FILED

FEB - 5 2009

CLAUDIA J. CAHALAN
DELAWARE COUNTY ASSESSOR

FILED

FEB 5 2009

CARLA K. BECKER
DELAWARE COUNTY AUDITOR

Book 2009 Page 486

Document 2009 486 Type 06 002 Pages 8
Date 2/05/2009 Time 9:32:07AM
Rec Amt $42.00

DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

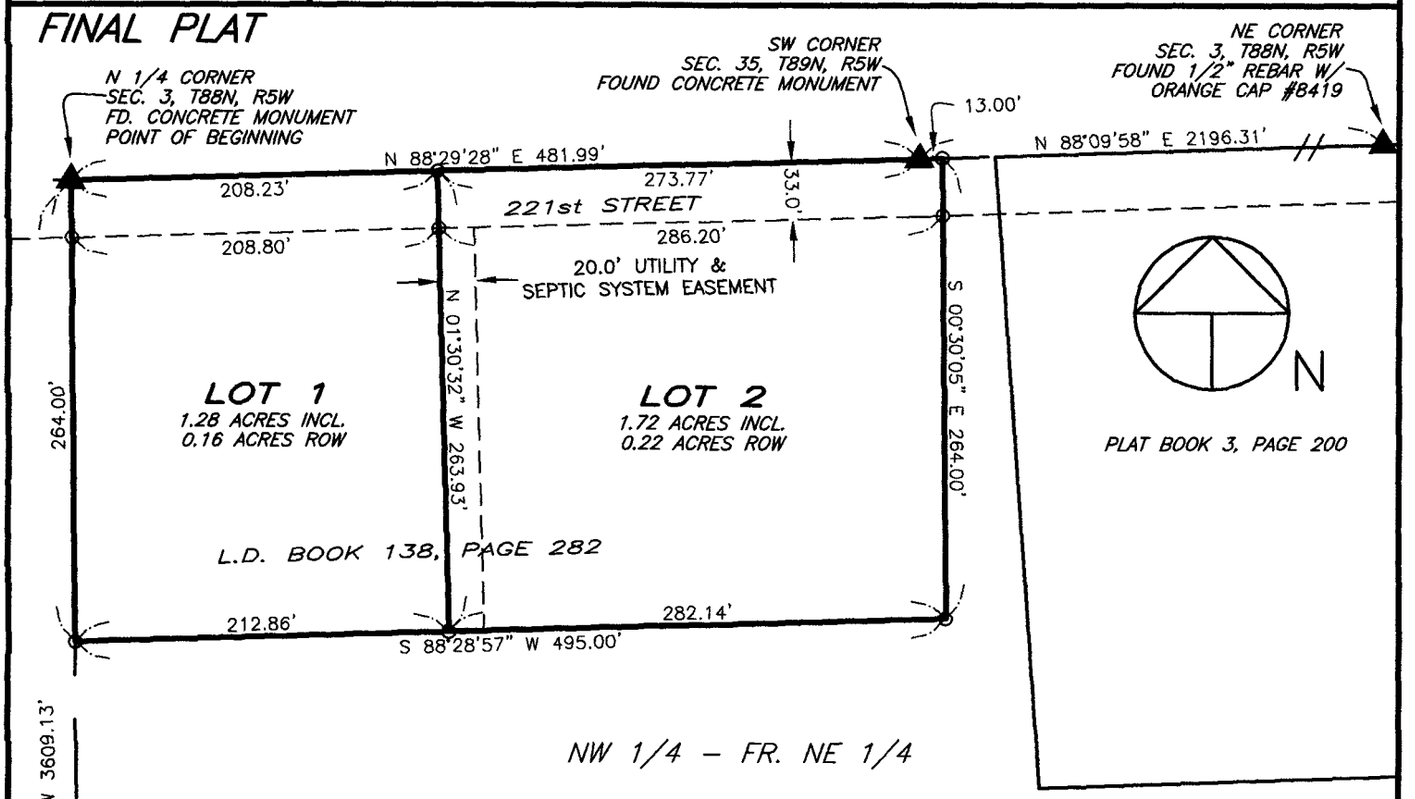
PREPARED BY/RETURN TO: RANDALL L. RATTENBORG; 105 W. MAIN ST., MANCHESTER, IA 52057 563-927-2434

SUBDIVISION PLAT

LARRY & CONNIE HEIMS SUBDIVISION

PART OF THE NW 1/4 – FR. NE 1/4
SEC. 3, T88N, R5W OF THE FIFTH P.M., DELAWARE COUNTY, IOWA

FINAL PLAT



N 00°30'05" W 3609.13'

NE 1/4 – FR. NW 1/4

SW CORNER NW 1/4–SE 1/4
SEC. 3, T88N, R5W
FOUND 1/2" REBAR W/ORANGE CAP #8419

LEGEND

- ⊙ SET 1/2" REBAR W/ ORANGE L.S. CAP #17939
- QUARTER LINE
- QTR.–QTR. LINE
- CENTER LINE
- ROW LINE
- FENCE LINE
- PARCEL BOUNDARY
- BOUNDARY ESTABLISHED
- (R–) RECORDED AS DISTANCE AND/OR BEARING

100 0 100

Scale: 1" = 100'

THE MINIMUM UNADJUSTED ERROR OF CLOSURE IS GREATER THAN 1:10,000

SURVEY REQUESTED BY: LARRY HEIMS

SURVEYED ON: 10/14/2008

PROPRIETORS: LARRY E. HEIMS & CONNIE M. HEIMS
1950 221ST STREET, MANCHESTER, IA 52057

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.

1/26/09

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

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

PROJECT NO. 08–73
SCALE: 1"=100'
DATE: 10/27/2008
DRAWN BY: RLR
CHECKED BY: JDG
GPS: 37
REVISED
SHEET 1 OF 8

LEGAL DESCRIPTION:

***LARRY & CONNIE HEIMS SUBDIVISION**; PART OF THE NORTHWEST QUARTER (NW ¼) OF THE FRACTIONAL NORTHEAST QUARTER (FR. NE ¼) OF SECTION THREE (3), TOWNSHIP EIGHTY-EIGHT NORTH (T88N), RANGE FIVE WEST (R5W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA*, containing a total of 3.00 acres, including 0.38 acres of public road right of way, divided into two (2) lots, numbered Lot 1 and Lot 2, subject to easements of record, and more particularly described by metes and bounds as follows;

BEGINNING at the North Quarter Corner of Section Three (3), Township Eighty-eight North (T88N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa;

THENCE along the Northerly Line of the Fractional Northeast Quarter (Fr. NE ¼) of said Section Three (3), North 88° 29' 28" East, to the Southwest Corner of Section Thirty-five (35), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa, 481.99 feet;

THENCE continuing along the Northerly Line of said Section Three (3), North 88° 09' 58" East, 13.00 feet;

THENCE South 00° 30' 05" East, 264.00 feet;

THENCE South 88° 28' 57" West, to the Westerly Line of the Fractional Northeast Quarter (Fr. NE ¼) of said Section Three (3), 495.00 feet;

THENCE along the Westerly Line of the Fractional Northeast Quarter (Fr. NE ¼) of said Section Three (3), North 00° 30' 05" West, 264.00 feet to the **POINT OF BEGINNING**;

Containing a total of 3.00 acres, including 0.38 acres of public road right of way, divided into two (2) lots, numbered Lot 1 and Lot 2, and subject to easements of record.

The Westerly Line of the Fractional Northeast Quarter (Fr. NE ¼) of Section Three (3), Township Eighty-eight North (T88N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa is assumed to bear North 00° 30' 05" West.

The above Legal Description and attached plat is a subdivision of a parcel as recorded in L.D. Book 138, Page 282 in the Office of the Delaware County Recorder.

OWNER'S ACKNOWLEDGMENT

I Larry E. Heims and Connie M. Heims 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.

Larry E. Heims

Larry E. Heims

Connie M. Heims

Connie M. Heims

State of Iowa)
)
County of Delaware) ss:

On this 3rd day of FEBRUARY A.D. 2009, before me a Notary Public in and for said State, personally appeared Larry E. Heims and Connie M. Heims 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

NOTARIAL SEAL IOWA
RANDY RATTENBORG
Commission Number 224055
My Commission Expires
8-17-2011

Q:\Civil3D_Survey\GPS Box 37\Heims\Heims Legal.doc

DELAWARE COUNTY E-911 BOARD

Delaware County, Iowa

The foregoing plat of ***LARRY & CONNIE HEIMS 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 28th day of January, 2009, before me Carla K Becker, 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.

CARLA K. BECKER
Commission Number 744418
My Commission Expires
December 14, 2009

Carla K Becker
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 ***LARRY & CONNIE HEIMS SUBDIVISION,*** a subdivision in Delaware County, Iowa.

DELAWARE COUNTY IOWA OFFICIAL SEAL

Carla Becker
Carla Becker, Delaware County Auditor

State of Iowa)
)
County of Delaware)

On this 28th day of January, 2009, before me Carla Becker 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.

JULIA L. HACKBARTH
Commission Number 169605
MY COMMISSION EXPIRES
MAY 24, 2011

Julia L. Hackbarth
Notary Public

CERTIFICATE OF TREASURER

DELAWARE COUNTY IOWA TREASURER'S OFFICIAL SEAL

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

Carolyn A. Wilson 2-5-09
Carolyn A. Wilson, County Treasurer Date

MORTGAGE HOLDERS ACKNOWLEDGMENT

The Community 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.

By _____

By _____

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 29th day of January, 2009, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Jacqueline A. Johnson and Arlyn D. Maifeld, to me personally known, who being duly sworn, did say that they are the Exec. Vice President and Sr. Vice President respectively, of Community 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) Community Savings Bank ; that said instrument was signed (and sealed) on behalf of Community Savings Bank by authority of its Board of Directors; and that Jacqueline A. Johnson and Arlyn D. Maifeld as officers acknowledged the execution of the foregoing instrument to be the voluntary act and deed of Community Savings Bank, by it and by them voluntarily executed.

Regina R. Seloover
Notary Public in and for said State

REGINA R. SELOOVER
Commission Number 196498
My Commission Expires
05/19/10

Q:\Civil3D_Survey\GPS Box 37\Heims\Heims Legal.doc

CARR & CARR

E.M. CARR 1850-1933
HUBERT CARR 1877-1967
E. MICHAEL CARR
JOHN M. CARR
STEVEN E. CARR

ATTORNEYS AND COUNSELORS AT LAW
117 S. FRANKLIN ST.
P.O. BOX 333
MANCHESTER, IOWA 52057-0333

TELEPHONE (563) 927-4164
FAX (563) 927-5654

January 14, 2009

Gibbs Engineering
Attn: Randy Rattenborg
105 W. Main Street
Manchester, Iowa 52057

Re: Larry and Connie Heims Abstract

Dear Randy:

I have examined the abstract of title to the following described real estate:

> The North sixteen (16) rods of the West thirty (30) rods of the Northwest fractional Quarter (NWfr¼) of the Northeast Quarter (NE¼) of Section Three (3), Township Eighty Eight (88) North, Range Five (5), West of the Fifth Principal Meridian.

As disclosed by the abstract of title which is certified to January 7, 2009 at 8:00 A.M. by Delaware County Abstract Company, Inc. merchantable title is found to be in the names of Larry E. Heims and Connie M. Heims, husband and wife as Joint Tenants with Full Rights of Survivorship and not as Tenants in Common subject to the following:

1. Entry 43 shows a Mortgage to MERS solely as nominee for Franklin American Mortgage Company from Larry E. Heims and Connie M. Heims, As Joint Tenants in the amount of $201,985.00. This Mortgage is dated August 21, 2008 and was filed for record August 27, 2008 in Book 2008, Page 2672. Said Mortgage constitutes a lien against the real estate and is unreleased of record.

2. Entry 44 shows that real estate taxes for fiscal year 2007-2008 (payable 2008-2009) are half paid with a balance of $1,185.00. There are no unpaid personal property taxes or special assessments shown.

3. Judgment and personal lien searches have been made against all necessary parties.

Very truly yours,

Steven E. Carr

SEC:sr
Enc.

Cc: Larry and Connie Heims
1950 221st Street
Manchester, Iowa 52057

PLANNING AND ZONING COMMISSION
RESOLUTION APPROVING PRELIMINARY & FINAL PLAT

WHEREAS, the Preliminary and Final plat of ***LARRY & CONNIE HEIMS SUBDIVISION, Delaware County, Iowa*** affecting premises more specifically described in the Surveyor's Certificate of Randall L. Rattenborg, dated January 26, 2009, has been filed with the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa; and

WHEREAS, the Planning and Zoning Commission of the City of Manchester 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 at this time and therefore construction of said utilities is not being authorized by the approval of final plat; and

WHEREAS, no new street or improvements to 221st Street is not necessary at this time;

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; and

NOW, THEREFORE, BE IT RESOLVED, by the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa, that said ***LARRY & CONNIE HEIMS SUBDIVISION, Delaware County, Iowa,*** be, and the same is hereby acknowledged, approved and accepted on the part of the City of Manchester, Delaware County, Iowa, 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 as provided by law.

Adopted and passed this 26st day of January, A.D., 2009.

MANCHESTER CITY SEAL IOWA

PLANNING & ZONING COMMISSION
CITY OF MANCHESTER, IOWA

By Becky Dolan
Becky Dolan, Chairperson

By Laura Thomas
Laura Thomas, Secretary

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 26th day of January, 2009, 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 26th day of January, 2009, 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

JULIE A. SCHMITZ
Commission Number 224151
My Commission Expires
8-28-11

BOOK 2009 PAGE 486

R-009-2009
RESOLUTION APPROVING PRELIMINARY & FINAL PLAT

WHEREAS, the Preliminary and Final plat of ***LARRY & CONNIE HEIMS SUBDIVISION, Delaware County, Iowa*** affecting premises more specifically described in the Surveyor's Certificate of Randall L. Rattenborg, dated JANUARY 26, 2009, 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 at this time and therefore construction of said utilities is not being authorized by the approval of final plat; and

WHEREAS, no new street or improvements to 221st Street is not necessary at this time;

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; and

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

Said ***LARRY & CONNIE HEIMS SUBDIVISION, 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 26th day of January, A.D., 2009.

CITY SEAL MANCHESTER IOWA

Milt L. Kramer
Milt L. Kramer, Mayor

ATTEST:
Erin Rempe, City Clerk

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 27th day of January, 2009, 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-009-2009 adopted by the City Council on the 26th day of January, 2009, 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
8-26-11

Laura K. Thomas
Laura K. Thomas, Notary Public