Del. Co. Recorder Hanging File

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AUG 07 2009
CLAUDIA J. CAHALAN
DELAWARE COUNTY ASSESSOR

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AUG 07 2009
CARLA K. BECKER
DELAWARE COUNTY AUDITOR

Book 2009 Page 3092
Document 2009 3092 Type 06 002 Pages 6
Date 8/07/2009 Time 8:12:20AM
Rec Amt $34.00 ~~32.00~~ DL
B-78

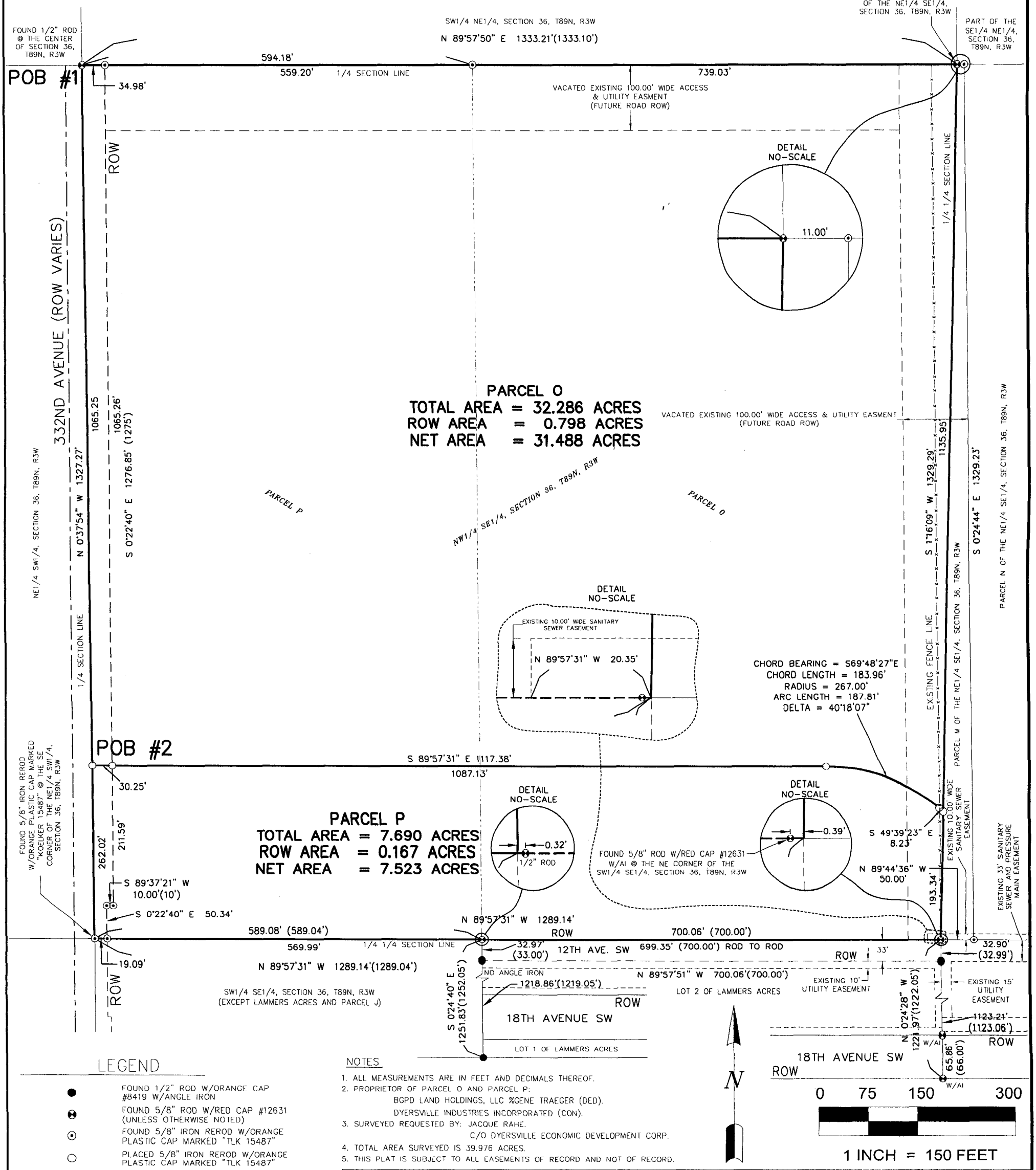
DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

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

Amended Plat of Survey of: Parcel O & Parcel P of the NW1/4 SE1/4, Section 36, T89N, R3W, of the 5th P.M., in the City of Dyersville, Delaware County, Iowa

THIS PLAT AMENDS AND SUPERCEDES THE ORIGINALLY RECORDED DOCUMENT NO. 2009 1601 IN BOOK 2009 PAGE 1601 - DELAWARE COUNTY RECORDERS OFFICE

Comprised of: the NW1/4 SE1/4, Section 36, T89N, R3W of the 5th P.M.



LEGEND

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

NOTES

1. ALL MEASUREMENTS ARE IN FEET AND DECIMALS THEREOF.
2. PROPRIETOR OF PARCEL O AND PARCEL P:
   BGPD LAND HOLDINGS, LLC %GENE TRAEGER (DED).
   DYERSVILLE INDUSTRIES INCORPORATED (CON).
3. SURVEYED REQUESTED BY: JACQUE RAHE.
   C/O DYERSVILLE ECONOMIC DEVELOPMENT CORP.
4. TOTAL AREA SURVEYED IS 39.976 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 Koelker 7/7/09

TERRY L. KOELKER (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 & TPL	CHECKED BY: TLK
SURVEY DATE: 1/11/09	PLOT DATE: 7/02/09
DWG. NO. 09001-12	SCALE: 1" = 150'

SHEET 1 OF 3

BOOK 2009 PAGE 3092

Surveyors Certificate

Dubuque, Iowa July 7, 2009

I hereby certify that the plat shown on SHEET 1 OF 3 hereof, is a true and correct Amended Plat of Survey of: **PARCEL O & PARCEL P OF THE NW1/4 SE1/4, SECTION 36, T89N, R3W OF THE 5TH P.M.,** in the City of Dyersville, Delaware County, Iowa. This survey is comprised of the NW1/4 SE1/4, Section 36, T89N, R3W of the 5th P.M. The perimeter of **PARCEL O & PARCEL P** was surveyed by me and is more particularly described as follows:

POB #1 (PARCEL O)

Commencing at the Center of Section 36, T89N, R3W of the 5th P.M., the Point Of Beginning #1;

Thence North 89° 57' 50" East (this is an assumed bearing for the purposes of this survey only) along the South line of the SW1/4 NE1/4, a distance of 1333.21 feet to the NW corner of Parcel M (BOOK 2009, PAGE 422) of the NE1/4 SE1/4, of said Section 36;

Thence South 1° 16' 09" West along the West Line of said Parcel M, a distance of 1135.95 feet;

Thence North 49° 39' 23" West, a distance of 8.23 feet;

Thence Northwesterly on the arc of 267.00 foot radius curve to the left, a distance of 187.81 feet, said curve has a chord bearing of North 69° 48' 27" West, and a chord distance of 183.96 feet;

Thence North 89° 57' 31" West, a distance of 1117.38 feet to the East line of the NE1/4 SW1/4, of said Section 36;

Thence North 0° 37' 54" West along the East line of said NE1/4 SW1/4, a distance of 1065.25 feet to the Point of Beginning #1;

The Total Area of **PARCEL O** is 32.286 acres, with a Right-Of-Way (ROW) area of 0.798 acres, and a Net Area of 31.488 acres.

POB #2 (PARCEL P)

Commencing at the Center of Section 36, T89N, R3W of the 5th P.M.;

Thence South 0° 37' 54" East (this is an assumed bearing for the purposes of this survey only) along the East line of the NE1/4 SW1/4, of said Section 36, a distance of 1065.25 feet to the Point Of Beginning #2;

Thence South 89° 57' 31" East, a distance of 1117.38 feet;

Thence Southeasterly on the arc of 267.00 foot radius curve to the right, a distance of 187.81 feet, said curve has a chord bearing of South 69° 48' 27" East, and a chord distance of 183.96 feet;

Thence South 49° 39' 23" East, a distance of 8.23 feet to the West line of Parcel M of the NE1/4 SE1/4, of said Section 36;

Thence South 1° 16' 09" West along the West line of said Parcel M, a distance of 193.34 feet to the NE corner of the SW1/4 SE1/4, of said Section 36;

Thence North 89° 57' 31" West along the North line of said SW1/4 SE1/4, a distance of 1289.14 feet to the SE corner of the NE1/4 SW1/4, of said Section 36;

Thence North 0° 37' 54" West along the East line of the NE1/4 SW1/4, of said Section 36, a distance of 262.02 feet to the Point of Beginning #2;

The Total Area of **PARCEL P** is 7.690 acres, with a Right-Of-Way (ROW) area of 0.167 acres, and a Net Area of 7.523 acres.

The Total Area of the Perimeter of **PARCEL O** and **Parcel P** is 39.976acres, with a Right-Of-Way (ROW) area of 0.965 acres, and a Net Area of 39.011 acres, and is subject to all easements of record, and not 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 7/7/09

TERRY L. KOELKER — DATE
LICENSED LAND SURVEYOR
REGISTRATION # 15487 — REG. RENEWAL 12/31/09

Owner's Consent

Dyersville, Iowa 7/28/, 2009

The foregoing Plat of Survey of: **PARCEL O & PARCEL P OF THE NW1/4 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.

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

By: Gene Traeger MGR.

By: David J. Schroeder Pres.

State of Iowa)
)
County of DUBUQUE) ss:

On this 28th day of July, AD 2009, before me, the undersigned, A Notary Public in and for the State of Iowa, personally appeared David J. Schroeder ~~and~~ _____, to me personally known, who, being duly sworn did say that ~~they are the~~ is the ~~and~~ President ~~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 President ~~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.

MARC W. CASEY
Iowa Notarial Seal
Commission Number: 11508
My Commission Expires: 05/07/11

Notary Public in and for the State of Iowa
My Commission Expires on 5/7/11

City Planning & Zoning Commission

Dyersville, Iowa July 13, 2009, 2009

The foregoing Plat of Survey of: **PARCEL O & PARCEL P OF THE NW1/4 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.

Chairman, Dyersville Planning & Zoning Commission

City Council

Dyersville, Iowa JULY 20, 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. 07-09 the Dyersville City Council approved said plat.

CITY OF DYERSVILLE Iowa CITY SEAL

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

Tricia L. Maiers

Tricia Maiers, Clerk for the City of Dyersville, Iowa

Delaware County E-911 Board

Delaware County, Iowa 8/4/09, 2009

The foregoing Plat of Survey of: **PARCEL O & PARCEL P OF THE NW1/4 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 4TH day of AUGUST, 2009.

Norman Wellman

Coordinator for Delaware County E-911 Board

State of Iowa)
)
County of Delaware) ss:

On this 4 day of August, 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.

PAULA HARGRAFEN
Commission Number 757566
MY COMMISSION EXPIRES
MARCH 25, 2012

Notary Public in and for the State of Iowa
My Commission Expires on _____

STATE OF IOWA, COUNTY OF DUBUQUE, ss:

On this July 24, 2009, before me, a Notary Public in and for the said State, personally appeared Gene Traeger, to me personally known, who being by me duly sworn did say that that person is Manager of said limited liability company, that no seal has been procured by the said limited liability company and that said instrument was signed on behalf of the said limited liability company by authority of its managers and the said Gene Traeger acknowledged the execution of said instrument to be the voluntary act and deed of said limited liability company by it voluntarily executed.

Notary Public in and for said State.

MARC W. CASEY
Iowa Notarial Seal
Commission Number: 11508
My Commission Expires: 05/07/11

RESOLUTION NO. 07-09 (SECOND AMENDMENT)
Recorder's Cover Sheet

Preparer Information:
Marc W. Casey, 129 1st Avenue East, Dyersville, IA 52040 (563) 875-7171

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:
Dyersville Industries, Inc.

Legal Description:
See Page 2

Document or instrument number if applicable:

RESOLUTION NO. 07-09 (SECOND AMENDMENT)

RESOLUTION APPROVING THE AMENDED PLAT OF SURVEY OF
PARCEL O AND PARCEL P OF THE NW¼ 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 NW¼ SE¼, Section 36, T89N, R3W, of the 5th P.M., in the City of Dyersville, Delaware County, Iowa, has been platted into Parcel O and Parcel P of the NW¼ 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 easements for access and utilities which are represented on the plat, all of which the owners have dedicated to the public forever, and;

WHEREAS, the original Resolution No. 07-09, approved by the City Council on February 16, 2009, and the Amended Resolution 07-09, approved by the City Council on February 23, 2009, for the Plat of Survey of Parcel 3 and Parcel 4 of the NW¼ SE¼, 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, 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 easements for access and public utilities, all as the same appear on said plat, be and the same are hereby accepted and are herein established as access and public utility easements in the City of Dyersville, Iowa. That included therein is the vacation of an existing 100 foot wide access and utility easement that has not been used and is not necessary for the amended plat and such easement is vacated.

SECTION 2. That the amended plat of survey of Parcel O and Parcel P of the NW¼ 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 to said plat.

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

Passed, adopted and approved this 20th day of July, 2009.

CITY OF DYERSVILLE Iowa

James A. Heavens, Mayor

Tricia L. Maiers, City Clerk