FILED

OCT 31 2006

SHARON McCRABB
DELAWARE COUNTY AUDITOR

FILED

OCT 31 2006

CHERI BOEDING-ORCUTT
DELAWARE COUNTY ASSESSOR

Book 2006 Page 3885

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DEBORAH L. PEYTON, RECORDER/REGISTRA
DELAWARE COUNTY IOWA

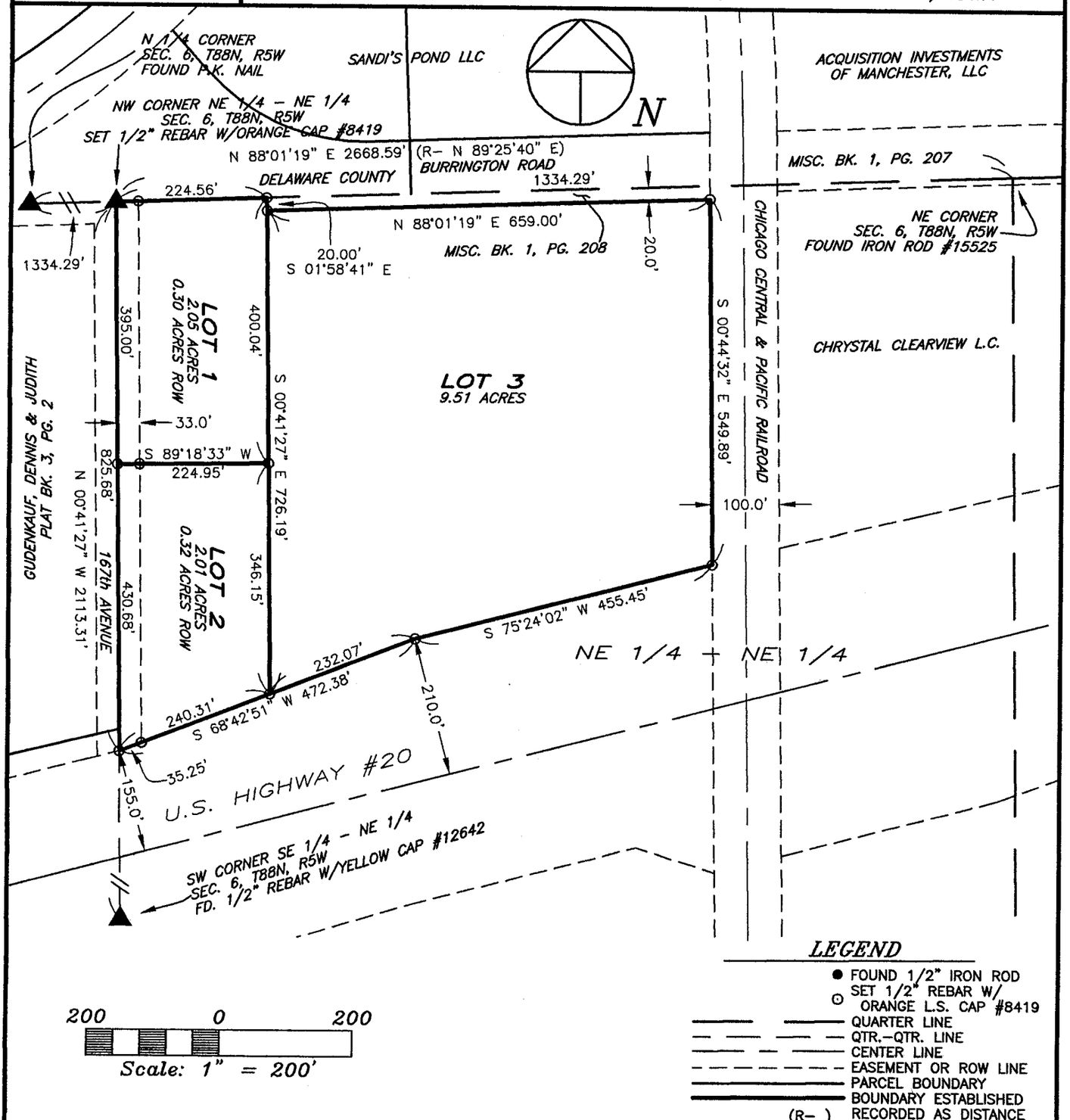
CH6

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

SUBDIVISION PLAT

ERICKSON'S ADDITION — FINAL PLAT

A SUBDIVISION OF PART OF THE NE 1/4 – NE 1/4
SEC. 6, T88N, R5W OF THE FIFTH P.M., DELAWARE COUNTY, IOWA



200 0 200

Scale: 1" = 200'

LEGEND

- ● FOUND 1/2" IRON ROD
- ⊙ SET 1/2" REBAR W/ ORANGE L.S. CAP #8419
- QUARTER LINE
- QTR.–QTR. LINE
- CENTER LINE
- EASEMENT OR ROW LINE
- PARCEL BOUNDARY
- BOUNDARY ESTABLISHED
- (R–) RECORDED AS DISTANCE AND/OR BEARING

SURVEY REQUESTED BY: ROGER ERICKSON

SURVEYED ON: 2/24 & 5/4/2006

PROPRIETORS: *ROGER A. ERICKSON & CONNIE J. ERICKSON*
128 WOODLAND DR. MANCHESTER, IOWA 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.

J. DAVID GIBBS, P.E./L.S. LIC. #8419 DATE 10/11/06

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2006

LICENSED LAND SURVEYOR
J. DAVID GIBBS 8419
IOWA

PAGES OR SHEETS COVERED BY THIS SEAL: 1–2

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

PROJECT NO.	06-11/02-64
SCALE:	1"=200'
DATE:	7/27/2006
DRAWN BY:	RLR
CHECKED BY:	JDG
FIELD BK:	D.L.
REVISED	
SHEET	1 OF 6

BOOK 2006 PAGE 3885

LEGAL DESCRIPTION:

***ERICKSON'S ADDITION**, A SUBDIVISION OF PART OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION SIX (6), TOWNSHIP EIGHTY-EIGHT NORTH (T88N), RANGE FIVE WEST (R5W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA,* containing a total of 13.57 acres, including 0.62 acres of public road right of way, divided into three lots numbered Lot 1 through Lot 3, subject to easements of record, and more particularly described by metes and bounds as follows;

COMMENCING at the North Quarter Corner of Section Six (6), Township Eighty-eight North (T88N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa;

THENCE along the Northerly Line of the Northeast Quarter (NE ¼) of said Section Six (6), North 88° 01' 19" East, to the Northwest Corner of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of said Section Six (6), 1334.29 feet, the **POINT OF BEGINNING**;

THENCE continuing along the Northerly Line of the Northeast Quarter (NE ¼) of said Section Six (6), North 88° 01' 19" East, to the Westerly Line of Burrington Road, as recorded in Misc. Book 1, Page 206 in the Office of the Delaware County Recorder, 224.56 feet;

THENCE along the Westerly Line of said Burrington Road, South 01° 58' 41" East, to the Southerly Line of said Burrington Road, 20.00 feet;

THENCE along the Southerly Line of said Burrington Road, North 88° 01' 19" East, to the Westerly Line of the Chicago Central and Pacific Railroad right of way, 659.00 feet;

THENCE along the Westerly Line of the Chicago Central and Pacific Railroad right of way, South 00° 44' 32" East, to the Northerly Line of U.S. Highway #20, 549.89 feet;

THENCE along the Northerly Line of U.S. Highway #20, South 75° 24' 02" West, 455.45 feet;

THENCE continuing along the Northerly Line of U.S. Highway #20, South 68° 42' 51" West, to the Westerly Line of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of said Section Six (6), 472.38 feet;

THENCE along the Westerly Line of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of said Section Six (6), North 00° 41' 27" West, 825.68 feet to the **POINT OF BEGINNING**;

Containing a total of 13.57 acres, including 0.62 acres of public road right of way, divided into three lots numbered Lot 1 through Lot 3, and subject to easements of record.

The Northerly Line of the Northeast Quarter (NE ¼) of Section Six (6), Township Eighty-eight North (T88N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa, is assumed to bear North 88° 01' 19" East.

OWNER'S ACKNOWLEDGMENT

I Roger A. Erickson and Connie J. Erickson 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.

Roger A. Erickson

Roger A. Erickson

Connie J. Erickson

Connie J. Erickson

State of Iowa)
)
County of Delaware) ss:

On this 31st day of October A.D. 2006, before me a Notary Public in and for said State, personally appeared Roger A. Erickson and Connie J. Erickson 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.

Donna M. Kunde

Notary Public in and for said State

DONNA M. KUNDE
Commission Number 175597
My Commission Expires
8-16-09

APPROVAL OF AUDITOR

I, Sharon McCrabb, Auditor of Delaware County, Iowa, pursuant to Iowa Code Sections 354.6(2) and 354.11(6), have reviewed and do hereby approve of the subdivision name or title of ***Erickson's Addition***, a subdivision in Delaware County, Iowa.

Sharon McCrabb, Delaware County Auditor

State of Iowa)
)
County of Delaware)

On this 19th day of September, 2006, before me Donna M. Kunde a Notary Public in and for the State of Iowa, personally appeared Sharon McCrabb, to me personally known, and, who, being duly sworn, did say that she is the Auditor of Delaware County, Iowa.

DONNA M. KUNDE
Commission Number 175597
My Commission Expires
8/16/09

Donna M. Kunde

Notary Public

Q:\Surveys\Erickson_06-11\Legal_06-11.doc

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 ***Erickson's Addition,*** Delaware County, Iowa, on premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated July 27,2006.

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 6th day of July, A.D., 2006, 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 Roger A. Erickson and Connie J. Erickson, Husband and Wife, as Joint Tenants with Full Rights of Survivorship, and not as Tenants in Common subject to a Deed of Trust to First State Bank dated January 4, 2000 and filed for record January 11, 2000 in Book 2000, Page 170.

Dated at Manchester, Iowa, in said County, this 1st day of September, 2006.

Steven E. Carr

Steven E. Carr, Attorney at Law

DELAWARE COUNTY E-911 BOARD

Delaware County, Iowa

The foregoing plat of ***Erickson's Addition***, 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 31 day of OCTOBER, 2006, before me RANDOLL L. RATTENBORG, 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.

RANDY RATTENBORG
Commission Number 224055
My Commission Expires
8-17-2008

Notary Public

CERTIFICATE OF TREASURER

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

DELAWARE COUNTY IOWA SEAL

Carolyn A. Wilson

Carolyn A. Wilson, County Treasurer

10-31-06

RESOLUTION APPROVING PRELIMINARY & FINAL PLAT

WHEREAS, the preliminary & final plat of ***Erickson's Addition, Delaware County, Iowa***, affecting premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated October 11, 2006, 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

WHEREAS, the preliminary & final plat of ***River Pointe Second Subdivision, 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 would be industrial or light industrial.
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. City water and sanitary sewer service are not currently serving this proposed subdivision. Lot 1 currently has a private septic system and private water supply. Lots 2 and 3 currently do not have private water/sewer services. Construction of water main and sanitary sewer improvements shall not be required at this time. If the need for these services arises, the installation of these services will be dealt with at that time. In the event construction of water main and/or sanitary sewer improvements is deemed necessary for the subdivision, the cost for construction of such improvements shall be paid by the developers, their heirs or assigns. The City shall retain sole discretion to determine if such improvements shall ever be made available to this subdivision.
d. That plans and specifications shall be submitted to the City for approval for any private sewage disposal systems and private water systems prior to development of any lot to be served by said system. Developers consent and agree that the City of Manchester, Iowa shall have authority to prohibit construction of any private sewage disposal system that does not comply with Chapter 98 of the Manchester City Code.
e. Improvements to 167th Avenue, a public road right of way, are not required at this time.
f. Sidewalks shall not be required at this time. The Owner or Owners of record of Lot 1, if voluntarily annexed to the City, may be required to construct sidewalks at a future date as required by the City of Manchester.

NOW, THEREFORE, BE IT RESOLVED, by the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa, that said preliminary & final plat of ***Erickson's Addition, 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 Vice 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 11th day of October, A.D., 2006.

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 26th day of October, 2006, before me, Julie A Schmitz, 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 26th day of October, 2006, 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

JULIE A. SCHMITZ
Commission Number 224151
My Commission Expires
8-23-08

R-136-2006
RESOLUTION APPROVING PRELIMINARY & FINAL PLAT

WHEREAS, the final plat of ***Erickson's Addition***, Delaware County, Iowa, affecting premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated October 11, 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 ***Erickson's Addition***, *A Subdivision of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE¼) of Section Six (6), Township Eighty-eight North (T88N), Range Five West (R5W) of the Fifth Principal Meridian, 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 would be industrial or light industrial.
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. City water and sanitary sewer service are not currently serving this proposed subdivision. Lot 1 currently has a private septic system and private water supply. Lots 2 and 3 currently do not have private water/sewer services. Construction of water main and sanitary sewer improvements shall not be required at this time. If the need for these services arises, the installation of these services will be dealt with at that time. In the event construction of water main and/or sanitary sewer improvements is deemed necessary for the subdivision, the cost for construction of such improvements shall be paid by the developers, their heirs or assigns. The City shall retain sole discretion to determine if such improvements shall ever be made available to this subdivision.
d. That plans and specifications shall be submitted to the City for approval for any private sewage disposal systems and private water systems prior to development of any lot to be served by said system. Developers consent and agree that the City of Manchester, Iowa shall have authority to prohibit construction of any private sewage disposal system that does not comply with Chapter 98 of the Manchester City Code.
e. Improvements to 167th Avenue, a public road right of way, are not required at this time.
f. Sidewalks shall not be required at this time. The Owner or Owners of record of Lot 1, if voluntarily annexed to the City, may be required to construct sidewalks at a future date as required by the City of Manchester.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manchester, Delaware County, Iowa, that said ***Erickson's Addition, 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 23rd day of October, A.D., 2006.

Milt L. Kramer, Mayor

ATTEST:

Erin Rempe, City Clerk

STATE OF IOWA)
) ss.
COUNTY OF DELAWARE)

On this 26th day of October, 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-136-2006 adopted by the City Council on the 23rd day of October, 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.

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

Laura K. Thomas, Notary Public

EXHIBIT A

AGREEMENT AND WAIVER REGARDING ALTERNATIVE SYSTEMS FOR SEWER AND WATER

ERICKSON'S ADDITION, DELAWARE COUNTY, IOWA

ROGER A. ERICKSON & CONNIE J. ERICKSON, DEVELOPER

CITY OF MANCHESTER, IOWA

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

***ERICKSON'S ADDITION**, A SUBDIVISION OF PART OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION SIX (6), TOWNSHIP EIGHTY-EIGHT NORTH (T88N), RANGE FIVE WEST (R5W) 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 a two-mile radius of the city limits of the City of Manchester, Iowa, and therefore is subject to zoning and subdivision regulations for the City of Manchester, Iowa; and

Whereas, the City Council for the City of Manchester, Iowa, has reviewed the proposed subdivision and determined that the connection of the subdivision to the City sewer or water systems cannot be reasonably made at this time and that alternative systems may be designed to fully protect the public health, safety, and welfare and meet 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. That the lots set forth in the proposed subdivision are not currently connected to the City water or sewer systems.

2. The City of Manchester, Iowa, has permitted the use of alternate facilities for the distribution of water and the collection and disposal of sanitary waste for the above-described subdivision. All such alternative facilities must be designed to fully protect the public health, safety, and welfare and shall meet or exceed all requirements of State, County, of other applicable laws and/or regulations.

3. Approval of the subdivision by the City of Manchester, Iowa, does not constitute a finding by the City of Manchester, Iowa, that alternative water systems or alternative 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 shall be submitted to the City for approval prior to development of any lot to be served by such facilities.

4. The purchasers of real estate included in the above-described subdivision are notified and by taking title to such property, accept the terms of this agreement and the resolution approving the final plat. The City of Manchester, Iowa shall have no obligation to install, finance, or otherwise fund construction of sewer or water facilities serving the above-described property.

5. The Developers shall be solely responsible for development and creation of alternative facilities for the distribution of water or collection and disposal of sanitary waste, if needed. 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.

6. 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 proposed subdivision and the terms of the Agreement shall further run with the land.

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7. 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 sewer or water facilities serving the land set forth in the proposed subdivision.

8. This Agreement is executed in compliance with Manchester Subdivision Regulations, Section 127.12.

Roger A. Erickson

Roger A. Erickson

Connie J. Erickson

Connie J. Erickson

Subscribed and sworn to before me by Roger A. Erickson and Connie J. Erickson this 31st day of October, 2006.

Donna M. Kunde

DONNA [illegible]
Commission Number [illegible]
My Commission Expires
8-16-09

Notary Public in and for the State of Iowa

CITY OF MANCHESTER, IOWA

Milt L. Kramer

Milt L. Kramer, Mayor

Erin Rempe, City Clerk

CITY OF MANCHESTER IOWA SEAL