Del. Co. Recorder

FILED
OCT 14 2009
CLAUDIA J. CAHALAN
DELAWARE COUNTY ASSESSOR

FILED
OCT 14 2009
CARLA K. BECKER
DELAWARE COUNTY AUDITOR

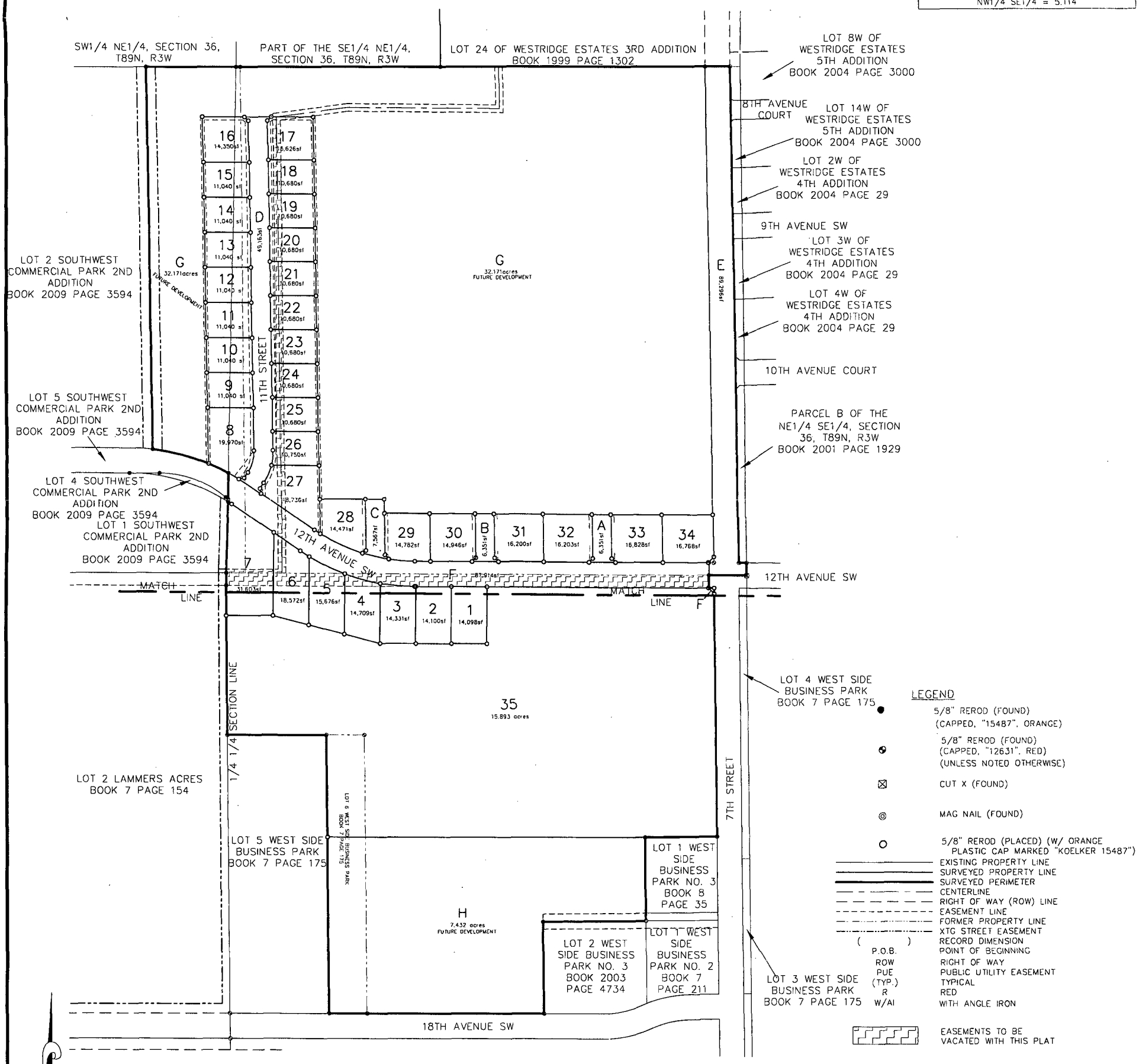
Book 2009 Page 3910
Document 2009 3910 Type 06 002 Pages 10
Date 10/14/2009 Time 3:42:55PM
Rec Amt $54.00
B-79

DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Final Plat of:
WESTRIDGE ESTATES 6TH ADDITION
IN THE CITY OF DYERSVILLE, IOWA.

Comprised of: Lot 6 of West Side Business Park, Lot E of West Side Business Park NO. 3, Parcel M and Parcel N both of the NE1/4 SE1/4, and Lot 3 of Southwest Commercial Park 2nd Addition all in the SE 1/4 of Section 36, T89N, R3W of the 5th P.M., Delaware County, Iowa

SURVEYED PERIMETER
TOTAL AREA = 72.025ac.
NE1/4 SE1/4 = 66.911
NW1/4 SE1/4 = 5.114



LEGEND

- 5/8" REROD (FOUND) (CAPPED, "15487", ORANGE)
- 5/8" REROD (FOUND) (CAPPED, "12631", RED) (UNLESS NOTED OTHERWISE)
- CUT X (FOUND)
- MAG NAIL (FOUND)
- 5/8" REROD (PLACED) (W/ ORANGE PLASTIC CAP MARKED "KOELKER 15487")
- EXISTING PROPERTY LINE
- SURVEYED PROPERTY LINE
- SURVEYED PERIMETER
- CENTERLINE
- RIGHT OF WAY (ROW) LINE
- EASEMENT LINE
- FORMER PROPERTY LINE
- XTG STREET EASEMENT
- ( ) RECORD DIMENSION
- P.O.B. POINT OF BEGINNING
- ROW RIGHT OF WAY
- PUE PUBLIC UTILITY EASEMENT
- (TYP.) TYPICAL
- R RED
- W/AI WITH ANGLE IRON

EASEMENTS TO BE VACATED WITH THIS PLAT

SHEET INDEX
1-3 – PLAT
4 – SURVEYOR'S CERTIFICATE
5 – PLATTING DOCUMENTS

0' 150' 300'
1" = 300' (11"X17")

NOTES
1. ALL MEASUREMENTS ARE IN FEET AND DECIMALS THEREOF.
2. PROPRIETOR OF LOT 6 OF WESTSIDE BUSINESS PARK, LOT E OF WEST SIDE BUSINESS PARK NO. 3, PARCEL M AND PARCEL N BOTHE OF THE NE1/4 SE1/4 AND LOT 3 OF SOUTHWEST COMMERCIAL PARK 2ND ADDITION ALL IN THE SE1/4 OF SECTION 36, T89N, R3W: K&K BUILDING & SUPPLY INC.
3. SURVEYED REQUESTED BY: JERRY KOCH
4. TOTAL AREA SURVEYED IS 72.025 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 8/9/09
TERRY L. KOELKER (DATE)
LICENSE NUMBER: 15487
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2009

PAGES OR SHEETS COVERED BY THIS SEAL:
SHEETS 1, 2, 3, AND 4.

SHEET 1 OF 5	SHEET TITLE	PROJECT	NO. 09098			
	FINAL PLAT WESTRIDGE ESTATES 6TH ADDITION	PREPARED FOR: JERRY KOCH 598 6TH AVE. DYERSVILLE IA 52040		DATE	REVISIONS	DRAWN BY:
				08/07/09		NWL
				SCALE:		CHECKED BY:
				1" = 300'		TLK

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

PREPARED BY: BUESING & ASSOCIATES ADDRESS: 1212 LOCUST STREET, DUBUQUE, IOWA 52001 PHONE: (563) 556-4389

POB

FOUND 5/8" ROD W/RED CAP #12631 W/AI @ THE SW CORNER OF THE SE1/4 NE1/4, SECTION 36, T89N, R3W

SW1/4 NE1/4, SECTION 36, T89N, R3W

N89°57'50"E 235.26'

N89°59'18"E 1305.83'

PART OF THE SE1/4 NE1/4, SECTION 36, T89N, R3W

527.33'

701.56'

LOT 24 OF WESTRIDGE ESTATES 3RD ADDITION

E1/4 CORNER OF SECTION 36, T89N, R3W ACCORDING TO RECORDED DOC. #12311-04 AND DELAWARE CO. RECORDED BOOK 2003, PAGE 5267.

65.94 (66.01')

LOT 8W OF WESTRIDGE ESTATES 5TH ADDITION

LOT 14W OF WESTRIDGE ESTATES 5TH ADDITION

8TH AVENUE COURT

LOT 2W OF WESTRIDGE ESTATES 4TH ADDITION

LOT 3W OF WESTRIDGE ESTATES 4TH ADDITION

LOT 4W OF WESTRIDGE ESTATES 4TH ADDITION

9TH AVENUE SW

10TH AVENUE COURT

PARCEL B OF THE NE1/4 SE1/4, SECTION 36, T89N, R3W

S89°39'04"E 20.01 (20.00')

NO CAP

S0°29'55"E 32.97'

MATCH LINE

N89°44'36"E 99.59'

S0°48'59"E 1302.43' (1302.47')

S0°48'49"E 1302.11'

1177.09'

89,296sf

7TH STREET

F

E

G

32.171acres

N0°48'45"W 1004.30'

50' WIDE ACCESS & UTILITY EASEMENT (FUTURE ROAD ROW 12TH STREET)

66' WIDE ACCESS & UTILITY EASEMENT (FUTURE ROAD ROW 12TH AVENUE SW)

LOT 2 SOUTHWEST COMMERCIAL PARK 2ND ADDITION

LOT 1 SOUTHWEST COMMERCIAL PARK 2ND ADDITION

LOT 5 SOUTHWEST COMMERCIAL PARK 2ND ADDITION

LOT 4 SOUTHWEST COMMERCIAL PARK 2ND ADDITION

LOT 2 LAMMERS ACRES

MATCH LINE

1/2" ORANGE 8419

FOUND 5/8" ROD W/RED CAP #12631 W/AI @ THE NE CORNER OF THE SW1/4 SE1/4, SECTION 36, T89N, R3W

DETAIL NO-SCALE

0.39'

33' EASEMENT FOR FUTURE ROW TO BE VACATED

20' SANITARY SEWER EASEMENT

EXISTING 10' SANITARY SEWER EASEMENT

PRO SANITARY SEWER EASEMENT

PRO STORM SEWER EASEMENT

EXISTING 20' SANITARY SEWER EASEMENT TO BE VACATED BOOK 2009 PAGE 422.

EXISTING 20' SANITARY SEWER EASEMENT BOOK 2009 PAGE 422

10' PUE

8' PUE

11TH STREET

10TH STREET

9TH STREET

8TH STREET

12TH AVENUE SW

EXISTING 33' SANITARY SEWER AND

N89°32'02"W 400.76'

S82°22'16"W 188.52'

110.00'

S0°48'45"E 865.33'

S0°48'45"E 866.01'

S0°48'45"E 910.45'

N1°16'09"E 262.22'

186.54'

78.6'

31.60

(32.99')

32.90'

13.46'

68.87'

146.45'

112.01'

S0°15'02"W 216.99'

S18.572sf

S15.676sf

W 178.89'

W 158.34'

157.63'

50.0'

49.99'

94.00'

585.92'

S0°11'08"W 33.01'

N89°58'34"E 290.02

N89°58'34"E 299.97

N89°58'34"E 170.01'

S0°48'45"E 179.82'

S0°48'45"E 125.21'

S0°48'45"E 1003.97'

S0°48'45"E 145.86

S0°48'45"E 134.43'

S0°48'45"E 125.02'

S0°48'45"E 115.02'

S0°48'45"E 130.02'

S0°48'45"E 135.02'

S0°48'45"E 135.05'

S89°44'37"E 870.17'

S89°44'37"E 791.47'

N89°44'37"W 792.37'

S44°41'43"W 21.02'

13.18'

1.82

15.01'

DETAIL NO-SCALE

0' 75' 150'

1" = 150' (11"X17")

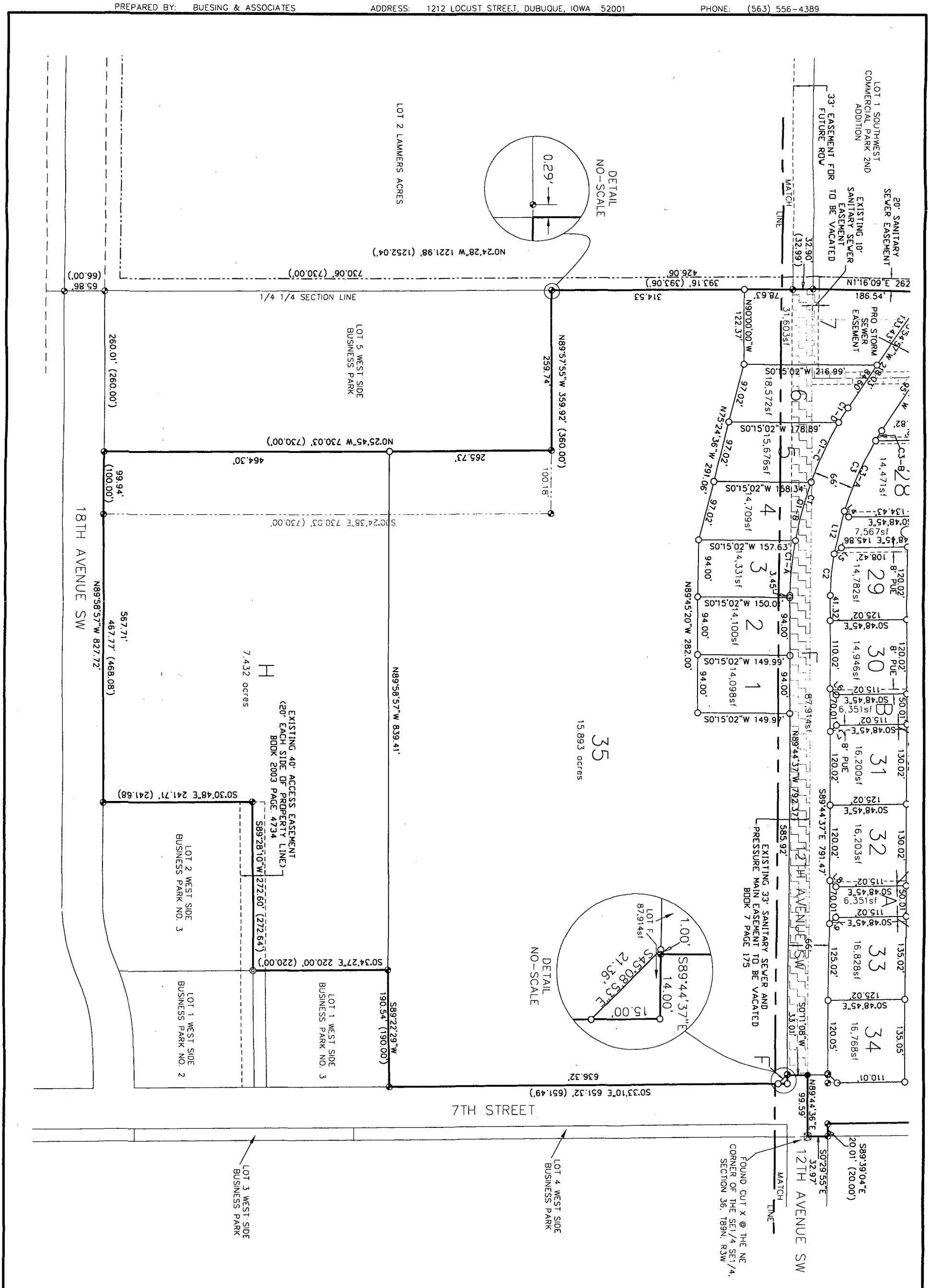
CURVE	CHORD BEARING	CHORD	RADIUS	ARC LENGTH	DELTA	TANGENT
C1	S 72°49'47" E	315.95'	543.00'	320.60'	33°49'41"	165.12'
C1-A	S 84°56'37" E	90.87'	543.00'	90.98'	09°36'00"	45.60'
C1-B	S 75°00'32" E	97.20'	543.00'	97.33'	10°16'12"	48.80'
C1-C	N 64°22'36" W	104.04'	543.00'	104.20'	10°59'40"	52.26'
C1-D	S 57°23'52" E	28.08'	543.00'	28.09'	02°57'49"	14.05'
C2	N 85°35'17" W	69.13'	477.00'	69.19'	08°18'40"	34.66'
C3	S 64°22'52" E	140.44'	477.00'	140.95'	16°55'50"	70.99'
C3-A	N 65°29'13" W	122.20'	477.00'	122.54'	14°43'08"	61.61'
C3-B	S 57°01'18" E	18.41'	477.00'	18.41'	02°12'42"	9.21'
C4	N 56°35'51" W	11.35'	477.00'	11.35'	01°21'47"	5.67'
C5	N 72°26'22" W	207.03'	543.00'	208.30'	21°58'46"	105.45'
C5-A	N 64°28'52" W	57.43'	543.00'	57.46'	06°03'47"	28.76'
C5-B	N 75°28'16" W	150.36'	543.00'	150.84'	15°54'59"	75.91'
C6	S 16°38'09" W	59.97'	100.00'	60.91'	34°53'48"	31.43'
C7	N 16°38'09" E	89.95'	150.00'	91.36'	34°53'48"	47.15'
C7-A	N 24°17'01" E	51.07'	150.00'	51.31'	19°36'03"	25.91'
C7-B	S 06°50'07" W	39.93'	150.00'	40.05'	15°17'45"	20.14'
C8	S 59°49'03" E	30.93'	543.00'	30.94'	03°15'51"	15.47'

LINE	BEARING	LENGTH
L-1	N 33°56'15" E	17.20'
L-2	N 34°05'03" E	17.37'
L-3	N 78°12'47" E	14.36'
L-4	S 52°48'20" W	11.83'
L-5	N 40°45'16" W	15.27'
L-6	N 44°43'19" E	14.01'
L-7	S 45°12'22" E	14.23'
L-8	N 44°43'19" E	14.01'
L-9	N 45°05'55" W	14.23'
L-10	S 45°35'32" E	14.20'
L-11	N 44°45'41" E	14.00'
L-12	N 77°11'21" W	71.41'
L-13	S 56°15'52" E	70.00'
L-14	S 10°39'46" E	14.14'

SHEET TITLE	PROJECT	NO. 09098	BUESING & ASSOCIATES INC. ENGINEERS AND SURVEYORS 1212 LOCUST ST, DUBUQUE, IA (563) 556-4389	DATE	REVISIONS	DRAWN BY:
FINAL PLAT WESTRIDGE ESTATES 6TH ADDITION	PREPARED FOR: JERRY KOCH 598 6TH AVE. DYERSVILLE IA 52040			08/07/09		NWL
				SCALE:		CHECKED BY:
				1" = 150'		JLW

SHEET 2 OF 5

PREPARED BY: BUESING & ASSOCIATES ADDRESS: 1212 LOCUST STREET, DUBUQUE, IOWA 52001 PHONE: (563) 556-4389



SHEET TITLE	PROJECT	NO. 09098		DATE	REVISIONS	DRAWN BY:
FINAL PLAT WESTRIDGE ESTATES 6TH ADDITION	PREPARED FOR: JERRY KOCH 598 6TH AVE. DYERSVILLE IA 52040		BUESING & ASSOCIATES INC. ENGINEERS AND SURVEYORS 1212 LOCUST ST. DUBUQUE, IA (563) 556-4389	08/07/09		NWL
				SCALE:		CHECKED BY:
				1" = 150'		TLK

SHEET 3 OF 5

Surveyors Certificate

Dubuque, Iowa August 9, 2009

I hereby certify that the plat shown on SHEET 1 OF 4 hereof, is a true and correct Plat of Survey of: **WESTRIDGE ESTATES 6TH ADDITION 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 Lot 6 of West Side Business Park, Lot E of West Side Business Park NO. 3, Parcel M and Parcel N both of the NE1/4 SE1/4, and Lot 3 of Southwest Commercial Park 2nd Addition all, Section 36, T89N, R3W of the 5th P.M. The perimeter of **WESTRIDGE ESTATES 6TH ADDITION** was surveyed by me and is more particularly described as follows:

WESTRIDGE ESTATES 6TH ADDITION
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 1305.83 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 Boundary 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 99.59 feet;

Thence South 0° 11' 08" West a distance of 33.01 feet to the South ROW line of 12th Avenue SW;

Thence South 89° 44' 37" East along the South ROW line of said Avenue, a distance of 14.00 feet to the West ROW line of 7th Street;

Thence South 0° 33' 10" East along the West ROW line of said Street, a distance of 651.32 feet to the Northeast corner of Lot 1 of West Side Business Park NO. 3;

Thence South 89° 22' 29" West along the North line of said Lot 1, a distance of 190.54 feet to the Northwest corner of said Lot 1;

Thence South 0° 34' 27" East along the West line of said Lot 1, a distance of 220.00 feet to the Northeast corner of Lot 2 of West Side Business Park NO. 3;

Thence South 89° 28' 10" West along the North line of said Lot 2, a distance of 272.60 feet to the Northwest corner of said Lot 2;

Thence South 0° 30' 48" East along the West line of said Lot 2, a distance of 241.71feet to the North ROW line of 18th Avenue SW

Thence North 89° 58' 57" West along the Northerly ROW line of said Avenue, a distance of 567.71 feet to the Southeast corner of Lot 5 of West Side Business Park;

Thence North 0° 25' 45" West along the East line of said Lot 5, a distance of 730.03 feet to the Northeast corner of said Lot 5;

Thence North 89° 57' 55" West along the North line of said Lot 5, a distance of 259.74 feet to the East line of Lot 2 of Lammers Acres;

Thence North 0° 24' 28" West along the East line of said Lot 2, a distance of 426.06 feet to the SE corner of Lot 1 of Southwest Commercial Park 2nd Addition in Section 36, T89N, R3W;

Thence North 1° 16' 09" East along the East line of said Lot 1, a distance of 262.22 feet to Northeasterly corner of Lot 5 of Southwest Commercial Park 2nd Addition.

Thence Northwesterly along the Northerly line of said Lot 5, on the arc of 543.00 foot radius curve to the left, a distance of 208.30 feet, said curve has a chord bearing of North 72° 26' 22" West, and a chord distance of 207.03 feet to the southeast corner of Lot 2 of Southwest Commercial Park 2nd Addition;

Thence North 0° 48' 45" West along the East line of said Lot 2, a distance of 1004.30 feet to South line of the SW1/4 NE1/4, Section 36, T89N, R3W;

Thence North 89° 57' 50" East along the South line of said Section, a distance of 235.26 feet to the Point Of Beginning;

The total area of **WESTRIDGE ESTATES 6TH ADDITION** is 72.025 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 — 8/9/09

TERRY L. KOELKER
LICENSED LAND SURVEYOR
REGISTRATION # 15487

DATE

REG. RENEWAL 12/31/09

Owner's Consent

Dyersville, Iowa — Sept 15, 2009

The foregoing Plat of Survey of: **WESTRIDGE ESTATES 6TH ADDITION,** 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 Lot 6 of West Side Business Park, Lot E of West Side Business Park NO. 3, Parcel M and Parcel N of the NE1/4 SE1/4, and Lot 3 of Southwest Commercial Park 2nd Addition all in the SE 1/4 of Section 36, T89N, R3W of the 5th P.M., Delaware County, Iowa. We hereby dedicate LOT A (8th Street), LOT B (9th Street), LOT C (10th Street), LOT D (11th Street), LOT E (7th Street), LOT F (12th Avenue SW) and all easements shown to the public.

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

By: Jerome D Koch

By: Jeanine Koch

State of Iowa)
)
County of Dubuque) ss:

On this 15 day of September, AD 2009, before me, the undersigned, A Notary Public in and for the State of Iowa, personally appeared Jerome Koch and Jeanine Koch, to me personally known, who, being duly sworn did say that they are the President and Secretary 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 Jerome Koch and Jeanine Koch 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.

DEBORAH J. MCDONOUGH NOTARIAL SEAL IOWA COMMISSION NO. 127124 MY COMMISSION EXPIRES 11-29-2011

Deborah J McDonough
Notary Public in and for the State of Iowa
My Commission Expires on 11-29-2011

City Planning & Zoning Commission

Dyersville, Iowa — Aug 10, 2009

The foregoing Plat of Survey of: **WESTRIDGE ESTATES 6TH ADDITION,** 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 Odenwald
Chairman, Dyersville Planning & Zoning Commission

City Council

Dyersville, Iowa — Aug. 17, 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 on the 17th day of August, 2009 by resolution No. 43-09 and that the Dyersville City Council approved said plat.

CITY OF DYERSVILLE CITY COUNCIL CITY SEAL

James A Heavens
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 — _____, 2009

The foregoing Plat of Survey of **WESTRIDGE ESTATES 6TH ADDITION,** 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 _____ day of _____, 2009.

Coordinator for Delaware County E-911 Board

State of Iowa)
)
County of Delaware) ss:

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

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

County Auditor's Certificate

Delaware, Iowa — October 14, 2009

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 **WESTRIDGE ESTATES 6TH ADDITION**, in the City of Dyersville, Delaware County, Iowa a subdivision in Delaware County, Iowa.

Carla K. Becker

Carla K. Becker, Delaware County Auditor

STATE OF IOWA)
) ss.
DELAWARE COUNTY)

On this 14 day of October A.D., 2009 before me, 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.

PAULA HARGRAFEN
Commission Number 757588
MY COMMISSION EXPIRES
MARCH 25, 2012

Notary Public in and for said State

Attorney's Certificate

Dyersville, Iowa — October 13, 2009

TO WHOM IT MAY CONCERN:

This will certify that I have examined the abstract of title covering Lot 6 of West Side Business Park, Lot E of West Side Business Park NO. 3, Parcel M and Parcel N of the NE1/4 SE1/4, and Lot 3 of Southwest Commercial Park 2nd Addition all in Section 36, T89N, R3W of the 5th P.M. in the City of Dyersville, Delaware County, Iowa according to plats thereof covering the period from government entry to October 7, 2009 at 8 a.m. certified on that date by Delaware County Abstract Company, Inc. and find that said abstract shows good and merchantable title to said real estate in K & K Building & Supply, Inc. free and clear of all liens and encumbrances ~~and shows~~ taxes paid including taxes for the year 2008/2009 as follows: all paid as to Lot 3 subject to Deed of Trust and Security Agreement, to Fidelity Bank & Trust, filed October 6, 2009 at Book 2009, Page 3810.

Fiscal 2008-2009 1/2 pd. bal. $1155.00 as to remainder of above described property.

Attorney-at-Law Werner Hellmer

County Treasurer's Certificate

Delaware, Iowa — Oct 14, 2009

I, the undersigned, Carolyn A. Wilson, Treasurer of Delaware County, Iowa, do hereby certify that all taxes levied against Lot 6 of West Side Business Park, Lot E of West Side Business Park NO. 3, Parcel M and Parcel N of the NE1/4 SE1/4, and Lot 3 of Southwest Commercial Park 2nd Addition all in Section 36, T89N, R3W of the 5th P.M. in the City of Dyersville, Delaware County, Iowa have been paid and said real estate is free from taxes as of this date.

Pam Klein Dep

Carolyn A. Wilson — Pam Klein, Deputy
Treasurer of Delaware County, Iowa

BANK CONSENT

Fidelity Bank & Trust of Dyersville, Iowa hereby states that it is the mortgagee of a mortgage in Book 2009, Page 3810 as Document No.2009 3810 Type 04 001 Pages 4 of the records of Delaware County, Iowa as dated 9-28-2009 and filed on 10/6/09 at 9:24:11 AM on real estate described as follows:

Lot 6 of West Side Business Park, Lot E of West Side Business Park NO. 3, Parcel M and Parcel N both of the NE1/4 SE1/4, and Lot 3 of Southwest Commercial Park 2nd Addition all in the SE ¼ of Section 36, T89N, R3W of the 5th P.M., Delaware County, Iowa

Fidelity Bank & Trust of Dyersville, Iowa hereby consents to the **Plat of Survey of: WESTRIDGE ESTATES 6TH ADDITION OF THE NE1/4 SE1/4, SECTION 36, T89N, R3W OF THE 5TH P.M.,** in the City of Dyersville, Delaware County, Iowa as comprised of Lot 6 of West Side Business Park, Lot E of West Side Business Park NO. 3, Parcel M and Parcel N both of the NE1/4 SE1/4, and Lot 3 of Southwest Commercial Park 2nd Addition all in the SE ¼ of Section 36, T89N, R3W of the 5th P.M., Delaware County, Iowa

Dated this 7th day of October, 2009

FIDELITY BANK & TRUST OF DYERSVILLE, IOWA

BY: Mindy S. Burds
Mindy S. Burds, Vice President of Fidelity Bank & Trust

State of Iowa)
)
County of Dubuque) ss:

On this 7th day of October, AD 2009, before me, the undersigned, A Notary Public in and for the State of Iowa, personally appeared Mindy S. Burds, to me personally known, who being by me duly sworn, did state that she is the Vice President of Fidelity Bank & Trust of Dyersville, Iowa and is the Vice President of the corporation executing the within and foregoing instrument, that said instrument was signed on behalf of said Corporation by authority of its Board of Directors and that Mindy S. Burds acknowledged the execution of the foregoing instrument to be the voluntary act and deed of said Corporation by it voluntarily executed.

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

Alan R. Besler
Notary Public in and for the State of Iowa

NOTARIAL SEAL IOWA
ALAN R. BESLER
Commission Number 749595
My Comm. Exp. 10-24-10

RESOLUTION NO. 43-09
Recorder's Cover Sheet

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

Taxpayer Information:
K&K Building & Supply, Inc.
598 6th Avenue SW
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 & Supply, Inc.

Legal Description:
See Page 2

Document or instrument number if applicable:

RESOLUTION NO. 43-09

RESOLUTION APPROVING THE PLAT OF
WESTRIDGE ESTATES 6TH ADDITION
IN THE CITY OF DYERSVILLE, IOWA

WHEREAS, there has been filed with the City Clerk a plat in which Lot 6 of West Side Business Park, Lot E of West Side Business Park No. 3, Parcel M and Parcel N of the NE¼ SE¼, and Lot 3 of Southwest Commercial Park 2nd Addition, all in he SE¼ of Section 36, T89N, R3W of the 5th P.M., have been subdivided by K & K Building & Supply, Inc., into Lots 1 through 35, Lot A, Lot B, Lot C, Lot D, Lot E, Lot F, Lot G and Lot H of Westridge Estates 6th Addition.

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

WHEREAS, upon said plat appears Lot D to be known as 11th Street SW, and Lot F to be known as 12th Avenue 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, said plat has been found by the City Council to conform to the statutes and ordinances relating thereto, except that the streets have not been reduced to grade, paving, sewer, storm sewers or water installed therein.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Dyersville, Iowa:

SECTION 1. That the dedication of Lot D, to be known as 11th Street SW, and Lot F to be known as 12th Avenue 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 streets be and are herein established as public streets in the City of Dyersville, Iowa.

SECTION 2. That the plat of the above stated subdivision to be hereafter known as Lots 1 through 35, Lot A, Lot B, Lot C, Lot D, Lot E, Lot F, Lot G and Lot H of Westridge Estates 6th Addition, Dyersville, 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 provided the owners of said property, hereinbefore named execute written acceptance hereto attached, agreeing:

(a) To comply with all terms and conditions of the Grant and Development Agreement dated July 6, 2009, and approved by Resolution No. 33-09, which Grant and Development Agreement is hereby incorporated by reference as though fully set out herein.

(b) That the undersigned owners of said subdivision secure the performance of the foregoing conditions by providing security in such form and such sureties as may be acceptable to the City Council.

(c) To immediately deed to the City of Dyersville, Iowa, Lot E of Westridge Estates 6th Addition.

SECTION 3. Developer agrees that as long as this agreement in effect that any restrictive covenants that will apply to the property which is the subject of this agreement must be approved by the City of Dyersville, Iowa.

SECTION 4. That in the event that the owner herein shall fail to execute the acceptance and provide security provided for in Section 2 hereof within forty-five days from the date of this resolution, the provisions hereof shall be null and void and the acceptance and dedication and approval of the plat shall not be effective.

Passed, adopted and approved this 17th day of August, 2009

James A. Heavens, Mayor

Attest: Tricia L. Maiers
Tricia L. Maiers, Clerk

(SEAL)

ACCEPTANCE OF TERMS OF RESOLUTION

The undersigned on behalf of K & K Building & Supply, Inc., hereby accepts the terms of Resolution No. 43-09.

Dated this 10th day of Sept, 2009.

K & K BUILDING & SUPPLY, INC.

BY: Jerome D Kock

CERTIFICATE OF SECURITY

I, Tricia L. Maiers, Clerk for the City of Dyersville, Iowa hereby certify that the security required by the forgoing Resolution No. 43-09 was provided within 45 days from the date of said resolution.

CITY OF DYERSVILLE (SEAL) Iowa CITY SEAL

Tricia L. Maiers
Tricia L. Maiers, Clerk