FILED
NOV 23 2009
CARLA K. BECKER
DELAWARE COUNTY AUDITOR

FILED
NOV 23 2009
CLAUDIA J. CAHALAN
DELAWARE COUNTY ASSESSOR

Book 2009 Page 4392

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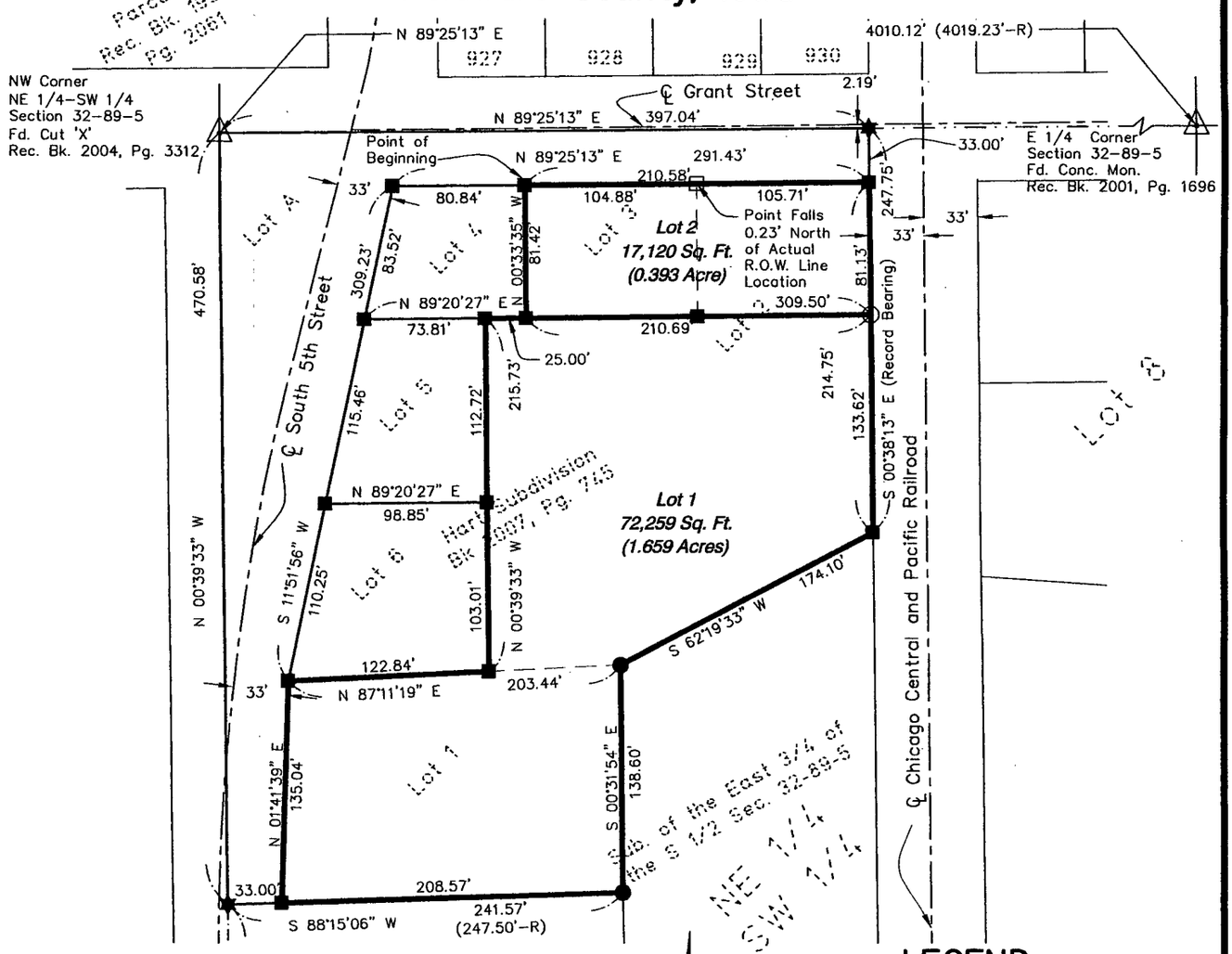
DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

EW

TEKIPPE ENGINEERING, P.C., 1919 – 210th Street, P.O. Box 357, Manchester, Iowa 52057 Ph. 563-927-2060

Final Plat

Hart Second Subdivision, a Replat of Lots 1, 2, and 3 of Hart Subdivision in the NE 1/4 of the SW 1/4, Section 32, T89N, R5W in the City of Manchester, Delaware County, Iowa



LEGEND

Section Corner	△
Recorded as	R
Fd. 5/8"ø Iron Rod	⊡
Fd. 1"ø Pinched Iron Pipe	●
Fd. Mag Nail w/SSW PLS 7060	★
Fd. 1/2"ø Rebar w/RPC PLS 7060	■
Set 1/2"ø Rebar w/RPC PLS 7060	⊙
Survey Boundary	———
Red Plastic Cap	RPC
Stainless Steel Washer	SSW
1/4 Section Line	——·—·——
1/4-1/4 Section Line	——·—·——
Existing Lot Line	— — — —

Total Subdivision Area
89,378 Sq.Ft.
(2.052 Acres)

Proprietor &
Requested by:
Richard R. Hart
904 S 5th Street
Manchester, Iowa 52057

50' 0 50' 100' 200'

1 inch = 100 ft.

Survey was completed on November 4, 2009

PROF. ENGR. & LAND SURVEYOR
LYLE G. TeKIPPE
7060
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. The unadjusted error of closure does not exceed 1:10,000 for the subdivision boundary and does not exceed 1:5,000 for any individual lot.

Lyle G. TeKippe 11-18-09
Lyle G. TeKippe Date:
License number 7060
My license renewal date is December 31, 2010.
Sheets covered by this seal: Sheets P1

TEKIPPE ENGINEERING, P.C.
West Union
563-422-5131
Manchester 563-927-2060
Cedar Rapids 319-294-6909
www.tekippe.com

M:\Projects\2009\092090LS\dwg\092090LS.dwg

Field Book: Manc. No. 1 Pg: 55-56

Project No. 092090.LS Sheet P1

PROF. ENGR. & LAND SURVEYOR
LYLE G. TeKIPPE 7060
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. The unadjusted error of closure does not exceed 1:10,000 for the subdivision boundary and does not exceed 1:5,000 for any individual lot.

Lyle G. TeKippe — 11-18-09 Date
License Number 7060
My license renewal date is December 31, 2010.
Pages covered by this seal: BD-1 through BD-2

State of Iowa)
ss.
County of Delaware)

Subscribed and sworn to before me by Lyle G. TeKippe this 18TH day of NOVEMBER, 2009.

DAVID MEYER
Iowa Notarial Seal
Commission Number: 736541
My Commission Expires: 09-08-2011

Notary Public

SURVEY AND PLAT OF:

Boundary Description:

Hart Second Subdivision, a replat of Lots 1, 2, and 3 of Hart Subdivision in the Northeast Quarter of the Southwest Quarter of Section 32, Township 89 North, Range 5 West of the 5th P.M., City of Manchester, Delaware County, Iowa, and more particularly described as follows:

Beginning at the Northeast Corner of Lot 4 of Hart Subdivision Final Plat made by Lyle G. TeKippe, recorded March 14, 2007, in Book 2007, pages 745, on file in the Delaware County Recorder's office, Manchester, Iowa;

Thence **North 89°-25'-13" East, 210.58 feet** along the South Right-of-Way Line of Grant Street to the West Right-of-Way Line of the Chicago Central and Pacific Railroad;

Thence **South 00°-38'-13" East (Record Bearing), 214.75 feet** along said Line to a Southeast Corner of former Lot 2 of said Hart Subdivision;

Thence **South 62°-19'-33" West, 174.10 feet** along a Southeasterly Line of said Lot 2 to the Northeast Corner of former Lot 1 of said Hart Subdivision;

Thence **South 00°-31'-54" East, 138.60 feet** along the East Line of said former Lot 1 to the Southeast Corner of said former Lot 1;

Thence **South 88°-15'-06" West, 208.57 feet** along the South Line of said former Lot 1 to the East Right-of-Way Line of South 5th Street;

Thence **North 01°-41'-39" East, 135.04 feet** along said Right-of-Way Line to the Southwest Corner of Lot 6 of said Hart Subdivision;

Thence **North 87°-11'-19" East, 122.84 feet** along the South Line of said Lot 6 to the Southeast Corner of said Lot 6;

Thence **North 00°-39'-33" West, 215.73 feet** along the East Line of Lots 6 and 5 to the Northeast Corner of Lot 5 of said Subdivision;

Thence **North 89°-20'-27" East, 25.00 feet** along the South Line of Lot 4 of said Subdivision to the Southeast Corner of said Lot 4;

Thence **North 00°-33'-35" West, 81.42 feet** along said Line to the Point of Beginning, containing **2.052 acres**, subject to easements of record.
(See plat attached to this original survey description.)

OWNER'S ACKNOWLEDGMENT

We Richard R. Hart and Kay Hart of Delaware Co., State of Iowa, do herby certify that the above survey, as shown by the attached Plat, is made with our free consent, and in accordance with our desire.

Richard R. Hart

Kay Hart

State of Iowa)
) SS
Delaware County)

On this 19th day of November, 2009, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Richard R. and Kay Hart, to me known, to be the identical person named in and who executed the foregoing instrument, and acknowledged that he/she executed the instrument as his/her voluntary act and deed.

NOTARIAL SEAL IOWA
CHRISTINA RICHTER
Commission Number 723809
My Commission Expires
8-5-12

Christina Richter
Notary Public in and for the State of **Iowa**
My commission expires 8-5-12

CERTIFICATE OF TREASURER

I, the undersigned, Carolyn A. Wilson, Treasurer of Delaware County, Iowa, do hereby certify that all taxes and special assessments against ***Hart Second Subdivision, City of Manchester, Delaware County, Iowa,*** have been paid and said real estate is free and clear of all taxes as of this date.

IOWA SEAL DELAWARE COUNTY TREASURER

Carolyn A. Wilson
Carolyn A. Wilson, Delaware County Treasurer

11-23-09
Date

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 ***Hart Second Subdivision, City of Manchester, Delaware County, Iowa,*** a subdivision in Delaware County, Iowa.

IOWA SEAL DELAWARE COUNTY OFFICIAL

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

11-23-09
Date

State of Iowa)
) SS
Delaware County)

On this 23rd day of November, 2009, before me Anne Rave 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.

NOTARIAL SEAL IOWA
ANNE RAVE
Commission Number 757587
MY COMMISSION EXPIRES
MARCH 25, 2012

Anne Rave
Notary Public in and for the State of **Iowa**
My commission expires 3/25/2012

ATTORNEY'S OPINION

I, Thomas J. Hanson, a practicing attorney at law in the City of Manchester, Delaware County, Iowa, have examined the abstract of title to the land included in ***Hart Second Subdivision, City of Manchester, Delaware County, Iowa***, on premises more specifically described in the Surveyor's Certificate of Lyle G. TeKippe, dated NOVEMBER 18, 2009.

Said abstract has been prepared in its entirety by the Delaware County Abstract Company, Inc., and was last certified to by said company on the 10th day of November, 2009 at 8:00 o'clock a.m.

My examination of said abstract shows good and merchantable title on the date and hour of the certification to be in Richard R. Hart.

Dated at Manchester, Delaware County, Iowa, in said County, this 17th day of November, 2009.

Thomas J. Hanson
Attorney at Law
401 E Main Street
Manchester, Iowa 52057
(563) 927-5920

CITY MANAGER DETERMINATION

Hart Second Subdivision, City of Manchester, Delaware County, Iowa, qualifies as a Minor Subdivision as specified in Section 127.22 of the Manchester Code of Ordinances. Minor Subdivisions do not require review or approval by the Planning and Zoning Commission.

11-23-2009
Date

Timothy J. Vick
Timothy J. Vick, City Manager

CITY MANCHESTER IOWA SEAL

State of Iowa)
) SS
Delaware County)

On this 23rd day of November, 2009, before me, Laura K. Thomas, a Notary Public in and for the State of Iowa, personally appeared Timothy J. Vick, to me personally known, and who, being by me duly sworn, did say that he is the City Manager, 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, and that Timothy J. Vick acknowledges the execution of the instrument to be his voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

Laura K. Thomas
Notary Public in and for the State of **Iowa**
My commission expires 8-26-11

NOTARIAL SEAL IOWA
LAURA K. THOMAS
Commission Number 718135
My Commission Expires
8-26-11

RESOLUTION APPROVING FINAL PLAT

WHEREAS, the final plat of ***Hart Second Subdivision, City of Manchester, Delaware County, Iowa,*** affecting premises more specifically described in the Surveyor's Certificate of Lyle G. Tekippe, dated November 18, 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 the City;

WHEREAS, no new public water or sanitary sewer systems are necessary and therefore construction of said utilities is not being authorized by the approval of final plat; and

WHEREAS, no new street or improvements to South 5th Street or Grant Street are necessary and therefore construction of said utilities is not being authorized by the approval of final plat; and

WHEREAS, Section 127.33 of Chapter 127 Subdivision Regulations of the City of Manchester allows variances with regard to minimum improvements (Section 127.09); and street standards (Section 127.17); and

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

WHEREAS, the City Manager has recommended to the City Council that they accept the preliminary and final plat of ***Hart Second Subdivision, City of Manchester, Delaware County, Iowa,*** as presented with the following decelerations and conditions;

1) No determination has been made as to compliance with this subdivision and platting requirements which are set forth in the Code of Iowa.
2) The area within this subdivision is currently zoned R-1 and B-2. No modification to zoning is made by this subdivision.
3) A variance from providing sanitary sewer service to Lot 1. Lot 1 currently is not served by a sanitary sewer disposal system. At such time that the Owner of Lot 1 determines there is a need for sanitary sewer facilities, a connection shall be made to an existing City sanitary sewer main. The Owner of Lot 1 shall be responsible for all cost associated with service line including frontage hook-up fees and installation costs of said private service line. The City will allow the installation of the private service line within the public right-of-way.
4) A variance from providing water service to Lot 1. Lot 1 currently is not served with water. At such time that the Owner of Lot 1 determines there is a need for water, a connection shall be made to the existing main along South 5th Street. The Owner of Lot 1 shall be responsible for all cost associated with the water service line including frontage hook-up fees and installation costs.
5) The construction of sidewalk along the west frontage of Lot 1 along South 5th Street is deferred at this time.
6) The construction of sidewalk along the north frontage of Lot 2 along Grant Street is deferred at this time.
7) The City retains the right to require sidewalks to be constructed at any time in the future. The cost of sidewalk construction shall be as required by the City Code at the time of construction.

8) A variance from meeting the required set backs per zoning for existing structures.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manchester, Delaware County, Iowa, that said ***Hart Second Subdivision, City of Manchester, 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 9th day of November, A.D., 2009.

CITY OF MANCHESTER IOWA SEAL

Milt L. Kramer, Mayor

ATTEST:

Erin Rempe, City Clerk

State of Iowa)
) SS
Delaware County)

On this 10th day of November, 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-171-2009 adopted by the City Council on the 9th day of November, 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

Notary Public in and for the State of **Iowa**

My commission expires 8-26-11

NOTARIAL SEAL IOWA
LAURA K. THOMAS
Commission Number 718135
My Commission Expires
8-26-11