Book 2007 Page 3373
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OCT 15 2007
CLAUDIA J. CAHALAN
DELAWARE COUNTY ASSESSOR

FILED
OCT 15 2007
CARLA K. BECKER
DELAWARE COUNTY AUDITOR

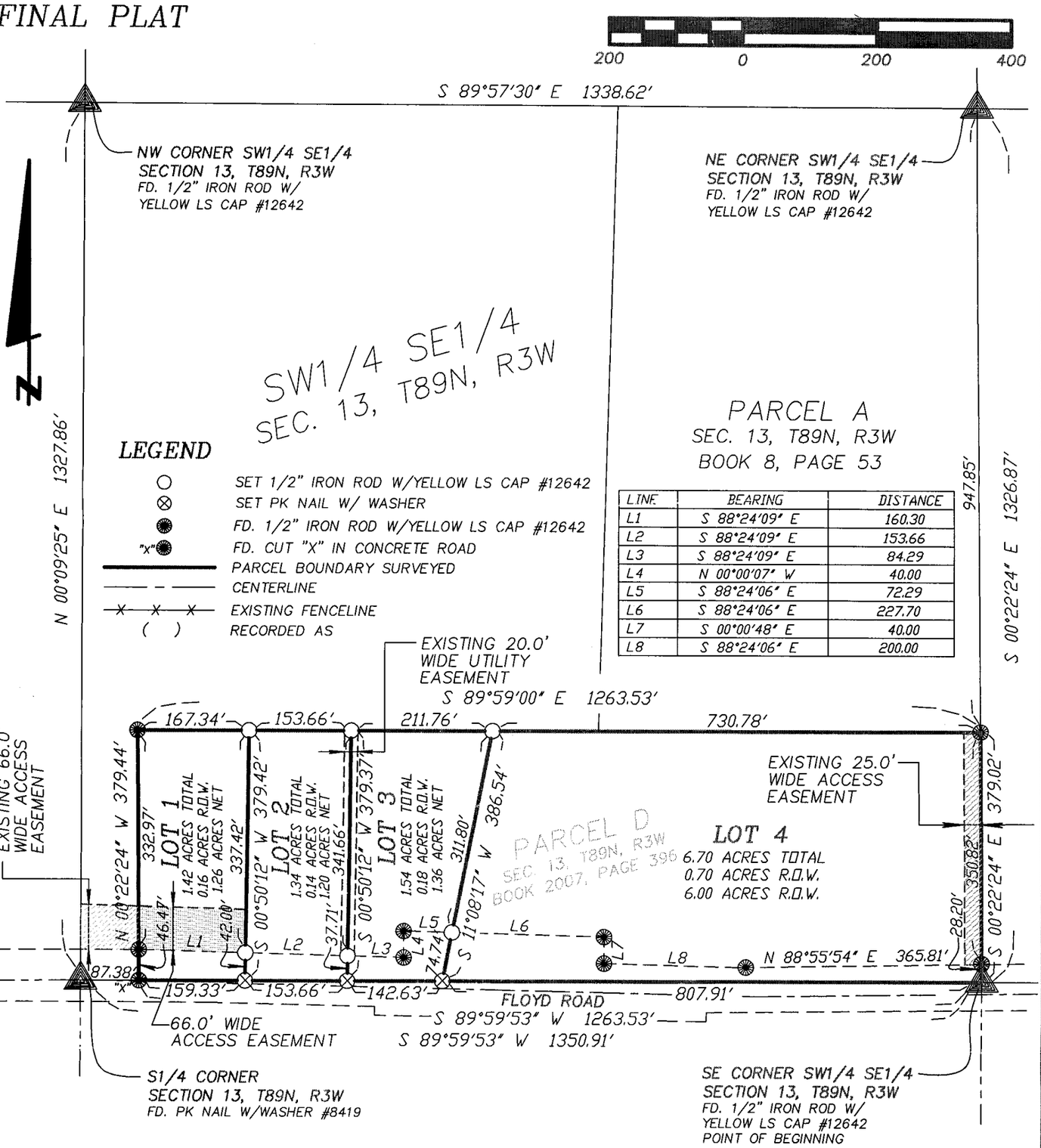
DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

PREPARED BY BILL BURGER OF WM. BURGER LANDSURVEYOR 510 3RD STREET WEST COURT WORTHINGTON, IOWA 52078 (563) 855 2028

PLAT OF SURVEY

DEER CREEK HEIGHTS A DIVISION OF PARCEL D OF THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHEAST QUARTER (SE1/4), SECTION THIRTEEN (13), TOWNSHIP EIGHTY-NINE NORTH (T89N), RANGE THREE WEST (R3W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA

FINAL PLAT



LINE	BEARING	DISTANCE
L1	S 88°24'09" E	160.30
L2	S 88°24'09" E	153.66
L3	S 88°24'09" E	84.29
L4	N 00°00'07" W	40.00
L5	S 88°24'06" E	72.29
L6	S 88°24'06" E	227.70
L7	S 00°00'48" E	40.00
L8	S 88°24'06" E	200.00

LICENSED LAND SURVEYOR
WILLIAM H. BURGER
12642
IOWA

NO. OF SHEETS COVERED BY THIS SEAL 1

DATE OF SURVEY: 3/22/2007 SHEET 1 OF 5

PROPRIETORS: GLEN A. & KAREN A. HAHN SCALE: 1" = 200'

I HEREBY CERTIFY THAT THIS LANDSURVEYING DOCUMENT WAS PREPARED AND RELATED SURVEY WORK WAS PREFORMED 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. MY LICENSE RENEWAL DATE IS DECEMBER 31, 2008

William H. Burger 3/29/07
WILLIAM H. BURGER #12642 DATE

Wm. Burger
LandSurveyor
510 3rd Street West Court
Worthington, Iowa 52078

BOOK 2007 PAGE 3373

LEGAL DESCRIPTION

DEER CREEK HEIGHTS – A division of Parcel D of the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4), Section Thirteen (13), Township Eighty-nine North (T89N), Range Three West (R3W) of the Fifth Principal Meridian, Delaware County, Iowa, containing a total of 11.00 acres including 1.18 acres of public road right of way, divided into Four (4) lots and numbered Lot 1, Lot 2, Lot 3 and Lot 4 as shown on the attached plat; **subject to easements of record** and more particularly described by metes and bounds as follows:

BEGINNING at the Southeast corner of the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4) of Section Thirteen (13), Township Eighty-nine North (T89N), Range Three West (R3W) of the Fifth Principal Meridian, Delaware County, Iowa;

Thence South 89° 59' 53" West 1263.53 feet along the South line of the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4);

Thence North 00° 22' 24" West 379.44 feet;

Thence South 89° 59' 00" East 1263.53 feet to the Southeast corner of Parcel A as recorded in the Office of the Delaware County Recorder in Book 8, Page 53, said corner also being on the East line of said Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4);

Thence South 00° 22' 24" East 379.02 feet along said East line to the **POINT OF BEGINNING** containing a total of 11.00 acres including 1.18 acres of public road right of way, divided into Four (4) lots and numbered Lot 1, Lot 2, Lot 3 and Lot 4 as shown on the attached plat; **subject to easements of record.**

The South line of the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4), Section Thirteen (13), Township Eighty-nine North (T89N), Range Three West (R3W) of the Fifth Principal Meridian, Delaware County, Iowa is assumed to bear South 89° 59' 53" West.

A 66.0' wide access easement is hereby created across Lot 1 for the benefit of Lot 2 as shown on the attached plat.

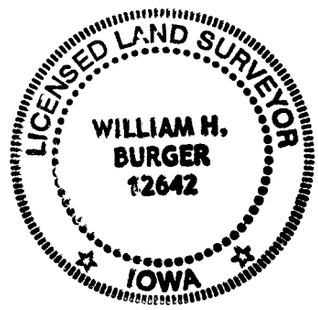
SURVEYORS CERTIFICATE:

I hereby certify that this land survey document was prepared and 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

My license renewal date is December 31, 2008

William H. Burger 3/29/07

William H. Burger Date Reg. No. 12642



No. of sheets covered by this seal: 1

RESOLUTION NO. 17-07

RESOLUTION APPROVING PLAT OF SURVEY OF DEER CREEK HEIGHTS, DELAWARE COUNTY, IOWA

WHEREAS, there has been filed with the City Clerk, a plat in which Parcel D of the Southwest Quarter (SW¼) of the Southeast Quarter (SE¼), Section Thirteen (13), Township Eighty-Nine North (T89N), Range Three West (R3W) of the Fifth Principal Meridian, Delaware County, Iowa, is platted and now known as Lots 1 through 4 of Deer Creek Heights, Delaware County, Iowa.

WHEREAS, said plat has been found by the City Council to conform to the statutes and ordinances relating thereto;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DYERSVILLE, IOWA:

SECTION 1: That the plat of survey of Lots 1 through 4 of Deer Creek Heights, Delaware County, Iowa, is hereby approved and the Mayor and the City Clerk are hereby authorized and directed to endorse the approval of the City of Dyersville, Iowa, on said plat.

SECTION 2: That there are no dedications of public streets or alleys accompanying the plat.

Passed, adopted and approved this 16th day of April, 2007.

James A. Heavens

James A. Heavens, Mayor

ATTEST: Tricia L. Maiers

Tricia L. Maiers, City Clerk

CITY OF DYERSVILLE PLANNING AND ZONING COMMISSION

Dyersville, Iowa

April 7 2007

The foregoing plat of **DEER CREEK HEIGHTS** as shown on the attached plat, being within 2 miles of the corporate limits of the City of Dyersville is hereby approved by the Dyersville Planning and Zoning Commission and approval of said plat by the City Council of the City of Dyersville, Dubuque County, Iowa is here by recommended.

Dyersville Planning & Zoning Commission

By Peter N Ames

Chairperson

CITY COUNCIL APPROVING FINAL PLAT

Dyersville, Iowa

04/16 2007

The undersigned, James A. Heavens, Mayor, and Tricia L. Maiers, Clerk of the City of Dyersville, Dubuque County, Iowa do hereby certify that the foregoing Final Plat of **DEER CREEK HEIGHTS** as appears heretofore has been filed in the Office of the City Clerk of Dyersville, Iowa and that the City Council of the City of Dyersville, Iowa approves said plat.

CITY OF DYERSVILLE IOWA CITY SEAL

James A Heavens

Mayor

TRICIA L MAIERS

City Clerk

STATE OF IOWA)
) ss.
Dubuque COUNTY)

On this 16th day of April, 2007, before me, Lori A. Panton, a Notary Public in and for the State of Iowa, personally appeared James A Heavens and Tricia L Maiers, 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 Dyersville, 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 authority of its City Council , as contained in Resolution Number 17-07 adopted by the City Council on the 16th day of April, 2007, and that James A. Heavens and Tricia L. Maiers acknowledged the execution of the instrument to be their voluntary act and deed of the corporation, by it voluntarily executed.

Lori A Panton

Notary Public

LORI A. PANTON
Commission Number 722200
My Commission Expires
4-2-09

OWNERS ACKNOWLEDGMENT

I (We), Glenn A. & Karen A. Hahn of Dubuque County, State of Iowa, do hereby certify that the above survey, as shown by the attached Plat, is made with my (our) free consent, and in accordance with my (our) desire.

Glen A. Hahn
Glenn A. Hahn

Karen A Hahn
Karen A. Hahn

STATE OF IOWA)
) ss.
Dubuque COUNTY)

On this 6th day of June A. D. 2007 before me, a Notary Public in and for said County, personally appeared Glen Hahn and Karen Hahn, to me known to be the person or persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Debra S. Ament
Notary Public in and for said County

DEBRA S. AMENT
Commission Number 181326
My Commission Expires 9/25/07

ATTORNEY'S OPINION

I, TODD J. LOCHER, a practicing attorney at law in DUBUQUE County, Iowa have examined the abstract of title to the land included within Parcel D of the Southwest Quarter (SNW1/4) of the Southeast Quarter (SE1/4), Section Thirteen (13), Township Eighty-nine North (T89N), Range Three West (R3W) of the Fifth Principal Meridian, Delaware County, Iowa; Said abstract has been prepared in its entirety by the Delaware County Abstract Company, and was last certified to by said company on the 12th day of April, AD, 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 certification to be in GLEN A. HAHN and KAREN A. HAHN *Dated at FARLEY, Iowa in said County, this 9th day of July 9, 2007.

Attorney at Law

* Subject to mortgage with American Trust & Savings dated the 2nd Day of March 2007 and filed March 21, 2007 in Book 2007, Page 816 of the records of Delaware Co, Iowa

MORTGAGE HOLDERS ACKNOWLEDGMENT

The undersigned American Trust & Savings Bank bank of Dyersville city State of Iowa, do hereby certify that the attached Plat of Survey of **DEER CREEK HEIGHTS** is made with our free consent and in accordance with our desire as lien holder and mortgagee of the premises described herein.

American Trust & Savings BANK Dyersville CITY

Linus Kuboushek 2nd Sr V.P. Pat Hogrefe, VP

2nd Senior Vice President V.P.

STATE OF IOWA)
) ss.
DUBUQUE COUNTY)

On this 7th day of June A. D. 20 07 before me, the undersigned, a Notary Public in and for said State, personally appeared Linus R. Kuboushek and Patrick D. Hogrefe . to me personally known, who being by me duly sworn, did say that they are the 2nd Senior VP and Vice President respectively, of the corporation executing the within and foregoing instrument; ~~that~~ UHB ~~the seal affixed thereto is the seal of the corporation;~~ UHB that the instrument was signed ~~and sealed~~ on behalf of the corporation by authority of its Board of Directors; and that Linus R. Kuboushek and Patrick D. Hogrefe as officers acknowledged the execution of the foregoing instrument to be the voluntarily act and deed of the corporation, by it and by them voluntarily executed.

Tanya Ostwinkle
Notary Public in and for said State

NOTARIAL SEAL IOWA
TANYA E. OSTWINKLE
Commission Number 704271
My Commission Expires

DELAWARE COUNTY TREASURER

Manchester, Iowa 10-15, 2007

I the undersigned, Carolyn A. Wilson, Treasurer of Delaware County, Iowa do hereby certify that all taxes and special assessments levied against Parcel D of the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4), Section Thirteen (13), Township Eighty-nine North (T89N), Range Three West (R3W) of the Fifth Principal Meridian, 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
County Treasurer Delaware County, Iowa
10-15-07