FILED
FEB 8 2008
CARLA K. BECKER
DELAWARE COUNTY AUDITOR

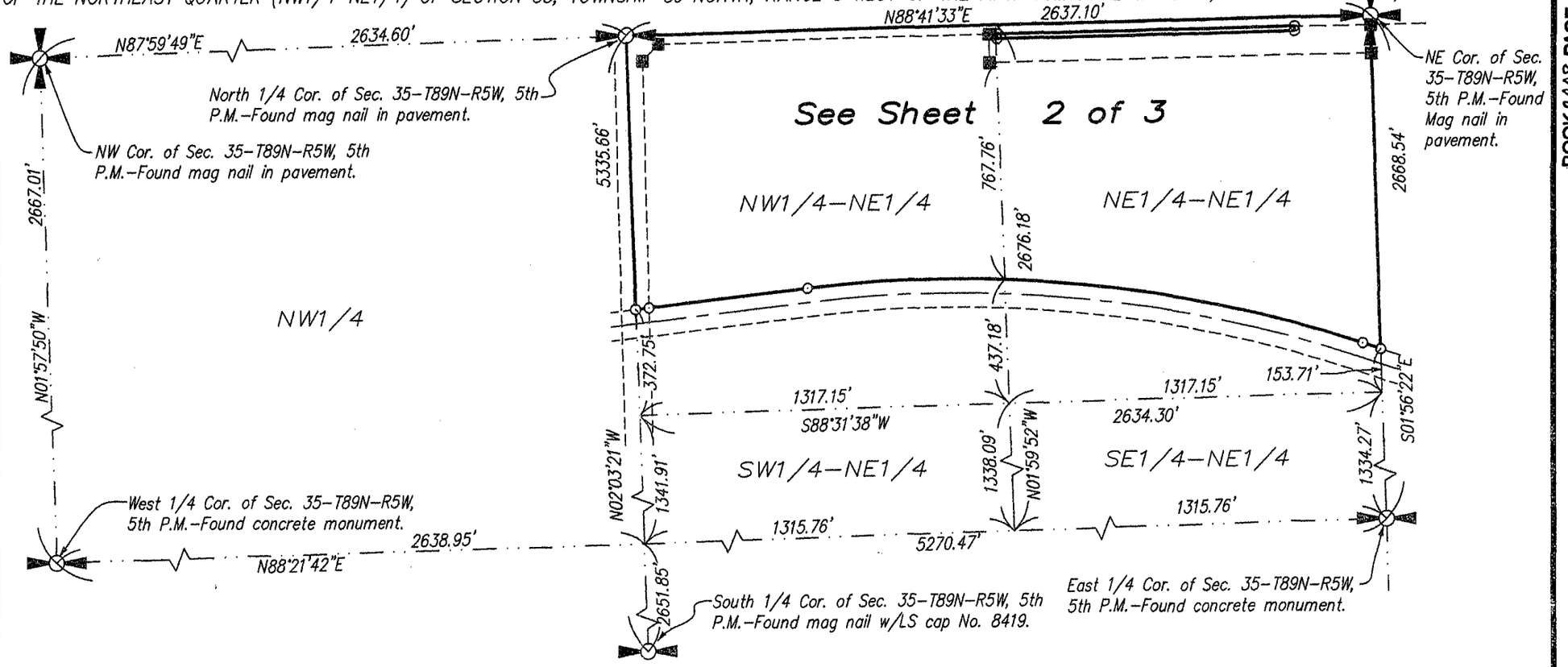
FILED
FEB - 8 2008
Book 2008 Page 368
Document 2008 368 Type 06 002 Pages 8
Date 2/08/2008 Time 2:22:35PM
Rec Amt $42.00
CLAUDIA J. CAHALAN
DELAWARE COUNTY AUDITOR

DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

MOHN SURVEYING, INC. • ROGER R. MOHN • 1890 GREAT RIVER ROAD • LANSING, IOWA 52151 • 563-538-4067

PLAT OF SURVEY
of
Hardin Subdivision

A SUBDIVISION CONSISTING OF PARCEL 'B' BEING PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE1/4-NE1/4) AND PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW1/4-NE1/4) OF SECTION 35, TOWNSHIP 89 NORTH, RANGE 5 WEST OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA.



NOTE: The north line of the NW1/4 of Section 35, T89N, R5W is assumed to bear N87°59'49"E.

Legend
- Parcel Boundary Established
- Found 1/2"ø iron rod w/LS cap No. 10165.
- Found Right-of-Way Rail.
- (R.A.) Recorded As

SEAL

LICENSED LAND SURVEYOR
Roger R. Mohn
10165
IOWA

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.

Roger R. Mohn January 3, 2008
Roger R. Mohn Date
License Number 10165
My license renewal date is December 31, 2008
Pages or sheets covered by this seal: Sheet 1 of 3 through 3 of 3.

Proprietor(s):
David V. & Delma Hardin
Survey requested by:
David V. Hardin

Sheet No. 1 of 3
Surveyed: Aug.-Dec., 2007 (234, 109)
January 03, 2008 Drawn By: ARL
Y:\Drawings\Surveys\2007\Delaware\DHardin\Hardin1.dwg

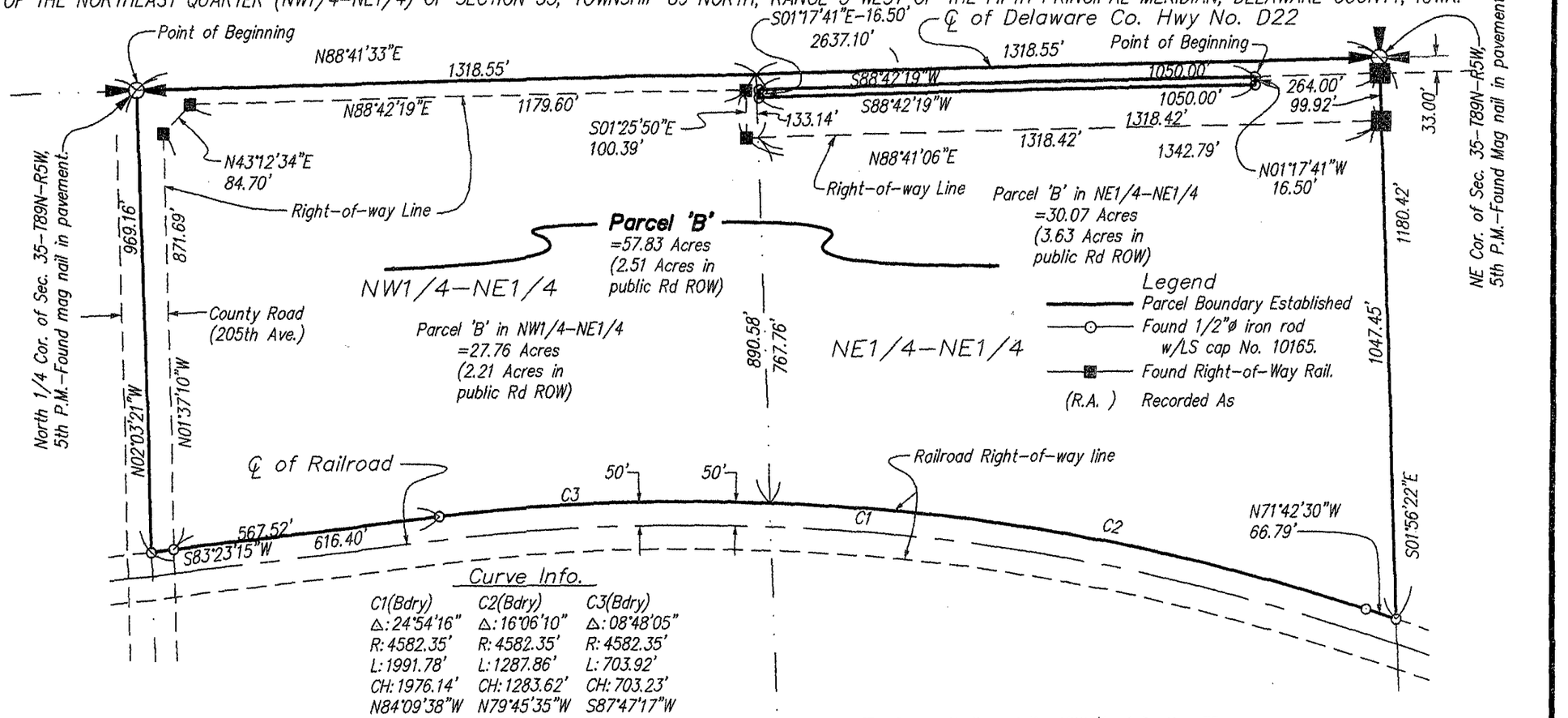
0 500 1000
Scale 1" = 500'

BOOK 2008 PAGE 368

MOHN SURVEYING, INC. • ROGER R. MOHN • 1890 GREAT RIVER ROAD • LANSING, IOWA 52151 • 563-538-4067

PLAT OF SURVEY
Hardin Subdivision

A SUBDIVISION CONSISTING OF PARCEL 'B' BEING PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE1/4–NE1/4) AND PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW1/4–NE1/4) OF SECTION 35, TOWNSHIP 89 NORTH, RANGE 5 WEST OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA.



Curve Info.

C1(Bdry)	C2(Bdry)	C3(Bdry)
Δ: 24°54'16"	Δ: 16°06'10"	Δ: 08°48'05"
R: 4582.35'	R: 4582.35'	R: 4582.35'
L: 1991.78'	L: 1287.86'	L: 703.92'
CH: 1976.14'	CH: 1283.62'	CH: 703.23'
N84°09'38"W	N79°45'35"W	S87°47'17"W

NOTE: The north line of the NW1/4 of Section 35, T89N, R5W is assumed to bear N87°59'49"E.

SEAL

LICENSED LAND SURVEYOR
Roger R. Mohn 10165
★ IOWA ★

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.

Roger R. Mohn January 3, 2008

Roger R. Mohn — Date

License Number 10165

My license renewal date is December 31, 2008

Pages or sheets covered by this seal: Sheet 1 of 3 through 3 of 3.

Proprietor(s):
David V. & Delma Hardin
Survey requested by:
David V. Hardin

Sheet No. 2 of 3
Surveyed: Aug.–Dec.., 2007 (234, 109)
January 03, 2008 Drawn By: ARL
Y:\Drawings\Surveys\2007\Delaware\DHardin\Hardin1.dwg

0 300 600
Scale 1" = 300'

PLAT OF SURVEY OF **Hardin Subdivision**:

A subdivision consisting of Parcel 'B' being part of the Northwest Quarter of the Northeast Quarter (NW1/4-NE1/4) and part of the Northeast Quarter of the Northeast Quarter (NE1/4-NE1/4) of Section Thirty-five (35), Township Eighty-nine (89) North, Range Five (5) West of the Fifth Principal Meridian, Delaware County, Iowa, containing 57.83 acres, more or less. The exterior boundary is more particularly described by metes and bounds as follows:

Commencing at the North ¼ Corner of Section 35, Township 89 North, Range 5 West of the 5th P.M. which is the Point of Beginning; thence N 88°-41'-33" E, 2637.10 feet to the northeast corner of said Section 35; thence S 01°-56'-22" E, 1180.42 feet along the east line of the NE1/4 of said Section 35; thence N 71°-42'-30" W, 66.79 feet along the north line of a railroad right-of-way; thence 1991.78 feet along the north line of a railroad right-of-way which is along a 4582.35 foot radius curve concave southerly with a central angle of 24°-54'16" and a long chord which bears N 84°-09'-38" W, 1976.14 feet; thence S 83°-23'-15" W, 616.40 feet along the north line of a railroad right-of-way; thence N 02°-03'-21" W, 969.16 feet along the north-south ¼ section line of said Section 35 to the Point of Beginning (EXCEPT the following described parcel: Commencing at the Northeast Corner of Section 35, Township 89 North, Range 5 West of the 5th P.M.; thence S 01°-56'-22" E, 33.00 feet along the east line of the NE1/4 of said Section 35; thence S 88°-42'-19" W, 264.00 feet; thence S 88°-42'-19" W, 1050.00 feet; thence S 01°-17'-41" E, 16.50 feet; thence N 88°-42'-19" E, 1050.00 feet; thence N 01°-17'-41" W, 16.50 feet to the Point of Beginning.). Said described parcel contains 57.83 acres, more or less. The north line of the NW1/4 of Section 35, T89N, R5W is assumed to bear N 87°-59'-49" E.

LICENSED LAND SURVEYOR
ROGER R. MOHN
10165
IOWA

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.

Roger R. Mohn January 3, 2008

Roger R. Mohn *Date*

License Number 10165

My license renewal date is December 31, 2008

Pages or sheets covered by this seal:

Sheet No. 1 of 3 through 3 of 3

The attached plat represents the final plat of Hardin Subdivision consisting of Parcel 'B' being part of the Northeast Quarter of the Northeast Quarter ($NE\frac{1}{4}$-$NE\frac{1}{4}$) and part of the ~~Northwest Quarter of the Northeast Quarter ($NW\frac{1}{4}$-$NE\frac{1}{4}$) of Section 35, Township 89 North,~~ Range 5 West of the Fifth Principal Meridian, Delaware County, Iowa.

I (We) David V. Hardin and Delma Hardin of Delaware 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.

David V. Hardin

Delma Hardin

STATE OF IOWA, Delaware County SS.

On the 7th day of January A.D. 20 08 before me, a Notary Public in and for said County, personally appeared David V. Hardin and Delma Hardin of said County, to me personally known to be the identical person(s) whose name(s) is (are) affixed to the foregoing statement, and acknowledged the same to be their voluntary act and deed.

Witness my hand and seal.

NOTARIAL SEAL IOWA
DOROTHY A. PALMER
Commission Number 158773
My Commission Expires
1/20/08

Dorothy A. Palmer

Notary Public in and for said County

ab8140A - 5/01 Watson Standard

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 **Hardin Subdivision,** Delaware County, Iowa, on premises more specifically described in the Surveyor's Certificate of Roger R. Mohn, dated January 3, 2008.

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 17th day of January, A.D., 2008, 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 David V. Hardin and Delma Hardin, husband and wife as joint tenants* Dated at Manchester, Iowa, in said County, this 5th day of February, 2008.

Steven E. Carr
Attorney at Law

*with full rights of survivorship and not as tenants in common subject to a mortgage to Farm Credit Services of America, FLCA filed April 25, 2007 in Book 2007, Page 1245.

CERTIFICATE OF TREASURER

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

1-23-08

Carolyn A. Wilson
Carolyn A. Wilson, County Treasurer

DELAWARE COUNTY E-911 BOARD

The foregoing plat of **Hardin Subdivision**, Delaware County, Iowa, 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 23RD day of JANUARY, 2008.

Norman Wellman
Norman Wellman – Coordinator
Delaware County E-911 Board

State of Iowa)
)
County of Delaware) SS:

On this 23rd day of January, 2008, before me Julia L. Hackbarth, 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 of Delaware County E-911 Board.

Julia L. Hackbarth
Notary Public

NOTARIAL SEAL IOWA
JULIA L. HACKBARTH
Commission Number 169605
My Commission Expires
May 24, 2008

R-017-2008
RESOLUTION APPROVING PRELIMINARY & FINAL PLAT

WHEREAS, plat of HARDIN SUBDIVISION, ***City of Manchester, Delaware County, Iowa*** Delaware County, Iowa, affecting premises more specifically described in the Surveyor's Certificate of Roger R. Mohn, dated January 3, 2008, 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;

WHEREAS, THE SUBDIVIDERS, David V. and Delma Hardin has entered into an agreement and waiver regarding alternate systems for water, sewer and private drives with the City of Manchester which is attached hereto as Exhibit A; 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 City Council determines that the location of the subdivision makes it unlikely that it will become a part of the City of Manchester in the near future and therefore it would not be appropriate to require installation of certain improvements in conjunction with the approval of said subdivision; 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 & Zoning Commission has recommended to the Council that they accept the plat of Hardin Subdivision, Delaware County, Iowa as presented with the following declarations and conditions:

a. That plans and specifications shall be submitted to the City of Manchester for approval for any private sewage disposal systems prior to development of any lot to be served by said system.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manchester, ***Delaware County, Iowa,*** that said Hardin Subdivision, Delaware County, Iowa be, and the same is hereby acknowledged, approved and accepted on the part of the City Council of the City of Manchester, Delaware County, Iowa, and Exhibit A attached thereto, subject to all conditions as presented and representations referred to above, and the Mayor and City Clerk 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 14h day of January, A.D., 2008.

Milt L. Kramer, Mayor

ATTEST:

Erin Rempe, City Clerk

STATE OF IOWA)
) ss.
COUNTY OF DELAWARE)

On this 22nd day of January, 2008, 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-017-2008 adopted by the City Council on the 14th day of January, 2008, 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
3-20-08

Notary Public

RESOLUTION APPROVING PRELIMINARY & FINAL PLAT

WHEREAS, the plat of Hardin subdivision, ***Delaware County, Iowa***, affecting premises more specifically described in the Surveyor's Certificate of Roger Mohn, dated January 3, 2008, has been filed with the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa; and

WHEREAS, THE SUBDIVIDERS, David V. and Delma Hardin has entered into an agreement and waiver regarding alternate systems for water, sewer and private drives with the City of Manchester which is attached hereto as Exhibit A; 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 drive standards (Section 127.17); and

WHEREAS, the plat of Hardin Subdivision***, Delaware County, Iowa***, should be approved with the following variances, declarations and conditions;

a. That plans and specifications shall be submitted to the City of Manchester for approval for any private sewage disposal systems prior to development of any lot to be served by said system.

NOW, THEREFORE, BE IT RESOLVED, by the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa, that said Hardin 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 Exhibit A 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 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 9th day of January, A.D., 2008.

PLANNING & ZONING COMMISSION
CITY OF MANCHESTER, IOWA

By Becky Dolan
Becky Dolan, Chairperson

By Laura K Thomas
Laura Thomas, Recording Secretary

STATE OF IOWA)
) ss:
COUNTY OF DELAWARE)

On this 23 day of January, 2008, before me, Mary E Kleinschmidt, 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 9th day of January, 2008, 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.

Mary E Kleinschmidt
Notary Public.

Commission Number 148800
My Comm. Exp. 10-13-09

EXHIBIT A

AGREEMENT AND WAIVER REGARDING ALTERNATIVE SYSTEMS FOR SEWER AND WATER AND PRIVATE DRIVES

HARDIN SUBDIVISION, DELAWARE COUNTY, IOWA

DAVID V. AND DELMA HARDIN
SUBDIVIDERS

CITY OF MANCHESTER, IOWA

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

Hardin Subdivision, a subdivision consisting of Parcel 'B' being part of the Northeast Quarter of the Northeast Quarter (NE1/4-NE1/4) and part of the Northwest Quarter of the Northeast Quarter (NW1/4-NE1/4) of Section 35, Township 89 North, Range 5 West 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 the two-mile radius of the city limits of the City of Manchester, Iowa, and therefore is subject to zoning and subdivision regulations of 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 and 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 City of Manchester, Iowa has determined that there will not be any street or roadway improvements; and

Whereas, the Subdividers 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 property included in the proposed subdivision cannot reasonably be connected to the City water and sewer systems.
2. The City of Manchester, Iowa, approves the use of alternative 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, and 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 and water facilities serving the land set forth in the proposed subdivision.

5. The Subdividers shall be solely responsible for the development and creation of alternative facilities for the distribution of water or collection and disposal of sanitary waste. The Subdividers shall further hold harmless the City of Manchester, Iowa, for any costs, liability, damage, or other injury of any kind resulting from the creation of said alternative 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 Subdividers 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.
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 the subsequent installation of sewer and water facilities serving the land set forth in the proposed subdivision.
8. This Agreement is executed in compliance with Manchester Code of Ordinance 1997, Section 127.12 and 127.17(15).

David V. Hardin

Delma Hardin

Subscribed and sworn to before me by David V. Hardin and Delma Hardin this 24th day of January, 2008.

Laura K. Thomas
Notary Public in and for the State of Iowa

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

CITY OF MANCHESTER, IOWA

Milt L. Kramer, Mayor

, City Clerk

CITY SEAL MANCHESTER IOWA