Book 2007 Page 2144

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Rec Amt $52.00

FILED

JUL 02 2007

CLAUDIA J. CAHALAN
DELAWARE COUNTY ASSESSOR

CHG.

FILED

JUL 02 2007

CARLA K. BECKER
DELAWARE COUNTY AUDITOR

DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

PREPARED BY/RETURN TO: RANDALL L. RATTENBORG; 105 W. MAIN ST., MANCHESTER, IA 52057 563-927-2434

SUBDIVISION PLAT

RIVER POINTE THIRD SUBDIVISION — FINAL PLAT

A SUB. OF LOT 6 & PART OF LOT 2 OF THE SUB. OF PART OF THE W 1/2-NE 1/4 & W 1/2-SE 1/4, SEC 5, AND LOTS 7, 8 & 9 OF THE SUB. OF THE E 1/2, SEC. 5, AND PART OF THE NORTH 99 1/2 RODS OF THE SE 1/4, SEC. 5, AND PART OF THE SE 1/4-NE 1/4, SEC. 5, ALL IN T88N, R5W OF THE FIFTH P.M., DELAWARE COUNTY, IOWA

RIVER POINTE THIRD SUBDIVISION: A SUBDIVISION OF LOT 6 AND PART 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 SECTION FIVE (5), LOTS 7, 8, AND 9 OF THE SUBDIVISION OF THE EAST ONE-HALF (E ½) OF SECTION FIVE (5), PART OF THE NORTH NINETY-NINE AND ONE-HALF (99 ½) RODS OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION FIVE (5), AND PART OF THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION FIVE(5), ALL IN TOWNSHIP EIGHTY-EIGHT NORTH (T88N), RANGE FIVE WEST (R5W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA, containing a total of 76.21 acres, more or less, including 2.90 acres of public road right of way, divided into Twelve lots numbered Lots 2 though 11, Lot A, reserved for future development, and Lot B, proposed future 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 Southerly Line of the Northeast Quarter (NE ¼) of said Section Five (5), North 89° 00' 20" East, to the centerline of the former Delhi and Independence State Road, being the centerline of 180th Avenue, 644.38 feet, the POINT OF BEGINNING;

THENCE along the centerline of the former Delhi, and Independence State Road, being the centerline of 180th Avenue along a circular curve having an arc length of 171.87 feet, a radius of 2864.80 feet, a central angle of 03° 26' 14", a chord length of 171.84 feet, and a chord bearing of North 45° 02' 10" West

THENCE continuing along the centerline of the former Delhi and Independence State Road, being the centerline of 180th Avenue, North 46° 45' 18" West, to the Southerly Most corner of Lot 1 of River Pointe Second Subdivision, as recorded in Book 2006, Page 4124 in the Office of the Delaware County Recorder, 419.85 feet;

THENCE along the Southeasterly Line of Lot 1 of said River Pointe Second Subdivision, North 46° 09' 25" East, to the Easterly Most corner of said Lot 1 of said River Pointe Second Subdivision, 730.73 feet;

THENCE along the Easterly Line of said Lot 1 of said River Pointe Second Subdivision, North 56° 14' 32" West, to the Northerly Most Corner of said Lot 1 of said River Pointe Second Subdivision, said corner being on the Southeasterly Line of Parcel A, as recorded in Plat Book 7, Page 50 in the Office of the Delaware County Recorder, 316.48 feet;

THENCE along the Southeasterly Line of Parcel A, North 46° 09' 25" East, to the Easterly Most corner of said Parcel A, 356.80 feet;

THENCE along the Easterly Line of said Parcel A, North 18° 24' 28" West, 131.38 feet;

THENCE continuing along the Easterly Line of said Parcel A, North 75° 03' 01" West, 66.32 feet;

THENCE continuing along the Easterly Line of said Parcel A and the Easterly Line of Lot 2 of the Subdivision of Lot 4 as recorded in Plat Book A, Page 67 in the Office of the Delaware County Recorder, North 57° 00' 59" West, 171.79 feet;

THENCE continuing along the Easterly Line of Lot 2 of the said Subdivision of Lot 4, and the Easterly Line of Lot 3 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 Plat Book A, Page 37 and 44 in the Office of the Delaware County Recorder, North 47° 03' 28" West, 343.51 feet;

THENCE continuing along the Easterly Line of above said Lot 3, North 25° 56' 32" East, 147.81 feet;

THENCE continuing along the Easterly Line of above said Lot 3, North 56° 56' 32" East, 164.23 feet;

THENCE continuing along the Easterly Line of above said Lot 3, North 00° 00' 00" East, to the Southeast Corner of Section Thirty-two (32), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa, 165.00 feet;

THENCE along the Township Line between Township Eighty-Eight North (T88N), and Township Eighty-nine North (T89N), North 88° 03' 30" East, to the Northwesterly Most Corner of Lot 1 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 Plat Book A, Page 37 and 44 in the Office of the Delaware County Recorder, 441.50 feet;

THENCE along the Westerly Line of last mentioned Lot 1, South 17° 50' 10" East, 292.24 feet;

THENCE continuing along the Westerly Line of last mentioned Lot 1, South 06° 39' 50" West, to the Southwesterly Most Corner of last mentioned Lot 1, 363.64 feet;

THENCE along the Southerly Line of last mentioned Lot 1, South 69° 20' 10" East, to the Easterly Line of the West One-half (W ½) of the Northeast Quarter (NE ¼) of said Section Five (5), 396.70 feet;

THENCE along the Easterly Line of the West One-half (W ½) of the Northeast Quarter (NE ¼) of said Section Five (5), South 00° 51' 44" East, to the West bank of the Maquoketa River, 177.58 feet, more or less;

THENCE along the West bank of the Maquoketa River, being represented by the following described meander line, South 18° 27' 01" East, 256.81 feet, more or less;
THENCE South 39° 03' 02" East, 193.12 feet, more or less;
THENCE South 79° 42' 12" East, 333.22 feet, more or less;
THENCE South 15° 02' 35" East, 226.29 feet, more or less;
THENCE South 43° 39' 38" East, 210.45 feet, more or less;
THENCE South 20° 13' 08" East, 365.77 feet, more or less;
THENCE South 26° 12' 35" East, 655.29 feet, more or less;
THENCE South 21° 52' 38" West, to the Northerly Line of Lot 3 of River Pointe, as recorded in Book 2002, Page 4975 in the Office of the Delaware County Recorder, 54.86 feet, more or less;

THENCE along the Northerly Line of Lot 3 of said River Pointe, South 63° 20' 08" West, to the centerline of the former Delhi and Independence State Road, being the centerline of 180th Avenue, 1096.63 feet, more or less;

THENCE along the centerline of the former Delhi and Independence State Road, being the centerline of 180th Avenue, North 36° 55' 15" West, 1001.94 feet;

THENCE along the centerline of the former Delhi and Independence State Road, being the centerline of 180th Avenue along a circular curve having an arc length of 319.83 feet, a radius of 2864.80 feet, a central angle of 06° 23' 48", a chord length of 319.67 feet, and a chord bearing of North 40° 07' 09" West, to the POINT OF BEGINNING;

Containing a total of 76.21 acres, more or less, including 2.90 of public road right of way, divided into Twelve lots numbered Lots 2 though 11, Lot A, reserved for future development, and Lot B, proposed future 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.

SURVEY REQUESTED BY: RON GIENAPP

SURVEYED ON: APRIL, MAY 2007

PROPRIETORS: *RONALD D. GIENAPP & DIANE L. GIENAPP*
2285 180th AVENUE, MANCHESTER, IA 52057

PROJECT NO. 07-23

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.

6/19/07

RANDALL L. RATTENBORG L.S. LIC. #17939 DATE

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2007

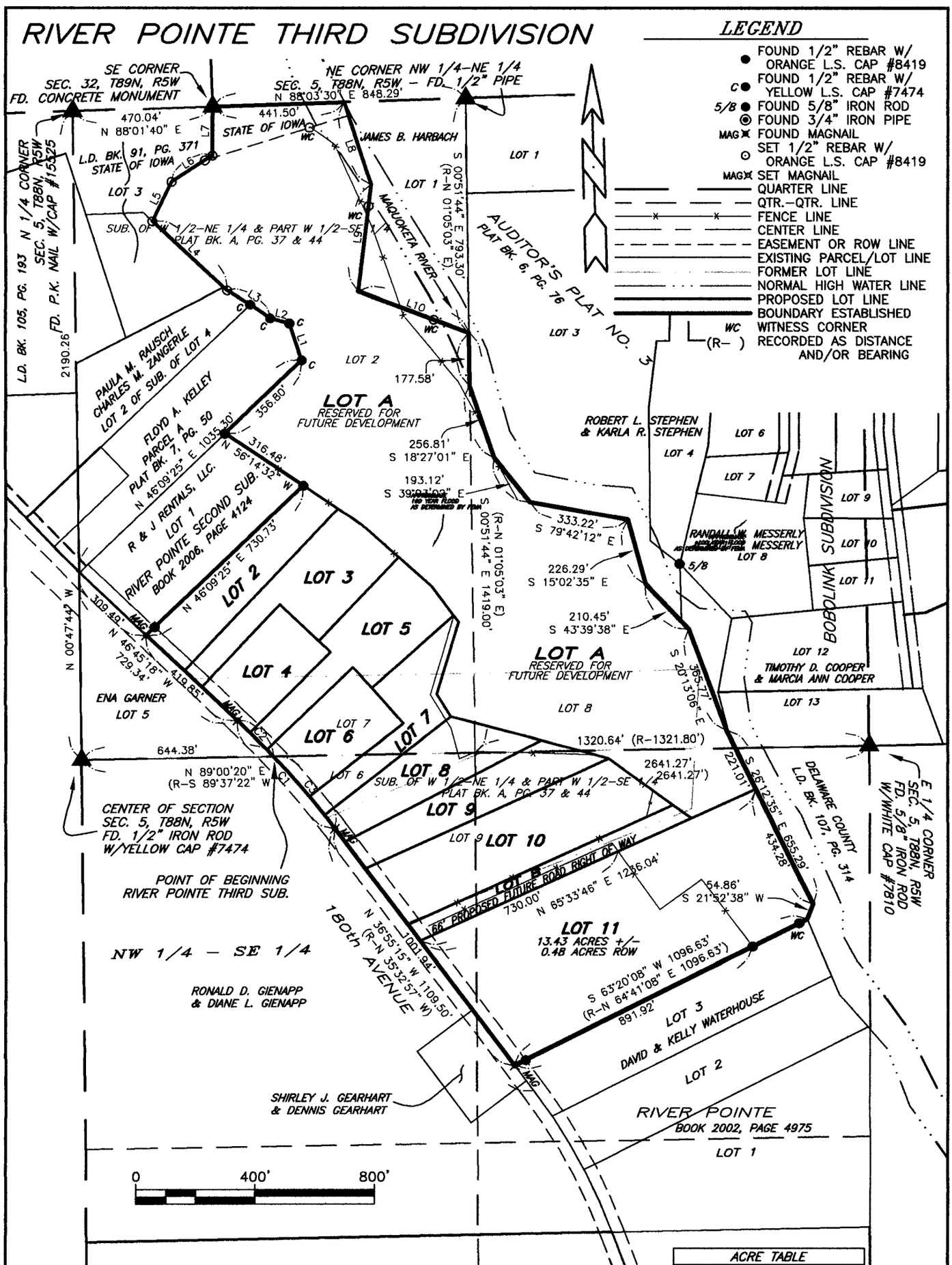
LICENSED LAND SURVEYOR
RANDALL L. RATTENBORG
17939
IOWA

PAGES OR SHEETS COVERED BY THIS SEAL: 1-4

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

SCALE: SEE SHEETS
DATE: MAY 2007
DRAWN BY: RLR
CHECKED BY: JDG
GPS: 38
REVISED
SHEET 1 OF 10

RIVER POINTE THIRD SUBDIVISION



CURVE TABLE					
CURVE	LENGTH	RADIUS	CENTRAL ANGLE	CHORD	CHORD BEARING
C1	491.70	2864.80'	9°50'02"	491.10'	N 41°50'17" W
C2	171.87	2864.80'	3°26'14"	171.84'	N 45°02'10" W
C3	319.83	2864.80'	6°23'48"	319.67'	N 40°07'09" W
R–C1	491.70	2864.80'	9°50'02"	491.10'	N 40°27'59" W

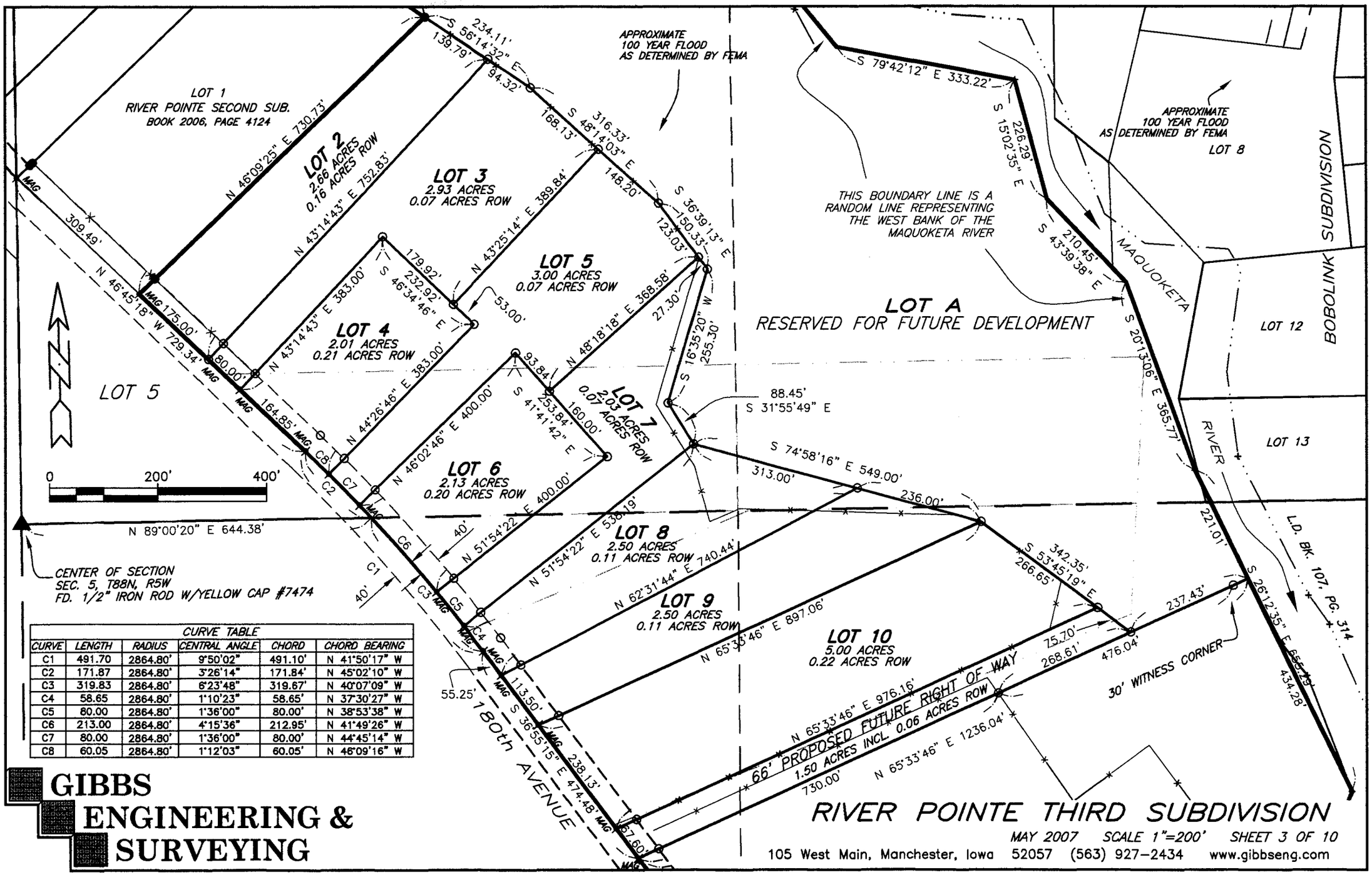
LINE TABLE		
LINE	BEARING	LENGTH
L1	N 18°24'28" W	131.38'
L2	N 75°03'01" W	66.32'
L3	N 57°00'59" W	171.73'
L4	N 47°03'28" W	343.51'
L5	N 25°56'32" E	147.81'
L6	N 56°56'32" E	164.23'
L7	N 00°00'00" E	165.00'
L8	S 17°50'10" E	292.24'
L9	S 06°39'50" W	363.64'
L10	S 69°20'10" E	396.70'

ACRE TABLE		
LOT	TOTAL ACRES	ROW
LOT 2	2.66	0.16
LOT 3	2.93	0.07
LOT 4	2.01	0.21
LOT 5	3.00	0.07
LOT 6	2.13	0.20
LOT 7	2.03	0.07
LOT 8	2.50	0.11
LOT 9	2.50	0.11
LOT 10	5.00	0.22
LOT 11	13.43	0.48
LOT A	36.52	1.14
LOT B	1.50	0.06
TOTAL	76.21	2.90

GIBBS ENGINEERING & SURVEYING

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

MAY 2007 SCALE 1"=400' SHEET 2 OF 10



CURVE TABLE					
CURVE	LENGTH	RADIUS	CENTRAL ANGLE	CHORD	CHORD BEARING
C1	491.70	2864.80'	9°50'02"	491.10'	N 41°50'17" W
C2	171.87	2864.80'	3°26'14"	171.84'	N 45°02'10" W
C3	319.83	2864.80'	6°23'48"	319.67'	N 40°07'09" W
C4	58.65	2864.80'	1°10'23"	58.65'	N 37°30'27" W
C5	80.00	2864.80'	1°36'00"	80.00'	N 38°53'38" W
C6	213.00	2864.80'	4°15'36"	212.95'	N 41°49'26" W
C7	80.00	2864.80'	1°36'00"	80.00'	N 44°45'14" W
C8	60.05	2864.80'	1°12'03"	60.05'	N 46°09'16" W

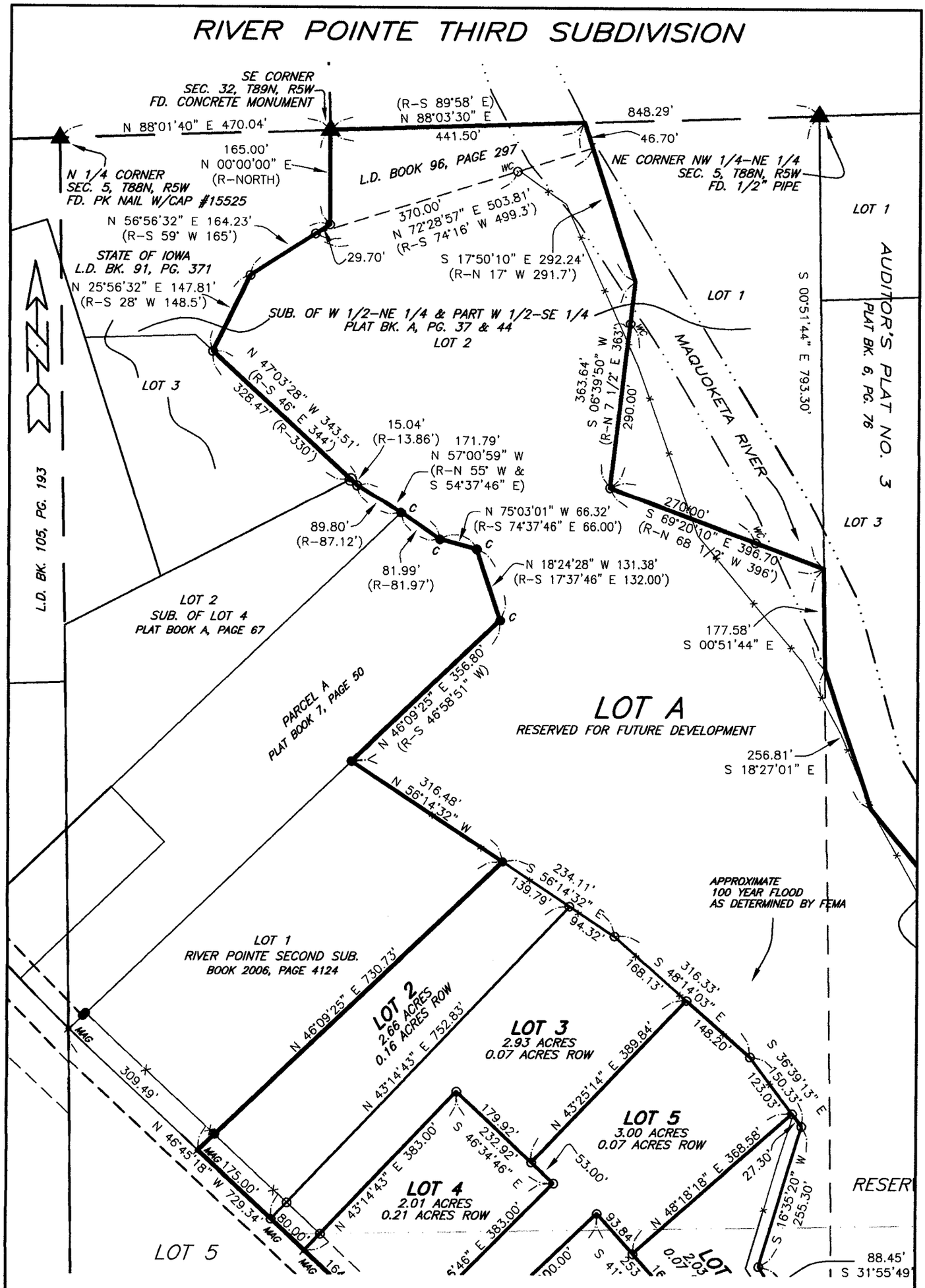
GIBBS ENGINEERING & SURVEYING

RIVER POINTE THIRD SUBDIVISION

MAY 2007 SCALE 1"=200' SHEET 3 OF 10

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

RIVER POINTE THIRD SUBDIVISION



GIBBS ENGINEERING & SURVEYING

0 200' 400'

MAY 2007 SCALE 1"=200' SHEET 4 OF 10

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

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 18th day of JUNE A.D. 2007, 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, 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 ***River Pointe Third Subdivision***, a subdivision in Delaware County, Iowa.

Carla K. Becker, Delaware County Auditor

State of Iowa)
)
County of Delaware)

On this 29th day of June, 2007, before me Carolyn A. Wilson a Notary Public in and for the State of Iowa, personally appeared Carla K. Becker, to me personally known, and, who, being duly sworn, did say that she is the Auditor of Delaware County, Iowa.

Notary Public

CAROLYN A. WILSON
Commission Number 167742
My Commission Expires
12-17-09

CERTIFICATE OF TREASURER

I, the undersigned, Carolyn A. Wilson, Treasurer of Delaware County, Iowa, do hereby certify that all taxes and special assessments against ***River Pointe Third 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 SEAL IOWA

Carolyn A. Wilson 6-29-07

Carolyn A. Wilson, County Treasurer Date

DELAWARE COUNTY E-911 BOARD

Delaware County, Iowa

The foregoing plat of ***River Pointe Third 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

Norman Wellman – Coordinator
Delaware County E-911 Board

State of Iowa)
)
County of Delaware) ss:

On this 29th day of June, 2007, before me Carolyn A Wilson, 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.

NOTARIAL SEAL IOWA
CAROLYN A. WILSON
Commission Number 167742
My Commission Expires
12-19-07

Carolyn A. Wilson

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 Third Subdivision,*** Delaware County, Iowa, on premises more specifically described in the Surveyor's Certificate of Randall L. Rattenborg, dated 6/19/07.

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., 2007, 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 13th day of June, 2007.

6/13/07

Attorney at Law Date

Thomas J. Hanson

RESOLUTION APPROVING PRELIMINARY & FINAL PLAT

WHEREAS, the final plat of ***River Pointe Third Subdivision, Delaware County, Iowa***, affecting premises more specifically described in the Surveyor's Certificate of Randall L. Rattenborg, dated 6-19-2007, 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 final plat of ***River Pointe Third 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 residential.
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 easement access shall be provided to all real estate included in the subdivision pursuant to the easements as shown in the attached plat.
d. Improvements to 180th Avenue, a public road right of way, are not required at this time.
e. Sidewalks shall not be required at this time. The Owner or Owners of record of Lots 2-11, Lot A, and Lot B if annexed to the City, may be required to construct sidewalks at a future date as required by the City of Manchester.
f. Chapter 127.14 of the Subdivision Regulations deals with Lands Subject to Flooding. Lot A is located in an area that would be included in a floodway or flood hazard area and would have no buildable area outside of said floodway or flood hazard area. Lot A is being platted solely for the purpose of taxation as requested by the Delaware County Auditor. Therefore, a variance for non-compliance to Chapter 127.14 is requested.

NOW, THEREFORE, BE IT RESOLVED, by the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa, that said final Plat of ***River Pointe Third 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 Chairperson and the 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 19th day of June, A.D., 2007.

CITY OF MANCHESTER IOWA SEAL

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 25th day of June, 2007, 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 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 19th day of June, 2007, 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

NOTARIAL SEAL IOWA
JULIE A. SCHMITZ
Commission Number 224151
My Commission Expires
08-23-08

R-100-2007
RESOLUTION APPROVING PRELIMINARY & FINAL PLAT

WHEREAS, the final plat of ***River Pointe Third Subdivision, Delaware County, Iowa*** Delaware County, Iowa, affecting premises more specifically described in the Surveyor's Certificate of Randall L. Rattenborg, dated 6-19-2007, 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 Third Subdivision, Delaware County, Iowa***, as presented 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 residential.
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 easement access shall be provided to all real estate included in the subdivision pursuant to the easements as shown in the attached plat.
d. Improvements to 180th Avenue, a public road right of way, are not required at this time.
e. Sidewalks shall not be required at this time. The Owner or Owners of record of Lots 2-11, Lot A, and Lot B if annexed to the City, may be required to construct sidewalks at a future date as required by the City of Manchester.
f. Chapter 127.14 of the Subdivision Regulations deals with Lands Subject to Flooding. Lot A is located in an area that would be included in a floodway or flood hazard area and would have no buildable area outside of said floodway or flood hazard area. Lot A is being platted solely for the purpose of taxation as requested by the Delaware County Auditor. Therefore, a variance for non-compliance to Chapter 127.14 is requested.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manchester, Delaware County, Iowa, that said Final Plat of ***River Pointe Third 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 June, A.D., 2007.

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 26th day of June, 2007, 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-100-2007 adopted by the City Council on the 25th day of June, 2007, 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.

Laura K. Thomas

Laura K. Thomas, Notary Public

NOTARIAL SEAL IOWA
LAURA K. THOMAS
Commission Number 718135
My Commission Expires
5-28-08

EXHIBIT A

AGREEMENT AND WAIVER REGARDING ALTERNATIVE SYSTEMS FOR SEWER AND WATER

RIVER POINTE THIRD 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 THIRD SUBDIVISION: *A SUBDIVISION OF LOT 6 AND PART 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 SECTION FIVE (5), LOTS 7, 8, AND 9 OF THE SUBDIVISION OF THE EAST ONE-HALF (E ½) OF SECTION FIVE (5), PART OF THE NORTH NINETY-NINE AND ONE-HALF (99 ½) RODS OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION FIVE (5), AND PART OF THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION FIVE(5), ALL IN 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.

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 18th day of JUNE _____, 2007.

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

CITY MANCHESTER IOWA SEAL

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