MAY 5 2005

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SHARON MCCRARY
DELAWARE COUNTY AUDITOR

MAY 5 2005

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JOHN R. KLAUS
DELAWARE COUNTY ASSESSOR

Book 2005 Page 1575

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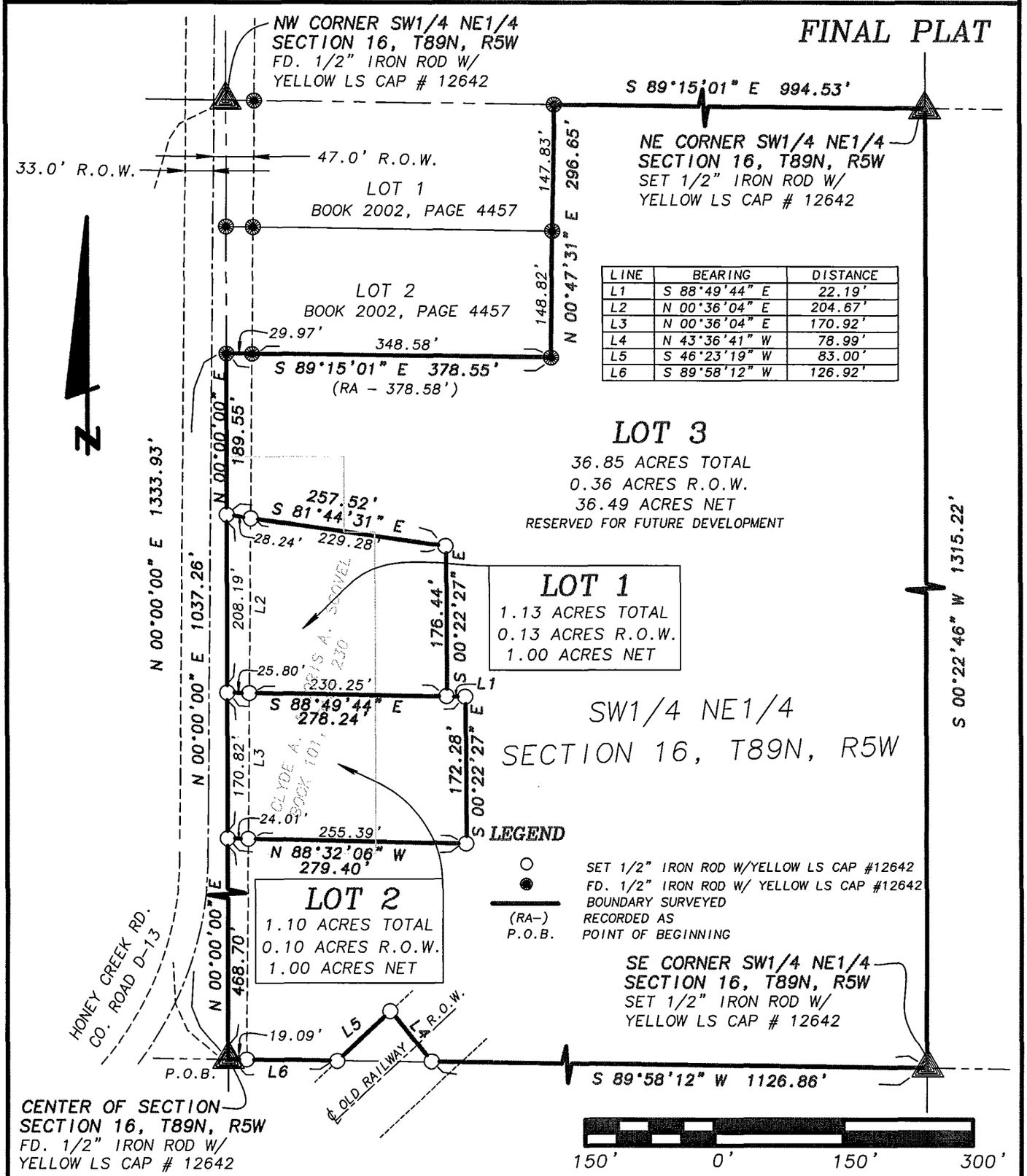
DEBORAH L. PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

PREPARED BY BILL BURGER OF WM. BURGER LANDSURVEYORS 510 3RD STREET WEST COURT, WORTHINGTON, IOWA 52078 (563) 855 2028

PLAT OF SURVEY

SCOVEL SECOND ADDITION PART OF THE SOUTHWEST QUARTER (SW1/4) OF THE NORTHEAST QUARTER (NE1/4) , SECTION SIXTEEN (16), TOWNSHIP EIGHTY-NINE NORTH (T89N), RANGE FIVE WEST (R5W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA.

FINAL PLAT



LINE	BEARING	DISTANCE
L1	S 88°49'44" E	22.19'
L2	N 00°36'04" E	204.67'
L3	N 00°36'04" E	170.92'
L4	N 43°36'41" W	78.99'
L5	S 46°23'19" W	83.00'
L6	S 89°58'12" W	126.92'

LEGEND

- ○ SET 1/2" IRON ROD W/YELLOW LS CAP #12642
- ● FD. 1/2" IRON ROD W/ YELLOW LS CAP #12642
- BOUNDARY SURVEYED
- (RA-) RECORDED AS
- P.O.B. POINT OF BEGINNING

SCALE: 1" = 150.00' | DATE OF SURVEY: 10/14/2004 | SHEET 1 OF 7

PROPRIETORS: CLYDE ALLEN & DORIS A. SCOVEL

LICENSED LAND SURVEYOR
WILLIAM H. BURGER
12642
IOWA

NO. OF SHEETS COVERED BY THIS SEAL 1

I HEREBY CERTIFY THAT THIS LANDSURVEYING DOCUMENT WAS PREPARED AND RELATED SURVEY WORK WAS PREFORMED 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. MY LICENSE RENEWAL DATE IS DECEMBER 31, 2006

William H Burger 5/5/05

WILLIAM H. BURGER #12642 DATE

Wm. Burger
LandSurveyor
510 3rd Street West Court
Worthington, Iowa 52078

BOOK 2005 PAGE 1575

LEGAL DESCRIPTION:

SCOVEL SECOND ADDITION Part of the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4), Section Sixteen (16), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa containing a total of 39.08 acres including 0.59 acres of public road right of way, divided into Three lots numbered Lot 1, Lot 2 and Lot 3 as shown on the attached plat; **subject to easements of record** and more particularly described by metes and bounds as follows:

BEGINNING at the Center of Section Sixteen (16), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa;

Thence North 00°-00'-00" East 1037.26 feet along the West line of the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4) to the Southwest corner of Lot 2 of Scovel Addition as recorded in the Office of the Delaware County Recorder in Book 2002, Page 4457;

Thence South 89°-15'-01" East 378.55 feet along the South line of said Lot 2 to the Southeast corner of said Lot 2;

Thence North 00°-47'-31" East 296.65 feet along the East line of said Lot 2 and along the East line of Lot 1 of Scovel Addition as recorded in the Office of the Delaware County Recorder in Book 2002, Page 4457 to the Northeast corner of said Lot 1, said point also being on the North line of said Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4);

Thence South 89°-15'-01" East 994.53 feet along the North line of said Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4) to the Northeast corner of the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4);

Thence South 00°-22'-46" West 1315.22 feet along the East line of said Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4) to the Southeast corner of the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4);

Thence South 89°-58'-12" West 1126.86 feet along the South line of said Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4);

Thence North 43°-36'-41" West 78.99 feet;

Thence South 46°-23'-19" West 83.00 feet to the South line of said Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4);

Thence South 89°-58'-12" West 126.92 feet along the South line of said Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4) to the **POINT OF BEGINNING**; containing a total of 39.08 acres including 0.59 acres of public road right of way, divided into Three lots and numbered Lot 1, Lot 2 and Lot 3 as shown on the attached plat, subject **to easements of record.**

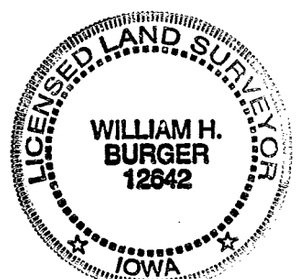
The West line of the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4), Section Sixteen (16), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa is assumed to bear North 00°-00'-00" East

SURVEYORS CERTIFICATE:

I hereby certify that this land survey document was prepared and 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 My license renewal date is December 31, 2006

William H Burger 5/5/05

William H. Burger Date Reg. No. 12642
no. of sheets covered by this seal 1



OWNERS ACKNOWLEDGMENT

I (we) Clyde Allen Scovel and Doris A. Scovel of Delaware County State of Iowa, do hereby certify that the attached Plat of Survey is made with our free consent and in accordance with our desire.

Clyde Allen Scovel
Clyde Allen Scovel

Doris A. Scovel
Doris A. Scovel

STATE OF IOWA)
) SS:
DELAWARE COUNTY)

On this 14th day of March A. D. 2005 before me,
a Notary Public in and for said County, personally appeared Clyde Allen Scovel and Doris A. Scovel, to me known to be the person or persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Cindy J. Cannon
Notary Public in and for said County

CINDY J. CANNON
Commission Number 724988
My Commission Expires
10-13-06

MORTGAGE HOLDERS ACKNOWLEDGMENT

The undersigned, First State Bank bank
of Manchester city State of Iowa, do hereby certify that the attached Plat of Survey of **SCOVEL SECOND ADDITION** is made with our free consent and in accordance with our desire as lien holder and mortgagee of the premises described herein.

First State Bank BANK Manchester CITY

By: _____
President

By: Christine A Hughes
Vice President

STATE OF IOWA)
) SS:
DELAWARE COUNTY)

On this 8 day of April A. D. 2005 before me, the undersigned, a Notary Public in and for said State, personally appeared Joseph Wiesel and Christine Hughes to me personally known, who being by me duly sworn, did say that they are the President and Vice President respectively, of the corporation executing the within and foregoing instrument; that the seal affixed thereto is the seal of the corporation; that the instrument was signed and sealed on behalf of the corporation by authority of its Board of Directors; and that Joseph Wiesel and Christine Hughes as officers, acknowledged the execution of the foregoing instrument to be the voluntarily act and deed of the corporation, by it and by them voluntarily executed.

Anna M. Sperfslage
Notary Public in and for said State

ANNA M. SPERFSLAGE
NOTARIAL SEAL
IOWA
My Commission Expires
10-05-06

DELAWARE COUNTY TREASURER

Manchester, Iowa 4-7, 2005

I, the undersigned, Carolyn A. Wilson Treasurer of Delaware County, Iowa do hereby certify that all taxes and special assessments levied against Clyde Allen Scovel and Doris A. Scovel as proprietors of the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4), Section Sixteen (16), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, 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 Delaware County, Iowa

ATTORNEY'S OPINION (See attached Attorney's Opinion)

I, _____, a practicing attorney at law in _____ County, Iowa have examined the abstract of title to the land included within of Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4), Section Sixteen (16), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa. Said abstract has been prepared in its entirety by the _____ Abstract Company, and was last certified to by said company on the _____ day of _____, AD, 20____, at the hour of _____ o'clock ___. M.

My examination of said abstract shows good and merchantable title on the date and hour of certification to be in _____ and _____
Dated at _____, Iowa in said County, this _____ day of _____. 20____

_____
Attorney at Law

DELAWARE COUNTY E-911 BOARD

Delaware County, Iowa 4-7, 2005

The foregoing plat of **SCOVEL SECOND ADDITION**, Delaware County, Iowa has been examined and approved as to being in full compliance with Delaware County Ordinance #12, The Rural Address System, as passed and adopted by the Delaware County Board of Supervisors on the 8th day of June, 1996

Norman Wellman
Norman Wellman - Coordinator
Delaware County E-911 Board

STATE OF IOWA)
) ss.
DELAWARE COUNTY)

On this 7th day of April A. D. 2005 before me, a Notary Public in and for said County, personally appeared Norman Wellman to me personally known, and, who, being me duly sworn; did say that he is the Coordinator of the Delaware County E-911 Board.

Steven E. Carr
Notary Public in and for said County

NOTARIAL SEAL IOWA
STEVEN E. CARR
COMMISSION NO. 713328
MY COMMISSION EXPIRES
10-30-07

RESOLUTION R-028-2005

RESOLUTION APPROVING FINAL PLAT

WHEREAS, a final plat of **SCOVEL SECOND ADDITION** being within the Two mile radius of the corporate limits of the City of Manchester has been filed with the City of Manchester, Delaware County, Iowa;

WHEREAS, **SCOVEL SECOND ADDITION** falls under Section 127.22 of Chapter 127 Subdivision Regulations of the City of Manchester MINOR SUBDIVISION REQUIREMENTS AND PROCEDURES, neither a preliminary plat or Planning and Zoning Commission approval are required;

WHEREAS, the City Manager and City Council have 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, Clyde Allen Scovel and Doris A. Scovel, has an existing well and septic system on Lot 1 and Lot 2 and has entered into a agreement and waiver regarding alternative systems for water, sewer and private streets within the City of Manchester which is attached hereto as Exhibit A and which has been prepared by the City Attorney; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANCHESTER, DELAWARE COUNTY, IOWA: be, and the same is hereby acknowledged, **Approved and accepted on the part of the City Manchester of 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 28th day of February, A.D., 2005.

Milt L. Kramer

Milt L. Kramer, Mayor

ATTEST:

Erin Rempe, City Clerk

CITY MANCHESTER IOWA SEAL

STATE OF IOWA)
) SS.
DELAWARE COUNTY)

On this 4th day of May, 2005, before me, Laura K. Thomas, 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 authority of its City Council , as contained in Resolution Number R-028-2005 adopted by the City Council on the 28th day of February, 2005, and that Milt L. Kramer and Erin Rempe acknowledged the execution of the instrument to be their voluntary act and deed of the corporation, by it voluntarily executed.

Laura K. Thomas

Laura K. Thomas, Notary Public

NOTARIAL SEAL IOWA
LAURA K. THOMAS
Commission Number 716135
My Commission Expires
8-26-05

EXHIBIT A
AGREEMENT AND WAIVER REGARDING ALTERNATE SYSTEMS FOR SEWER AND WATER

SUBDIVISION, DELAWARE COUNTY, IOWA

CLYDE ALLEN SCOVEL AND DORIS A. SCOVEL
DEVELOPERS
CITY OF MANCHESTER, IOWA

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

SCOVEL SECOND ADDITION - Part of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE1/4), Section Sixteen (16), Township Eighty - nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County.

Whereas, said proposed subdivision is located outside the city limits of the City of Manchester, Iowa, but is within the 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 alternate systems may be designed to protect the public health, safety, and welfare and meet the 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 collection and disposal of sanitary waste, however, such alternate facilities must be designed to fully protect the public health, safety, and welfare and shall meet all requirements of the State, County, or other applicable health regulations. Said alternate sanitary waste disposal facility must be located entirely upon the lot where the residential structure to be served is located. Developer specifically have granted to the City of Manchester, Iowa, and acknowledge its authority to review all plans for private sewer systems serving residential structures located upon lots in the above described property. Failure to obtain prior approval for the construction of alternate facilities for water distribution and private sewage systems may result in the City obtaining an injunction to prohibit the construction of structures upon the property and obtaining all other remedies allowed by law necessary to assure that the private sewage system complies with all state, county, and 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 alternate water 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 alternate 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 that the City of Manchester, Iowa, may not be required to incur expense for the subsequent installation of a sewer serving the above premises. Failure to obtain prior approval for the construction of alternate facilities for water distribution and private sewage systems may result in the City obtaining an injunction to prohibit the construction of structures upon the property and obtaining all other remedies allowed by law necessary to assure that the private sewage system complies with all state, county, and other applicable health regulations.

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 and water facilities serving the land set forth in the proposed subdivision.

4. The Developers shall be solely responsible for developments and creation of alternate 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 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 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, 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).

Clyde A. Scovel

Clyde A. Scovel

Doris A. Scovel

Doris A. Scovel

Subscribed and sworn to before me by, this 4th day of May, 2005.

Notary Public in and for the State of Iowa

STEVEN E. CARR
COMMISSION NO. 713328
MY COMMISSION EXPIRES
10-30-07

CITY OF MANCHESTER, IOWA.

Milt L. Kramer

Milt L. Kramer, Mayor

Erin Rempe

Erin Rempe, City Clerk

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 4th day of May, 2005, before me, Laura K. Thomas, 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-28-2005 adopted by the City Council on the 28th day of February 2005, 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

Notary Public

LAURA K. THOMAS
Commission Number 718135
My Commission Expires
8-26-05

RESOLUTION NO. R-071-2005

RESOLUTION AMENDING FINAL PLAT, SCOVEL SECOND ADDITION.

WHEREAS, the City Council has previously adopted Resolution R-28-2005 approving the final plat of Scovel Second Addition to the City of Manchester, Iowa; and

WHEREAS, an amended final plat has been prepared by the developers and submitted to the City Council to show the existence of a railroad right-of-way which was not previously shown on the final plat; and

WHEREAS, the addition of the railroad right-of-way to the final plat does not materially affect the terms and conditions resulting in the subdivision;

BE IT THEREFORE RESOLVED that the amended plat of Scovel Second Addition, which amends the plat previously approved by Resolution R-28-2005, is hereby approved.

Passed this 25 day of April, 2005.

Milt L Kramer
Mayor

ATTEST:

City Clerk

CITY OF MANCHESTER IOWA SEAL

BOOK 2005 PAGE 1575

ATTORNEY'S OPINION

I, Steven E. Carr, a practicing attorney at law in Delaware County, Iowa have examined the abstract of title to the land included within the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼), Section Sixteen (16), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa. Said abstract has been prepared in its entirety by the Delaware County Abstract Company, and was last certified to by said company on the 14th day of March, AD, 2005 at the hour of 8:00 a.m.

My examination of said abstract to the following described real estate:

Southwest Quarter (SW¼) of the Northeast Quarter (NE1/4) of Section Sixteen (16), Township Eighty Nine (89) North, Range Five (5), West of the Fifth P.M. described as commencing at the Southwest corner of said Northeast Quarter (NE¼), and running thence North four hundred fifty (450) feet to the point of beginning, thence East one hundred seventy three (173) feet, thence North three hundred seventy seven (377) feet, thence West thirty six (36) feet, thence North eighty nine (89) feet, thence West one hundred thirty seven (137) feet, thence South to the point of beginning

shows good and merchantable title on the date and hour of certification to be in Clyde A. Scovel and Doris A. Scovel, husband and wife as joint tenants with full rights of survivorship and not as tenants in common.

My examination of said abstract to the following described real estate:

The South one-half (S1/2) of the Northwest Quarter (NW1/4), except the North one hundred (100) feet thereof, and the Southwest Quarter (SW'/4) of the Northeast Quarter (NE1/4), except the North one hundred (100) feet thereof, of Section Fifteen (15), and the South one-half (S1/2) of the Northeast Quarter (NW1/4) of Section Sixteen (16), except the North one hundred (100) feet of the East nine hundred fifty nine (959) feet of the Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4), and also except that part of the Southwest Quarter (SW¼) of the Northeast Quarter (NE1/4) described as commencing at a point four hundred fifty (450) feet North of the Southwest corner thereof and running thence East one hundred seventy three (173) feet, thence North three hundred seventy seven (377) feet, thence West thirty six (36) feet, thence North eighty nine (89) feet, thence West one hundred thirty seven (137) feet, thence South to the point of beginning, and further excepting that part of the Manchester and Oneida Railway right-of-way lying fifty (50) feet on each side of the centerline of said railroad from a point two hundred twenty one and one-half (221½) feet East and twenty one (21) feet North of the Southwest corner of said Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4), and running thence in a Southwesterly direction to the South line of said Northeast Quarter (NE1/4) of Section Sixteen (16), all in Township Eighty Nine (89) North, Range Five (5), West of the Fifth P.M., and

also except Lots One (1) and Two (2) of Shovel Addition Part Of The Southwest Quarter (SW1/4) Of The Northeast Quarter (NE1/4), Section Sixteen (16), Township Eighty-Nine North (T89N), Range Five West (R5W) Of The Fifth Principal Meridian, Delaware County, Iowa, according to plat recorded in Book 2002, Page 4457.

shows good and merchantable title on the date and hour of certification to be in Clyde Allen Scovel.

All of the above described real estate is subject to an open-end mortgage to Community Savings Bank dated February 12, 1997 and filed for record February 19, 1997 in Book 133, L.M., Page 137.

All of the above described real estate is further subject to an open-end mortgage to First State Bank dated March 13, 2002 and filed for record March 18, 2002 in Book 2002, Page 995.

Dated at Manchester, Iowa in said County, this 2nd day of May, 2005.

Steven E. Carr

Steven E. Carr Attorney at Law