Book 2005 Page 1694
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DEBORAH L. PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA
B-7a

FILED
JOHN R. KLAUS
DELAWARE COUNTY ASSESSOR
MAY 16 2005

FILED
SHARON McCRABB
DELAWARE COUNTY AUDITOR
MAY 16 2005

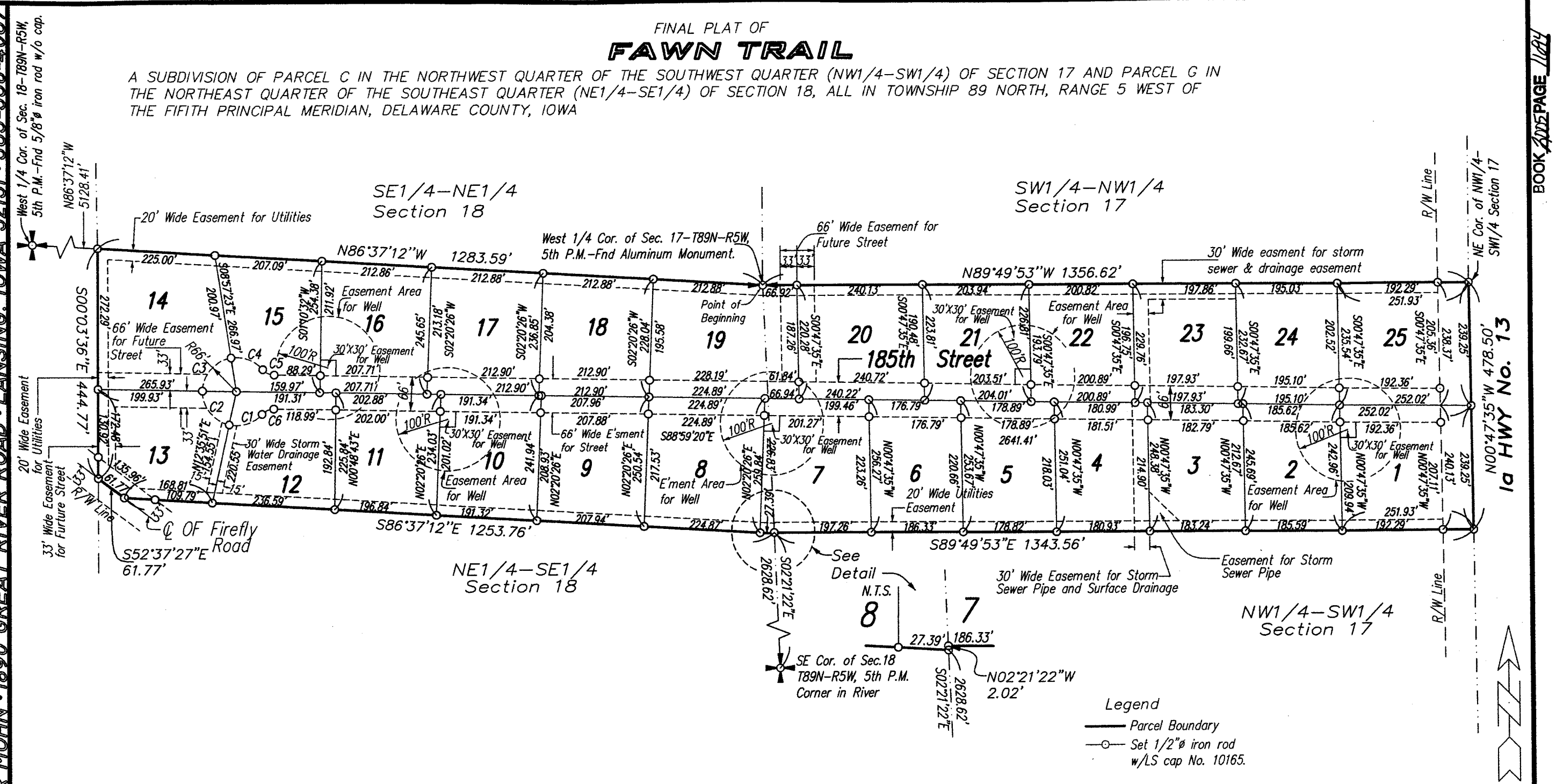
MOHN SURVEYING · ROGER MOHN · 1890 GREAT RIVER ROAD · LANSING, IOWA 52151 · 563-538-4067

BOOK 2005 PAGE 1694

FINAL PLAT OF

FAWN TRAIL

A SUBDIVISION OF PARCEL C IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW1/4–SW1/4) OF SECTION 17 AND PARCEL G IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NE1/4–SE1/4) OF SECTION 18, ALL IN TOWNSHIP 89 NORTH, RANGE 5 WEST OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA



Lot Area Table (w/Public Rd. R/W)

LOT	SQ FT	LOT	SQ FT
1	60,733	15	47,448
2	45,336	16	52,462
3	45,259	17	51,348
4	45,173	18	49,475
5	45,122	19	63,620
6	45,054	20	53,313
7	53,256	21	45,943
8	57,375	22	45,838
9	51,195	23	45,742
10	45,524	24	45,651
11	45,938	25	59,799
12	47,355		
13	50,405		
14	65,538		

Lot Area Table (w/o Public Rd. R/W)

LOT	SQ FT	LOT	SQ FT
1	40,092	15	40,396
2	39,210	16	45,676
3	39,115	17	44,437
4	39,214	18	42,564
5	39,218	19	54,098
6	39,220	20	45,394
7	46,644	21	39,128
8	49,962	22	39,208
9	44,324	23	39,210
10	39,210	24	39,213
11	39,258	25	39,211
12	39,231		
13	44,162		
14	62,496		

0 200 400

Scale 1" = 200'

CURVE TABLE

No.	DELTA	RADIUS	LENGTH	BEARING	CHORD
C1	60°34'19"	66.00'	69.77'	S72°18'42"W	66.57'
C2	78°24'49"	66.00'	90.33'	N38°11'44"W	83.44'
C3	80°01'57"	66.00'	92.19'	N41°01'38"E	84.88'
C4	58°57'11"	66.00'	67.91'	S69°28'48"E	64.95'
C5	48°59'08"	30.00'	25.65'	S64°29'46"E	24.87'
C6	48°59'08"	30.00'	25.65'	S66°31'06"W	24.87'

SURVEYOR:
Mohn Surveying
Roger R. Mohn
1890 Great River Rd.
Lansing, IA 52151
(563) 538–4067

SUBDIVIDER:
Daniel & Ann Schulte
1831 Honey Crk. Rd.
Manchester, IA 52057
(563) 927–4401

Sheet No. 1 of 9 C:\Drawings\Subs\Fawntril\Fawntril.dwg March 14, 2005 Drawn by: ARL

SEAL

LICENSED LAND SURVEYOR
ROGER R. MOHN
10165
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.

Roger R. Mohn March 14, 2005
Roger R. Mohn Date
License Number 10165
My license renewal date is December 31, 2006
Pages or sheets covered by this seal:
Sheet No. 1 of 9 ~~EEm~~ through 3 of 9 ~~RRM~~

LEGAL DESCRIPTION OF FAWN TRAIL:

A subdivision of Parcel "C" in the Northwest Quarter of the Southwest Quarter (NW1/4-SW1/4) of Section Seventeen (17) and Parcel "G" in the Northeast Quarter of the Southeast Quarter (NE1/4-SE1/4) of Section Eighteen (18); all in Township Eighty-nine (89) North, Range Five (5) West of the Fifth Principal Meridian, Delaware County, Iowa, containing 29.02 acres, more or less. The exterior boundary of said subdivision is more particularly described by metes and bounds as follows:

Commencing at the West ¼ Corner of Section 17, Township 89 North, Range 5 West of the 5th P.M. which is the Point of Beginning; thence N 86°-37'-12" W, 1283.59 feet along the north line of the NE1/4-SE1/4 of Section 18, T89N, R5W; thence S 00°-03'-36" E, 444.77 feet along the west line of said NE1/4-SE1/4; thence S 52°-37'-27" E, 61.77 feet along the centerline of Firefly Road; thence S 86°-37'-12" E, 1253.76 feet; thence N 02°-21'-22" W, 2.02 feet along the west line of the SW1/4 of said Section 17; thence S 89°-49'-53" E, 1343.56 feet; thence N 00°-47'-35" W, 478.50 feet along the east line of the NW1/4-SW1/4 of said Section 17; thence N 89°-49'-53" W, 1356.62 feet along the north line of said NW1/4-SW1/4 to the Point of Beginning. Said described parcel contains 29.02 acres, more or less subject to roadways and easements of record.

LICENSED LAND SURVEYOR
ROGER R. MOHN 10165
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.

Roger R. Mohn March 14, 2005

Roger R. Mohn *Date*

License Number 10165

My license renewal date is December 31, 2006

Pages or sheets covered by this seal:
This sheet only.

The attached plat represents a survey of FAWN TRAIL being a subdivision of Parcel "C" in Section 17 and Parcel "G" in Section 18; all in Township 89 North, Range 5 West of the Fifth Principal Meridian, Delaware County, Iowa.

I (We) Daniel Schulte and Ann Schulte of Delaware County, State of Iowa, do hereby certify that the above survey, as shown by the attached Plat, is made with my (our) free consent and in accordance with my (our) desire.

Daniel Schulte

Ann Schulte

STATE OF IOWA, Delaware County SS.

On the 29th day of April A.D. 20 05 before me, a Notary Public in and for said County, personally appeared Daniel Schulte and Ann Schulte

of said County, to me personally known to be the identical person(s) whose name(s) is (are) affixed to the foregoing statement, and acknowledged the same to be their voluntary act and deed.

Witness my hand and seal.

Tracy L Fonck

Notary Public in and for said County

Job#140A - 5/01 Waukon Standard

NOTARIAL SEAL IOWA
TRACY L. FONCK
COMMISSION # 223445
MY COMMISSION EXPIRES
7-8-05

ATTORNEY'S OPINION

I, Thomas J. Hanson, a practicing attorney at law in Manchester, Delaware County, Iowa, have examined the abstract of title to the land included in FAWN TRAIL, Delaware County, Iowa, on premises more specifically described on Sheet No. 2 of 10. RRM

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 28th day of April, A.D., 2005 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 Daniel A. Schulte and Ann L. Schulte, as joint tenants with full rights of survivorship, and not as tenants in common.

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

Thomas J. Hanson ,Attorney at Law

CERTIFICATE OF TREASURER

I, the undersigned, Carolyn Wilson, Treasurer of Delaware County, Iowa, do hereby certify that all taxes and special assessments against FAWN TRAIL, Delaware County, Iowa, have been paid as of the 29th day of April, 2005, and said real estate is free and clear of all taxes as of the aforestated date.

IOWA DELAWARE COUNTY TREASURER

Carolyn A. Wilson, County Treasurer

DELAWARE COUNTY E-911 BOARD

The foregoing plat of FAWN TRAIL, 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, Coordinator
Delaware County E-911 Board

State of Iowa)
)
County of Delaware) Ss:

On this 29 day of April, 2005, before me Sharon McCrabb, 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 of the Delaware County E-911 Board.

SHARON McCRABB
Commission Number 002573
My Comm. Exp. 4-14-05

Sharon McCrabb
Notary Public

EXHIBIT A
AGREEMENT AND WAIVER REGARDING ALTERNATE SYSTEMS FOR SEWER, WATER, ROADS/STREETS AND SIDEWALKS

FAWN TRAIL, DELAWARE COUNTY, IOWA

DANIEL AND ANN SCHULTE
DEVELOPERS

CITY OF MANCHESTER, IOWA

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

FAWN TRAIL, a subdivision of Parcel "C" in the Northwest Quarter of the Southwest Quarter (NW1/4-SW1/4) of Section Seventeen (17) and Parcel "G" in the Northeast Quarter of the Southeast Quarter (NE1/4-SE1/4) of Section Eighteen (18); all in Township 89 North, Range 5 West 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 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; and

IT IS THEREFORE AGREED as follows:

1. Sidewalks shall not be required at this time. The owner or owners of record of the lots of FAWN TRAIL may be required to construct sidewalks at a future date as directed by the City of Manchester, Iowa. The cost of said sidewalks shall be assessed to the owner or owners of record of the lots of FAWN TRAIL.

2. Street improvements to Firefly Road shall not be required at this time. At a future date as directed by the City of Manchester, Iowa, Firefly Road may require improvements. The cost of said improvements shall be assessed to the owner or owners of record of FAWN TRAIL.

3. 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.

4. 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.

5. 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.

6. 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.

7. The City shall have the authority to prohibit the construction of any private street that does not comply with the standards for streets in the City of Manchester, Iowa, as modified by variances duly approved by the City.

8. 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.

9. 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.

10. This Agreement is executed in compliance with Manchester Code of Ordinances 1997, Section 127.12 and 127.17(15).

Daniel Schulte

Ann Schulte

Subscribed and sworn to before me by Daniel Schulte and Ann Schulte this 3rd day of May, 2005

Tracy L Fonck

Notary Public in and for the State of Iowa

TRACY L. FONCK
COMMISSION # 223445
MY COMMISSION EXPIRES
7-8-05

CITY OF MANCHESTER, IOWA.

Milt L Kramer, Mayor

, City Clerk

CITY OF MANCHESTER IOWA SEAL

RESOLUTION APPROVING FINAL PLAT FOR FAWN TRAIL

WHEREAS, the plat of **FAWN TRAIL**, Delaware County, Iowa, affecting premises more specifically described in the LEGAL DESCRIPTION OF **FAWN TRAIL** on Sheet No. 2 of 9 and Surveyor's Certificate of Roger R. Mohn, dated March 14, 2005, 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, it is found that an Agreement and Waiver Regarding Alternate Systems For Sewer, Water, Roads/Street and Sidewalks (also shown as Exhibit A) is required to be attached to the final plat.

WHEREAS, the Manchester Planning and Zoning Commission has recommended to the Council that they accept the amended final plat of Fawn Trail, Delaware County, Iowa as presented with the following declarations and conditions;

1. Sidewalks shall not be required at this time. The owner or owners of record of the lots of the proposed subdivision may be required to construct sidewalks at a future date as directed by the City of Manchester, Iowa. The cost of said sidewalks shall be assessed to the owner or owners of record of the lots of FAWN TRAIL.

2. Street improvements to Firefly Road shall not be required at this time. Existing roadway right-of-way width for all existing public roads is sixty-six (66) feet. At a future date as determined by the City of Manchester, Iowa, street improvements may be required. The cost of said street improvements shall be assessed to the owner of owners of record of FAWN TRAIL. Financial assurance for street improvement shall be provided for by an irrevocable letter of credit on behalf of the developer.

3. That alternate facilities for the distribution of water and collection and disposal of sanitary waste are authorized, however, such alternate facilities must be designed to fully protect the public health, safety, and welfare and meet all requirements of State, County, and other applicable health regulations. The City will allow lot sizes of less than an acre based on the written documentation from the Delaware County Water and Sanitation Office stating that each of the platted lots is large enough to allow the installation of a second leach field in the event of premature failure of the first system.

   Developers 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 this subdivision.

   That developers have agreed to be bound by the terms of Exhibit A, a copy of which is attached hereto, and they further agree that obligations created by the agreement shown on Exhibit A shall run with the land, being binding upon all subsequent owners.

4. Should the street right-of-way located between lots 19 and 20 ever be developed, the cost will be assessed to the benefiting land located north of the Fawn Trail Subdivision. The street easement located on the west side of lot 13 will initially be designated as access for emergency vehicles.

5. That parcel topography be submitted to the City of Manchester at the time of parcel development. Existing topography as well as proposed topography shall be submitted as per request.

NOW, THEREFORE, BE IT RESOLVED, by the Planning & Zoning Commission of the City of Manchester, Delaware County, Iowa, that said **FAWN TRAIL**, Delaware County, Iowa, and exhibits attached thereto, subject to all conditions and representations and referred to above, be, and the same is hereby acknowledged and accepted on the part of the Planning & Zoning Commission of the City of Manchester, Delaware County, Iowa. The Vice Chairperson and Recording Secretary are hereby 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 13TH day of April , A.D., 2005.

SHEET NO. 7 OF 10
RRM

By: Leslie Hart
Leslie Hart, Acting Chairperson

By: Laura Thomas
Laura Thomas, Recording Secretary

STATE OF IOWA)
) SS
COUNTY OF DELAWARE)

On this 26 day of April, 2005, before me, Loretta J. Welcher a Notary Public in and for State of Iowa, personally appeared Leslie Hart and Laura Thomas to me personally known, and who, being by me duly sworn, did say that they are the Acting Chairperson and Recording Secretary, 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 Planning & Zoning Commission, on the 13th day of April 2005, and that Leslie Hart and Laura Thomas acknowledged the execution of the instrument to be their voluntary act and deed and voluntary act and deed of the corporation, by it voluntarily executed.

Loretta J Welcher
Notary Public in and for said State

LORETTA J. WELCHER
Commission Number 726245
My Commission Expires
1-5-07

RRM

RESOLUTION R-061-2005

RESOLUTION APPROVING FINAL PLAT

WHEREAS, the plat of **FAWN TRAIL**, Delaware County, Iowa, affecting premises more specifically described in the LEGAL DESCRIPTION OF FAWN TRAIL on Sheet No. 2 of 9 and Surveyor's Certificate of Roger R. Mohn, dated March 14, 2005, has been filed with the City Clerk of the City of Manchester, Delaware County, Iowa, and has been acknowledged by the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa, who have recommended acceptance of the same to the City Council, and after consideration of said subdivision plat, it has been found to be correct and in accordance with the laws of the State of Iowa and the ordinances of the City of Manchester, Delaware County, Iowa, with relation to land subdivision;

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, it is found that an Agreement and Waiver Regarding Alternate Systems For Sewer, Water, Roads/Street and Sidewalks (also shown as Exhibit A) is required to be attached to the final plat.

WHEREAS, the Manchester Planning and Zoning Commission has recommended to the Council that they accept the amended final plat of Fawn Trail, Delaware County, Iowa as presented with the following declarations and conditions;

1. Sidewalks shall not be required at this time. The owner or owners of record of the lots of the proposed subdivision may be required to construct sidewalks at a future date as directed by the City of Manchester, Iowa. The cost of said sidewalks shall be assessed to the owner or owners of record of the lots of FAWN TRAIL.

2. Street improvements to Firefly Road shall not be required at this time. Existing roadway right-of-way width for all existing public roads is sixty-six (66) feet. At a future date as determined by the City of Manchester, Iowa, street improvements may be required. The cost of said street improvements shall be assessed to the owner of owners of record of FAWN TRAIL. Financial assurance for street improvement shall be provided for by an irrevocable letter of credit on behalf of the developer.

3. That alternate facilities for the distribution of water and collection and disposal of sanitary waste are authorized, however, such alternate facilities must be designed to fully protect the public health, safety, and welfare and meet all requirements of State, County, and other applicable health regulations. The City will allow lot sizes of less than an acre based on the written documentation from the Delaware County Water and Sanitation Office stating that each of the platted lots is large enough to allow the installation of a second leach field in the event of premature failure of the first system.

   Developers 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 this subdivision.

   That developers have agreed to be bound by the terms of Exhibit A, a copy of which is attached hereto, and they further agree that obligations created by the agreement shown on Exhibit A shall run with the land, being binding upon all subsequent owners.

4. Should the street right-of-way located between lots 19 and 20 ever be developed, the cost will be assessed to the benefiting land located north of the Fawn Trail Subdivision. The street easement located on the west side of lot 13 will initially be designated as access for emergency vehicles.

5. That parcel topography be submitted to the City of Manchester at the time of parcel development. Existing topography as well as proposed topography shall be submitted as per request.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manchester, Delaware County, Iowa, that said **FAWN TRAIL**, Delaware County, Iowa, and exhibits attached thereto, subject to all conditions and representations and referred to above, be, and the same is hereby acknowledged and accepted on the part of the City of Manchester, Delaware County, Iowa. The Mayor and the City Clerk are hereby 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 25th day of April, A.D., 2005.

By: Milt L. Kramer
Milt L. Kramer, Mayor

ATTEST:

By: Erin Rempe
Erin Rempe, City Clerk

CITY OF MANCHESTER IOWA SEAL

STATE OF IOWA)
) SS
COUNTY OF DELAWARE)

On this 28th day of April, 2005, before me, Laura K. Thomas, a Notary Public in and for 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 On the 25th day of April 2005, and that Milt L. Kramer and Erin Rempe acknowledged the execution of the instrument to be their voluntary act and deed and voluntary act and deed of the corporation, by it voluntarily executed.

Laura K. Thomas
Laura K. Thomas, Notary Public in and for said State

NOTARIAL SEAL IOWA
LAURA K. THOMAS
Commission Number 718135
My Commission Expires
5-26-05