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JOHN R. KLAUS
DELAWARE COUNTY ASSESSOR

SEP 19 2005

FILED
SHARON McCRABB
DELAWARE COUNTY AUDITOR

SEP 19 2005

Book 2005 Page 3320

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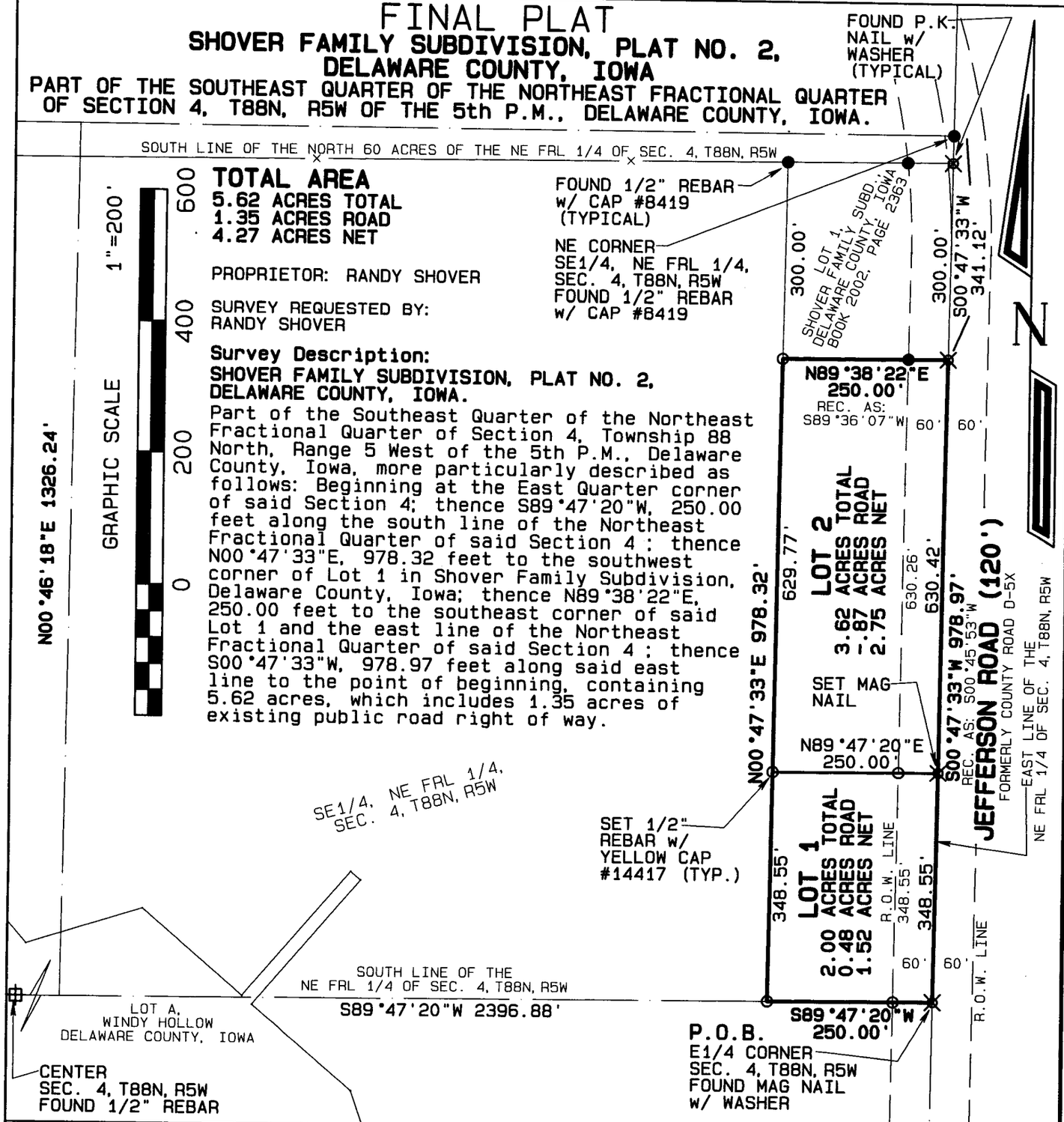
DEBORAH L. PEYTON, RECORDER/REGISTRA
DELAWARE COUNTY IOWA

Prepared by: SCHNEIDER Land Surveying and Planning, Inc. P.O.Box 128 Farley, Iowa 52046 Ph#563-744-3631

FINAL PLAT

SHOVER FAMILY SUBDIVISION, PLAT NO. 2, DELAWARE COUNTY, IOWA

PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST FRACTIONAL QUARTER OF SECTION 4, T88N, R5W OF THE 5th P.M., DELAWARE COUNTY, IOWA.



TOTAL AREA
5.62 ACRES TOTAL
1.35 ACRES ROAD
4.27 ACRES NET

PROPRIETOR: RANDY SHOVER

SURVEY REQUESTED BY:
RANDY SHOVER

Survey Description:
SHOVER FAMILY SUBDIVISION, PLAT NO. 2, DELAWARE COUNTY, IOWA.
Part of the Southeast Quarter of the Northeast Fractional Quarter of Section 4, Township 88 North, Range 5 West of the 5th P.M., Delaware County, Iowa, more particularly described as follows: Beginning at the East Quarter corner of said Section 4; thence S89°47'20"W, 250.00 feet along the south line of the Northeast Fractional Quarter of said Section 4 : thence N00°47'33"E, 978.32 feet to the southwest corner of Lot 1 in Shover Family Subdivision, Delaware County, Iowa; thence N89°38'22"E, 250.00 feet to the southeast corner of said Lot 1 and the east line of the Northeast Fractional Quarter of said Section 4 : thence S00°47'33"W, 978.97 feet along said east line to the point of beginning, containing 5.62 acres, which includes 1.35 acres of existing public road right of way.

LICENSED LAND SURVEYOR
DAVID P. SCHNEIDER #14417
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.

David P. Schneider P.L.S. #14417 Date: 7/27/2005
My license renewal date is December 31, 2005.

Pages or sheets covered by this seal: THIS SHEET ONLY

SCHNEIDER
Land Surveying & Planning, Inc.
P.O. Box 128
Farley, Iowa 52046
Ph# 563-744-3631
Fax 563-744-3629

Project: 802
Date: 7/27/2005
Sheet: 1 of 1

P & Z

RESOLUTION APPROVING FINAL PLAT

WHEREAS, the final plat of ***Shover Family Subdivision, Plat #2, Delaware County, Iowa***, affecting premises more specifically described in the Surveyor's Certificate of David P. Schneider, dated July 27th, 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, the final plat of ***Shover Family Subdivision, Plat #2, Delaware County, Iowa***, should be approved with the following variances, declarations and conditions;

a. In the event this subdivision is annexed into the City of Manchester, the recommendation on zoning status for Lot 1 and Lot 2 would be residential.
b. No determination has been made as to compliance with this subdivision and platting requirements which are set forth in the Code of Iowa.
c. That plans and specifications shall be submitted to the City for approval for any private sewage disposal systems and private water system prior to development of any lot to be served by said system. Developers consent and agree that the City of Manchester, Iowa shall have the authority to prohibit construction of any private sewage disposal system which does not comply with Chapter 98 of the Manchester City Code
d. Sidewalks shall not be required at this time. The Owner or Owners of record of the numbered lots, if voluntarily annexed to the City, may be required to construct sidewalks at a future date as required by the City of Manchester. The cost of said sidewalks shall be assessed to the owner or owners of record of the lots.
e. Improvements to Jefferson Road, an existing public road are not required.

NOW, THEREFORE, BE IT RESOLVED, by the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa, that said final Plat of ***Shover Family Subdivision, Plat #2, 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 exhibits attached thereto, subject to all conditions as presented and representations referred to above, and the Commission hereby recommends to the City Council the acceptance of the same and the Chairperson and the Recording Secretary are hereby authorized and 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 10TH day of AUGUST, A.D., 2005.

MANCHESTER CITY SEAL IOWA

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 16th day of September, 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 10th day of August, 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.

Notary Public.

NOTARIAL SEAL IOWA
JULIE A. SWANSON
Commission Number 224151
My Comm. Exp. 8-23-08

R-120-2005
RESOLUTION APPROVING FINAL PLAT

WHEREAS, the final plat of ***Shover Family Subdivision, Plat #2, Delaware County, Iowa***, affecting premises more specifically described in the Surveyor's Certificate of David P. Schneider, dated July 27th, 2005, 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; and

WHEREAS, the subdivider, Randy Shover, has entered into an agreement and waiver regarding alternative systems for water, sewer and private streets with the City of Manchester which is attached hereto as Exhibit A, and which has been prepared by the City Attorney; 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, the City Council determines it would not be appropriate to require installation of certain public improvements in conjunction with the approval of said subdivision ; 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, the Manchester Planning and Zoning Commission has recommended to the Council that they accept the final plat of ***Shover Family Subdivision, Plat #2, Delaware County, Iowa***, as presented with the following declarations and conditions;

a. In the event this subdivision is annexed into the City of Manchester, the recommendation on zoning status for Lot 1and Lot 2 would be residential.
b. No determination has been made as to compliance with this subdivision and platting requirements which are set forth in the Code of Iowa.
c. That plans and specifications shall be submitted to the City for approval for any private sewage disposal systems and private water system prior to development of any lot to be served by said system. Developers consent and agree that the City of Manchester, Iowa shall have the authority to prohibit construction of any private sewage disposal system which does not comply with Chapter 98 of the Manchester City Code
d. Sidewalks shall not be required at this time. The Owner or Owners of record of the numbered lots, if voluntarily annexed to the City, may be required to construct sidewalks at a future date as required by the City of Manchester. The cost of said sidewalks shall be assessed to the owner or owners of record of the lots.
e. Improvements to Jefferson Road, an existing public road are not required.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manchester, Delaware County, Iowa, that said Final Plat of ***Shover Family Subdivision, Plat #2, Delaware County, Iowa***, and Exhibit A, 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 plat as and all attachments referred to herein by law provided.

Passed this 22nd day of August, A.D., 2005.

Milt L. Kramer, Mayor

ATTEST:

Erin Rempe, City Clerk

CITY OF MANCHESTER IOWA SEAL

STATE OF IOWA)
) ss:
COUNTY OF DELAWARE)

On this 16th day of September , 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-120-2005 adopted by the City Council on the 22nd day of August, 2005, and that Milt L. Kramer and Erin Rempe acknowledged 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

NOTARIAL SEAL IOWA
LAURA K. THOMAS
Commission Number 718135
My Commission Expires
8-26-08

LEGAL DESCRIPTION:

Shover Family Subdivision, Plat #2, Delaware County, Iowa

Part of the Southeast Quarter of the Northeast Fractional Quarter of Section 4, Township 88 North, Range 5 West of the 5th P.M., Delaware County, Iowa, more particularly described as follows: Beginning at the East Quarter corner of said Section 4; thence S89°47'20"W, 250.00 feet along the south line of the Northeast Fractional Quarter of said Section 4; thence N00°47'33"E, 978.32 feet to the southwest corner of Lot 1 in Shover Family Subdivision, Delaware County, Iowa; thence N89°38'22"E, 250.00 feet to the southeast corner of said Lot 1 and the east line of the Northeast Fractional Quarter of said Section 4; thence S00°47'33"W, 978.97 feet along said east line to the point of beginning, containing 5.62 acres, which includes 1.35 acres of existing public road right of way.

OWNER'S ACKNOWLEDGMENT

I Randy Shover & Mary Jo Shover 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.

Randy Shover

Mary Jo Shover

State of Iowa)
)
County of Delaware) ss:

On this 16th day of September A.D. 2005, before me a Notary Public in and for said State, personally appeared Randy Shover & Mary Jo Shover 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.

NOTARIAL SEAL IOWA
CAROLYN A. WILSON
Commission Number 167742
My Commission Expires
12-17-07

Carolyn A. Wilson
Notary Public in and for said State

CERTIFICATE OF TREASURER

I, the undersigned, Carolyn A. Wilson, Treasurer of Delaware County, Iowa, do hereby certify that all taxes and special assessments against ***Shover Family Subdivision, Plat #2,*** Delaware County, Iowa, have been paid and said real estate is free and clear of all taxes as of this date.

DELAWARE COUNTY TREASURER SEAL IOWA

Carolyn A. Wilson 9-16-05
Carolyn A. Wilson, County Treasurer Date

DELAWARE COUNTY E-911 BOARD

Delaware County, Iowa

The foregoing plat of ***Shover Family Subdivision, Plat #2*** 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
Norman Wellman – Coordinator
Delaware County E-911 Board

State of Iowa)
)
County of Delaware) ss:

On this 18th day of August, 2005, before me Carolyn A. Wilson, 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.

CAROLYN A. WILSON
Commission Number 167742
My Commission Expires
12-17-07

Carolyn A. Wilson
Notary Public

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 ***Shover Family Subdivision, Plat #2,*** Delaware County, Iowa, on premises more specifically described in the Surveyor's Certificate of David P. Schneider, dated July 27th, 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 31st day of August, A.D., 2005, at the hour of 8:00 o'clock A.M.

My examination of said abstract shows good and merchantable title on the date and hour of the certification to be in Randy Shover & Mary Jo Shover. Subject to Mortgages in favor of First State Bank and shown on attached sheet.
Dated at Manchester, Iowa, in said County, this 9th day of September, 2005.

9-9-05
Attorney at Law Date
Thomas J. Hanson

MORTGAGE HOLDERS ACKNOWLEDGEMENT

The First State Bank, Manchester, 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.

FIRST STATE BANK MANCHESTER, IOWA CORPORATE SEAL

BY
BY Steve Reinig

State of Iowa)
)
County of Delaware) ss:

On this 14th day of September, 2005, before me JoAnn Heffernan, a Notary Public in and for the State of Iowa, personally appeared Joseph Wiewel and Steve Reinig, to me personally known, and, who, being me duly sworn, did say that they are the President and Senior Vice President respectively of the First State Bank, executing the within and foregoing instrument to which this is attached, that 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 the President and Sr Vice President 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.

JoAnn Heffernan
Notary Public

JOANN HEFFERNAN
Notarial Seal - Iowa
Commission # 221989
My Commission Expires 2-19-08

ATTACHMENT TO ATTORNEY'S OPINION

The Real Estate described herein is subject to the following Mortgages:

1. Open-End Real Estate Mortgage in favor of First State Bank dated May 21, 1999 and filed June 4, 1999 in Book 1999, Page 1953 of the records of the Delaware County Recorder and shown Entry 16 of the Abstract.

2. Open-End Real Estate Mortgage in favor of First State Bank dated October 8, 1999 and filed October 29, 1999 in Book 1999, Page 3778 of the records of the Delaware County Recorder and shown Entry 17 of the Abstract.

3. Deed of Trust in favor of First State Bank dated August 11, 2003 and filed August 13, 2003 in Book 2003, Page 3899 of the records of the Delaware County Recorder and shown 18 of the Abstract.

NOTICE OF AGREEMENT FOR ALTERNATIVE SYSTEMS FOR SEWER AND WATER

SHOVER FAMILY SUBDIVISION, PLAT NO. 2 DELAWARE COUNTY, IOWA

THE UNDERSIGNED, Randy Shover, as Developer of Shover Family Subdivision Plat No. 2, Delaware County, Iowa, more specifically described as:

Part of the Southeast Quarter of the Northeast Fractional Quarter of Section 4, Township 88 North, Range 5 West of the 5th P.M., Delaware County, Iowa, more particularly described as follows: Beginning at the East Quarter corner of said Section 4; thence S89°47'20"W, 250.00 feet along the south line of the Northeast Fractional Quarter of said Section 4; thence N00°47'33"E, 978.32 feet to the southwest corner of Lot 1 in Shover Family Subdivision, Delaware County, Iowa; thence N89°38'22"E, 250.00 feet to the southeast corner of said Lot 1 and the east line of the Northeast Fractional Quarter of said Section 4; thence S00°47'33"W, 978.97 feet along said east line to the point of beginning, containing 5.62 acres, which includes 1.35 acres of existing public road right of way.

record this notice to serve as formal notice to all purchasers of property of lots located within the above-property of the following:

1. That as Developer, he has agreed to be bound by the terms of Exhibit A, a copy of which is attached hereto, and he further agrees that obligations created by the agreement shown on Exhibit A shall run with the land, being binding upon all subsequent owners.

2. That the Developer has agreed as set forth in Exhibit A that no residence or other structure designed for human habitation shall be constructed upon any lot within the subdivision without construction of a private disposal facility located entirely upon the lot where the residential structure is located. Said private sewage system must comply with all state, county and other applicable health regulations.

3. Developer specifically has granted to the City of Manchester, Iowa and, acknowledges, its authority to review all plans for private sewer systems serving residential structures located upon lots in the above-described property.

4. Developer further acknowledges and provides notice that private sewer systems constructed on the above-described property must receive prior approval by the City of Manchester, Iowa, and failure to obtain prior approval for the construction of a private sewage system may result in the City obtaining an injunction to prohibit 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, another applicable health regulations.

5. That no residence or other structure designed for human habitation shall be constructed upon any lot within the subdivision without obtaining prior approval from the City of Manchester, Iowa, of the private water system serving the lot. All private water systems serving the lot shall comply with the state, federal, county, and other applicable health regulations. Failure to obtain prior approval by the City of Manchester, Iowa, of the private water system shall authorize the City of Manchester, Iowa, to obtain injunctive relief prohibiting any further construction of facilities located on the lot and any other relief provided by law.

6. All property located within the subdivision shall be subject to each and every term and condition set forth on Exhibit A which is attached hereto.

7. The City of Manchester, Iowa, shall be authorized to review all plans for construction of a private street located within the subdivision prior to construction of the street and consistent with the terms of the agreement shown on Exhibit A.

8. The City of Manchester, Iowa, shall have authority to enforce all of the terms and conditions set forth on Exhibit A by injunctive relief, damages, or any other remedy allowed by law, which shall include the right to be reimbursed for reasonable attorney fees incurred by the City in enforcing a violation of the terms of the attached agreement and this notice.

9. Developers shall have no liability and shall not be responsible for actions taken by subsequent landowners in violation of the agreement referred to herein.

Randy Shover

Mary Jo Shover

STATE OF IOWA, COUNTY OF DELAWARE, SS:

On this 12th day of September, 2005, before me, the undersigned, A Notary Public in and for the State, personally appeared Randy Shover and Mary Jo Shover, to me known to be the persons named in and who executed the forgoing instrument, and acknowledges that they executed the same as their voluntary act and deed.

Notary Public in and for said State

THOMAS J. HANSON
Commission Number 115040
My Commission Expires
September 22, 2007