FILED
NOV 22 2006
CHERI BOEDING-ORCUTT
DELAWARE COUNTY ASSESSOR

FILED
NOV 22 2006
CARLA K. BECKER
DELAWARE COUNTY AUDITOR

Book 2006 Page 4124

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DEBORAH L. PEYTON, RECORDER/REGISTRA
DELAWARE COUNTY IOWA

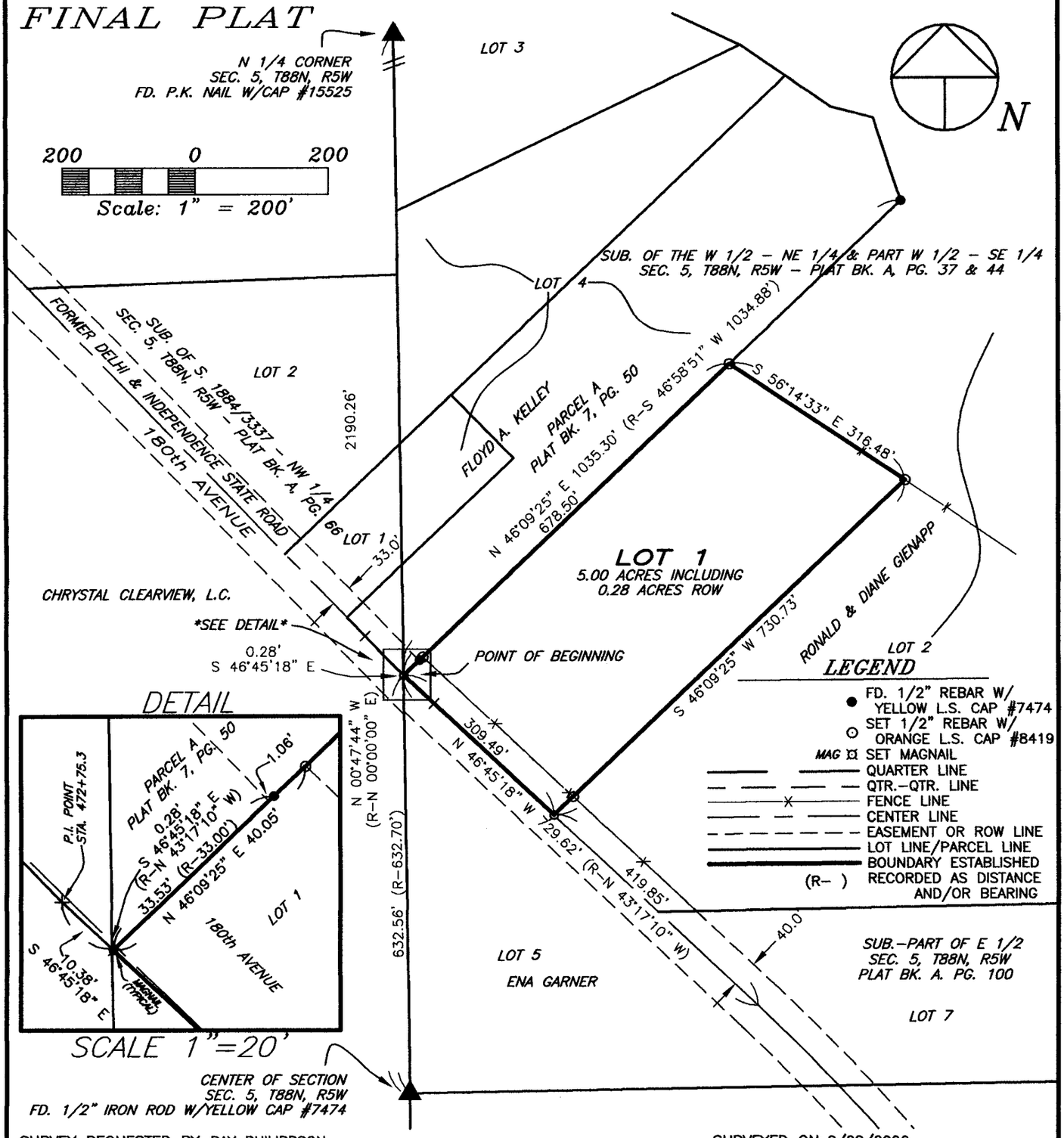
PREPARED BY/RETURN TO: J DAVID GIBBS; 105 W. MAIN ST., MANCHESTER, IA 52057 563-927-2434

SUBDIVISION PLAT

RIVER POINTE SECOND SUBDIVISION

A SUBDIVISION OF PART OF LOT 2 OF THE W 1/2-NE 1/4 & PART OF THE W 1/2-SE 1/4, SEC. 5, T88N, R5W OF THE FIFTH P.M., DELAWARE COUNTY, IOWA

FINAL PLAT



DETAIL

SCALE 1"=20'

LEGEND

- FD. 1/2" REBAR W/ YELLOW L.S. CAP #7474
- SET 1/2" REBAR W/ ORANGE L.S. CAP #8419
- MAG SET MAGNAIL
- QUARTER LINE
- QTR.-QTR. LINE
- FENCE LINE
- CENTER LINE
- EASEMENT OR ROW LINE
- LOT LINE/PARCEL LINE
- BOUNDARY ESTABLISHED
- (R-) RECORDED AS DISTANCE AND/OR BEARING

SURVEY REQUESTED BY: RAY PHILIPPSON

SURVEYED ON: 8/28/2006

PROPRIETORS: RONALD D. GIENAPP & DIANE L. GIENAPP
2285 180th AVE. MANCHESTER, IOWA 52057

PROJECT NO. 06-89/02-64

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 9/13/06

J. DAVID GIBBS, P.E., L.S. LIC. #8419 DATE

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

SCALE: 1"=200'
DATE: 8/29/2006
DRAWN BY: RLR
CHECKED BY: JDG
FIELD BK: D.L.
REVISED
SHEET 1 OF 6

BOOK 2006 PAGE 4124

LEGAL DESCRIPTION:

RIVER POINTE SECOND SUBDIVISION: *A SUBDIVISION OF LOT 2 OF THE WEST ONE-HALF (W ½) OF THE NORTHEAST QUARTER (NE ¼) AND PART OF THE WEST ONE-HALF (W ½) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION FIVE (5), TOWNSHIP EIGHTY-EIGHT NORTH (T88N), RANGE FIVE WEST (R5W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA,* containing a total of 5.00 acres, including 0.28 acres of public road right of way, subject to easements of record, and more particularly described by metes and bounds as follows;

COMMENCING at the Center of Section Five (5), Township Eighty-eight North (T88N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa;

THENCE along the Westerly Line of the Northeast Quarter (NE ¼) of said Section Five (5), North 00° 47' 44" West, to the centerline of the former Delhi and Independence State Road, being the centerline of 180th Avenue, 632.56 feet;

THENCE along the centerline of the former Delhi and Independence State Road, being the centerline of 180th Avenue, South 46° 45' 18" East, to the intersection of the centerline of said roads and the Northerly Line of Lot 2 of the Subdivision of the West One-half (W ½) of the Northeast Quarter (NE ¼) and part of the West One-half (W ½) of the Southeast Quarter (SE ¼) of said Section Five (5), as recorded in Book A of Plats, Page 37 and Page 44 in the Office of the Delaware County Recorder, 0.28 feet, the **POINT OF BEGINNING**;

THENCE along the Northerly Line of said Lot 2 and the Southerly Line of Parcel A, as recorded in Book 7 of Plats, Page 50 in the Office of the Delaware County Recorder, North 46° 09' 25" East, 678.50 feet;

THENCE South 56° 14' 33" East, 316.48 feet;

THENCE South 46° 09' 25" West, to the centerline of the former Delhi and Independence State Road, being the centerline of 180th Avenue and the Southwesterly Line of said Lot 2, 730.73 feet;

THENCE along the centerline of the former Delhi and Independence State Road, being the centerline of 180th Avenue and the Southwesterly Line of said Lot 2, North 46° 45' 18" West, 309.49 feet to the **POINT OF BEGINNING**;

Containing a total of 5.00 acres, including 0.28 acres of public road right of way, and subject to easements of record.

The Westerly Line of the Northeast Quarter (NE ¼) of Section Five (5), Township Eighty-eight North (T88N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa is assumed to bear North 00° 47' 44" West.

OWNER'S ACKNOWLEDGMENT

I Ronald D. Gienapp and Diane L. Gienapp 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.

Ronald D. Gienapp

Diane L. Gienapp

State of Iowa)
)
County of Delaware) ss:

On this 8th day of NOVEMBER A.D. 2006, before me a Notary Public in and for said State, personally appeared Ronald D. Gienapp and Diane L. Gienapp 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.

Notary Public in and for said State

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

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 ***River Pointe Second Subdivision***, 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.

Notary Public

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

Q:\Surveys\Philippson06-89\Legal_06-89.doc

CERTIFICATE OF TREASURER

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

DELAWARE COUNTY TREASURER'S SEAL IOWA

Carolyn A. Wilson 11-21-06

Carolyn A. Wilson, County Treasurer Date

DELAWARE COUNTY E-911 BOARD

Delaware County, Iowa

The foregoing plat of ***River Pointe Second Subdivision***, 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 21st day of November, 2006, before me Donna M. Kunde, 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.

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

Donna M. Kunde
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 ***River Pointe Second Subdivision,*** Delaware County, Iowa, on premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated September 13, 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 5th day of Oct., 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 Ronald D. Gienapp and Diane L. Gienapp, husband and wife.

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

Attorney at Law Date
Thomas J. Hanson

R-125-2006
RESOLUTION APPROVING PRELIMINARY & FINAL PLAT

WHEREAS, the preliminary & final plat of ***River Pointe Second Subdivision, Delaware County, Iowa*** Delaware County, Iowa, affecting premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated 9-13-2006 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 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 amended preliminary plat of ***River Pointe Second Subdivision, 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 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. 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.
d. That easement access shall be provided to all real estate included in the subdivision pursuant to the easements as shown in the attached plat.
e. Improvements to 180th 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 Preliminary & Final Plat of ***River Pointe Second Subdivision, Delaware County, Iowa***, and exhibits attached thereto, subject to all conditions and representations and referred to above, 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 25th day of September, 2006.

Milt L. Kramer

Milt L. Kramer, Mayor

ATTEST:

Erin Rempe, City Clerk

CITY OF MANCHESTER IOWA SEAL

STATE OF IOWA)
) ss:
COUNTY OF DELAWARE)

On this 4th 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-125-2006 adopted by the City Council on the 25th day of September, 2006, 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.

NOTARIAL SEAL IOWA
LAURA K. THOMAS
Commission Number 718135
My Commission Expires
5-2008

Laura K. Thomas

Laura K. Thomas, Notary Public

RESOLUTION APPROVING PRELIMINARY & FINAL PLAT

WHEREAS, the preliminary & final plat of ***River Pointe Second Subdivision, Delaware County, Iowa***, affecting premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated 9-13-2006, 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 street standards (Section 127.17); 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 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. 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.
d. That easement access shall be provided to all real estate included in the subdivision pursuant to the easements as shown in the attached plat.
e. Improvements to 180th 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 ***River Pointe Second Subdivision, 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 13th day of September, A.D., 2006.

PLANNING & ZONING COMMISSION
CITY OF MANCHESTER, IOWA

By _____
Gary Reeder, Vice Chairperson

By _____
Laura Thomas, Recording Secretary

STATE OF IOWA)
) ss:
COUNTY OF DELAWARE)

On this 4th day of October, 2006, before me, Julie A Schmitz, a Notary Public in and for the State of Iowa, personally appeared Gary Reeder and Laura Thomas, to me personally known, and, who, being by me duly sworn, did say that they are the Vice 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 13th day of September, 2006, and that Gary Reeder 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

EXHIBIT A

AGREEMENT AND WAIVER REGARDING ALTERNATIVE SYSTEMS FOR SEWER AND WATER

RIVER POINTE SECOND SUBDIVISION, DELAWARE COUNTY, IOWA

RONALD D. GIENAPP AND DIANE L. GIENAPP, DEVELOPER

CITY OF MANCHESTER, IOWA

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

RIVER POINTE SECOND SUBDIVISION: *A SUBDIVISION OF PART OF LOT 2 OF THE WEST ONE-HALF (W ½) OF THE NORTHEAST QUARTER (NE ¼) AND PART OF THE WEST ONE-HALF (W ½) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION FIVE (5), 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 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 cannot reasonably be connected to the City water or sewer systems.

2. The City of Manchester, Iowa, approves the use of alternate facilities for the distribution of water and the collection and disposal of sanitary waste, however, such alternative facilities must be designed to fully protect the public health, safety, and welfare and shall meet all requirements of State, County, of other applicable health 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 contained in the proposed subdivision are hereby put on notice that the City of Manchester, Iowa, shall not be required to install sewer or water facilities serving the land set forth in the proposed subdivision.

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. 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.

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8. 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.

9. 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.

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

Ronald D. Gienapp

Diane L. Gienapp

Subscribed and sworn to before me by Ronald D. Gienapp and Diane L. Gienapp this 8th day of NOVEMBER, 2006.

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

Randy Rattenborg,
Notary Public in and for the State of Iowa

CITY OF MANCHESTER, IOWA

Milt L. Kramer, Mayor

Erin Rempe, City Clerk