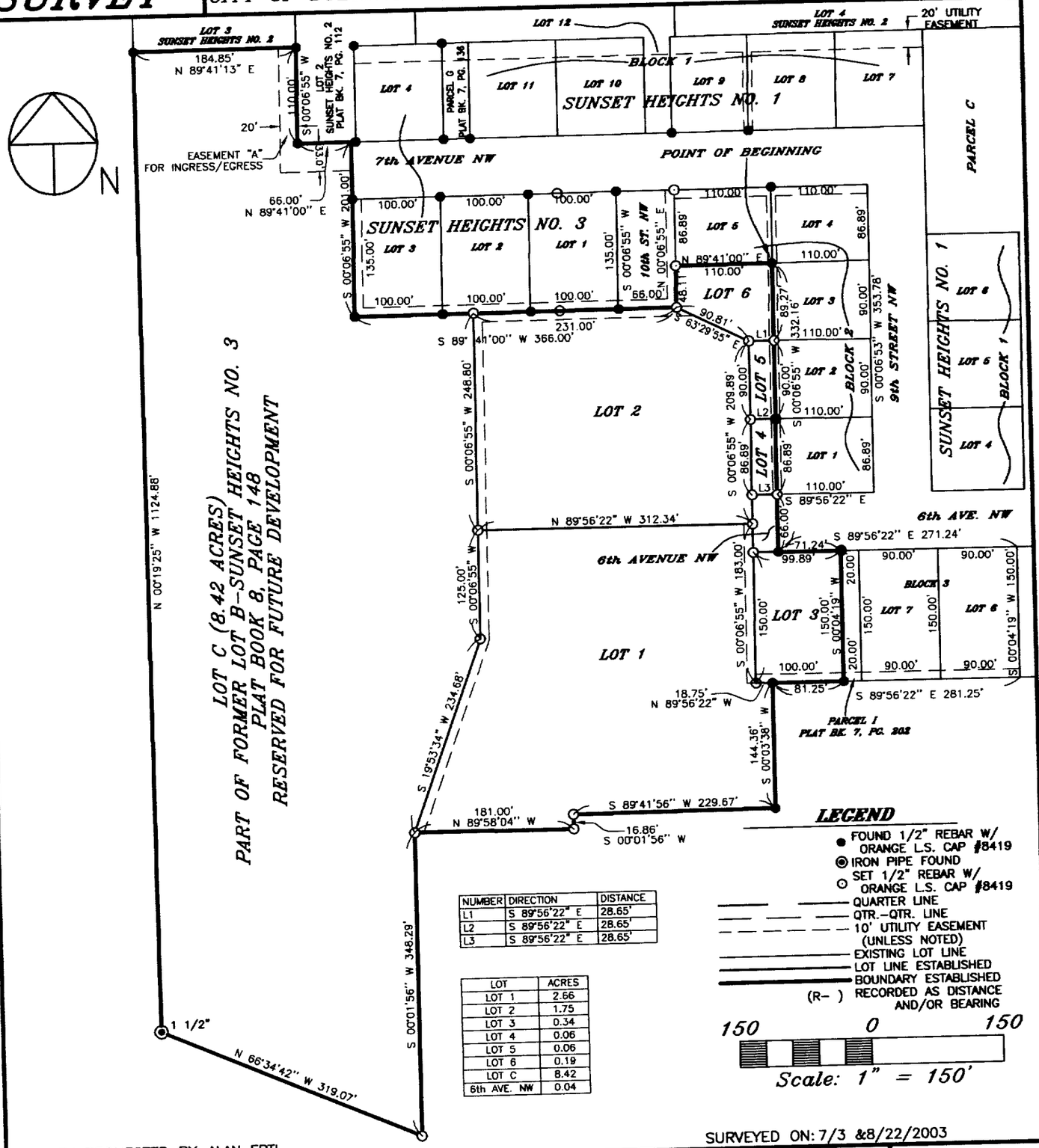
SEP 29 2003

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

PLAT OF SURVEY

SUNSET HEIGHTS NO. 4, A SUBDIVISION OF LOT B OF SUNSET HEIGHTS NO. 3, SEC. 25, T89N, R3W OF THE FIFTH P.M., CITY OF DYERSVILLE, DELAWARE COUNTY, IOWA



NUMBER	DIRECTION	DISTANCE
L1	S 89°56'22" E	28.65'
L2	S 89°56'22" E	28.65'
L3	S 89°56'22" E	28.65'

LOT	ACRES
LOT 1	2.66
LOT 2	1.75
LOT 3	0.34
LOT 4	0.06
LOT 5	0.06
LOT 6	0.19
LOT C	8.42
6th AVE. NW	0.04

LEGEND

- ● FOUND 1/2" REBAR W/ ORANGE L.S. CAP #8419
- ◉ IRON PIPE FOUND
- ○ SET 1/2" REBAR W/ ORANGE L.S. CAP #8419
- QUARTER LINE
- QTR.-QTR. LINE
- 10' UTILITY EASEMENT (UNLESS NOTED)
- EXISTING LOT LINE
- LOT LINE ESTABLISHED
- BOUNDARY ESTABLISHED
- (R-) RECORDED AS DISTANCE AND/OR BEARING

150 0 150

Scale: 1" = 150'

SURVEY REQUESTED BY: ALAN ERTL

SURVEYED ON: 7/3 &8/22/2003

PROPRIETORS: ALLAN LEO ERTL & SUSAN L. ERTL

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 6/25/03

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

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2004

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

PROJECT NO.	03-44
SCALE:	1"=150'
DATE:	6/25/2003
DRAWN BY:	RLR
CHECKED BY:	JDG
FIELD BK:	D.L.
REVISED	
SHEET	1 OF 5

BOOK 2003 PAGE 4690

LEGAL DESCRIPTION:

***SUNSET HEIGHTS NO. 4**, A SUBDIVISION OF LOT B, SUNSET HEIGHTS NO. 3, AS RECORDED IN PLAT BOOK 8, PAGE 148 IN THE OFFICE OF THE DELAWARE COUNTY RECORDER, SECTION TWENTY-FIVE (25), TOWNSHIP EIGHTY-NINE NORTH (T89N), RANGE THREE WEST (R3W) OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF DYERSVILLE, DELAWARE COUNTY, IOWA; DIVIDED INTO SEVEN LOTS NUMBERED ONE (1) THROUGH SIX (6) AND LOT C*, containing 13.52 acres, subject to easements of record and more particularly described by metes and bounds as follows:

BEGINNING at the Northwest Corner of Lot Three (3), Block Two (2) of Sunset Heights No. 1 as recorded in Plat Book 7, Page 90 in the Office of the Delaware County Recorder;

THENCE along the Westerly Line of Lots Three (3), Two (2), and One (1) of Block Two (2) of said Sunset Heights No. 1, South 00° 06' 55" West, to the Southerly Line of 6th Avenue NW 332.16 feet;

THENCE along the Southerly Line of 6th Avenue NW, South 89° 56' 22" East, to the Westerly line of Parcel I, as recorded in Plat Book 7, Page 202 in the Office of the Delaware County Recorder, 71.24 feet;

THENCE along the Westerly line of said Parcel I, South 00° 04' 19" West, to the Southerly Line of Lot B, as recorded in Plat Book 8, Page 148 in the Office of the Delaware County Recorder, 150.00 feet;

THENCE along the Southerly Line of said Lot B, North 89° 56' 22" West, 81.25 feet;

THENCE continuing along the Southerly Line of said Lot B in a Southerly direction, South 00° 03' 38" West, 144.36 feet;

THENCE continuing along said Southerly Line of said Lot B, South 89° 41' 56" West, 229.67 feet;

THENCE continuing along said Southerly Line of said Lot B in a Southerly direction, South 00° 01' 56" West, 16.86 feet;

THENCE continuing along said Southerly Line of said Lot B, North 89° 58' 04" West, 181.00 feet;

THENCE continuing along said Southerly Line of said Lot B in a Southerly direction, South 00° 01' 56" West, 348.29 feet;

THENCE continuing along said Southerly Line of said Lot B, North 66° 34' 42" West, to the Westerly Line of said Lot B, 319.07 feet;

THENCE along the Westerly Line of said Lot B, North 00° 19' 25" West, to the Northerly Line of said Lot B, 1124.88 feet;

THENCE along the Northerly Line of said Lot B, North 89° 41' 13" East, to the Westerly Line of Lot 2 of Sunset Heights No. 2, as recorded in Plat Book 7, Page 112 in the Office of the Delaware County Recorder, 184.85 feet;

THENCE along the Westerly Line of said Lot 2 of Sunset Heights No. 2, South 00° 06' 55" West, to the Southerly Line of said Lot 2 of Sunset Heights No. 2, 110.00 feet;

THENCE along the Southerly Line of said Lot 2 of Sunset Heights No. 2, North 89° 41' 00" East, to the Northerly extension of the Westerly Line of Lot 3, Sunset Heights No. 3, as recorded in Plat Book 8, Page 148, 66.00 feet;

THENCE along the Westerly Line of said Lot 3, Sunset Heights No. 3 and Northerly extension thereof, South 00° 06' 55" West, to the Southerly Line of said Lot 3, Sunset Heights No. 3, 201.00 feet;

THENCE along the Southerly Line of Lot 3, Lot 2, and Lot 1 of said Sunset Heights No. 3, and the Southerly Line of 10th Street NW, South 89° 41' 00" West, to the Easterly line of 10th Street NW, 366.00 feet;

THENCE along the Easterly line of 10th Street NW, North 00° 06' 55" East, to the Southerly Line of Lot 5, Block 2 of said Sunset Heights No. 1, 48.11 feet;

THENCE along the Southerly Line of Lot 5, Block 2 of said Sunset Heights No. 1, North 89° 41' 00" East, 110.00 feet to the **POINT OF BEGINNING**;

Containing a total of 13.52 acres, subject to easements of record.

The Westerly Line of Block Two (2) of Sunset Heights No. 1 as recorded in Plat Book 7, Page 90 in the Office of the Delaware County Recorder is assumed to bear South 00° 06' 55" West.

OWNER'S ACKNOWLEDGMENT

We Allan Leo Ertl and Susan L. Steffen-Ertl 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.

Allan Leo Ertl

Susan L. Steffen-Ertl

State of Iowa)
)
County of Dubuque) Ss:

On this 11TH day of AUGUST A.D. 2003, before me a Notary Public in and for said County, personally appeared Allan Leo Ertl and Susan L. Steffen-Ertl, 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.

TRICIA L. MAIERS
Notary Public in and for said County

TRICIA L. MAIERS
Commission Number 193119
My Commission Expires
OCT. 21, 03

DEDICATION OF STREET AND EASEMENTS

We Allan Leo Ertl and Susan L. Steffen-Ertl, as owners and developers of ***Sunset Heights No. 4, Dyersville, Delaware County, Iowa***, do hereby dedicate to the public, Sixth Avenue NW and the utility easements as shown on the attached plat.

Dated this 11TH day of Aug., 2003.

Allan Leo Ertl

Susan L. Steffen-Ertl

State of Iowa)
)
County of Dubuque) Ss:

On this 11TH day of AUGUST A.D. 2003, before me a Notary Public in and for said County, personally appeared Allan Leo Ertl and Susan L. Steffen-Ertl, 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.

TRICIA L. MAIERS
Notary Public in and for said County

TRICIA L. MAIERS
Commission Number 193119
My Commission Expires
OCT. 21, 03

CERTIFICATE OF TREASURER

DELAWARE COUNTY TREASURER SEAL IOWA

I, the undersigned, Carolyn A. Wilson, Treasurer of Delaware County, Iowa, do hereby certify that all taxes and special assessments ***Sunset Heights No. 4, Dyersville, Delaware County, Iowa***, Delaware County, Iowa, have been paid and said real estate is free and clear of all taxes as of this date.

Carolyn A. Wilson

9-29-03

Carolyn A. Wilson, County Treasurer

MORTGAGE HOLDERS ACKNOWLEDGMENT

The _____ , State of _____, 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 _____

By_____

STATE OF_____, _____ County, Iowa, Ss:

On this _____ day of _____, 2003, before me, the undersigned, a Notary Public in and for the State of_____, personally appeared _____ and _____, to me personally known, who being duly sworn, did say that they are the _____ and _____ respectively, of the_____ executing the within and foregoing instrument to which this is attached , that (no seal has been procured by the) (the seal affixed hereto is the seal of the) _____ ; that said instrument was signed (and sealed) on behalf of the _____ by authority of its Board of Directors ; and that _____ and _____ as officers acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the _____, by it and by them voluntarily executed.

_____

Notary Public in and for said State

ATTORNEY'S OPINION

I, Brian J. Kane, a practicing attorney at law in Dubuque, Dubuque County, Iowa, have examined the abstract of title to the land included in ***Sunset Heights No. 4, Dyersville, Delaware County, Iowa***, on premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated June 25, 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 21st day of May, A.D., 2002, at the hour of 8:00 o'clock A.M. This examiner further examined a Report of Liens prepared by the Delaware County Abstract Company, Inc. on September 24, 2003. My examination of said abstract and Report of Liens shows good and merchantible title on September 24, 2003 at 8:00 A.M. to be in Allan Leo Ertl and Susan L. Ertl, husband wife, subject to a Deed of Trust recorded in Book 2002, Page 3824, to Fidelity Bank and Trust, dated October 17, 2002 and filed October 18, 2002. Real estate taxes for fiscal year 2002-2003 and for all prior years are paid.
Dated at Dubuque, Iowa, in said County, this 25th day of September, 2003.

_____

Attorney at Law

CITY PLANNING AND ZONING

Dyersville, Iowa July 14 ,2003

The foregoing plat in the City of Dyersville, Iowa, is hereby approved by the Dyersville Planning and Zoning Commission and approval of ***Sunset Heights No. 4*** by the City Council of the City of Dyersville, Iowa, is hereby recommended.

Dyersville Planning and Zoning Commission Acting Chairman

JACK FRIEDMAN

CITY COUNCIL

Dyersville, Iowa July 21 , 2003

The City Council of the City of Dyersville, Iowa, does hereby certify that the foregoing plat in the City of Dyersville, Iowa, has been filed in this office of the Clerk of the City of Dyersville, Iowa, and that by Resolution No. 24-03 the Dyersville City Council accepts the dedication of streets and easements, and approves ***Sunset Heights No. 4.***

CITY OF DYERSVILLE Iowa CITY SEAL

Alan T. Gibbs, Mayor

Susan L. Ertl, Clerk

Q:\Surveys\Ertl_03-44\LEGAL_03-44.doc

Preparer Information:	Marc W. Casey Individual's Name	129 1st Avenue E Street Address	Dyersville City	(563) 875-7178 Phone

RESOLUTION NO. 24-03

RESOLUTION APPROVING PLAT OF SUNSET HEIGHTS NO. 4,
CITY OF DYERSVILLE, DELAWARE COUNTY, IOWA

WHEREAS, there has been filed with the City Clerk, a plat which Lot B of Sunset Heights No. 3, City of Dyersville, Delaware County, Iowa, is platted and now known as Lots 1 through 6 of Sunset Heights No. 4, City of Dyersville, Delaware County, Iowa.

WHEREAS, said plat has been found by the City Council to conform to the statutes and ordinances relating thereto;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DYERSVILLE, IOWA:

SECTION 1: That the plat of survey of Sunset Heights No. 4, City of Dyersville, Delaware County, Iowa, is hereby approved and the Mayor and the City Clerk are hereby authorized and directed to endorse the approval of the City of Dyersville, Iowa, on said plat.

SECTION 2: That the approval of the plat is contingent on the construction or completion of improvements, the installation of water mains, sanitary sewer mains or streets.

Passed, adopted and approved this 21st day of July, 2003.

CITY OF DYERSVILLE Iowa CITY SEAL

Alan T. Gibbs, Mayor

ATTEST: Susan L. Ertl

Susan L. Ertl, City Clerk