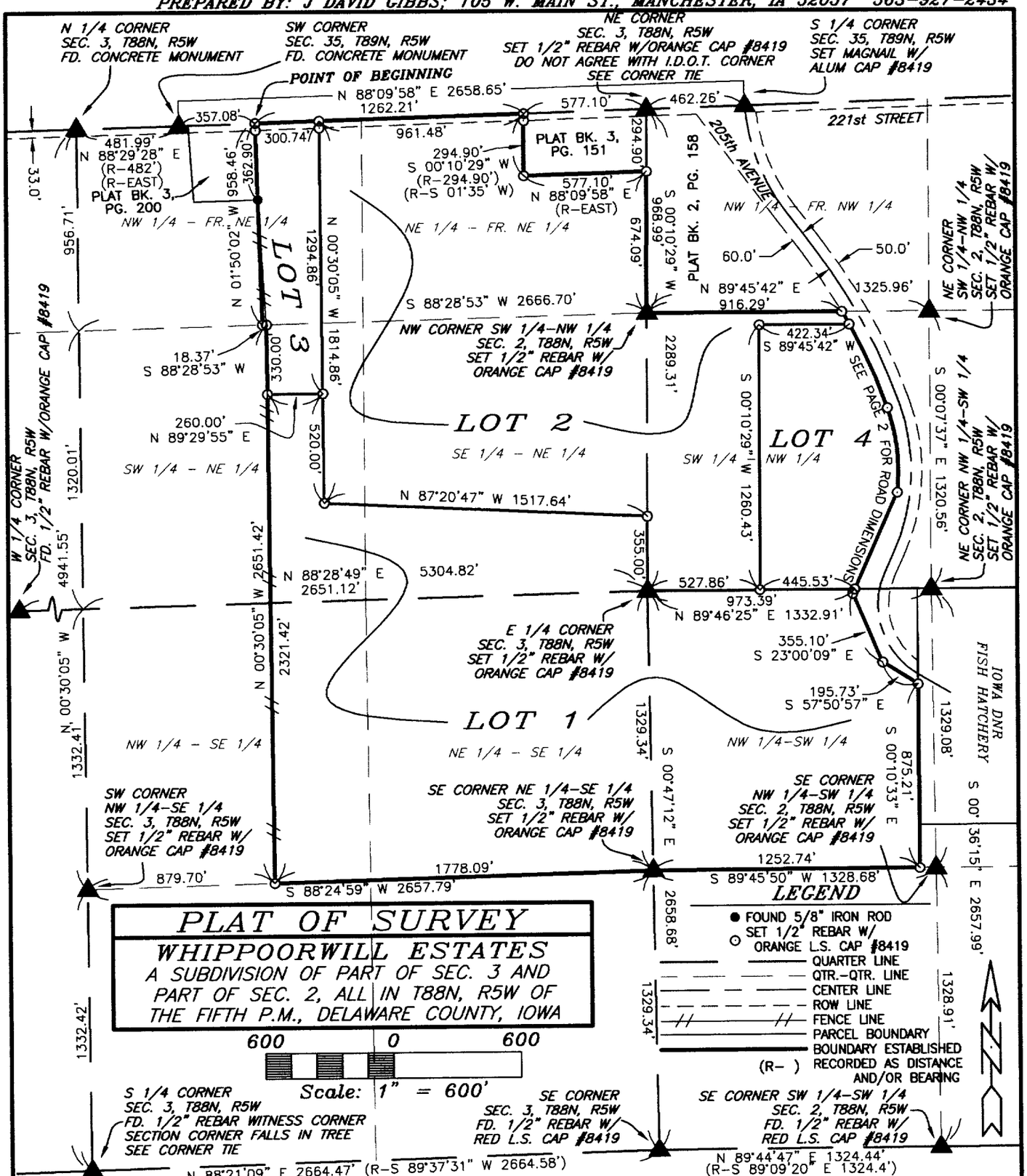
DELAWARE COUNTY IOWA
FILED ✓
2004 JUL 29 PM 4:23
BOOK 2004 PAGE 3850
DEBORAH L. PEYTON
DELAWARE CO. RECORDER
4.00

FILED
JOHN R. KLAUS
DELAWARE COUNTY ASSESSOR
JUL 29 2004

CHG ✓

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



SURVEY REQUESTED BY: BONNIE WENDT-DINGMAN

SURVEYED ON: JUNE & JULY 2004

PROPRIETORS: *EMILY WENDT (DECEASED)*

PROJECT NO. 04-43

SCALE: 1"=600'

DATE: 7/20/2004

DRAWN BY: RLR

CHECKED BY: JDG

FIELD BK: D.L.

REVISED

SHEET 1 OF 8

LICENSED LAND SURVEYOR
J. DAVID GIBBS 8419
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.

J. DAVID GIBBS, P.E., L.S. LIC. #8419 DATE 7/23/04

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2004

PAGES OR SHEETS COVERED BY THIS SEAL: 1-4

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

BOOK 2004 PAGE 3850

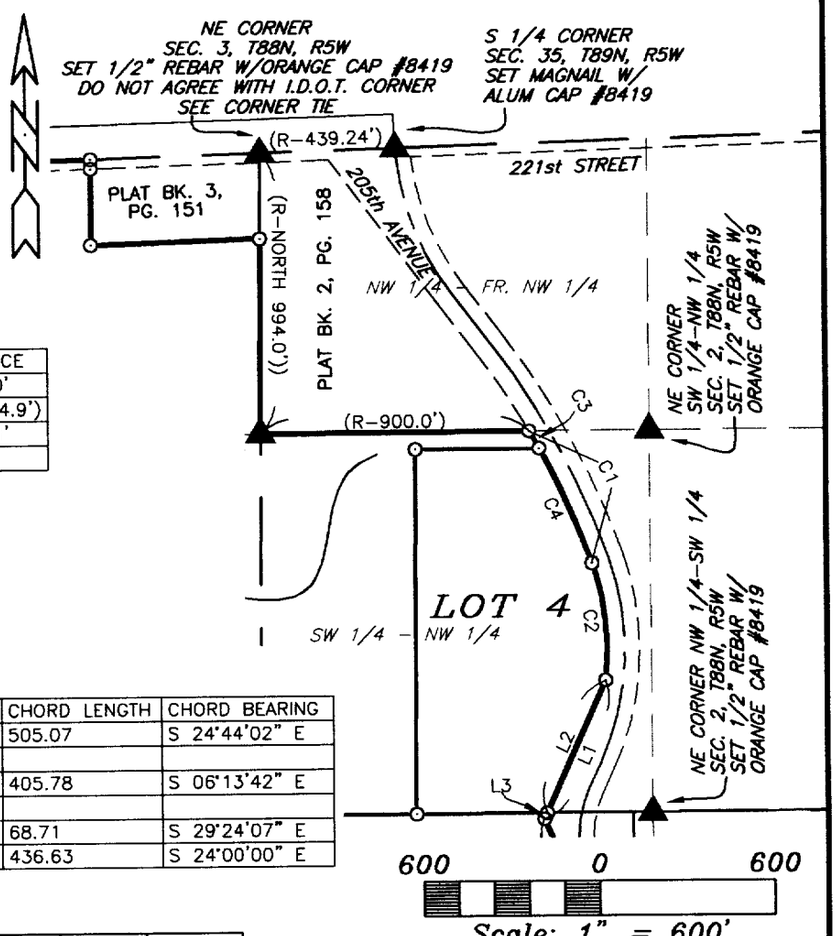
PREPARED BY: J DAVID GIBBS; 105 W. MAIN ST., MANCHESTER, IA 52057 563-927-2434

PLAT OF SURVEY

WHIPPOORWILL ESTATES

A SUBDIVISION OF PART OF SEC. 3 AND PART OF SEC. 2, ALL IN T88N, R5W OF THE FIFTH P.M., DELAWARE COUNTY, IOWA

ROAD AREA DETAIL



NUMBER	DIRECTION	DISTANCE
L1	S 23°49'15" W	524.50'
(R-L1)	(R-N 25°23.6' E)	(R-524.9')
L2	S 23°49'15" W	500.81'
L3	S 23°49'15" W	23.69'

NUMBER	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD LENGTH	CHORD BEARING
C1	505.82	2682.50	10°48'14"	505.07	S 24°44'02" E
(R-C1)	(R-487.3')	(R-2682.6')			
C2	409.34	894.93	26°12'26"	405.78	S 06°13'42" E
(R-C2)	(R-409.1')	(R-895')			
C3	68.71	2682.50	01°28'03"	68.71	S 29°24'07" E
C4	437.11	2682.50	09°20'11"	436.63	S 24°00'00" E

ACRES	LOT 1	LOT 2	LOT 3	LOT 4
SEC. 2 - NW 1/4-SW 1/4	36.33	--	--	--
SEC. 2 - SW 1/4-NW 1/4	--	16.56	--	16.41
SEC. 3 - NE 1/4-NE 1/4 W/ROW	--	25.68	--	--
SEC. 3 - NE 1/4-NE 1/4 ROW	--	0.58	--	--
SEC. 3 - NW 1/4-NE 1/4 W/ROW	--	4.34	6.38	--
SEC. 3 - NW 1/4-NE 1/4 ROW	--	0.15	0.23	--
SEC. 3 - SE 1/4-NE 1/4	12.27	27.98	--	--
SEC. 3 - SW 1/4-NE 1/4	7.88	3.80	1.98	--
SEC. 3 - NE 1/4-SE 1/4	40.49	--	--	--
SEC. 3 - NW 1/4-SE 1/4	13.71	--	--	--
TOTAL ROW	--	0.73	0.23	--
TOTAL W/ ROW	110.68	78.36	8.36	16.41
TOTAL SUBDIVISON ROW	0.96			
TOTAL SUBDIVISION W/ ROW	213.81			

LEGEND

- FOUND 5/8" IRON ROD
- SET 1/2" REBAR W/ ORANGE L.S. CAP #8419
- QUARTER LINE
- QTR.-QTR. LINE
- CENTER LINE
- ROW LINE
- FENCE LINE
- PARCEL BOUNDARY
- BOUNDARY ESTABLISHED
- (R-) RECORDED AS DISTANCE AND/OR BEARING

SURVEY REQUESTED BY: BONNIE WENDT-DINGMAN

SURVEYED ON: JUNE & JULY 2004

PROPRIETORS: EMILY WENDT (DECEASED)

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

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2004

PAGES OR SHEETS COVERED BY THIS SEAL: 1-4

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

PROJECT NO. 04-43

SCALE: 1"=600'

DATE: 7/20/2004

DRAWN BY: RLR

CHECKED BY: JDG

FIELD BK: D.L.

REVISED

SHEET 2 OF 8

LEGAL DESCRIPTION:

WHIPPOORWILL ESTATES; *A SUBDIVISION OF PART OF SECTION TWO (2) AND SECTION THREE (3), TOWNSHIP EIGHTY-EIGHT NORTH (T88N), RANGE FIVE WEST (R5W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA,* containing a total of 213.81 acres, including 0.96 acres of public road right of way, divided into Four (4) Lots numbered Lots 1 through 4, subject to easements of record, and more particularly described by metes and bounds as follows;

COMMENCING at the North Quarter Corner of Section Three (3), Township Eighty-eight North (T88N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa;

THENCE along the Northerly Line of the Northeast Quarter (NE ¼) of said Section Three (3), North 88° 29' 28"East, to the Southwest Corner of Section Thirty-five (35), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa, 481.99 feet;

THENCE continuing along the Northerly Line of the Northeast Quarter (NE ¼) of said Section Three (3), North 88° 09' 58" East, 357.08 feet to the **POINT OF BEGINNING**;

THENCE continuing along the Northerly Line of the Northeast Quarter (NE ¼) of said Section Three (3), North 88° 09' 58" East, to the Westerly Line of a 3.72 acre parcel surveyed in Book 3 of Plats, Page 151 in the Office of the Delaware County, Iowa, 1262.21 feet;

THENCE along the Westerly Line of said 3.72 acre parcel, South 00° 10' 29" West, to the Southwest Corner of said 3.72 acre parcel, 294.90 feet;

THENCE along the Southerly Line of said 3.72 acre parcel, North 88° 09' 58" East, to the Easterly Line of the Northeast Quarter (NE ¼) of said Section Three (3), 577.10 feet;

THENCE along the Easterly Line of the Northeast Quarter (NE ¼) of said Section Three (3), South 00° 10' 29" West, to the Northwest Corner of the Southwest Quarter (SW ¼) of the Northwest Quarter (NW ¼) of Section Two (2), Township Eighty-eight North (T88N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa, 674.09 feet;

THENCE along the Northerly Line of the Southwest Quarter (SW ¼) of the Northwest Quarter (NW ¼) of said Section Two (2), North 89° 45' 42" East, to the Westerly Line of 205th Avenue, 916.29 feet;

THENCE along the Westerly Line of 205th Avenue along a circular curve concave Southwesterly for an arc length of 505.82' feet, said circular curve having a radius of 2682.50 feet, a central angle of 10° 48' 14", a chord length of 505.07 feet, and a chord bearing of South 24° 44' 02" East;

THENCE continuing along the Westerly Line of 205th Avenue along a circular curve concave Southwesterly for an arc length of 409.34 feet, said circular curve having a radius of 894.93 feet, a central angle of 26° 12' 26", a chord length of 405.78 feet, and a chord bearing of South 06° 13' 42" East;

THENCE continuing along the Westerly Line of 205th Avenue, South 23° 49' 15" West, 524.50 feet;

THENCE continuing along the Westerly Line of 205th Avenue, South 23° 00' 09" East, 355.10 feet;

THENCE continuing along the Southwesterly Line of 205th Avenue, South 57° 50' 57" East, to the Westerly Line of the State of Iowa Fish Hatchery Property, 195.73 feet;

THENCE along the State of Iowa Fish Hatchery Property and Southerly extension, South 00° 10' 33" East, to the Southerly Line of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of said Section Two (2), 875.21 feet;

THENCE along the Southerly Line of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of said Section Two (2), South 89° 45' 50" West, to the Southeast Corner of the Northeast Quarter (NE ¼) of the Southeast Quarter (SE ¼) of said Section Three (3), 1252.74 feet;

THENCE along the Southerly Line of the Northeast Quarter (NE ¼) of the Southeast Quarter (SE ¼) and Southerly Line of the Northwest Quarter (NW ¼) of the Southeast Quarter (SE ¼) of said Section Three (3), South 88° 24' 59 West, to the Westerly Line of the East 53 acres of the North One-half (N ½) of the Southeast Quarter (SE ¼) of said Section Three (3), 1778.09 feet;

THENCE along the Westerly Line of the East 53 acres of the North One-half (N ½) of the Southeast Quarter (SE ¼) and the Westerly Line of the East 53 acres of the South One-half (S ½) of the Northeast Quarter (NE ¼) of said Section Three (3), North 00° 30' 05" West, to the Southerly Line of the Northwest Quarter (NW ¼) of the Fr. Northeast Quarter (NE ¼) of said Section Three (3), 2651.42 feet;

THENCE along the Southerly Line of the Northwest Quarter (NW ¼) of the Fr. Northeast Quarter (NE ¼) of said Section Three (3), South 88° 28' 53" West, to the Westerly Line of the East 40 acres of the North One-half (N ½) of the Northeast Quarter (NE ¼) of said Section Three (3), 18.37 feet;

THENCE along the Westerly Line of the East 40 acres of the North One-half (N ½) of the Northeast Quarter (NE ¼) of said Section Three (3), North 01° 50' 02" West, 958.46 feet to the **POINT OF BEGINNING**;

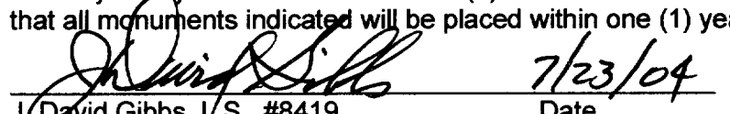
Containing a total of 213.81 acres, including 0.96 acres of public road right of way, divided into Four (4) Lots numbered Lots 1 through 4, and subject to easements of record.

The Quarter Line from the South Quarter Corner to the North Quarter Corner of Section Three (3), Township Eighty-eight North (T88N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa is assumed to bear North 00° 30' 05" West.

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

My license will be renewed on December 31, 2004

OWNER'S ACKNOWLEDGMENT

The Emily Marie Wendt Estate, Bonnie J. Wendt-Dingman, Executor, 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 of the premises described herein. This plat of survey is being filed for the purpose of dividing the property of the Emily Marie Wendt Estate and is therefore exempt from any platting requirements under the ordinances of the City of Manchester pursuant to Section 127.23 (2).

By Bonnie J Wendt-Dingman
Emily Marie Wendt Estate
Bonnie J. Wendt-Dingman, Executor

STATE OF IOWA, Henry County, Iowa, Ss:

On this 26th day of July, 2004, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Bonnie J. Wendt-Dingman, Executor of the Emily Marie Wendt Estate to me personally known, who being duly sworn, did say that she is the Executor of the Emily Marie Wendt Estate executing the within and foregoing instrument to which this is attached; that said instrument was signed on behalf of the Emily Marie Wendt Estate by Executor of the Estate; and that Bonnie J. Wendt-Dingman, Executor of the Emily Marie Wendt Estate acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the Emily Marie Wendt Estate, by it and by her voluntarily executed.

Jennifer Conlee
Notary Public in and for said State

JENNIFER R. L. CONLEE
Commission Number 190215
My Commission Expires
5-19-06

CITY MANAGER DETERMINATION

WHIPPOORWILL ESTATES; *A SUBDIVISION OF PART OF SECTION TWO (2) AND SECTION THREE (3), TOWNSHIP EIGHTY-EIGHT NORTH (T88N), RANGE FIVE WEST (R5W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA,* is being filed for the purpose of dividing the property of the Emily Marie Wendt Estate and is therefore exempt from any platting requirements under the ordinances of the City of Manchester pursuant to Section 127.23 (2).

7/30/04
Date

David J. Heiar
David J. Heiar, City Manager

Q:\Surveys\dingman_04-43\Legal_04-43.doc

ATTORNEY'S OPINION

I, William D. Werger, a practicing attorney at law in Manchester, Delaware County, Iowa, have examined the abstract of title to the land included in Milo Township, Delaware County, Iowa, on premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated July 23, 2004.

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 14th day of May, A.D., 2004, at the hour of 8:00 o'clock A.M.

My examination of said abstract shows good and merchantible title on the date and hour of the certification to be in Emily Wendt, deceased.

Dated at Manchester, Iowa, in said County, this 21st day of July, 2004.

Attorney at Law

DELAWARE COUNTY E-911 BOARD

Delaware County, Iowa

The foregoing plat of *Whippoorwill Estates*, 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 - Coordinator
Delaware County E-911 Board

State of Iowa)
)
County of Delaware) Ss:

On this 29th day of July, 2004, 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
Commission Number 175597
My Commission Expires
8-16-06

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 *Whippoorwill Estates*, 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 7-29-04
Date

DELAWARE COUNTY TREASURER SEAL IOWA

MORTGAGE HOLDERS ACKNOWLEDGMENT

The FIRST STATE BANK, 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 Christine L Hughes
Christine L. Hughes, Sr. V. P.

By
Lori Cole, Vice President

STATE OF IOWA, ~~IOWA~~ DELAWARE County, Iowa, Ss:

On this 29th day of July, 2004, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Christine L. Hughes and Lori Cole, to me personally known, who being duly sworn, did say that they are the Sr.V.P. and Vice President respectively, of the First State Bank 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) First State Bank ; that said instrument was signed (and sealed) on behalf of the First State Bank by authority of its Board of Directors; and that Christine L. Hughes and Lori Cole as officers acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the First State Bank, by it and by them voluntarily executed.

Barbara Jopping
Notary Public in and for said State

MORTGAGE HOLDERS ACKNOWLEDGMENT

The Emily Marie Wendt Estate, Bonnie J. Wendt-Dingman, Executor, 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 Bonnie J. Wendt-Dingman
Emily Marie Wendt Estate
Bonnie J. Wendt-Dingman, Executor

STATE OF IOWA, Henry County, Iowa, Ss:

On this 30th day of July, 2004, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Bonnie J. Wendt-Dingman, Executor of the Emily Marie Wendt Estate to me personally known, who being duly sworn, did say that she is the Executor of the Emily Marie Wendt Estate executing the within and foregoing instrument to which this is attached; that said instrument was signed on behalf of the Emily Marie Wendt Estate by Executor of the Estate; and that Bonnie J. Wendt-Dingman, Executor of the Emily Marie Wendt Estate acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the Emily Marie Wendt Estate, by it and by her voluntarily executed.

Jennifer Conlee
Notary Public in and for said State

JENNIFER R. L. CONLEE
Commission Number 190215
My Commission Expires
5-19-06