Book 2008 Page 3749

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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

FILED
DEC 11 2008
CLAUDIA J. CAHALAN
DELAWARE COUNTY ASSESSOR

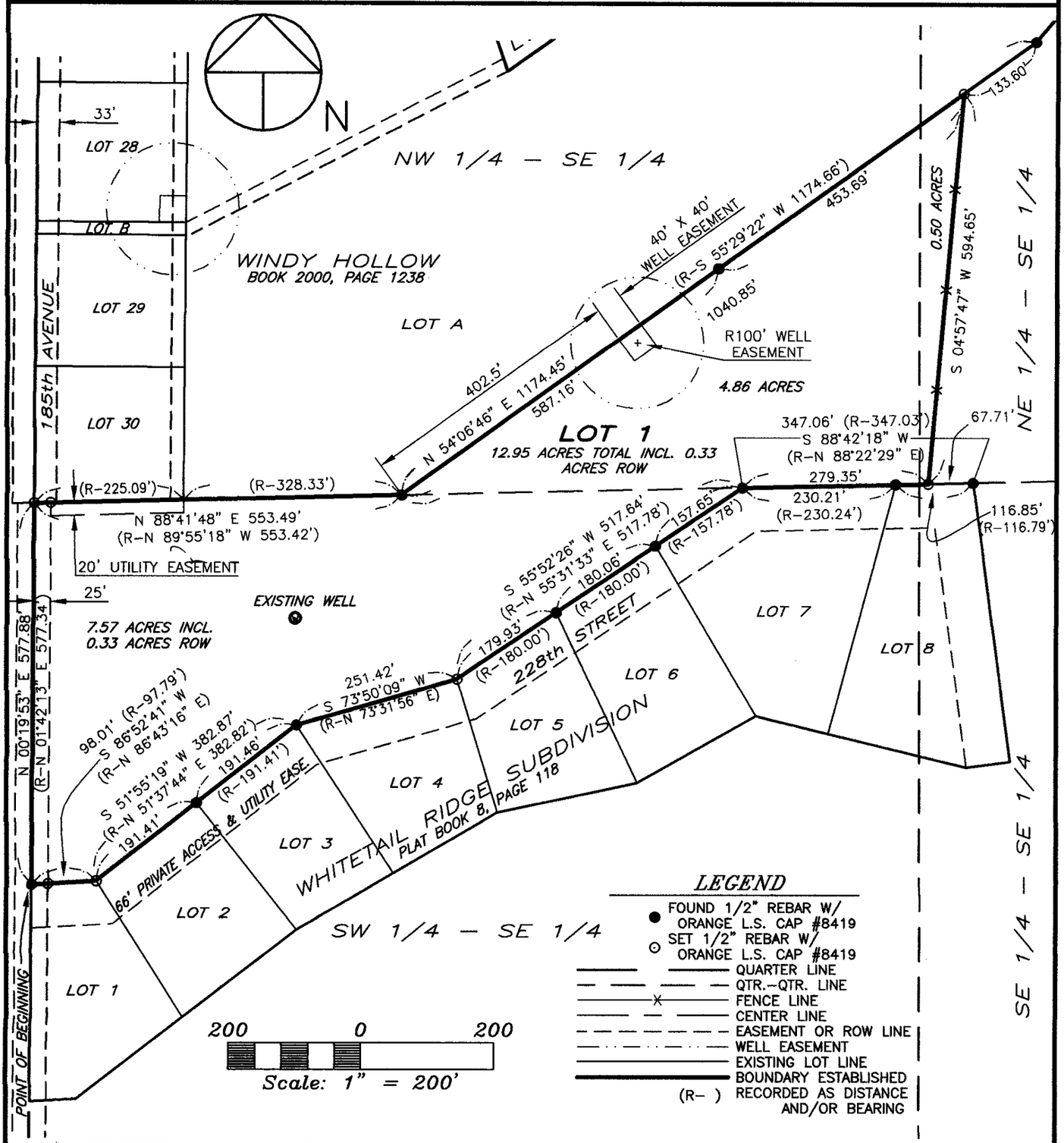
FILED
DEC 11 2008
CARLA K. BECKER
DELAWARE COUNTY AUDITOR

PREPARED BY/RETURN TO: J DAVID GIBBS; 105 W. MAIN ST., MANCHESTER, IA 52057 563-927-2434

PLAT OF SURVEY

WINDY HOLLOW SECOND ADDITION

PART OF THE SE 1/4, SEC. 4, T88N, R5W OF THE FIFTH P.M., DELAWARE COUNTY, IOWA



LEGEND

- FOUND 1/2" REBAR W/ ORANGE L.S. CAP #8419
- SET 1/2" REBAR W/ ORANGE L.S. CAP #8419
- QUARTER LINE
- QTR.-QTR. LINE
- FENCE LINE
- CENTER LINE
- EASEMENT OR ROW LINE
- WELL EASEMENT
- EXISTING LOT LINE
- BOUNDARY ESTABLISHED
- (R-) RECORDED AS DISTANCE AND/OR BEARING

SURVEY REQUESTED BY: RANDY SHOVER

SURVEYED ON: 10/6 & 11/6/2008

PROPRIETORS: *RANDY SHOVER & MARY JO SHOVER*
2271 JEFFERSON ROAD, MANCHESTER, IOWA 52057

PROJECT NO. 08-72

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, P.E., L.S. LIC. #8419 DATE 11/7/08

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2008

LICENSED LAND SURVEYOR
J. DAVID GIBBS
8419
IOWA

PAGES OR SHEETS COVERED BY THIS SEAL: 1-2

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

SCALE: 1"=200'
DATE: 11/4/2008
DRAWN BY: RLR
CHECKED BY: JDG
GPS: 38
REVISED
SHEET 1 OF 7

LEGAL DESCRIPTION:

***WINDY HOLLOW SECOND ADDITION**; PART OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION FOUR (4), TOWNSHIP EIGHTY-EIGHT NORTH (T88N), RANGE FIVE WEST (R5W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA,* containing a total of 12.95 acres, including 0.33 acres of public road right of way, containing one lot named Lot 1, subject to easements of record, and more particularly described by metes and bounds as follows;

BEGINNING at the Northwest Corner of Lot 1 of Whitetail Ridge Subdivision, as recorded in Plat Book 8, Page 118 in the Office of the Delaware County Recorder, being on the Westerly Line of the Southeast Quarter (SE ¼) of Section Four (4), Township Eighty-eight North (T88N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa;

THENCE along the Westerly Line of the Southeast Quarter (SE ¼) of said Section Four (4), North 00° 19' 53" East, to the Southwest Corner of Windy Hollow, as recorded in Book 2000, Page 1238 in the Office of the Delaware County Recorder, 577.88 feet;

THENCE along the Southerly Line of said Windy Hollow, North 88° 41' 48" East, 553.49 feet;

THENCE continuing along the Southerly Line of said Windy Hollow, North 54° 06' 46" East, 1040.85 feet;

THENCE South 04° 57' 47" West, to the Northerly Line of said Whitetail Ridge Subdivision, 594.65 feet;

THENCE along the Northerly Line of said Whitetail Ridge Subdivision, South 88° 42' 18" West, 279.35 feet;

THENCE continuing along the Northerly Line of said Whitetail Ridge Subdivision, South 55° 52' 26" West, 517.64 feet;

THENCE continuing along the Northerly Line of said Whitetail Ridge Subdivision, South 73° 50' 09" West, 251.42 feet;

THENCE continuing along the Northerly Line of said Whitetail Ridge Subdivision, South 51° 55' 19" West, 382.87 feet;

THENCE continuing along the Northerly Line of said Whitetail Ridge Subdivision, South 86° 52' 41" West, 98.01 feet to the **POINT OF BEGINNING**;

Containing a total of 12.95 acres, including 0.33 acres of public road right of way, containing one lot named Lot 1, and subject to easements of record.

The Westerly Line of the Southeast Quarter (SE ¼) of Section Four (4), Township Eighty-eight North (T88N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa, is assumed to bear North 00° 19' 53" East.

OWNER'S ACKNOWLEDGMENT

I Randy Shover and Mary Jo Shover 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.

Randy Shover

Mary Jo Shover

State of Iowa)
)
County of Delaware) ss:

On this 10th day of December A.D. 2008, before me a Notary Public in and for said State, personally appeared Randy Shover and Mary Jo Shover 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.

Donna M. Kunde
Notary Public in and for said State

DONNA [illegible]
Commission Number [illegible]37
My Commission Expires
8-16-09

Q:\Civil3D_Survey\GPS Box 38\Shover\Windy Hollow 2 Legal.doc

DELAWARE COUNTY E-911 BOARD

Delaware County, Iowa

The foregoing plat of ***Windy Hollow Second 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 9th day of December, 2008 before me Donna M. Kunde, 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
Commission Number 17[illegible]7
My Commission Expires
8-16-09

Donna M. Kunde
Notary Public

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 ***Windy Hollow Second Addition***, a subdivision in Delaware County, Iowa.

Carla Becker
Carla Becker, Delaware County Auditor

State of Iowa)
)
County of Delaware)

On this 2 day of December, 2008, before me Carolyn A. Wilson 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.

CAROLYN A. WILSON
Commission Number 167742
My Commission Expires
12-12-2011

Carolyn A. Wilson
Notary Public

CERTIFICATE OF TREASURER

I, the undersigned, Carolyn A. Wilson, Treasurer of Delaware County, Iowa, do hereby certify that all taxes and special assessments against ***Windy Hollow Second 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

Tom Klein, Dep Treas 12-10-08
Carolyn A. Wilson, County Treasurer Date

MORTGAGE HOLDERS ACKNOWLEDGMENT

The First State 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.

By Joseph Wiewel

By David R. Dudley

STATE OF IOWA, Delaware County, Iowa, Ss:

On this 2 day of December, 2008 before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Joseph Wiewel and David R. Dudley, to me personally known, who being duly sworn, did say that they are the President and Exe Vice President respectively, of the First State 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) corporation ; that said 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
Notary Public in and for said State

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

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 Windy Hollow Second Addition, Delaware County, Iowa, on premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated Nov 7, 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 21st day of November, 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 Randy Shover and Mary Jo Shover, husband and wife, as joint tenants with full rights of survivorship, and not as tenants in common, subject to the following Mortgages:

a) Open End Real Estate Mortgage in favor of First State Bank dated May 21, 1999 and filed June 4, 1999 in Book 1999, Page 1953 of the records of the Delaware County Recorder and shown at Entry 131 of the abstract;

b) Open End Real Estate Mortgage in favor of First State Bank dated October 8, 1999 and filed October 29, 1999 in Book 1999, Page 3778 of the records of the Delaware County Recorder and shown at Entry 135 of the abstract;

c) Deed of Trust in favor of First State Bank dated August 11, 2003 and filed August 13, 2003 in Book 2003, Page 3899 of the records of the Delaware County Recorder and shown at Entry 141 of the abstract.

Dated at Manchester, Delaware County, Iowa, in said County, this 1st day of December, 2008.

Thomas J. Hanson
Attorney at Law
401 East Main Street
Manchester, Iowa 52057
Tel: (563) 927-5920
Fax: (563) 927-4841

CITY MANAGER DETERMINATION

WINDY HOLLOW SECOND ADDITION; *PART OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION FOUR (4), TOWNSHIP EIGHTY-EIGHT NORTH (T88N), RANGE FIVE WEST (R5W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA* qualifies as a Minor Subdivision as specified in Section 180.22 of the Manchester Code of Ordinances. Minor Subdivisions do not require review or approval by the Planning and Zoning Commission.

11-7-2008
Date

Timothy Vick, City Manager

R-186-2008
RESOLUTION APPROVING MINOR SUBDIVISION FINAL PLAT

WHEREAS, the final plat of ***Windy Hollow Second Addition, Delaware County, Iowa,*** affecting premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated November 7, 2008, has been filed with the City Clerk of the City of Manchester, Delaware County, Iowa;

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, no new well or septic system is necessary and therefore construction of said utilities is not being authorized by the approval of final plat; and

WHEREAS, no new street or improvements to 185th Avenue is not necessary at this time; 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.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manchester, Delaware County, Iowa, that

> Said ***Windy Hollow Second Addition, Delaware County, Iowa,*** 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 final plat as by law provided.

Passed this 10th day of November, A.D., 2008.

CITY SEAL MANCHESTER IOWA

ATTEST:

Milt L. Kramer, Mayor

Erin Rempe, City Clerk

STATE OF IOWA)
) ss.
COUNTY OF DELAWARE)

On this 11th day of November, 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-186-2008 adopted by the City Council on the 10th day of November, 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.

NOTARIAL SEAL IOWA
LAURA K. THOMAS
Commission Number 718135
My Commission Expires
8-26-11

Laura K. Thomas
Notary Public.