Book 2009 Page 2144

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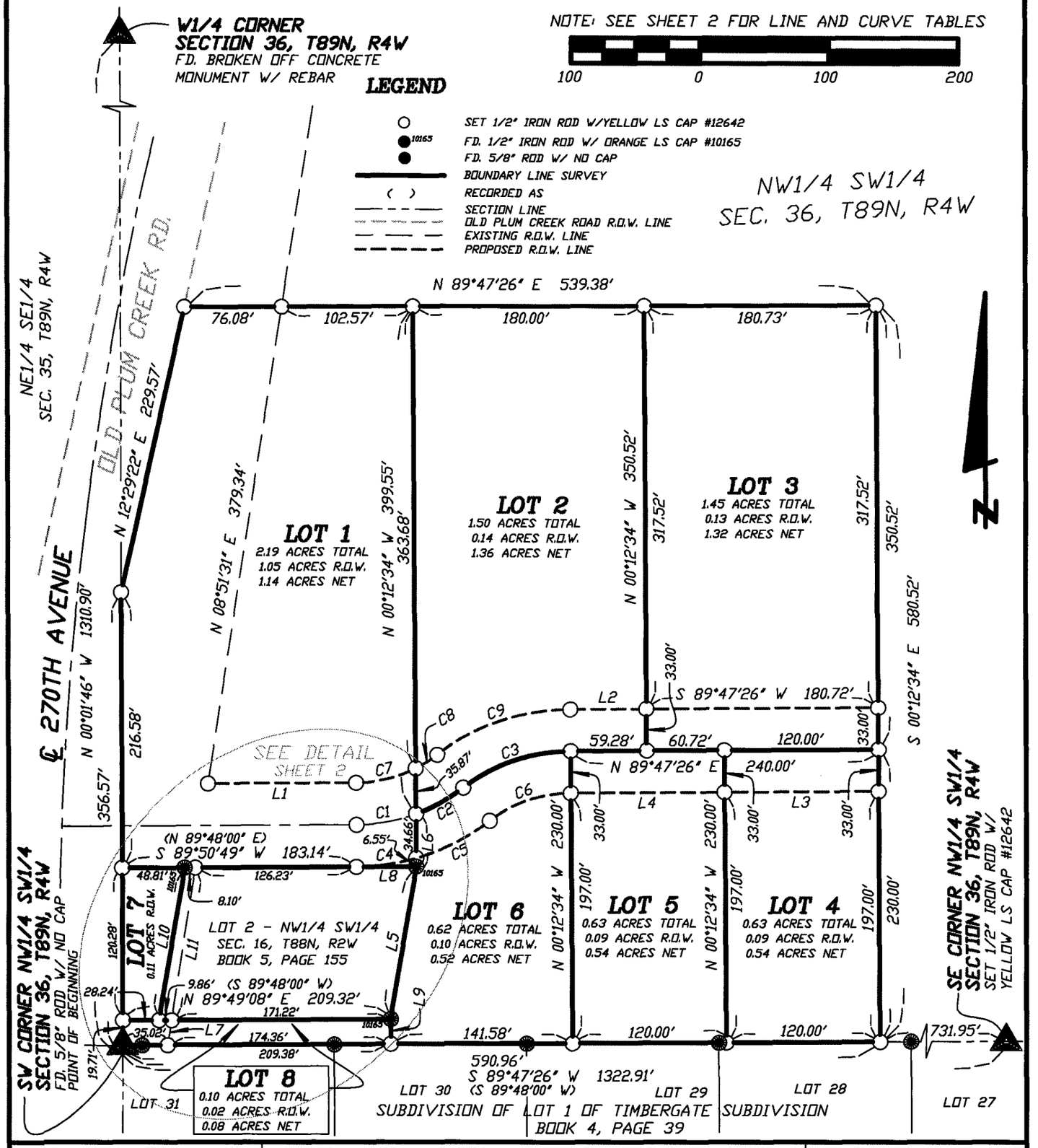
FILED
MAY 29 2009
CLAUDIA J. CAHALAN
DELAWARE COUNTY ASSESSOR

FILED
MAY 29 2009
CARLA K. BECKER
DELAWARE COUNTY AUDITOR

DEBORAH L. PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

PREPARED BY BILL BURGER OF WM. BURGER LANDSURVEYOR 510 3RD STREET WEST COURT WORTHINGTON, IOWA 52078 (563) 855 2028

FINAL PLAT
EARL'S HILL SUBDIVISION
DELAWARE COUNTY, IOWA



SCALE: 1" = 100'

DATE OF SURVEY: 10/29/2008

SHEET 1 OF 5

PROPRIETORS: CAROL A. SELLNER, CONTRACT PURCHASER: DUANE A. AND TINA M. ELGIN

LICENSED LAND SURVEYOR
WILLIAM H. BURGER
12642
IOWA

I HEREBY CERTIFY THAT THIS LANDSURVEYING DOCUMENT WAS PREPARED AND 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. MY LICENSE RENEWAL DATE IS DECEMBER 31, 2010

William H. Burger 5/28/09

WILLIAM H. BURGER #12642 DATE

Wm. Burger LandSurveyor
510 3rd Street West Court
Worthington, Iowa 52078

SHEETS NO. 1 AND 2 COVERED BY THIS SEAL

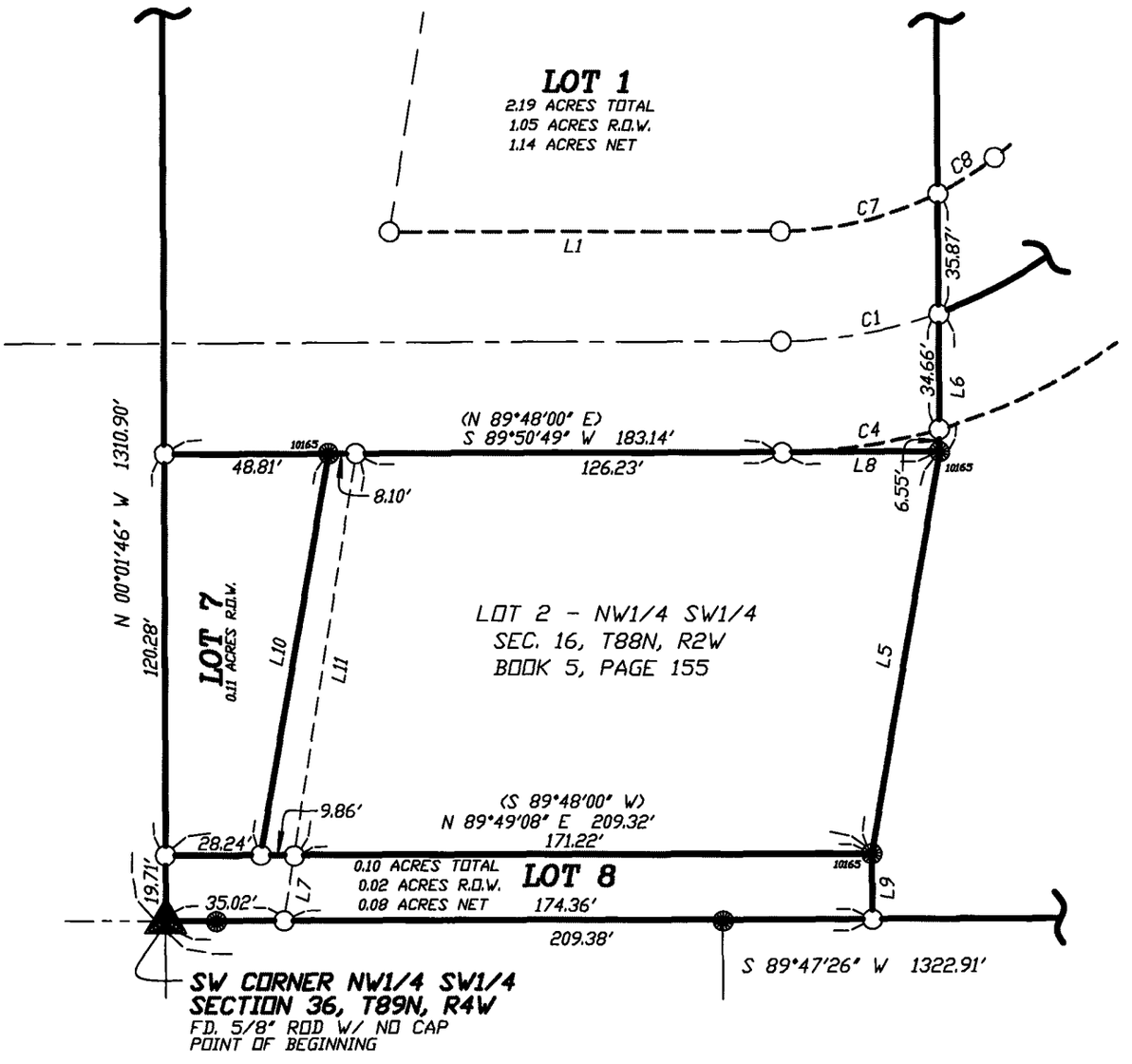
SHEET 2

LINE	BEARING	DISTANCE	BEARING ( )	DISTANCE ( )
L1	S 89°50'49" W	115.76		
L2	S 89°47'26" W	59.28		
L3	N 89°47'26" E	120.00		
L4	N 89°47'26" E	120.00		
L5	N 09°38'19" E	121.96	S 09°36'04" W	122.06
L6	N 00°12'34" W	41.21		
L7	S 08°51'31" W	19.94		
L8	S 89°50'49" W	46.66	N 89°48'00" E	
L9	S 00°12'34" E	19.61		
L10	S 09°40'29" W	122.06		
L11	S 08°51'31" W	121.77		

CURVE	ARC	DELTA	RADIUS	CHORD LENGTH	CHORD BEARING
C1	47.58	19°58'56"	136.42	47.34	N 79°51'37" E
C2	42.47	17°50'10"	136.42	42.30	N 60°56'30" E
C3	90.05	37°45'46"	136.64	88.43	N 70°54'33" E
C4	47.26	15°59'02"	169.42	47.11	S 81°51'34" W
C5	64.56	21°50'04"	169.42	64.17	N 62°56'33" E
C6	68.31	37°45'47"	103.64	67.08	N 70°54'33" E
C7	48.32	26°46'16"	103.42	47.88	S 76°27'57" W
C8	19.94	11°02'50"	103.42	19.91	S 57°32'30" W
C9	111.80	37°45'46"	169.64	109.79	S 70°54'33" W

DETAIL

LEGEND ON SHEET 1



LEGAL DESCRIPTION

EARL'S HILL SUBDIVISION – Part of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4), Section Thirty-six (36), Township Eighty-nine North (T89N), Range Four West (R4W), of the Fifth Principal Meridian, Delaware County, Iowa; containing a total of 7.23 acres including 1.73 acres of public road right of way, divided into Eight (8) lots and numbered Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, Lot 6, Lot 7 and Lot 8 of Earl's Hill Subdivision as shown on the attached plat and all lots are **subject to easements of record and not of record** and more particularly described by metes and bounds as follows;

BEGINNING at the Southwest corner of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4), Section Thirty-six (36), Township Eighty-nine North (T89N), Range Four West (R4W) of the Fifth Principal Meridian, Delaware County, Iowa;

Thence North 00°-01'-46" West 356.57 feet along the West line of the said Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) to the East line of old Plum Creek Earlville Road;

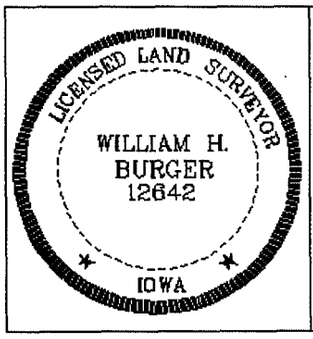
Thence North 12°-29'-22" East 229.57 feet along the said East line of old Plum Creek Earlville Road;

Thence North 89°-47'-26" East 539.38 feet;

Thence South 00°-12'-34" East 580.52 feet to the South line of the said Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section Thirty-six (36);

Thence South 89°-47'-26" West 590.96 feet along the said South line to the **POINT OF BEGINNING**; containing a total of 7.23 acres including 1.73 acres of public road right of way, divided into Eight (8) lots and numbered Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, Lot 6, Lot 7 and Lot 8 of Earl's Hill Subdivision as shown on the attached plat and all lots are **subject to easements of record and not of record;**

The West line of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4), Section Thirty-six (36), Township Eighty-nine North (T89N), Range Four West (R4W) of the Fifth Principal Meridian of Delaware County, Iowa is assumed to bear North 00°-01'-46" West.



SURVEYORS CERTIFICATE

I hereby certify that this land survey document was prepared and 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;

My license renewal date is December 31, 2010

William H. Burger 5/28/09

William H. Burger Date Reg. No. 12642

Sheet No. covered by this seal

OWNERS ACKNOWLEDGMENT

I, Carol A. Raithel f/k/a Carol A. Sellner of Delaware County, State of Iowa, do hereby certify that the above survey, as shown by the attached Plat, is made with my free consent, and in accordance with my desire.

Carol Raithel
Carol A. Raithel

STATE OF IOWA)
) ss.
DELAWARE COUNTY)

On this 4th day of March A. D. 2009 before me, a Notary Public in and for said County, personally appeared Carol Raithel, to me known to be the person or persons named in and who executed the foregoing instrument, and acknowledged that she executed the same as her voluntary act and deed.

Elaine Mary Diesburg
Notary Public in and for ~~said~~ County

ELAINE MARY DIESBURG
Commission Number 173512
My Commission Expires
IOWA
1-19-2010

CONTRACT BUYERS ACKNOWLEDGMENT

I (We), Duane A. Elgin and Tina M. Elgin of Delaware County, State of Iowa, do hereby certify that the above survey, as shown by the attached Plat, is made with my free consent, and in accordance with my desire.

Duane A. Elgin
Duane A. Elgin

Tina M. Elgin
Tina M. Elgin

STATE OF IOWA)
) ss.
DELAWARE COUNTY)

On this 9th day of March A. D. 2009 before me, a Notary Public in and for said County, personally appeared Duane A. Elgin & Tina M. Elgin, to me known to be the person or persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Barbara A Recker
Notary Public in and for said County

NOTARIAL SEAL IOWA
Barbara A. Recker
COMMISSION NUMBER 173457
My Commission Expires
3-9-2009

DELAWARE COUNTY TREASURER

I, Carolyn A. Wilson, Treasurer of Delaware County, Iowa do hereby certify that all taxes and special assessments levied against **Part of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4), Section Thirty-six (36), Township Eighty-nine North (T89N), Range Four West (R4W) of the Fifth Principal Meridian, Delaware County, Iowa described in Deed Book 111, Page 24, Deed Book 117, Page 303, Deed Book 117, Page 304, and Deed Book 2005, Page 4222 all in the office of the Delaware County Recorder;** have been paid and said real estate is free and clear of all taxes as of this date.

3-9-09 Carolyn A. Wilson
County Treasurer Delaware County, Iowa

STATE OF IOWA)
) ss.
DELAWARE COUNTY)

On this 9 day of March A. D. 2009 before me, Barb Robinson a Notary Public in and for the State of Iowa, personally appeared ~~Carla~~ Carolyn A. Wilson, to me personally known, and, who being duly sworn, did say that she is the Treasurer of Delaware County, Iowa.

Barb Robinson
Notary Public in and for said State

BARB ROBINSON
Commission Number 742821
My Commission Expires
7-19-09

APPROVAL OF AUDITOR

I, Carla K. 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 **Earl's Hill Subdivision**, a subdivision in Delaware County, Iowa.

Carla K. Becker
Carla K. Becker, Delaware County Auditor

STATE OF IOWA)
) ss.
DELAWARE COUNTY)

On this 9th day of March A. D. 2009 before me, Julia L Hackbarth a Notary Public in and for the State of Iowa, personally appeared Carla K. Becker, to me personally known, and, who being duly sworn, did say that she is the Auditor of Delaware County, Iowa.

Julia L. Hackbarth
Notary Public in and for said State

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

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 within EARL'S HILL SUBDIVISION, DELAWARE COUNTY, IOWA, on premises more specifically described in the Surveyor's certificate of William H. Burger, dated May 21, 2009.

Said abstract has been prepared in its entirety by Delaware County Abstract Company, Inc., and was last certified to by said company on the 31st day of March, AD, 2009, at the hour of 8 o'clock A.M.

My examination of said abstract shows good and merchantable title on the date and hour of certification to be in Carol Ann Sellner, also known as Carol A. Sellner and Carol Sellner, subject to a Real Estate Contract dated November 28, 2005, filed November 28, 2005 in Book 2005, Page 4222 wherein Carol A. Raithel and Author Raithel, wife and husband and Duane A. Elgin and Tina M. Elgin, husband and wife are Buyers
Dated at Manchester, Iowa in said County, this 21 day of May, 2009.

Steven E. Carr
Attorney At Law

STATE OF IOWA)
) ss.
DELAWARE COUNTY)

On this 21 day of May A.D. 2009 before me, Samantha J. Rave a Notary Public in and for the State of Iowa, personally appeared Steven E. Carr, to me personally known, and , who being duly sown, did say that he is a license Attorney in the State of Iowa.

Samantha J. Rave – Notary Public in and for the State of Iowa

SAMANTHA J. RAVE
Commission Number 752322
My Commission Expires
9-10-11

RESOLUTION #2009-02

RESOLUTION WAIVING REVIEW OF PLAT OF SURVEY OF EARL'S HILL SUBDIVISION, DELAWARE COUNTY, IOWA.

WHEREAS, there has been filed with the City Clerk a plat of Earl's Hill Subdivision, Delaware County, IA- being described as: Part of the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4), Section Thirty-six (36), Township Eighty-nine North (T89N), Range Four West (R4W), of the Fifth Principal Meridian, Delaware County, Iowa, containing a total of 7.23 acres including 1.73 acres of public road right of way, divided into Seven (7) lots and numbered Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, Lot 6, and Lot 7 of Earl's Hill Subdivision as shown on the plat as submitted, all lots are subject to easements of record and not of record and more particularly described by metes and bounds; and,

WHEREAS, THE PERIMETER BOUNDARIES OF THE City of Earlville, Iowa are located less than two miles from the above referred to subdivision property; and,

WHEREAS, pursuant to Section 354.9 of the code of Iowa, the City may, by resolution, waive its right to review the subdivision and waive any requirements with regard thereto.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Earlville, Iowa, that the city does hereby waive any review authority and does also waive the requirements of any of its standards with regard to the subdivision known as Earl's Hill Subdivision, being a subdivision of Part of the SW ¼ of the NW ¼, Section Thirty-six (36), T89N, R4W, of the Fifth Principal Meridian, Delaware County, Iowa.

PASSED, APPROVED AND ADOPTED THIS 12TH day of January, 2009.

Mayor

Attest: Linda Gaul
City Clerk

Record of Vote: A M. Salow

Abs T. Salow

A E. Gibbs

A D. Dabroski

A B. Peters