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JOHN R. KLAUS
DELAWARE COUNTY ASSESSOR

FILED
SHARON McCRABB
DELAWARE COUNTY AUDITOR

Book 2005 Page 2453

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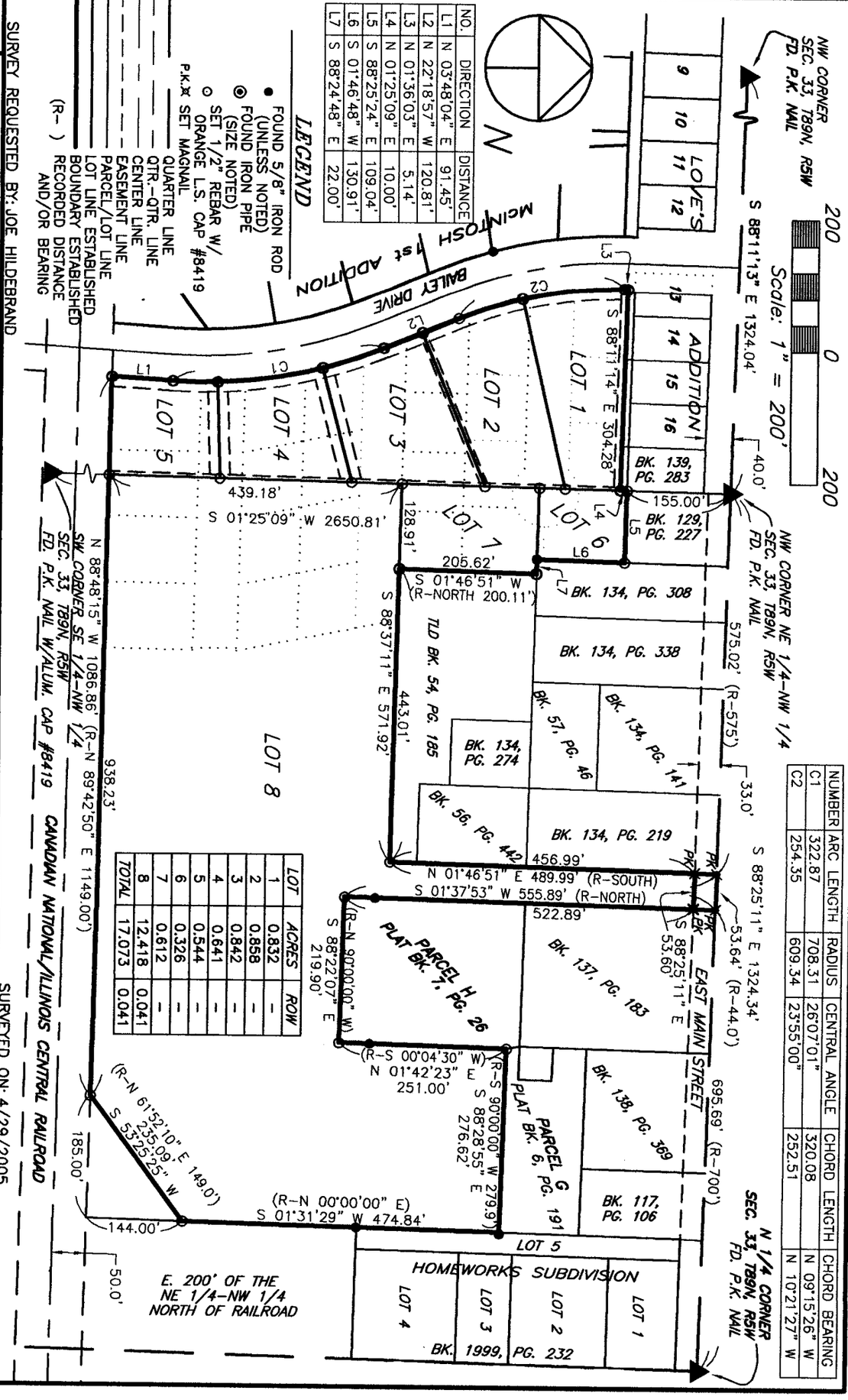
DEBORAH L. PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

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

PLAT OF SURVEY

FINAL PLAT — BAILEY DRIVE ESTATES

A RE-SUBDIVISION OF LOT 1-LOT 24, INCLUDING VACATED STREETS, AND PART OF LOT 25 OF EMPIRE ESTATES SUBDIVISION, CITY OF MANCHESTER, DELAWARE COUNTY, IOWA



NO.	DIRECTION	DISTANCE
L1	N 03°48'04" E	91.45'
L2	N 22°18'57" W	120.81'
L3	N 01°36'03" E	5.14'
L4	N 01°25'09" E	10.00'
L5	S 88°25'24" E	109.04'
L6	S 01°46'48" W	130.91'
L7	S 88°24'48" E	22.00'

NUMBER	ARC LENGTH	RADIUS	CENTRAL ANGLE	CHORD LENGTH	CHORD BEARING
C1	322.87	708.31	26°07'01"	320.08	N 09°15'26" W
C2	254.35	609.34	23°55'00"	252.51	N 10°21'27" W

LOT	ACRES	ROW
1	0.832	--
2	0.858	--
3	0.842	--
4	0.641	--
5	0.544	--
6	0.326	--
7	0.612	--
8	12.418	0.041
TOTAL	17.073	0.041

LEGEND

- FOUND 5/8" IRON ROD (UNLESS NOTED)
- FOUND IRON PIPE (SIZE NOTED)
- SET 1/2" REBAR W/ ORANGE L.S. CAP #8419
- P.K. SET MAGNAL
- QUARTER LINE
- QTR.-QTR. LINE
- CENTER LINE
- EASEMENT LINE
- PARCEL/LOT LINE
- LOT LINE ESTABLISHED
- BOUNDARY ESTABLISHED
- (R-) RECORDED DISTANCE AND/OR BEARING

SURVEY REQUESTED BY: JOE HILDEBRAND

PROPRIETORS: ROGER M. SIMON & DARLENE M. SIMON
307 2nd AVENUE SE FARLEY, IOWA 52046

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. LICENSE #8419 DATE

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2006

PAGES OR SHEETS COVERED BY THIS SEAL: 1-4

LICENSED LAND SURVEYOR J. DAVID GIBBS 8419 IOWA

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

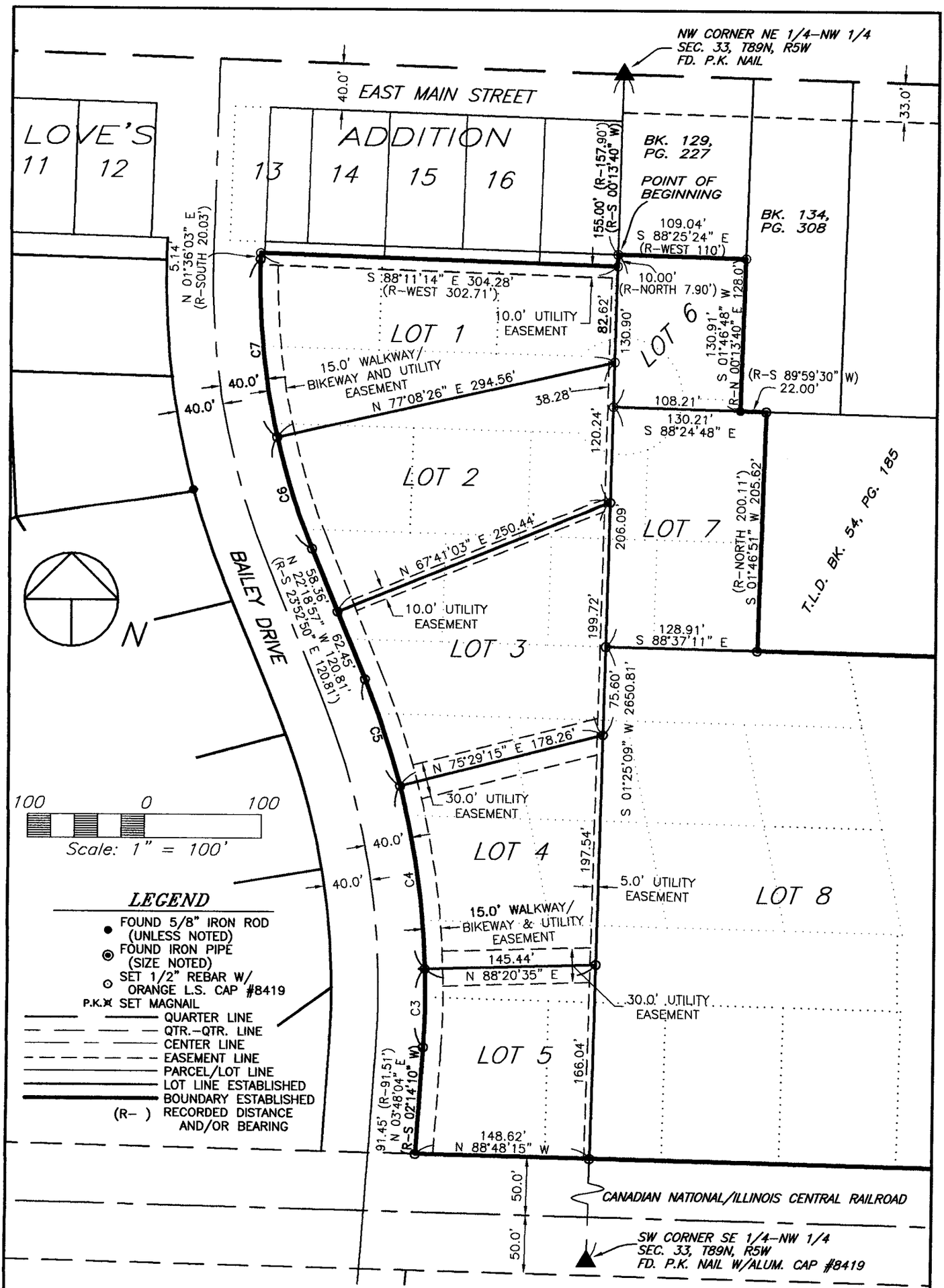
SURVEYED ON: 4/29/2005

PROJECT NO. 00-39/05-20

SCALE: 1"=200'
DATE: 5/3/2005
DRAWN BY: RLR
CHECKED BY: JDG
REVISED
SHEET 1 OF 8

5-99

BOOK 2005 PAGE 2453



NUMBER	ARC LENGTH	RADIUS	CENTRAL ANGLE	CHORD LENGTH	CHORD BEARING
C1	322.87	708.31	26°07'01"	320.08	N 09°15'26" W
C2	254.35	609.34	23°55'00"	252.51	N 10°21'27" W
C3	67.47	708.31	05°27'29"	67.45	N 01°04'19" E
C4	158.92	708.31	12°51'19"	158.59	N 08°05'05" W
C5	96.47	708.31	07°48'12"	96.39	N 18°24'51" W
C6	100.57	609.34	09°27'22"	100.45	N 17°35'16" W
C7	153.79	609.34	14°27'37"	153.38	N 05°37'46" W

GIBBS ENGINEERING & SURVEYING

105 West Main, Manchester, Iowa 52057 (563) 927–2434 www.gibbseng.com

SCALE 1"=100' SHEET 2 OF 8

LEGAL DESCRIPTION:

BAILEY DRIVE ESTATES: *A RE-SUBDIVISION OF LOT ONE (1) THROUGH LOT TWENTY-FOUR (24), INCLUDING VACATED STREETS, AND PART OF LOT 25, EMPIRE ESTATES SUBDIVISION, SECTION THIRTY-THREE (33), TOWNSHIP EIGHTY-NINE NORTH (T89N), RANGE FIVE WEST (R5W) OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF MANCHESTER, DELAWARE COUNTY, IOWA*, containing a total of 17.073 acres, including 0.041 acres of public road right of way, divided into Eight (8) Lots, numbered Lot 1 through Lot 8, subject to easements of record, and more particularly described by metes and bounds as follows,

COMMENCING at the Northwest Corner of the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼) of Section Thirty-three (33), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa;

THENCE along the Westerly Line of the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼) of said Section Thirty-three (33), South 01° 25' 09" West, to the Southwest Corner of a parcel as recorded in L.D. Book 129, Page 227 in the Office of the Delaware County Recorder, 155.00 feet, the **POINT OF BEGINNING**;

THENCE along the Southerly Line of said parcel as recorded in L.D. Book 129, Page 227, South 88° 25' 24" East, to the Westerly Line of a parcel as recorded in L.D. Book 134, Page 308 in the Office of the Delaware County Recorder, 109.04 feet;

THENCE along the Westerly Line of said parcel as recorded in L.D. Book 134, Page 308, South 01° 46' 48" West, to the Southwest Corner of said parcel as recorded in L.D. Book 134, Page 308, 130.91 feet;

THENCE along the Southerly Line of said parcel as recorded in L.D. Book 134, Page 308, South 88° 24' 48" East, to the Northwesterly Corner of a parcel as recorded in T.L.D. Book 54, Page 185 in the Office of the Delaware County Recorder, 22.00 feet;

THENCE along the Westerly Line of said parcel as recorded in T.L.D. Book 54, Page 185, South 01° 46' 51" West, to the Southwest Corner of said parcel as recorded in T.L.D. Book 54, Page 185, 205.62 feet;

THENCE along the Southerly Line of said parcel as recorded in T.L.D. Book 54, Page 185, South 88° 37' 11" East, to the Southeast Corner of said parcel as recorded in T.L.D. Book 54, Page 185, 444.74 feet;

THENCE North 01° 46' 51" East, along the Easterly Line of said parcel as recorded in T.L.D. Book 54, Page 185, and the Easterly Line of a parcel recorded in T.L.D. Book 56, Page 442 and the Easterly Line of a parcel as recorded in L.D. Book 134, Page 219 in the Office of the Delaware County Recorder, to the Northerly Line of the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼) of said Section Thirty-three (33), 489.99 feet;

THENCE along the Northerly Line of the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼) of said Section Thirty-three (33), South 88° 25' 11" East, to the Northwest Corner of a parcel as recorded in L.D. Book 137, Page 183 in the Office of the Delaware County Recorder, 53.64 feet;

THENCE along the Westerly Line of said parcel as recorded in L.D. Book 137, Page 183, and the Westerly Line of Parcel H, as recorded in Plat Book 7, Page 26, South 01° 37' 53" West, to the Southwest Corner of said Parcel H, 555.89 feet;

THENCE along the Southerly Line of said Parcel H, South 88° 22' 07" East, to the Southeast Corner of said Parcel H, 219.90 feet;

THENCE along the Easterly Line of said Parcel H, North 01° 42' 23" East, to the Southwest Corner of Parcel G, as recorded in Plat Book 6, Page 191 in the Office of the Delaware County Recorder, 251.00 feet;

THENCE along the Southerly Line of said Parcel G, South 88° 28' 55" East, to the Westerly Line of Homeworks Subdivision, as recorded in Book 1999, Page 232 in the Office of the Delaware County Recorder, 276.62 feet;

THENCE along the Westerly Line of said Homeworks Subdivision and the Westerly Line of the East 200 feet of the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼) of said Section Thirty-three (33), South 01° 31' 29" West, 474.84 feet;

THENCE South 53° 25' 25" West, to the Northerly Line of the Canadian National/Illinois Central Railroad, 235.09 feet;

THENCE along the Northerly Line of the Canadian National/Illinois Central Railroad, North 88° 48' 15" West, to the Easterly Line of Bailey Drive, 1086.86 feet;

THENCE along the Easterly Line of Bailey Drive, North 03° 48' 04" East, 91.45 feet;

THENCE continuing along the Easterly Line of Bailey Drive along a circular curve concave Southwesterly for an arc length of 322.87 feet, said circular curve having a radius of 708.31 feet, a central angle of 26° 07' 01", a chord length of 320.08 feet, and a chord bearing of North 09° 15' 26" West;

THENCE continuing along the Easterly Line of Bailey Drive, North 22° 18' 57" West, 120.81 feet;

THENCE continuing along the Easterly Line of Bailey Drive along a circular curve concave Northeasterly for an arc length of 254.35 feet, said circular curve having a radius of 609.34 feet, a central angle of 23° 55' 00", a chord length of 252.51 feet, and a chord bearing of North 10° 21' 27" West;

THENCE continuing along the Easterly Line of Bailey Drive, North 01° 36' 03" East, to the centerline of a vacated alley in Love's Addition as recorded in Plat Book 1, Page 19 in the Office of the Delaware County Recorder, 5.14 feet;

THENCE along the centerline of a vacated alley in said Love's Addition, South 88° 11' 14" East, to the Westerly Line of the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼) of said Section Thirty-three (33), 304.28 feet;

THENCE along the Westerly Line of the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼) of said Section Thirty-three (33), North 01° 25' 09" East, 10.00 feet to the **POINT OF BEGINNING**;

Containing a total of 17.073 acres, including 0.041 acres of public road right of way, divided into Eight (8) Lots, numbered Lot 1 through Lot 8, and subject to easements of record.

The Northerly Line of the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼) of Section Thirty-three (33), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa is assumed to bear South 88° 25' 11" East.

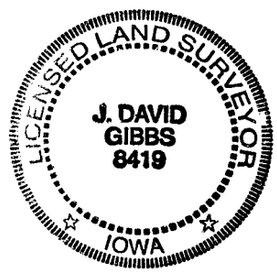
SURVEYOR'S CERTIFICATE

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.

5/19/05

J. David Gibbs L.S. #8419 Date
My license will be renewed on December 31, 2006



OWNER'S ACKNOWLEDGMENT

I (we) Roger M. Simon and Darlene M. Simon of Dubuque 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.

Roger M. Simon

Darlene M. Simon

State of Iowa)
)
County of Dubuque) ss:

On this 14 day of July A.D. 2005, before me a Notary Public in and for said State, personally appeared Roger M. Simon and Darlene M. Simon 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.

Lisa K Swanson
Notary Public in and for said State

LISA K. SWANSON
COMMISSION NUMBER 717728
My Commission Expires
8-1-05

DEDICATION

The undersigned owners of the land described in the foregoing surveyor's certificate have caused said tract to be surveyed and subdivided in the manner shown on the above plat, which shall hereafter be know as ***BAILEY DRIVE ESTATES***, *City of Manchester, Delaware County, Iowa.* East Main Street shown upon the plat and survey is hereby dedicated to public use forever for street purposes. All easements for utilities or other public easements shown on the above plat are further hereby granted to the City of Manchester, Iowa, for the purpose of installing and maintaining public utilities or other facilities, in, under, or over said easements.

IN WITNESS WHEREOF, we have set our hands this 14 day of JULY, 2005.

Roger M. Simon

Darlene M. Simon

State of Iowa)
)
County of Dubuque) ss:

On this 14 day of July A.D. 2005, before me a Notary Public in and for said State, personally appeared Roger M. Simon and Darlene M. Simon 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.

Lisa K Swanson
Notary Public in and for said State

LISA K. SWANSON
COMMISSION NUMBER 717728
My Commission Expires
8-1-05

CERTIFICATE OF TREASURER

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

7-14-05

Carolyn A. Wilson

Carolyn A. Wilson, County Treasurer

ATTORNEY'S OPINION

I, Steven E. Carr, a practicing attorney at law in Manchester, Delaware County, Iowa, have examined the abstract of title to the land included in ***BAILEY DRIVE ESTATES,*** Delaware County, Iowa, on premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated May 19, 2005.

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 July, 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 Roger M. Simon and Darlene M. Simon, husband and wife as Joint Tenants with Full Rights of Survivorship, and not as Tenants in Common.

Dated at Manchester, Iowa, in said County, this 13th day of July, 2005.

Steven E. Carr

Attorney at Law

RESOLUTION APPROVING PRELIMINARY AND FINAL PLAT

WHEREAS, the preliminary and final plat of ***BAILEY DRIVE ESTATES, City of Manchester, Delaware County, Iowa***, affecting premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated 5-3-05 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, preliminary plat of ***BAILEY DRIVE ESTATES, City of Manchester, Delaware County, Iowa***, should be approved with the following variances, declarations and conditions;

a. No determination has been made as to compliance with this subdivision and platting requirements which are set forth in the Code of Iowa.
b. Sidewalks across Lots 1, 2, 3, 4, and 5 will be constructed by the City as part of a City project. Sidewalks on other lots would not be required until further subdivision.
c. Water main will not be required across the full width of the subdivision in the area of Lot 5.
d. Sanitary sewer will not be required across the full width of the subdivision in the area of Lot 1.
e. Contingent on rezoning Lots 1-6 and Lots 7 & 8
f. Lots 6 & 7 are non-buildable unto themselves.
g. As Lot 8 is developed, a buffer line of trees or other vegetation will be established and maintained on the lot to reduce the visibility of commercial buildings from nearby residential property.

NOW, THEREFORE, BE IT RESOLVED, by the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa, that said ***BAILEY DRIVE ESTATES, City of Manchester, 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 25th day of May, A.D., 2005.

PLANNING & ZONING COMMISSION
CITY OF MANCHESTER, IOWA

By Becky Dolan
Becky Dolan, Chairperson

By Laura Thomas
Laura Thomas, Recording Secretary

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 22nd day of June, 2005 before me, Julie A. Swanson, a Notary Public in and for the State of Iowa, personally appeared Becky Dolan 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 25th day of May, 2005, and that Becky Dolan 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.

Julie A. Swanson
Notary Public.

NOTARIAL SEAL IOWA
JULIE A. SWANSON
Commission Number 224151
My Comm. Exp. 8-23-06

R-089-2005
RESOLUTION APPROVING PRELIMINARY AND FINAL PLAT

WHEREAS, preliminary and final plat of ***BAILEY DRIVE ESTATES, City of Manchester, Delaware County, Iowa*** Delaware County, Iowa, affecting premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated 5-3-05, 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 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, the Manchester Planning and Zoning Commission has recommended to the Council that they accept the plat of ***BAILEY DRIVE ESTATES, City of Manchester, Delaware County, Iowa***, as presented with the following variances, declarations and conditions;

1. No determination has been made as to compliance with this subdivision and platting requirements which are set forth in the Code of Iowa.
2. Sidewalks across Lots 1, 2, 3, 4, and 5 will be constructed by the City as part of a City project. Sidewalks on other lots would not be required until further subdivision.
3. Water main will not be required across the full width of the subdivision in the area of Lot 5.
4. Sanitary sewer will not be required across the full width of the subdivision in the area of Lot 1.
5. Contingent on rezoning and vacation of portion of Empire Estates Subdivision.
6. Lots 6 & 7 are non-buildable unto themselves.
7. As Lot 8 is developed, a buffer line of trees or other vegetation will be established and maintained on the lot to reduce the visibility of commercial buildings from nearby residential property

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manchester, Delaware County, Iowa, that said ***BAILEY DRIVE ESTATES, City of Manchester, 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 final plat as by law provided.

Passed this 1st day of June A.D., 2005.

Milt L. Kramer

Milt L. Kramer, Mayor

ATTEST:

Erin Rempe, City Clerk

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 22nd day of June, 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-089-2005 adopted by the City Council on the 1st day of June, 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
Commission Number 718135
My Commission Expires
8-26-05

Laura K Thomas

Notary Public