FILED
JUN 13 2006
SHARON McCRABB
DELAWARE COUNTY AUDITOR

FILED
JUN 13 2006
CHERI BOEDING-ORCUTT
DELAWARE COUNTY ASSESSOR

Book 2006 Page 2118

Document 2006 2118 Type 06 002 Pages 4
Date 6/13/2006 Time 3:23:18PM
Rec Amt $22.00

DEBORAH L. PEYTON, RECORDER/REGISTRA
DELAWARE COUNTY IOWA

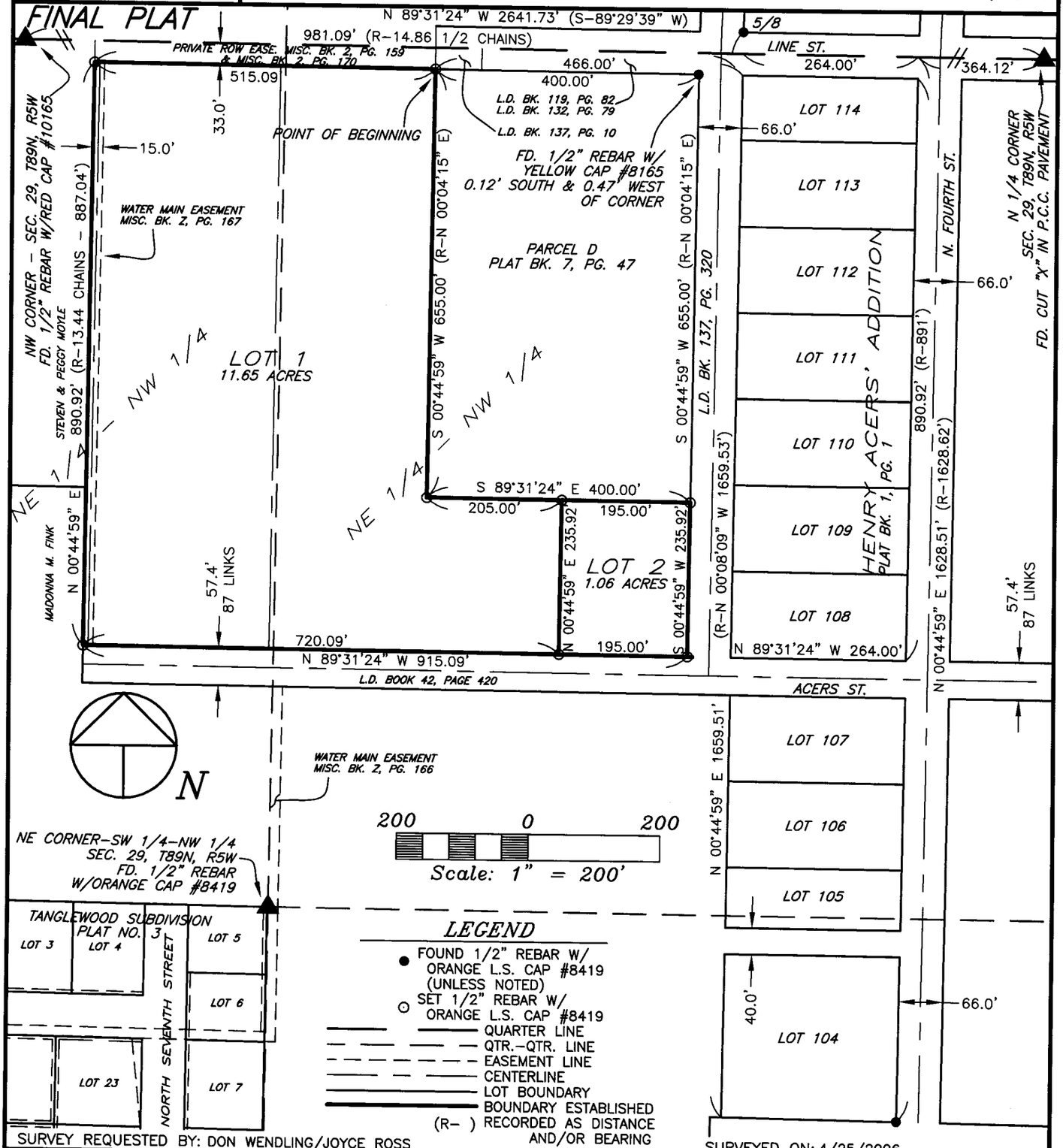
PREPARED BY: J. DAVID GIBBS; 105 W. MAIN ST., MANCHESTER, IA 52057 563-927-2434

SUBDIVISION PLAT

F. WENDLING ESTATE SUBDIVISION

A SUBDIVISION OF PART OF THE NE 1/4 – NW 1/4 AND NW 1/4 – NW 1/4
SEC. 29, T89N, R5W OF THE FIFTH P.M., CITY OF MANCHESTER, DELAWARE COUNTY, IOWA

FINAL PLAT



LEGEND

- ● FOUND 1/2" REBAR W/ ORANGE L.S. CAP #8419 (UNLESS NOTED)
- ⊙ SET 1/2" REBAR W/ ORANGE L.S. CAP #8419
- QUARTER LINE
- QTR.-QTR. LINE
- EASEMENT LINE
- CENTERLINE
- LOT BOUNDARY
- BOUNDARY ESTABLISHED
- (R-) RECORDED AS DISTANCE AND/OR BEARING

SURVEY REQUESTED BY: DON WENDLING/JOYCE ROSS

SURVEYED ON: 4/25/2006

PROPRIETORS: FANNIE WENDLING (DECEASED)
1843 180th ST MANCHESTER, IA 52057

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.

LICENSED LAND SURVEYOR
J. DAVID GIBBS
8419
IOWA

J. DAVID GIBBS, P.E., L.S. LIC. #8419 DATE 5/12/06
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2006

PAGES OR SHEETS COVERED BY THIS SEAL: 1-2

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

PROJECT NO. 06-48
SCALE: 1"=200'
DATE: 4/28/2006
DRAWN BY: RLR
CHECKED BY: JDG
FIELD BK: D.L.
REVISED
SHEET 1 OF 4

BOOK 2006 PAGE 2118

LEGAL DESCRIPTION:

F. WENDLING ESTATES SUBDIVISION; *A SUBDIVISION OF PART OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼) AND PART OF THE NORTHWEST QUARTER (NW ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION TWENTY-NINE (29), TOWNSHIP EIGHTY-NINE NORTH (T89N), RANGE FIVE WEST (R5W) OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF MANCHESTER, DELAWARE COUNTY, IOWA,* containing a total of 12.71 acres, divided into two lots numbered Lot 1 and Lot 2, subject to easements of record, and more particularly described by metes and bounds as follows;

COMMENCING at the Northwest Corner of Lot 114 of Henry Acers' Addition, as recorded in Book 1 of Plats, Page 1 in the Office of the Delaware County Recorder;

THENCE along the Southerly Line of Line Street, North 89° 31' 24" West, to the Northwest Corner of Parcel D, as recorded in Book 7 of Plats, Page 47 in the Office of the Delaware County Recorder, 466.00 feet, the **POINT OF BEGINNING**;

THENCE along the Westerly Line of said Parcel D, South 00° 44' 59" West, to the Southwest Corner of said Parcel D, 655.00 feet;

THENCE along the Southerly Line of said Parcel D, South 89° 31' 24" East, to the Southeast Corner of said Parcel D, said Southeast Corner being on the Westerly Line of sixty-six (66) foot wide strip reserved for City street right of way, as recorded in L.D. Book 137, Page 320 in the Office of the Delaware County Recorder, 400.00 feet;

THENCE along said Sixty-six (66) foot wide strip, South 00° 44' 59" West, to the Northerly Line of Acers Street, 235.92 feet;

THENCE along the Northerly Line of Acers Street, North 89° 31' 24" West, to the Westerly Line of a parcel as recorded in L.D. Book 78, Page 281 in the Office of the Delaware County Recorder, 915.09 feet;

THENCE along said Westerly Line, North 00° 44' 59" East, to the Westerly Extension of the Southerly Line of Line Street, 890.92 feet;

THENCE along the Westerly Extension of the Southerly Line of Line Street, South 89° 31' 24" East, 515.09 feet to the **POINT OF BEGINNING**;

Containing a total of 12.71 acres, divided into two lots numbered Lot 1 and Lot 2, and subject to easements of record.

The Northerly Line of the Northwest Quarter (NW ¼) of Section Twenty-nine (29), Township Eighty-nine North (T89N), Range Five West, (R5W) of the Fifth Principal Meridian Delaware County, Iowa is assumed to bear North 89° 31' 24" West.

OWNER'S ACKNOWLEDGMENT

The Fannie Wendling Estate, Joyce Ross, Executor, 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 of the premises described herein. This plat of survey is being filed for the purpose of dividing the property of the Fannie Wendling Estate and is therefore exempt from any platting requirements under the ordinances of the City of Manchester pursuant to Section 127.23 (2).

By Joyce Ross Executor
Fannie Wendling Estate
Joyce Ross, Executor

STATE OF IOWA, DELAWARE County, Iowa, Ss:

On this 13th day of June, 2006, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Joyce Ross, Executor of the Fannie Wendling Estate to me personally known, who being duly sworn, did say that she is the Executor of the Fannie Wendling Estate executing the within and foregoing instrument to which this is attached; that said instrument was signed on behalf of the Fannie Wendling Estate by Executor of the Estate; and that Joyce Ross, Executor of the Fannie Wendling Estate acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the Fannie Wendling Estate, by it and by her voluntarily executed.

Donna M. Kunde
Notary Public in and for said State

DONNA M. KUNDE
Commission Number 175597
My Commission Expires
8-16-06

ATTORNEY'S OPINION

I, Mary Lou Tracey, a practicing attorney at law in Manchester, Delaware County, Iowa, have examined the abstract of title to the land included in F. Wendling Estate Subdivision, Delaware County, Iowa, on premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated May 19, 2006.

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 May, A.D., 2006, 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 Joyce Ross, as Executor of the Estate of Fannie Wendling, Deceased.

Dated at Manchester, Iowa, in said County, this 6th day of June, 2006.

Mary Lou Tracey
Attorney at Law - Mary Lou Tracey

CERTIFICATE OF TREASURER

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

DELAWARE COUNTY TREASURER -O- SEAL IOWA

Carolyn A. Wilson 6-13-06
Carolyn A. Wilson, County Treasurer Date

Q:\Surveys\Wendling_06-48\Legal_06-48.doc

CITY MANAGER DETERMINATION

F. WENDLING ESTATE SUBDIVISION; *A SUBDIVISION OF PART OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼) AND PART OF THE NORTHWEST QUARTER (NW ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION TWENTY-NINE (29), TOWNSHIP EIGHTY-NINE NORTH (T89N), RANGE FIVE WEST (R5W) OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF MANCHESTER, DELAWARE COUNTY, IOWA,* qualifies as a Minor Subdivision as specified in Section 127.22 of the Manchester Code of Ordinances. Minor Subdivisions do not require review or approval by the Planning and Zoning Commission.

May 19, 2006
Date

Timothy J. Vick, City Manager

R-079-2006
RESOLUTION APPROVING FINAL PLAT

WHEREAS, the final plat of ***F. Wendling Estate Subdivision***, City of Manchester, Delaware County, Iowa, affecting premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated May 19, 2006, has been filed with the City Clerk of the City of Manchester, Delaware County, Iowa;

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; and

WHEREAS, the Manchester City Manager has recommended to the City Council that they accept the final plat of said ***F. Wendling Estate Subdivision;*** *A Subdivision of part of the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼) and part of the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼) of Section Twenty-nine (29), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, City of Manchester, Delaware County, Iowa* as presented with the following decelerations 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) Sidewalk construction shall not be required at this time due to the lack of sidewalks in the immediate surrounding development

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manchester, Delaware County, Iowa, that

said ***F. Wendling Estate Subdivision, 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 22nd day of May, A.D., 2006.

Milt L. Kramer, Mayor

ATTEST:

Erin Rempe, City Clerk

CITY OF MANCHESTER IOWA SEAL

STATE OF IOWA)
) ss.
COUNTY OF DELAWARE)

On this 31st day of May, 2006, 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-079-2006 adopted by the City Council on the 22nd day of May, 2006, 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.

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

Laura K. Thomas, Notary Public