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DELAWARE COUNTY ASSESSOR

DEC 7 2005

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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
HONEY CREEK ESTATES,
DELAWARE COUNTY, IOWA.

A SUBDIVISION OF LOT 1 AND PART OF LOTS 2 AND 3 OF KENNEDY'S SUBDIVISION, AND PART OF THE W1/2 OF SECTION 20, T89N, R5W OF THE 5th P.M., DELAWARE COUNTY, IOWA

(SEE PLAT ON SHEET 2)

TOTAL AREA
6.71 ACRES

PROPRIETORS:
DENNIS J. CONRAD
& JEAN A. CONRAD

SURVEY REQUESTED BY:
DENNIS J. CONRAD

SURVEY DESCRIPTION:
HONEY CREEK ESTATES, DELAWARE COUNTY, IOWA.

A subdivision of Lot 1, part of Lot 2 and part of Lot 3 of Kennedy's Subdivision, Delaware County, Iowa, two parcels of land described in a Warranty Deed recorded in Book 121, Page 181 in the office of the Recorder of Delaware County, Iowa, and a parcel of land described in a Court Officer Deed recorded in Book 122, Page 302 in the office of the Recorder of Delaware County, Iowa, more particularly described as follows: Beginning at the easterly corner of Lot 1 in Kennedy's Subdivision, Delaware County, Iowa, thence S55°55'29"W, 395.68 feet to the southerly corner of Lot 3 in said Kennedy's Subdivision; thence S55°54'36"W, 377.16 feet to the easterly corner of Parcel 1 in Hayes Subdivision, Delaware County, Iowa; thence N51°28'37"W, 396.02 feet along the northeasterly line of said Parcel 1 extended to the corner of Parcel 2 of said Hayes Subdivision; thence N55°51'57"E, 772.62 feet along the southeasterly line of said Parcel 2 to the northeasterly line of Lot 2 in said Kennedy's Subdivision; thence S51°28'41"E, 396.75 feet along the northeasterly line of said Lots 1 and 2 in said Kennedy's Subdivision to the point of beginning, containing 6.71 acres.

LICENSED LAND SURVEYOR
DAVID P. SCHNEIDER #14417
IOWA

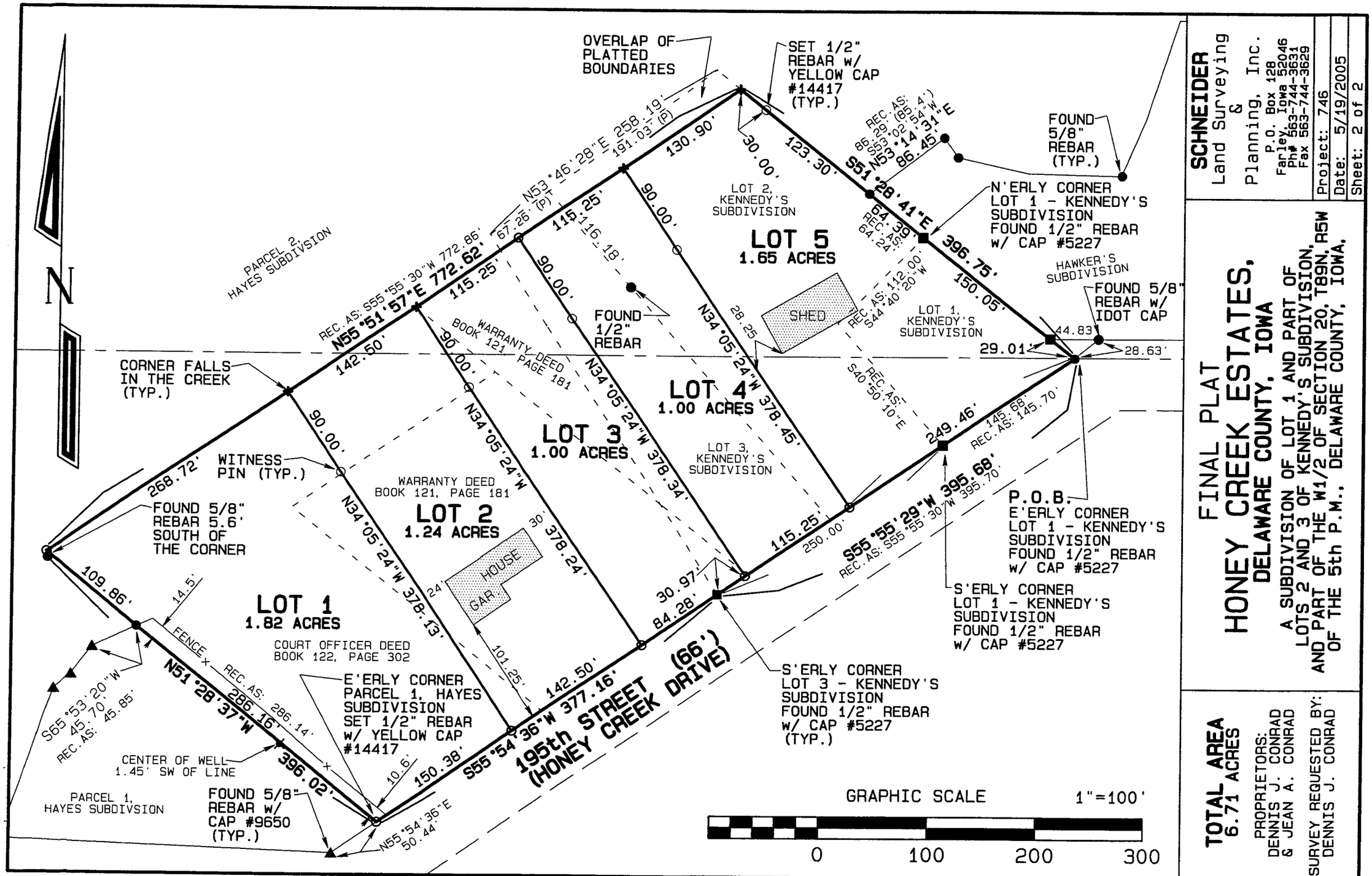
I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

David P. Schneider P.L.S. #14417 Date: 11/10/2005
My license renewal date is December 31, 2005.

Pages or sheets covered by this seal: SHEETS 1 & 2

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

Project: 746
Date: 5/19/2005
Sheet: 1 of 2



FINAL PLAT
HONEY CREEK ESTATES,
DELAWARE COUNTY, IOWA

A SUBDIVISION OF LOT 1 AND PART OF LOTS 2 AND 3 OF KENNEDY'S SUBDIVISION, AND PART OF THE W1/2 OF SECTION 20, T89N, R5W OF THE 5th P.M., DELAWARE COUNTY, IOWA

TOTAL AREA
6.71 ACRES

PROPRIETORS:
DENNIS J. CONRAD
& JEAN A. CONRAD

SURVEY REQUESTED BY:
DENNIS J. CONRAD

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

Project: 746
Date: 5/19/2005
Sheet: 2 of 2

NOTICE OF AGREEMENT FOR ALTERNATIVE SYSTEMS FOR SEWER AND WATER

HONEY CREEK ESTATES
DELAWARE COUNTY, IOWA

THE UNDERSIGNED, Dennis J. Conrad, as Developer of Honey Creek Estates, Delaware County, Iowa, more specifically described as:

A subdivision of Lot 1, part of Lot 2 and part of Lot 3 of Kennedy's Subdivision, Delaware County, Iowa, two parcels of land described in a Warranty Deed recorded in Book 121, Page 181 in the office of the Recorder of Delaware County, Iowa, and a parcel of land described in a Court Officer Deed recorded in Book 122, Page 302 in the office of the Recorder of Delaware County, Iowa, more particularly described as follows: Beginning at the easterly corner of Lot 1 in Kennedy's Subdivision, Delaware County, Iowa, thence S55°55'29"W, 395.68 feet to the southerly corner of Lot 3 in said Kennedy's Subdivision; thence S55°54'36"W, 377.16 feet to the easterly corner of Parcel 1 in Hayes Subdivision, Delaware County, Iowa; thence N51°28'37"W, 396.02 feet along the northeasterly line of said Parcel 1 extended to the corner of Parcel 2 of said Hayes Subdivision; thence N55°51'57"E, 772.62 feet along the southeasterly line of said Parcel 2 to the northeasterly line of Lot 2 in said Kennedy's Subdivision; thence S51°28'41"E, 396.75 feet along the northeasterly line of said Lots 1 and 2 in said Kennedy's Subdivision to the point of beginning, containing 6.71 acres.

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.

Dennis J. Conrad

Jean A. Conrad

STATE OF IOWA, COUNTY OF DELAWARE, SS:

On this 2nd day of December, 2005, before me, the undersigned, A Notary Public in and for the State, personally appeared Dennis J. Conrad and Jean A Conrad, 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.

LORI L. DREES
Commission Number 729188
My Commission Expires
6-28-07

Notary Public in and for said State

EXHIBIT A

AGREEMENT & WAIVER REGARDING ALTERNATIVE SYSTEMS FOR SEWER AND WATER

HONEY CREEK ESTATES
DENNIS CONRAD, DEVELOPER
DELAWARE COUNTY, IOWA

WHEREAS, DEVELOPERS HAVE PROPOSED TO ESTABLISH A SUBDIVISION LOCATED IN DELAWARE COUNTY, IOWA, more specifically described as:

A subdivision of Lot 1, part of Lot 2 and part of Lot 3 of Kennedy's Subdivision, Delaware County, Iowa, two parcels of land described in a Warranty Deed recorded in Book 121, Page 181 in the office of the Recorder of Delaware County, Iowa, and a parcel of land described in a Court Officer Deed recorded in Book 122, Page 302 in the office of the Recorder of Delaware County, Iowa, more particularly described as follows: Beginning at the easterly corner of Lot 1 in Kennedy's Subdivision, Delaware County, Iowa, thence S55°55'29"W, 395.68 feet to the southerly corner of Lot 3 in said Kennedy's Subdivision; thence S55°54'36"W, 377.16 feet to the easterly corner of Parcel 1 in Hayes Subdivision, Delaware County, Iowa; thence N51°28'37"W, 396.02 feet along the northeasterly line of said Parcel 1 extended to the corner of Parcel 2 of said Hayes Subdivision; thence N55°51'57"E, 772.62 feet along the southeasterly line of said Parcel 2 to the northeasterly line of Lot 2 in said Kennedy's Subdivision; thence S51°28'41"E, 396.75 feet along the northeasterly line of said Lots 1 and 2 in said Kennedy's Subdivision to the point of beginning, containing 6.71 acres.

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

Honey Creek Estates, a subdivision of Lot 1, part of Lot 2 and part of Lot 3 of Kennedy's Subdivision, Delaware County, Iowa, two parcels of land described in a Warranty Deed recorded in Book 121, Page 181 in the office of the Recorder of Delaware County, Iowa, and a parcel of land described in a Court Officer Deed recorded in Book 122, Page 302 in the office of the Recorder of Delaware County, Iowa, more particularly described as follows: Beginning at the easterly corner of Lot 1 in Kennedy's Subdivision, Delaware County, Iowa, thence S55°55'29"W, 395.68 feet to the southerly corner of Lot 3 in said Kennedy's Subdivision; thence S55°54'36"W, 377.16 feet to the easterly corner of Parcel 1 in Hayes Subdivision, Delaware County, Iowa; thence N51°28'37"W, 396.02 feet along the northeasterly line of said Parcel 1 extended to the corner of Parcel 2 of said Hayes Subdivision; thence N55°51'57"E, 772.62 feet along the southeasterly line of said Parcel 2 to the northeasterly line of Lot 2 in said Kennedy's Subdivision; thence S51°28'41"E, 396.75 feet along the northeasterly line of said Lots 1 and 2 in said Kennedy's Subdivision to the point of beginning, containing 6.71 acres.

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.

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).

Dennis J. Conrad

Jean A. Conrad

Subscribed and sworn to before me by Dennis J. Conrad, and Jean A. Conrad this 2nd day of December, 2005.

LORI L. DREES
Commission Number 729188
My Commission Expires
6-28-07

Notary Public in and for the State of Iowa

CITY OF MANCHESTER, IOWA.

Milt L. Kramer, Mayor

Erin Rempe, City Clerk

CITY OF MANCHESTER IOWA SEAL

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 5th day of Dec., 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-135-2005 adopted by the City Council on the 12th day of Sept. 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 in and for the State of Iowa

LAURA K. THOMAS
Commission Number 718135
My Commission Expires

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

LEGAL DESCRIPTION:

Honey Creek Estates, Delaware County, Iowa

A subdivision of Lot 1, part of Lot 2 and part of Lot 3 of Kennedy's Subdivision, Delaware County, Iowa, two parcels of land described in a Warranty Deed recorded in Book 121, Page 181 in the office of the Recorder of Delaware County, Iowa, and a parcel of land described in a Court Officer Deed recorded in Book 122, Page 302 in the office of the Recorder of Delaware County, Iowa, more particularly described as follows: Beginning at the easterly corner of Lot 1 in Kennedy's Subdivision, Delaware County, Iowa, thence S55°55'29"W, 395.68 feet to the southerly corner of Lot 3 in said Kennedy's Subdivision; thence S55°54'36"W, 377.16 feet to the easterly corner of Parcel 1 in Hayes Subdivision, Delaware County, Iowa; thence N51°28'37"W, 396.02 feet along the northeasterly line of said Parcel 1 extended to the corner of Parcel 2 of said Hayes Subdivision; thence N55°51'57"E, 772.62 feet along the southeasterly line of said Parcel 2 to the northeasterly line of Lot 2 in said Kennedy's Subdivision; thence S51°28'41"E, 396.75 feet along the northeasterly line of said Lots 1 and 2 in said Kennedy's Subdivision to the point of beginning, containing 6.71 acres.

OWNER'S ACKNOWLEDGMENT

I, Dennis J. Conrad & Jean A. Conrad, 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.

Dennis J. Conrad

Jean A. Conrad

State of Iowa)
)
County of Delaware) ss:

On this 2nd day of December A.D. 2005, before me a Notary Public in and for said State, personally appeared Dennis J. Conrad & Jean A. Conrad 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.

LORI L. DREES
Commission Number 729188
My Commission Expires
6-28-07

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 ***Honey Creek 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 12-5-05 Date

DELAWARE COUNTY E-911 BOARD

Delaware County, Iowa

The foregoing plat of ***Honey Creek 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 5th day of December, 2005, before me Lori L. Drees, 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.

LORI L. DREES
Commission Number 729188
My Commission Expires
2-28-07

Lori L. Drees
Notary Public

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 ***Honey Creek Estates,*** Delaware County, Iowa, on premises more specifically described in the Surveyor's Certificate of David P. Schneider, dated July 27, 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 14 day of November, 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 Dennis J. Conrad & Jean A. Conrad.

Dated at Manchester, Iowa, in said County, this 7th day of Dec., 2005.

Attorney at Law 12-7-05 Date

MORTGAGE HOLDERS ACKNOWLEDGEMENT

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 _____

BY Christine L Tegeler

State of Iowa)
)
County of Delaware) ss:

On this 5th day of December, 2005, before me Colleen Meyer, a Notary Public in and for the State of Iowa, personally appeared Christine L Tegeler and Joseph Wiewel, to me personally known, and, who, being me duly sworn, did say that they are the Senior Vice President and 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 _____ and _____ as officers acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the _____, by it and by them voluntarily executed.

COLLEEN MEYER
Notarial Seal - Iowa
Commission # 704820
My Commission Expires 8-28-06

Colleen Meyer
Notary Public

FIRST STATE BANK CORPORATE SEAL MANCHESTER, IOWA

R-135-2005

RESOLUTION WAIVING RIGHT TO REVIEW SUBDIVISION PLAT

WHEREAS, a plat has been submitted of Honey Creek Estates, in Delaware County, Iowa, located on the premises described as follows:

> A subdivision of Lot 1, part of Lot 2 and part of Lot 3 of Kennedy's Subdivision, Delaware County, Iowa, two parcels of land described in a Warranty Deed recorded in Book 121, Page 181 in the office of the Recorder of Delaware County, Iowa, and a parcel of land described in a Court Officer Deed recorded in Book 122, Page 302 in the office of the Recorder of Delaware County, Iowa, more particularly described as follows: Beginning at the easterly corner of Lot 1 in Kennedy's Subdivision, Delaware County, Iowa, thence S55°55'29"W, 395.68 feet to the southerly corner of Lot 3 in said Kennedy's Subdivision; thence S55°54'36"W, 377.16 feet to the easterly corner of Parcel 1 in Hayes Subdivsion, Delaware County, Iowa; thence N51°28'37"W, 396.02 feet along the northeasterly line of said Parcel 1 extended to the corner of Parcel 2 of said Hayes Subdivision; thence N55°51'57"E, 772.62 feet along the southeasterly line of said Parcel 2 to the northeasterly line of Lot 2 in said Kennedy's Subdivision; thence S51°28'41"E, 396.75 feet along the northeasterly line of said Lots 1 and 2 in said Kennedy's Subdivision to the point of the beginning, containing 6.71 acres

; and,

WHEREAS, said subdivision is being re-platted to realign property lines which qualifies as an exemption from the subdivision requirements pursuant to Section 127.23 (4,6) of the City of Manchester's Code of Ordinances

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manchester, Iowa that the City Council hereby waives it's right to review the plat of Honey Creek Estates as described above, all located in Delaware County, Iowa, and that the Mayor and City Clerk are hereby authorized and directed to certify this resolution and affix the same to said plat as provided by law.

PASSED AND APPROVED this 12th day of September, 2005.

Milt L. Kramer

Milt L. Kramer, Mayor

ATTEST:

Erin Rempe, City Clerk

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 28th day of November, 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 R-135-2005 adopted by the City Council on the 12th day of September, 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

Laura K. Thomas, Notary Public

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

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