Book 2010 Page 2185

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FILED
JUL 16 2010
CLAUDIA J. CAHALAN
DELAWARE COUNTY ASSESSOR

FILED
JUL 16 2010
CARLA K. BECKER
DELAWARE COUNTY AUDITOR

DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

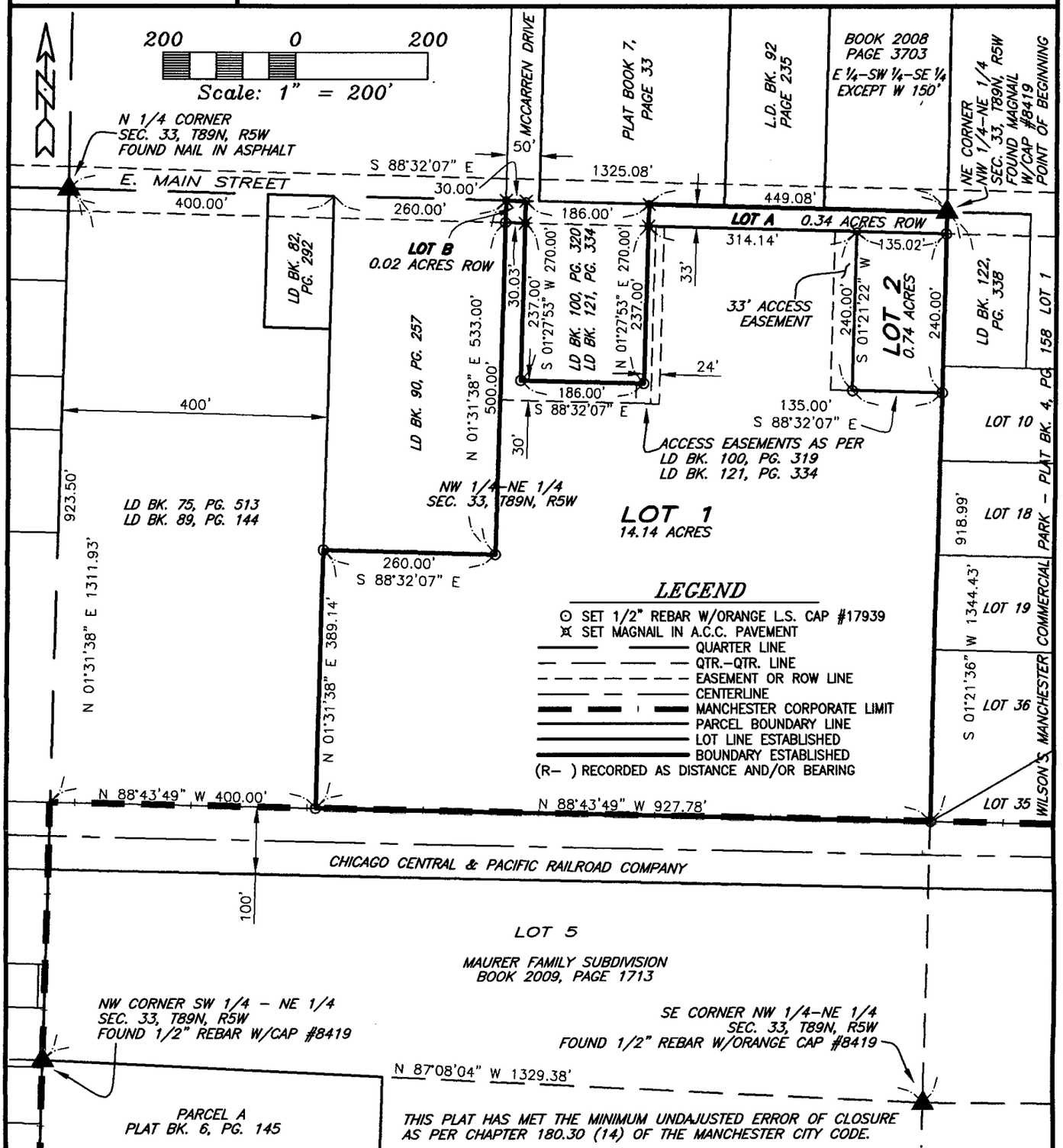
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PREPARED BY/RETURN TO: RANDALL L. RATTENBORG; 105 W. MAIN ST., MANCHESTER, IA 52057 563-927-2434

SUBDIVISION PLAT

SOPPE & MCCRABB'S SUBDIVISION

PART OF THE NW 1/4 – NE 1/4, SEC. 33, T89N, R5W OF THE FIFTH P.M., CITY OF MANCHESTER, DELAWARE COUNTY, IOWA



SURVEY REQUESTED BY: RICHARD FOUST

SURVEYED ON: 6/14/2010

LICENSED LAND SURVEYOR
RANDALL L. RATTENBORG
17939
IOWA

PAGES OR SHEETS COVERED BY THIS SEAL: 1–2

PROPRIETORS: SOPPE & MCCRABB, L.L.C.
1201 E. MAIN ST. MANCHESTER, IA 52057

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.

6/28/10

RANDALL L. RATTENBORG L.S. LIC. #17939 DATE

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2011

GIBBS ENGINEERING & SURVEYING
105 WEST MAIN STREET
MANCHESTER, IA 52057

PROJECT NO. 10-36
SCALE: 1"=200'
DATE: 6/15/2010
DRAWN BY: RLR
CHECKED BY: JDG
GPS: MANCHESTER
REVISED
SHEET 1 OF 7

LEGAL DESCRIPTION:

SOPPE & MCCRABB'S SUBDIVISION; PART OF THE NORTHWEST QUARTER (NW ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION THIRTY-THREE (33), TOWNSHIP EIGHTY-NINE NORTH (T89N), RANGE FIVE WEST (R5W) OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF MANCHESTER, DELAWARE COUNTY, IOWA, containing a total of 15.24 acres, including 0.36 acres of public road right of way, divided into four (4) lots numbered Lot 1, Lot 2, Lot A and Lot B, subject to easements of record, and more particularly described by metes and bounds as follows;

BEGINNING at the Northeast Corner of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section Thirty-three (33), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa;

THENCE along the Easterly Line of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of said Section Thirty-three (33), South 01° 21' 36" West, to the Northerly Line of the Chicago Central & Pacific Railroad Company, 918.99 feet;

THENCE along the Northerly Line of the Chicago Central & Pacific Railroad Company, North 88° 43' 49" West, to the Easterly Line of the Westerly 400 feet of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of said Section Thirty-three (33), 927.78 feet;

THENCE along the Easterly Line of the Westerly 400 feet of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of said Section Thirty-three (33), North 01° 31' 38" East, to the Southerly Line of a parcel recorded in LD Book 90, Page 257 in the Office of the Delaware County Recorder, 389.14 feet;

THENCE along the Southerly Line of said parcel recorded in LD Book 90, Page 257, South 88° 32' 07" East, to the Easterly Line of said parcel recorded in LD Book 90, Page 257, 260.00 feet;

THENCE along the Easterly Line of said parcel recorded in LD Book 90, Page 257, North 01° 31' 38" East, to the Northerly Line of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of said Section Thirty-three (33), 533.00 feet;

THENCE along the Northerly Line Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of said Section Thirty-three (33), South 88° 32' 07" East, to the Westerly Line of a parcel recorded in LD Book 100, Page 320 in the Office of the Delaware County Recorder, 30.00 feet;

THENCE along the Westerly Line of said parcel recorded in LD Book 100, Page 320, South 01° 27' 53" West, to the Southerly Line of said parcel recorded in LD Book 100, Page 320, 270.00 feet;

THENCE along the Southerly Line of said parcel recorded in LD Book 100, Page 320, South 88° 32' 07" East, to the Easterly Line of a parcel recorded in LD Book 121, Page 334 in the Office of the Delaware County Recorder, 186.00 feet;

THENCE along the Easterly Line of said parcel recorded in LD Book 121, Page 334, North 01° 27' 53" East, to the Northerly Line of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of said Section Thirty-three (33), 270.00 feet;

THENCE along the Northerly Line of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of said Section Thirty-three (33), South 88° 32' 07" East, 449.08 feet to the **POINT OF BEGINNING**;

Containing a total of 15.24 acres, including 0.36 acres of public road right of way, divided into four (4) lots numbered Lot 1, Lot 2, Lot A and Lot B, and subject to easements of record.

The Northerly Line of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section Thirty-three (33), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa is assumed to bear South 88° 32' 07" East.

OWNER'S ACKNOWLEDGMENT

I James G. Soppe of Delaware County, State of Iowa, do hereby certify that the above survey, as shown by the attached Plat, is made with our free consent, and in accordance with our desire.

James G. Soppe

JAMES G. SOPPE

State of Iowa)
)
County of Delaware) Ss:

On this 16 day of July, 2010, before me the undersigned, a Notary Public in and for said State, personally appeared James G. Soppe, to me personally known, who being by me duly sworn or affirmed, did say that that person is (Title) Manager of said Soppe & McCrabb L.L.C. and that said instrument was signed on behalf of said Soppe & McCrabb L.L.C. by authority of its managers and the said Manager (Title) acknowledged the execution of said instrument to be the voluntary act and deed of said Soppe & McCrabb L.L.C. by it voluntarily executed.

Donna M. Kunde
Notary Public in and for said County

DONNA M. KUNDE
Commission Number 175597
My Commission Expires
8-16-2012

DEDICATION

The undersigned owners of the land described in the foregoing surveyor's certificate have caused said tract to be surveyed and subdivided in the manner shown on the above plat, which shall hereafter be known as **SOPPE & MCCRABB'S SUBDIVISION**, City of Manchester, Delaware County, Iowa. Lot A and Lot B shall be known as East Main Street as shown upon the plat and survey are hereby dedicated to public use forever for street purposes.

IN WITNESS WHEREOF, we have set our hands this 16th day of July, 2010.

James G. Soppe

JAMES G. SOPPE

STATE OF IOWA, COUNTY OF DELAWARE, ss:

On this 16th day of July, 2010, before me the undersigned, a Notary Public in and for said State, personally appeared James G. Soppe, to me know to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

DONNA M. KUNDE
Commission Number 175597
My Commission Expires
8-16-2012

Donna M. Kunde
Notary Public in and for said State.

APPROVAL OF AUDITOR

I, Carla 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 **SOPPE & MCCRABB'S SUBDIVISION**, a subdivision in the City of Manchester, Delaware County, Iowa.

DELAWARE COUNTY IOWA OFFICIAL SEAL

Carla Becker, Delaware County Auditor

State of Iowa)
)
County of Delaware)

On this 7th day of July, 2010, before me Julia L. Hackbarth a Notary Public in and for the State of Iowa, personally appeared Carla Becker, to me personally known, and, who, being duly sworn, did say that she is the Auditor of Delaware County, Iowa.

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

Julia L. Hackbarth
Notary Public

CERTIFICATE OF TREASURER

I, the undersigned, Carolyn A. Wilson, Treasurer of Delaware County, Iowa, do hereby certify that all taxes and special assessments against **SOPPE & MCCRABB'S 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.

DELAWARE COUNTY IOWA TREASURER SEAL

Carolyn A. Wilson 7-7-10
Carolyn A. Wilson, County Treasurer Date

MORTGAGE HOLDERS ACKNOWLEDGMENT

The Farmers & Merchants Savings Bank, State of Iowa, does hereby certify that the above survey, as shown by the attached Plat, is made with our free consent and in accordance with our desire as mortgage holder of a portion of the premises described herein.

By _____
Tirzah N. Wedewer, Vice President

By _____
Diane C. Hammell, CFO & Cashier

STATE OF IOWA, Delaware County, Iowa, Ss:

On this 15th day of May, 2010, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Tirzah N. Wedewer and Diane C. Hammell, to me personally known, who being duly sworn, did say that they are the Vice President and CFO & Cashier respectively, of the Farmers & Merchants Savings Bank executing the within and foregoing instrument to which this is attached, that ~~(no seal has been procured by the)~~ (the seal affixed hereto is the seal of the) Farmers & Merchants Savings Bank; that said instrument was signed (and sealed) on behalf of the Farmers & Merchants Savings Bk by authority of its Board of Directors; and that Tirzah N. Wedewer and Diane C. Hammell as officers acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the Farmers & Merchants Savings Bank, by it and by them voluntarily executed.

Rosemary Drees
Notary Public in and for said State

Rosemary Drees
COMMISSION NUMBER 144070
My Commission Expires
1/30/2011

ATTORNEY'S OPINION

I, Thomas J. Hanson, a practicing attorney at law in Manchester, Delaware County, Iowa, have examined the abstract of title to the land included in **SOPPE & MCCRABB'S SUBDIVISION**, City of Manchester, Delaware County, Iowa, on premises more specifically described in the Surveyor's Certificate of Randall L. Rattenborg, dated JUNE 28, 2010.

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 8th day of July, 2010 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 Soppe & McCrabb, L.L.C., an Iowa Limited Liability Company; subject however to a open-end real estate mortgage in favor of Farmers and Merchants Savings Bank dated August 22, 2007 and filed August 24, 2007 in Book 2007, Page 2757 of the records of the Delaware County Recorder.

Dated at Manchester, Delaware County, Iowa, in said County, this 14th day of July, 2010.

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

CITY MANAGER DETERMINATION

SOPPE & MCCRABB'S SUBDIVISION; PART OF THE NORTHWEST QUARTER (NW ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SEC. 33, T89N, R5W OF THE FIFTH P.M., 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.

6-25-2010
Date

Timothy J. Vick
Timothy J. Vick, City Manager

STATE OF IOWA)
)SS
COUNTY OF DELAWARE)

On this 25th day of June, 2010, 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; and acknowledged the execution of the instrument to be his voluntary act and deed.

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

Laura K. Thomas
Laura K. Thomas, Notary Public

RESOLUTION R-076-2010
RESOLUTION APPROVING FINAL PLAT SOPPE & MCCRABB'S SUBDIVISION

WHEREAS, the final plat of **SOPPE & MCCRABB'S SUBDIVISION**, City of Manchester, Delaware County, Iowa affecting premises more specifically described in the Surveyor's Certificate of Randall L. Rattenborg, dated JUNE 28, 2010, 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 cities or within a two mile radius of the City; and

WHEREAS, no new public water or sanitary sewer systems is 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 East Main Street is necessary at this time; and

WHEREAS, Lot A and Lot B shall be known as East Main Street as shown upon the plat and are hereby accepted for public use forever for street purposes;

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

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manchester, Delaware County, Iowa, that

> Said **SOPPE & MCCRABB'S 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 28th day of June, A.D., 2010.

CITY MANCHESTER IOWA SEAL

Milt L. Kramer
Milt L. Kramer, Mayor

ATTEST:

Erin Rempe
Erin Rempe, City Clerk

STATE OF IOWA)
)SS
COUNTY OF DELAWARE)

On this 8th day of July, 2010, 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-076-2010 adopted by the City Council on the 28th day of June,2010, 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.

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

Laura K. Thomas
Laura K. Thomas, Notary Public