Del. Co. Recorder

FILED
APR 22 2009
CLAUDIA J. CAHALAN
DELAWARE COUNTY ASSESSOR

FILED
APR 22 2009
CARLA K. BECKER
DELAWARE COUNTY AUDITOR

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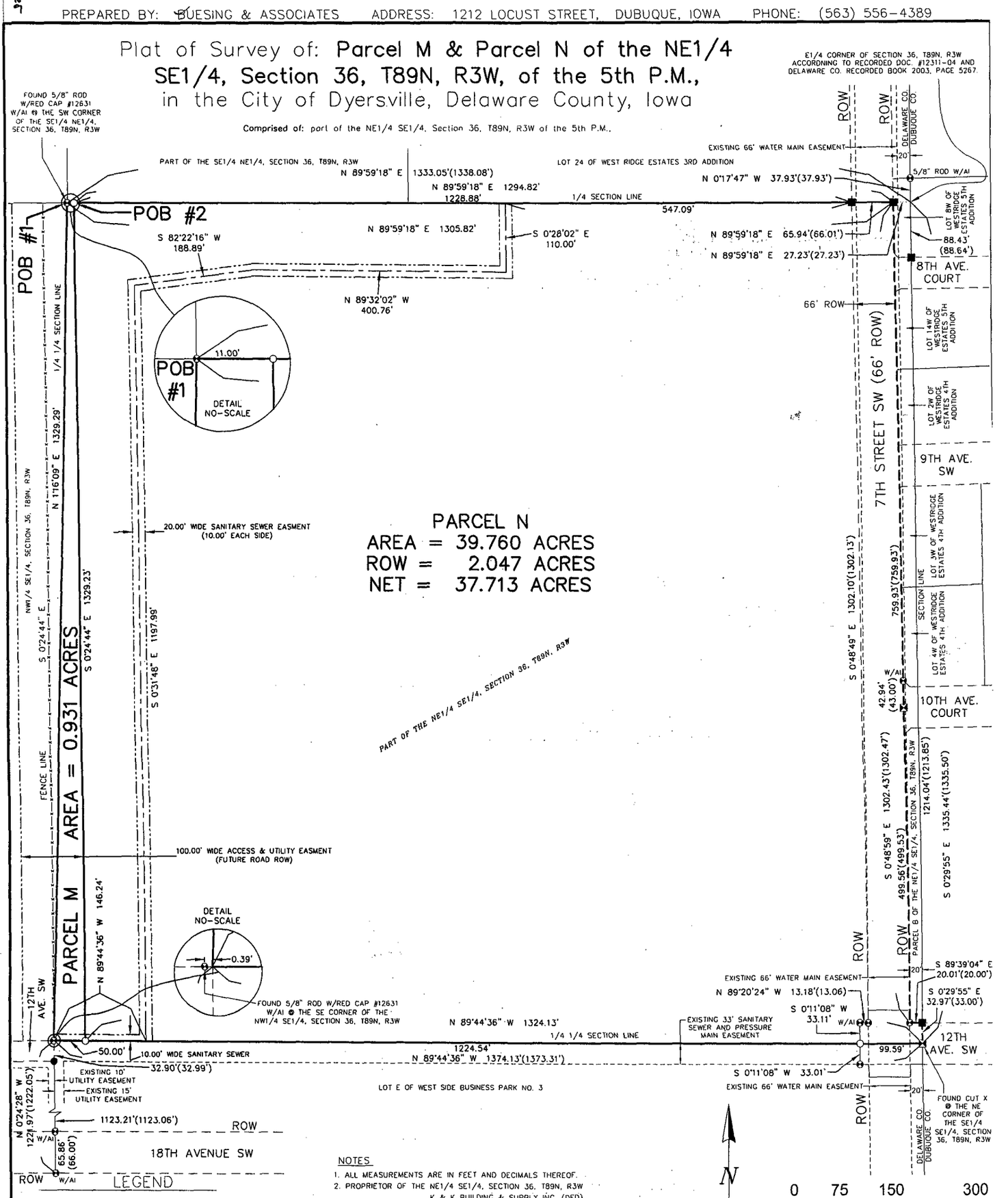
B-76

DEBORAH L PEYTON. RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

PREPARED BY: BUESING & ASSOCIATES ADDRESS: 1212 LOCUST STREET, DUBUQUE, IOWA PHONE: (563) 556-4389

Plat of Survey of: Parcel M & Parcel N of the NE1/4 SE1/4, Section 36, T89N, R3W, of the 5th P.M., in the City of Dyersville, Delaware County, Iowa

Comprised of: part of the NE1/4 SE1/4, Section 36, T89N, R3W of the 5th P.M.,



LEGEND

- FOUND 1/2" ROD W/ORANGE CAP #8419 W/ANGLE IRON
- FOUND CUT X
- FOUND 5/8" ROD
- FOUND 5/8" ROD W/RED CAP #12631 (UNLESS OTHERWISE NOTED)
- PLACED 5/8" IRON REROD W/ORANGE PLASTIC CAP MARKED "TLK 15487"
- SURVEYED BOUNDARY LINE
- PROPERTY LINE
- CENTERLINE
- EXISTING FENCE
- EXISTING EASEMENT LINE
- PROPOSED EASEMENT LINE (AS NOTED)
- ROW — RIGHT OF WAY
- ( ) — RECORDED DIMENSION
- W/AI — WITH ANGLE IRON

NOTES

1. ALL MEASUREMENTS ARE IN FEET AND DECIMALS THEREOF.
2. PROPRIETOR OF THE NE1/4 SE1/4, SECTION 36, T89N, R3W K & K BUILDING & SUPPLY INC. (DED).
3. SURVEYED REQUESTED BY: JACQUE RAHE. C/O DYERSVILLE ECONOMIC DEVELOPMENT CORP.
4. TOTAL AREA SURVEYED IS 40.691 ACRES.
5. THIS PLAT IS SUBJECT TO ALL EASEMENTS OF RECORD AND NOT OF RECORD.

LICENSED LAND SURVEYOR TERRY L. KOELKER 15487 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.

TERRY L. KOELKER 4/21/09 (DATE)

LICENSE NUMBER 15487

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2009

SHEETS COVERED BY THIS SEAL : SHEETS 1 & 2

BUESING ASSOCIATES INC.
ENGINEERS AND SURVEYORS
1212 LOCUST ST, DUBUQUE, IA
(563) 556-4389

DRAWN BY: JCH	CHECKED BY: TLK
SURVEY DATE: 1/11/09	PLOT DATE: 2/19/09
DWG. NO. 09001-02	SCALE: 1" = 150'

SHEET 1 OF 4

2009 PAGE 1600

Surveyors Certificate

Dubuque, Iowa

April 21, 2009

I hereby certify that the plat shown on SHEET 1 OF 4 hereof, is a true and correct Plat of Survey of: **PARCEL M & PARCEL N OF THE NE1/4 SE1/4, SECTION 36, T89N, R3W OF THE 5TH P.M.,** in the City of Dyersville, Delaware County, Iowa. This survey is comprised of a part of the NE1/4 SE1/4, Section 36, T89N, R3W of the 5th P.M. The perimeter of **PARCEL M & PARCEL N** was surveyed by me and is more particularly described as follows:

POB #1 (PARCEL M)

Commencing at the Southwest corner of the SE1/4 NE1/4, Section 36, T89N, R3W of the 5th P.M., the Point Of Beginning;

Thence North 89° 59' 18" East (this is an assumed bearing for the purposes of this survey only) along the South line of said SE1/4 NE1/4, a distance of 11.00 feet;

Thence South 0° 24' 44" East a distance of 1329.23 feet to the North line of the SE1/4 SE1/4, Section 36, T89N, R3W of the 5th P.M.;

Thence North 89° 44' 36" West along the North line of said SE1/4 SE1/4, a distance of 50.00 feet to the SE corner of the NW1/4 SE1/4, Section 36, T89N, R3W of the 5th P.M.;

Thence North 1° 16' 09" East along the East line of said NW1/4 SE1/4, a distance of 1329.29 feet to the Point of Beginning #1;

POB #2 (PARCEL N)

Commencing at the Southwest corner of the SE1/4 NE1/4, Section 36, T89N, R3W of the 5th P.M.;

Thence North 89° 59' 18" East along the South line of said SE1/4 NE1/4, a distance of 11.00 feet to the Point Of Beginning #2;

Thence North 89° 59' 18" East (this is an assumed bearing for the purposes of this survey only) along the South line of said SE1/4 NE1/4, a distance of 1294.82 feet to the West line of Westridge Estates 5th Addition;

Thence South 0° 48' 59" East along the West line of Westridge Estates 5th Addition, Westridge Estates 4th Addition and Parcel B (Per plat recorded in Book 2001, Page 1929) of the NE1/4 SE1/4, Section 36, T89N, R3W of the 5th P.M., a distance of 1302.43 feet to the North Right Of Way (ROW) line of 12th Avenue SW;

Thence South 89° 39' 04" East along the North ROW line of said Avenue, a distance of 20.01 feet to the Delaware County/Dubuque County Line;

Thence South 0° 29' 55" East along the said County Line, a distance of 32.97 feet to the NE corner of the SE1/4 SE1/4, Section 36, T89N, R3W of the 5th P.M.;

Thence North 89° 44' 36" West along the North line of said SE1/4 SE1/4, a distance of 1324.13 feet;

Thence North 0° 24' 44" West a distance of 1329.23 feet to the Point of Beginning #2;

The total area of **PARCEL M** is 0.931 acres. The total area of **PARCEL N** is 39.760 acres, with the Right-Of-Way (ROW) area being 2.047 acres. The total area of **PARCEL M & PARCEL N** is 40.691 acres and is subject to all easements of record.

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.

TERRY L. KOELKER
LICENSED LAND SURVEYOR
REGISTRATION # 15487

4/21/09
DATE

REG. RENEWAL 12/31/09

Owner's Consent

Dyersville, Iowa — April 13, 2009

The foregoing Plat of Survey of: **PARCEL M & PARCEL N OF THE NE1/4 SE1/4, SECTION 36, T89N, R3W OF THE 5TH P.M.,** in the City of Dyersville, Delaware County, Iowa is made with the free consent and in accordance with the desires of the undersigned owner and proprietor of a part of the NE1/4 SE1/4, Section 36, T89N, R3W of the 5th P.M.

K & K BUILDING & SUPPLY, INC. (DED)

By: Jerome J Koch

By: _____

State of Iowa)
)
County of Delaware) ss:

On this 13 day of April, AD 2009, before me, the undersigned, A Notary Public in and for the State of Iowa, personally appeared Jerome Koch and _____, to me personally known, who, being duly sworn did say that they are the owner and _____ respectively, of said corporation executing the within and foregoing instrument; that the instrument was signed on behalf of said corporation by authority of its Board of Directors; and the said owner and _____ acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

Witness my hand and Notarial Seal on the date above written.

Jacque K Rahe
Notary Public in and for the State of Iowa
My Commission Expires on 9-28-2010

NOTARIAL SEAL IOWA — JACQUE K. RAHE
Commission Number 712820
My Comm. Exp. 9-28-2010

Owner's Consent

Dyersville, Iowa — March 13, 2009

The foregoing Plat of Survey of: **PARCEL M & PARCEL N OF THE NE1/4 SE1/4, SECTION 36, T89N, R3W OF THE 5TH P.M.,** in the City of Dyersville, Delaware County, Iowa is made with the free consent and in accordance with the desires of the undersigned owner and proprietor of the NW1/4 SE1/4, Section 36, T89N, R3W of the 5th P.M., to which a part of a 100.00' Wide Access & utility Easement (Future Road ROW) is established thereon.

BGPD LAND HOLDINGS, LLC %GENE TRAEGER (DED)
DYERSVILLE INDUSTRIES INCORPORATED (CON)

By: Gene Traeger MGR BGPD Land Holdings, LLC

By: Dan Willenbring Dif Treas.

State of Iowa)
)
County of Delaware) ss:

On this 13 day of March, AD 2009, before me, the undersigned, A Notary Public in and for the State of Iowa, personally appeared GENE Traeger and DAN Willenbring, to me personally known, who, being duly sworn did say that they are the Manager and Treasurer respectively, of said corporation executing the within and foregoing instrument; that the instrument was signed on behalf of said corporation by authority of its Board of Directors; and the said MANAGER and TREASURER DIF acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

Witness my hand and Notarial Seal on the date above written.

Notary Public in and for the State of Iowa
My Commission Expires on 3-13-09

NOTARIAL SEAL IOWA — STEVEN J. WILLENBRING
Commission Number 197598
My Comm. Exp. 2-28-10

City Planning & Zoning Commission

Dyersville, Iowa — Feb 26, 2009

The foregoing Plat of Survey of: **PARCEL M & PARCEL N OF THE NE1/4 SE1/4, SECTION 36, T89N, R3W OF THE 5TH P.M.,** in the City of Dyersville, Delaware County, Iowa is hereby approved by the City of Dyersville Planning & Zoning Commission and approval of said plat by the City Council of the City of Dyersville, Iowa is hereby recommended.

Daniel J. Wellman
Chairman, Dyersville Planning & Zoning Commission

City Council

Dyersville, Iowa — Feb 23, 2009

The undersigned, Mayor and Clerk of the City of Dyersville, Iowa do hereby certify that the foregoing plat in the City of Dyersville, Iowa has been filed in the office of the Clerk of the City of Dyersville and that by resolution No. 06-09 Amended the Dyersville City Council approved said plat.

CITY OF DYERSVILLE Iowa CITY SEAL

James A. Heavens
James A. Heavens
Mayor for the City of Dyersville, Iowa

Lori Parton
~~Tricia Maiers~~ Lori Parton
Deputy Clerk for the City of Dyersville, Iowa

Delaware County E-911 Board

Delaware County, Iowa — April 14, 2009

The foregoing Plat of Survey of: **PARCEL M & PARCEL N OF THE NE1/4 SE1/4, SECTION 36, T89N, R3W OF THE 5TH P.M.,** in the City of Dyersville, 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 14th day of April, 2009.

Norman Wellman
Coordinator for Delaware County E-911 Board

State of Iowa)
)
County of Delaware) ss:

On this 14th day of April, AD 2009, before me, the undersigned, A Notary Public in and for the State of Iowa, personally appeared Norman Wellman, to me personally known, who, being duly sworn did say that Norman Wellman is the Coordinator for the Delaware County E-911 Board.

Julia L. Hackbarth
Notary Public in and for the State of Iowa
My Commission Expires on 5-24-11

NOTARIAL SEAL IOWA — JULIA L. HACKBARTH Commission Number 169805 MY COMMISSION EXPIRES MAY 24, 2011

RESOLUTION NO. 06-09 (AMENDED)
Recorder's Cover Sheet

Preparer Information:
Mick J. Michel, 340 1st Avenue East, Dyersville, IA 52040
(563) 875-7724

Taxpayer Information:
City of Dyersville, Iowa
340 1st Avenue East
Dyersville, IA 52040

Return Address:
City of Dyersville, Iowa
340 1st Avenue East
Dyersville, IA 52040

Grantors:
City of Dyersville, Iowa

Grantees:
K & K Building and Supply, Inc.

Legal Description:
See Page 2

Document or instrument number if applicable:

RESOLUTION NO. 06-09 (AMENDED)

RESOLUTION APPROVING THE PLAT OF SURVEY
OF PARCEL M AND PARCEL N OF THE NE¼ SE¼,
SECTION 36, T89N, R3W, OF THE 5TH P.M.,
IN THE CITY OF DYERSVILLE, DELAWARE COUNTY, IOWA

WHEREAS, there has been filed with the City Clerk a plat in which the NE¼ SE¼, Section 36, T89N, R3W, of the 5th P.M., in the City of Dyersville, Delaware County, Iowa, has been platted into Parcel M and Parcel N of the NE¼ SE¼, Section 36, T89N, R3W, of the 5th P.M., in the City of Dyersville, Delaware County, Iowa.

WHEREAS, said plat has been examined by the City Planning and Zoning Commission and approved by said body, and;

WHEREAS, upon said plat appears 7th Street SW, and also easements for utilities which are represented on the plat, all of which the owners have dedicated to the public forever, and;

WHEREAS, the original Resolution No. 06-09, approved by the City Council on February 16, 2009, for the Plat of Survey of Parcel 1 and Parcel 2 of the NE ¼ SE ¼, Section 36, T89N, R3W, of the 5th P.M., in the City of Dyersville, Delaware County, Iowa did not conform to Delaware County Ordinances and had to be revised, and;

WHEREAS, the 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 dedication of 7th Street SW, together with easements for public utilities, all as the same appear on said plat, be and the same are hereby accepted and that said street be and is herein established as a public street in the City of Dyersville, Iowa, and that said easements for public utilities are established as public utility easements in the City of Dyersville, Iowa.

SECTION 2. That the plat of survey of Parcel M and Parcel N of the NE¼ SE¼, Section 36, T89N, R3W, of the 5th P.M., in the City of Dyersville, Delaware County, Iowa, is hereby approved and the Mayor and City Clerk are hereby authorized and directed to endorse the approval of the City of Dyersville of said plat in substantially the form and content in which the Plat has been presented to this City Council, and such officers are also authorized to make such changes, modifications, additions or deletions as they, with the advise of legal counsel, may believe to be necessary, and to take such actions as may be necessary to carry out the provisions of filing the said plat.

SECTION 3. All resolutions or parts thereof in conflict herewith are hereby repealed.

Passed, adopted and approved this 23rd day of February, 2009.

James A. Heavens, Mayor

Attest: Lori Panton
Lori Panton, Deputy Clerk

(SEAL)

