Book 2008 Page 1849

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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

FILED
JUN - 9 2008
CLAUDIA J. CAHALAN
DELAWARE COUNTY ASSESSOR

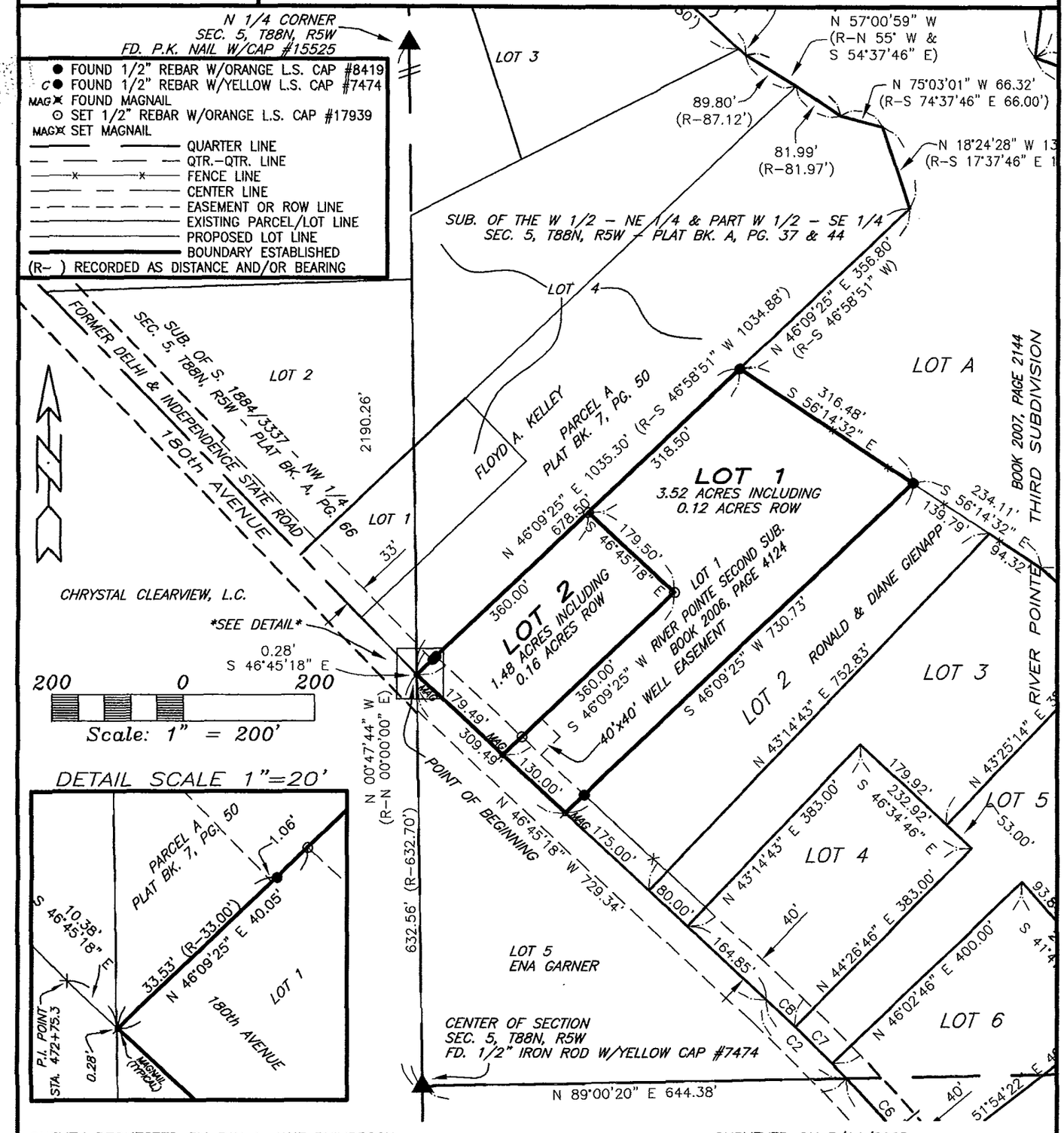
FILED
JUN - 9 2008
CARLA K. BECKER
DELAWARE COUNTY AUDITOR

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

SUBDIVISION PLAT

PHILIPPSON ADDITION

A SUBDIVISION OF LOT 1 OF RIVER POINTE SECOND SUBDIVISION, PART OF THE SW 1/4 - NE 1/4, SEC. 5, T88N, R5W OF THE FIFTH P.M., DELAWARE COUNTY, IOWA



SURVEY REQUESTED BY: RAY & JANE PHILIPPSON

SURVEYED ON: 5/14/2008

PROPRIETORS: *R & J RENTALS, L.L.C.*

PROJECT NO. 08-35

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.

5/21/08

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

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2009

LICENSED LAND SURVEYOR
RANDALL L. RATTENBORG
17939
IOWA

PAGES OR SHEETS COVERED BY THIS SEAL: 1-2

SCALE: 1"=200'
DATE: 5/15/2008
DRAWN BY: RLR
CHECKED BY: JDG
GPS: 38
REVISED
SHEET 1 OF 7

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

LEGAL DESCRIPTION:

PHILIPPSON ADDITION: *A SUBDIVISION OF PART OF LOT 1 OF RIVER POINT SECOND SUBDIVISION IN THE SOUTHWEST QUARTER (SW ¼) 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,* 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 road and the Northwesterly Line of Lot 1 of River Pointe Second Subdivision, as recorded in Book 2006 of Plats, Page 4124 in the Office of the Delaware County Recorder, 0.28 feet, the **POINT OF BEGINNING**;

THENCE along the Northwesterly Line of Lot 1 of said River Pointe Second Subdivision, North 46° 09' 25" East, to the Northeasterly Line of Lot 1 of said River Pointe Second Subdivision, 678.50 feet;

THENCE along the Northeasterly Line of Lot 1 of said River Pointe Second Subdivision, South 56° 14' 32" East, to the Southeasterly Line of Lot 1 of said River Pointe Second Subdivision, 316.48 feet;

THENCE along the Southeasterly Line of Lot 1 of said River Pointe Second Subdivision, 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 1 of said River Pointe Second Subdivision, 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 1 of said River Pointe Second Subdivision, 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 Jane Philippson 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.

Jane Philippson Manager

State of Iowa)
)
County of Delaware) Ss:

On this 6th day of June ,2008, before me, Randall L. Rattenborg, a Notary Public in and for said County, personally appeared Jane Philippson, to me personally known, who being by me duly sworn or affirmed, did say that that person is Manager of said R & J Rentals L.L.C. and that said instrument was signed on behalf of said R & J Rentals L.L.C. by authority of its managers and the execution of said instrument to be the voluntary act and deed of said R & J Rentals L.L.C. by it voluntarily executed.

Notary Public in and for said County

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

MORTGAGE HOLDERS ACKNOWLEDGMENT

The Farmers & Merchants Savings Bank, , State of Iowa, does hereby certify that the above survey, as shown by the attached Plat, is made with our free consent and in accordance with our desire as mortgage holder of a portion of the premises described herein.

Eric C. Anderson EVP
By: Eric C. Anderson, EVP

Diane C. Hammell
By: Diane C. Hammell, CFO

State of Iowa)
)
County of Delaware) Ss:

On this 6th day of June, 2008, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Eric C. Anderson and Diane C. Hammell to me personally known, who being duly sworn, did say that they are the Ex. Vice Pres. and CFO respectively, of the Farmers & Merchants Savings Bank executing the within and foregoing instrument to which this is attached, that ~~(no seal has been procured by the)~~ (the seal affixed hereto is the seal of the) Farmers & Merchants Bank; that said instrument was signed (and sealed) on behalf of the Farmers & Merchants Bank by authority of its Board of Directors; and that Eric C. Anderson and Diane C. Hammell as officers acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the Farmers & Merchants Bank, by it and by them voluntarily executed.

Marlys Rees
Notary Public in and for said County

Marlys Rees
COMMISSION NUMBER 191318
My Commission Expires
1-24-09

Q:\Civil3D_Survey\GPS Box 38\Philippson_08-35\Legal.doc

APPROVAL OF AUDITOR

I, Carla 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 ***Philippson Addition*** a subdivision in Delaware County, Iowa.

Carla K Becker

Carla Becker, Delaware County Auditor

State of Iowa)
)
County of Delaware)

On this 9th day of June, 2008, before me Andrea Schmidt a Notary Public in and for the State of Iowa, personally appeared Carla Becker, to me personally known, and, who, being duly sworn, did say that she is the Auditor of Delaware County, Iowa.

Andrea Schmidt

Notary Public

ANDREA SCHMIDT
Commission Number 744417
My Commission Expires
December 14, 2009

CERTIFICATE OF TREASURER

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

Carolyn A. Wilson 6-6-08

Carolyn A. Wilson, County Treasurer Date

DELAWARE COUNTY E-911 BOARD

Delaware County, Iowa

The foregoing plat of ***Philippson 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 6th day of June, 2008, before me RANDY RATTENBORG, 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.

Notary Public

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

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 ***Philippson Addition,*** Delaware County, Iowa, on premises more specifically described in the Surveyor's Certificate of Randall L. Rattenborg, dated MAY 21, 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 14th day of May, 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 R&J Rentals, LLC*

Dated at Manchester, Iowa, in said County, this 19th day of May, 2008.

May 19, 2008

Attorney at Law — Date

Thomas J. Hanson

* Subject to first Mortgage by Farmers & Merchants Savings Bank of Manchester, Iowa

RESOLUTION APPROVING PRELIMINARY & FINAL PLAT

WHEREAS, the preliminary and final plat of ***Philippson Addition, Delaware County, Iowa***, affecting premises more specifically described in the Surveyor's Certificate of Randall L. Rattenborg 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 and final plat of ***Philippson Addition, 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 B-3, Business District.
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. Improvements to 180th Avenue, a public road right of way, are not required at this time.
d. Sidewalks shall not be required at this time. The Owner or Owners of record of Lot 1 and Lot 2, if 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 and final Plat of ***Philippson Addition, 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 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 21st day of May, A.D., 2008.

PLANNING & ZONING COMMISSION
CITY OF MANCHESTER, IOWA

By Gary Reeder
Gary Reeder, Vice Chairperson

By Laura Thomas
Laura Thomas , Secretary

STATE OF IOWA)
) ss:
COUNTY OF DELAWARE)

On this 5th day of June , 2008, 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 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 21st day of May, 2008 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.

Julie A. Schmitz
Notary Public.

NOTARIAL SEAL IOWA
JULIE A. SCHMITZ
Commission Number 224151
My Commission Expires
8-23-08

R-094-2008
RESOLUTION APPROVING PRELIMINARY & FINAL PLAT

WHEREAS, the preliminary and final plat of ***Philippson Addition, Delaware County, Iowa*** Delaware County, Iowa, affecting premises more specifically described in the Surveyor's Certificate of Randall L. Rattenborg, dated May 21st, 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; 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 preliminary and final plat of ***Philippson Addition, 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 B-3, Business District.
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. Improvements to 180th Avenue, a public road right of way, are not required at this time.
d. Sidewalks shall not be required at this time. The Owner or Owners of record of Lot 1, if 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 and final plat of ***Philippson Addition, 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 27th day of May, A.D., 2008.

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 3rd day of June, 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-094-2008 adopted by the City Council on the 27th day of May, 2008, 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
Notary Public.

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

BOOK 2008 PAGE 1849

EXHIBIT A

AGREEMENT AND WAIVER REGARDING ALTERNATIVE SYSTEMS FOR SEWER AND WATER

PHILIPPSON ADDITION, DELAWARE COUNTY, IOWA

RAY & JANE PHILIPPSON, DEVELOPER

CITY OF MANCHESTER, IOWA

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

PHILIPPSON ADDITION: *A SUBDIVISION OF PART OF LOT 1 OF RIVER POINT SECOND SUBDIVISION IN THE SOUTHWEST QUARTER (SW ¼) 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*

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. As-built plans for the private sewage disposal facilities shall be submitted to the City.

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.

6. The construction of a private sewage disposal facility shall be constructed in a way that would allow for hook-up to a public sanitary sewer main in the future if such services are available.

7. 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.

8. 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.

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

Ray Philippson

Jane Philippson

Subscribed and sworn to before me by Ray Philippson and Jane Philippson this 6th day of JUNE _____, 2008.

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