Book 2006 Page 4426
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DEBORAH L. PEYTON, RECORDER/REGISTRA
DELAWARE COUNTY IOWA

563-927-2434

FILED

DEC 20 2006

CHERI BOEDING-ORCUTT
DELAWARE COUNTY ASSESSOR

FILED

DEC 20 2006

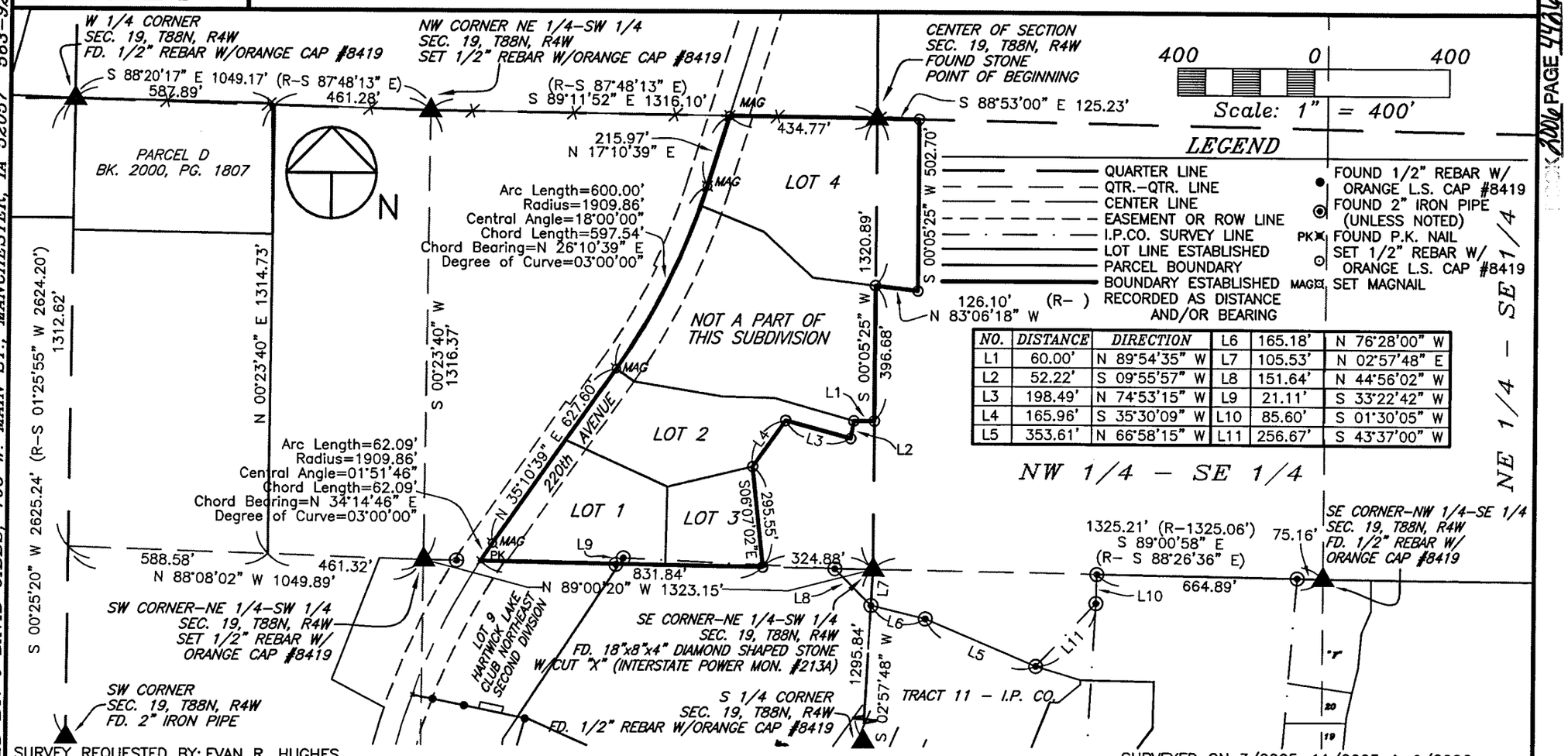
CARLA K. BECKER
DELAWARE COUNTY AUDITOR

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

PLAT OF SURVEY

THE VILLAGE — FIRST ADDITION

PART OF THE SW 1/4 & PART OF THE SE 1/4 OF SECTION 19, T88N, R4W OF THE FIFTH P.M., DELAWARE COUNTY, IOWA



LEGEND

QUARTER LINE	FOUND 1/2" REBAR W/ ORANGE L.S. CAP #8419
QTR.-QTR. LINE	FOUND 2" IRON PIPE (UNLESS NOTED)
CENTER LINE	FOUND P.K. NAIL
EASEMENT OR ROW LINE	SET 1/2" REBAR W/ ORANGE L.S. CAP #8419
I.P.CO. SURVEY LINE	SET MAGNAIL
LOT LINE ESTABLISHED	
PARCEL BOUNDARY	
BOUNDARY ESTABLISHED	
RECORDED AS DISTANCE AND/OR BEARING	

NO.	DISTANCE	DIRECTION	NO.	DISTANCE	DIRECTION
L1	60.00'	N 89°54'35" W	L6	165.18'	N 76°28'00" W
L2	52.22'	S 09°55'57" W	L7	105.53'	N 02°57'48" E
L3	198.49'	N 74°53'15" W	L8	151.64'	N 44°56'02" W
L4	165.96'	S 35°30'09" W	L9	21.11'	S 33°22'42" W
L5	353.61'	N 66°58'15" W	L10	85.60'	S 01°30'05" W
			L11	256.67'	S 43°37'00" W

SURVEY REQUESTED BY: EVAN R. HUGHES

SURVEYED ON: 3/2005-11/2005 & 9/2006

SCALE: 1"=400'	
DATE: 10/13/2006	
DRAWN BY: RLR	
CHECKED BY: JDG	
FIELD BK: D.L.	
REVISED	
SHEET 1 OF 8	

PROPRIETORS:
H & H INVESTMENT, INC.

PROJECT NO.
04-08

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 12/14/06

J. DAVID GIBBS, P.E., L.S. LICENSE #8419 DATE
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2008

LICENSED LAND SURVEYOR
J. DAVID GIBBS
8419
IOWA

PAGES OR SHEETS COVERED BY THIS SEAL: 1-3

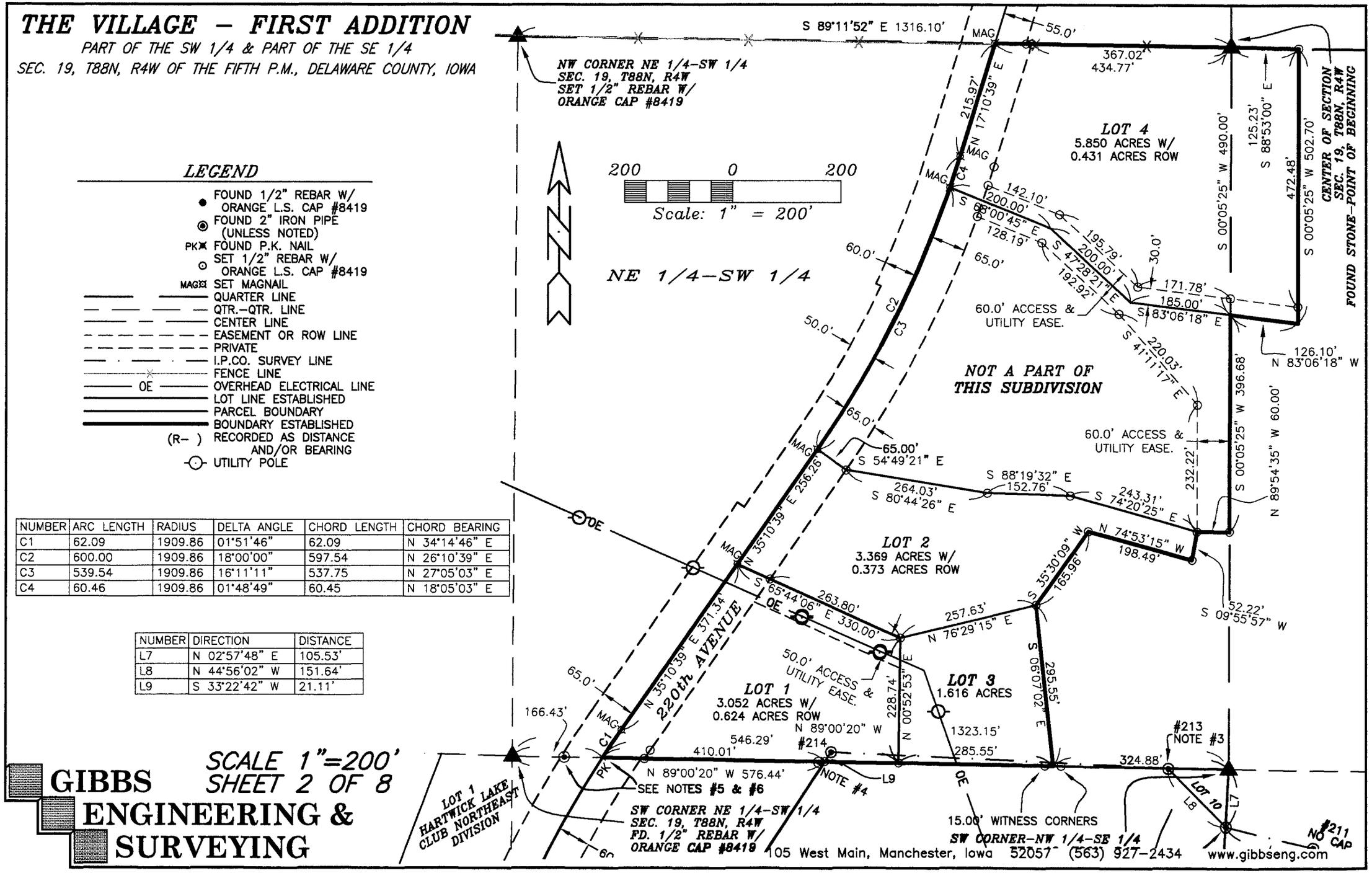
GIBBS ENGINEERING & SURVEYING
105 WEST MAIN STREET, MANCHESTER, IA 52057

BOOK 2006 PAGE 4426

THE VILLAGE – FIRST ADDITION

PART OF THE SW 1/4 & PART OF THE SE 1/4

SEC. 19, T88N, R4W OF THE FIFTH P.M., DELAWARE COUNTY, IOWA



NUMBER	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD LENGTH	CHORD BEARING
C1	62.09	1909.86	01°51'46"	62.09	N 34°14'46" E
C2	600.00	1909.86	18°00'00"	597.54	N 26°10'39" E
C3	539.54	1909.86	16°11'11"	537.75	N 27°05'03" E
C4	60.46	1909.86	01°48'49"	60.45	N 18°05'03" E

NUMBER	DIRECTION	DISTANCE
L7	N 02°57'48" E	105.53'
L8	N 44°56'02" W	151.64'
L9	S 33°22'42" W	21.11'

SCALE 1"=200'

SHEET 2 OF 8

GIBBS ENGINEERING & SURVEYING

105 West Main, Manchester, Iowa 52057 (563) 927–2434 www.gibbseng.com

LEGAL DESCRIPTION:

***THE VILLAGE – FIRST ADDITION**; PART OF THE SOUTHWEST QUARTER (SW ¼) AND PART OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION NINETEEN (19), TOWNSHIP EIGHTY-EIGHT NORTH (T88N), RANGE FOUR WEST (R4W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA,* containing a total of 13.887 acres, including 1.428 acres of public road right of way, divided into Four (4) Lots numbered Lot 1 through Lot 4, subject to easements of record, and more specifically described by metes and bounds as follows;

BEGINNING at the Center of Section Nineteen (19), Township Eighty-eight North (T88N), Range Four West (R4W) of the Fifth Principal Meridian, Delaware County, Iowa;

THENCE along the Northerly Line of the Southeast Quarter (SE ¼) of said Section Nineteen (19), South 88° 53' 00" East, 125.23 feet;

THENCE South 00° 05' 25" West, 502.70 feet;

THENCE North 83° 06' 18" West, to the Easterly Line of the Southwest Quarter (SW ¼) of said Section Nineteen (19), 126.10 feet;

THENCE along the Easterly Line of the Southwest Quarter (SW ¼) of said Section Nineteen (19), South 00° 05' 25" West, 396.68 feet;

THENCE North 89° 54' 35" West, 60.00 feet;

THENCE South 09° 55' 57" West, 52.22 feet;

THENCE North 74° 53' 15" West, 198.49 feet;

THENCE South 35° 30' 09" West, 165.96 feet;

THENCE South 06° 07' 02" East, to the Southerly Line of the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of said Section Nineteen (19), 295.55 feet;

THENCE along the Southerly Line of the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of said Section Nineteen (19), North 89° 00' 20" West, to the centerline of 220th Avenue, 831.84 feet;

THENCE along the centerline of 220th Avenue along a circular curve concave Southeasterly for an arc length of 62.09 feet, said circular curve having a radius of 1909.86 feet, a central angle of 01° 51' 46", a chord length of 62.09 feet, and a chord bearing of North 34° 14' 46" East;

THENCE continuing along the centerline of 220th Avenue, North 35° 10' 39" East, 627.60 feet;

THENCE continuing along the centerline of 220th Avenue along a circular curve concave Westerly for an arc length of 600.00 feet, said circular curve having a radius of 1909.86 feet, a central angle of 18° 00' 00", a chord length of 597.54 feet, and a chord bearing of North 26° 10' 39" East;

THENCE continuing along the centerline of 220th Avenue, North 17° 10' 39" East, to the Northerly Line of the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of said Section Nineteen (19), 215.97 feet;

THENCE along the Northerly Line of the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of said Section Nineteen (19), South 89° 11' 52" East, 434.77 feet to the **POINT OF BEGINNING**;

Containing a total of 13.887 acres, including 1.428 acres of public road right of way, divided into Four (4) Lots numbered Lot 1 through Lot 4, and subject to easements of record.

The Northerly Line of the Southwest Quarter (SW ¼) of Section Nineteen (19), Township Eighty-eight North (T88N), Range Four West (R4W) of the Fifth Principal Meridian, Delaware County, Iowa is assumed to bear South 89° 11' 52" East.

OWNER'S ACKNOWLEDGMENT

I Evan R. Hughes, President of H & H Investment, Inc. 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.

By Evan R Hughes pres

Evan R. Hughes, President of H & H Investment, Inc.

State of Iowa)
)
County of Delaware) Ss:

On this 13 day of December A.D. 2006, before me a Notary Public in and for said State, personally appeared Evan R. Hughes, to me personally known, who being by me duly sworn, did say that this person is President of H & H Investment, Inc., and that said instrument was signed on behalf of said corporation by the authority of its board of directors (or trustees); and H and H Investment, Inc. acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it voluntarily executed.

Donna M. Kunde

Notary Public in and for said State

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

CONSENT TO PLAT

First State Bank, owner and holder of the following Mortgages:

1. Open-End Real Estate Mortgage dated October 1, 1999, filed for record in the office of the Delaware County Recorder on October 1, 1999, appearing there in Book 1999 at page 3504;

2. Open-End Real Estate Mortgage dated September 30, 2002, filed for record in the office of the Delaware County Recorder on October 1, 2002, appearing there in Book 2002 at page 3538;

hereby certifies that the Survey prepared by J. David Gibbs L.S. Reg. No. 8419 of the attached Plat of THE VILLAGE – FIRST ADDITION, Part of the SW1/4 & Part of the SE1/4 of Section 19, T88N, R4W of the 5th P.M., Delaware County, Iowa, is made with its free consent and in accordance with its desire as mortgage holder of the premises described therein.

FIRST STATE BANK

By _____

By _____

State of Iowa)
) SS.
County of Delaware)

On this 18 day of December, 2006, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Joseph Wiewel and David R Dudley, to me known, who being by me duly sworn, did say that they are the President and Exe. Vice President respectively of the corporation executing the within and foregoing instrument; that the seal affixed thereto is the sale of the corporation; that the instrument was signed and sealed on behalf of the corporation by authority of its Board of Directors; and that Joseph Wiewel and David R Dudley as officers acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the corporation, by it and by them voluntarily executed.

ANN M SPERFSLAGE
Notarial Seal - Iowa
Commission # 724857
My Commission Expires 10-03-09

Ann M Sperfslage
Notary Public in and for the State of Iowa

Q:\Surveys\Hughes\04-08_Site_19\Legal_Village_1_Add.doc

APPROVAL OF AUDITOR

I, Carla K. Becker, 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 **THE VILLAGE – FIRST ADDITION**, a subdivision in Delaware County, Iowa.

Carla K. Becker, Andrea Schmidt, Deputy
Carla K. Becker, Delaware County Auditor Date
12-20-06

State of Iowa)
)
County of Delaware)

On this 20th day of December, 2006, before me Donna Kunde, a Notary Public in and for the State of Iowa, personally appeared Carla K. Becker And Andrea Schmidt, Deputy 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

DELAWARE COUNTY E-911 BOARD

Delaware County, Iowa

The foregoing plat of **THE VILLAGE – FIRST 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 20th day of December, 2006, before me Donna Kunde (DMK) ~~Donna A. Hellman~~, 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
Notary Public

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

CERTIFICATE OF TREASURER

I, the undersigned, Carolyn A. Wilson, Treasurer of Delaware County, Iowa, do hereby certify that all taxes and special assessments against **THE VILLAGE – FIRST ADDITION,** 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 8

Carolyn A. Wilson 12-20-06
Carolyn A. Wilson, County Treasurer Date

GRAY, STEFANI & MITVALSKY, P.L.C.
LAWYERS
Established 1938
MAILING ADDRESS
P.O. BOX 456
CEDAR RAPIDS, IOWA 52406-0456

TELEPHONE (319) 364-1535
FACSIMILE (319) 364-1562

OFFICE LOCATION
200 AMERICAN BUILDING
101 SECOND STREET, S.E.
CEDAR RAPIDS, IOWA
52401-1245

e-mail: fsmitvalsky@gsmlawyers.com

FRANK S. MITVALSKY
RAYMOND R. STEFANI II
RICHARD A. STEFANI
THOMAS F. OCHS
RICHARD F. MITVALSKY

RAYMOND R. STEFANI (OF COUNSEL)

B.D. SILLIMAN (1895-1988)
WILLIAM O. GRAY (1914-1997)
RUSSELL I. HESS (1906-2002)

ATTORNEY'S OPINION
December 14, 2006

To Whom It May Concern:

I have examined the Abstract of Title to the land which includes THE VILLAGE – FIRST ADDITION, Delaware County, Iowa, on premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated December ~~20~~ 14, 2006.

Said Abstract was prepared by the Delaware County Abstract Company, Inc., was last certified to by said company on the 9th day of November, 2006, at 8:00 a.m., and includes an Addendum dated December 14, 2006.

My examination of said Abstract shows good and merchantable title to be in

H AND H INVESTMENT, INC.,

free and clear of all mortgages, liens or other encumbrances, except as follows:

1. A Mortgage to First State Bank dated October 1, 1999, filed for record in the office of the Delaware County Recorder on October 1, 1999, appearing there in Book 1999 at Page 3504.

2. A Mortgage to First State Bank dated September 30, 2002, filed for record in the office of the Delaware County Recorder on October 1, 2002, appearing there in Book 2002 at Page 3538.

3. An agreement to convey in the future, by way of a separate document, an easement over and across certain real estate (of which a portion of the land included in THE VILLAGE – FIRST ADDITION is a part) for access to a parcel locally known as Lost Beach.

4. A reservation of one-fourth of all oil and gas and mineral rights to certain predecessors in title, with regard to real estate, a portion of which involves land included in THE VILLAGE – FIRST ADDITION.

5. An easement granted to Delaware County for road purposes and for use as a public highway.

6. Your attention is called to any limitations imposed upon the property in the event it lies within a flood plain, and by zoning regulations and restrictions and other use restrictions passed by an appropriate governmental agency.

This opinion is made expressly subject to any rights or claims of parties in possession of the premises not shown of record; to defects of title, if any, which may be disclosed by an accurate survey of the premises; to any improvements made or contracted for upon which mechanic's liens could be based within ninety days prior to the date of transfer of the premises; to the presence of solid waste, radioactive waste, hazardous waste or hazardous substances, including those substances defined to be hazardous in Chapter 42, United States Code Section 9601(14) and Chapter 455B of the 2005 Code of Iowa; and to any special assessments still unconfirmed, all these being matters not shown in the Abstract and requiring independent knowledge or information on your part.

Respectfully submitted,

GRAY, STEFANI & MITVALSKY, P.L.C.

Frank S. Mitvalsky

FSM/vkw