FILED
APR 14 2011
CARLA K. BECKER
DELAWARE COUNTY AUDITOR

FILED
APR 14 2011
CLAUDIA J. CAHALAN
DELAWARE COUNTY ASSESSOR

Book 2011 Page 1253

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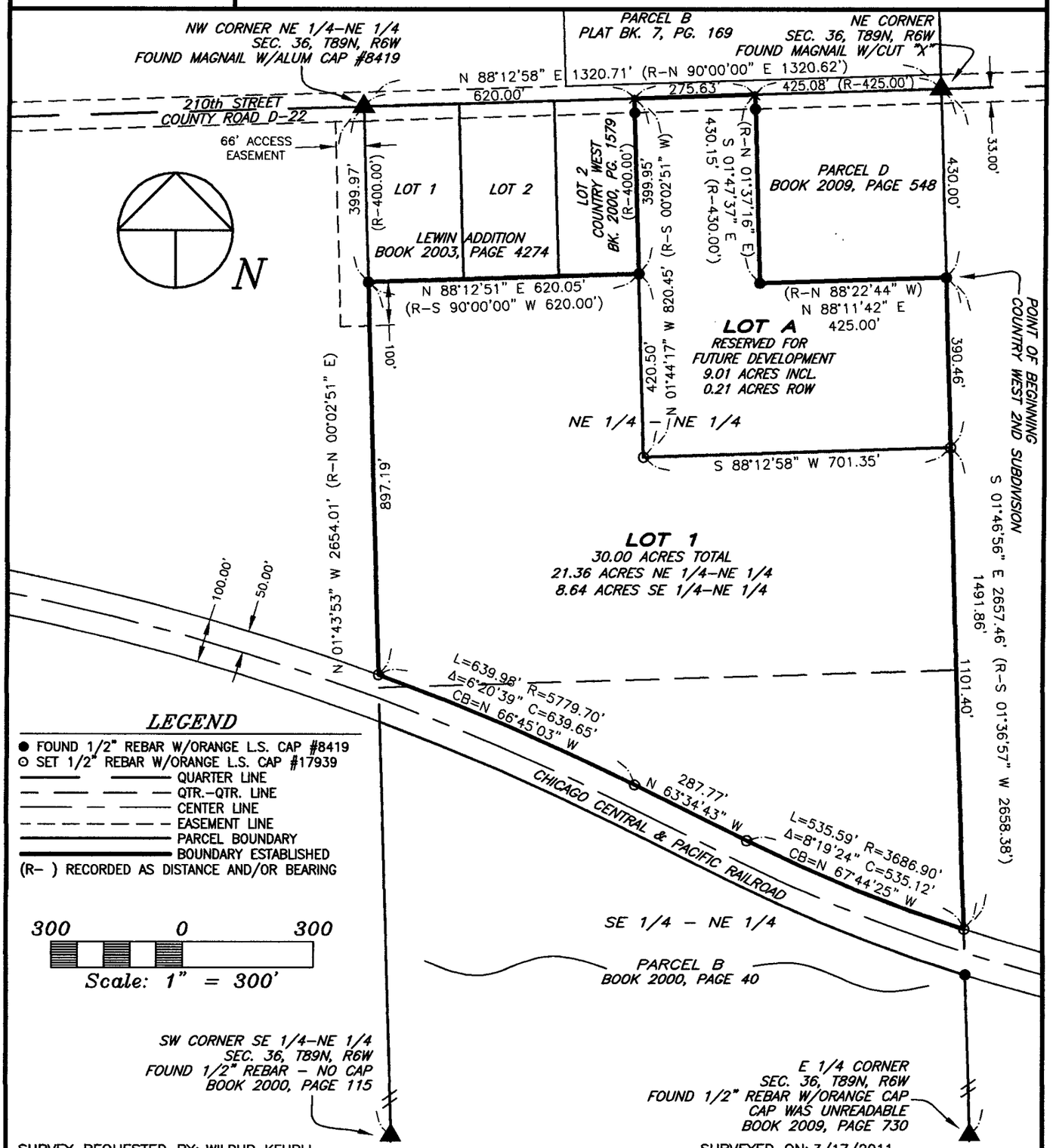
DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

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

SUBDIVISION PLAT

COUNTRY WEST 2nd SUBDIVISION

A SUBDIVISION OF PART OF THE NE 1/4–NE 1/4 & PART OF THE SE 1/4–NE 1/4
SEC. 36, T89N, R6W OF THE FIFTH P.M., DELAWARE COUNTY, IOWA



LEGEND

- ● FOUND 1/2" REBAR W/ORANGE L.S. CAP #8419
- ⊙ SET 1/2" REBAR W/ORANGE L.S. CAP #17939
- QUARTER LINE
- QTR.–QTR. LINE
- CENTER LINE
- EASEMENT LINE
- PARCEL BOUNDARY
- BOUNDARY ESTABLISHED
- (R–) RECORDED AS DISTANCE AND/OR BEARING

300 0 300

Scale: 1" = 300'

SURVEY REQUESTED BY: WILBUR KEHRLI

SURVEYED ON: 3/17/2011

LICENSED LAND SURVEYOR
RANDALL L. RATTENBORG
17939
IOWA

PAGES OR SHEETS COVERED BY THIS SEAL: 1–2

PROPRIETORS: *WILBUR E. KEHRLI*
1596 210th STREET, 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.

3/25/2011

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. 11–19
SCALE: 1"=300'
DATE: 3/18/2011
DRAWN BY: RLR
CHECKED BY: JDG
GPS: MANCHESTER
REVISED
SHEET 1 OF 8

LEGAL DESCRIPTION:

COUNTRY WEST 2nd SUBDIVISION; *A SUBDIVISION OF PART OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHEAST QUARTER (NE ¼), AND PART OF THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHEAST QUARTER (NE ¼), SECTION THIRTY-SIX (36), TOWNSHIP EIGHTY-NINE NORTH (T89N), RANGE SIX WEST (R6W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA,* containing 39.01 acres, including 0.21 acres of public road right of way, divided into two lots numbered Lot 1 and Lot A, subject to easements of record, and more particularly described by metes and bounds as follows;

COMMENCING at the Northeast Corner of Section Thirty-six (36), Township Eighty-nine North (T89N), Range Six West (R6W) of the Fifth Principal Meridian, Delaware County, Iowa, being the Northeast Corner of Parcel D, as recorded in Book 2009, Page 548;

THENCE along the Easterly Line of the Northeast Quarter (NE ¼) of said Section Thirty-six (36), being the Easterly Line of said Parcel D, South 01° 46' 56" East, to the Southeast Corner of said Parcel D, 430.00 feet, the **POINT OF BEGINNING**;

THENCE continuing along the Easterly Line of the Northeast Quarter (NE ¼) of said Section Thirty-six (36), South 01° 46' 56" East, to the Northerly Line of the Chicago Central and Pacific Railroad, 1491.86 feet;

THENCE along the Northerly Line of the Chicago Central and Pacific Railroad along a circular curve concave Northerly and having an arc length of 535.59 feet, a radius of 3686.90 feet, a central angle of 08° 19' 24", a chord length of 535.12 feet, and a chord bearing of North 67° 44' 25" West;

THENCE continuing along the Northerly Line of the Chicago Central and Pacific Railroad, North 63° 34' 43" West, 287.77 feet;

THENCE continuing along the Northerly Line of the Chicago Central and Pacific Railroad along a circular curve concave Southerly and having an arc length of 639.98 feet, a radius of 5779.70 feet, a central angle of 06° 20' 39", a chord length of 639.65 feet, and a chord bearing of North 66° 45' 03" West, to the Westerly Line of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of said Section Thirty-six (36);

THENCE along the Westerly Line of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of said Section Thirty-six (36), North 01° 43' 53" West, to the Southwest Corner of Lewin Addition, as recorded in Book 2003, Page 4274, 897.19 feet

THENCE along the Southerly Line of said Lewin Addition and the Southerly Line of Lot 2 of Country West, as recorded in Book 2000, Page 1579, North 88° 12' 51" East, to the Southeast Corner of said Lot 2 of Country West, 620.05 feet;

THENCE along the Easterly Line of said Lot 2 of Country West, North 01° 44' 17" West, to the Northeast Corner of said Lot 2 of Country West, being on the Northerly Line of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of said Section Thirty-six (36), 399.95 feet;

THENCE along the Northerly Line of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of said Section Thirty-six (36), North 88° 12' 58" East, to the Northwest Corner of said Parcel D, 275.63 feet;

THENCE along the Westerly Line of said Parcel D, South 01° 47' 37" East, to the Southwest Corner of said Parcel D, 430.15 feet;

THENCE along the Southerly Line of said Parcel D, North 88° 11' 42" East, 425.00 feet to the **POINT OF BEGINNING**;

Containing 39.01 acres, including 0.21 acres of public road right of way, divided into two lots numbered Lot 1 and Lot A, and subject to easements of record.

The Easterly Line of the Northeast Quarter (NE ¼) of Section Thirty-six (36), Township Eighty-nine North (T89N), Range Six West (R6W) of the Fifth Principal Meridian, Delaware County, Iowa is assumed to bear South 01° 46' 56" East.

OWNER'S ACKNOWLEDGMENT

I Wilbur E. Kehrli and Judy A. Short 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.

Wilbur E. Kehrli

Judy A. Short

State of Iowa)
)
County of Delaware) ss:

On this 12th day of APRIL A.D. 2011, before me a Notary Public in and for said State, personally appeared Wilbur E. Kehrli and Judy A. Short to me known to be the person(s) named and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Notary Public in and for said State

NOTARIAL SEAL IOWA
RANDY RATTENBORG
Commission Number 224055
My Commission Expires
8-17-2011

CERTIFICATE OF TREASURER

I, the undersigned, Carolyn A. Wilson, Treasurer of Delaware County, Iowa, do hereby certify that all taxes and special assessments against ***COUNTRY WEST 2nd SUBDIVISION,*** Delaware County, Iowa, have been paid and said real estate is free and clear of all taxes as of this date.

3-25-11

Carolyn A. Wilson

Carolyn A. Wilson, County Treasurer

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 ***COUNTRY WEST 2nd SUBDIVISION,*** a subdivision in Delaware County, Iowa.

Carla K. Becker

Carla K. Becker, Delaware County Auditor

State of Iowa)
)
County of Delaware)

On this 25th day of March, 2011, 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

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

DELAWARE COUNTY E-911 BOARD

Delaware County, Iowa

The foregoing plat of ***COUNTRY WEST 2nd SUBDIVISION,***, 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 6th day of August, 1996

Norman Wellman

Norman Wellman - Coordinator
Delaware County E-911 Board

State of Iowa)
)
County of Delaware) Ss:

On this 8th day of April, 2011, before me Randy Rattenborg a Notary Public in and for the State of Iowa, personally appeared Norman Wellman, to me personally known, and, who, being me duly sworn, did say that he is the Coordinator for the Delaware County E-911 Board.

RANDY RATTENBORG
Commission Number 224055
My Commission Expires
8-17-2011

Notary Public

ATTORNEY'S OPINION

I, Mary Lou Tracey, a practicing attorney at law in Manchester, Delaware County, Iowa, have examined the abstract of title to the land included in ***COUNTRY WEST 2nd SUBDIVISION,*** Delaware County, Iowa, on premises more specifically described in the Surveyor's Certificate of Randall L. Rattenborg, dated March 25, 2011.

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 April, A.D., 2011, at the hour of 8:00 o'clock A. M.

My examination of said abstract shows good and merchantible title on the date and hour of the certification to be in ~~***COUNTRY WEST 2nd SUBDIVISION***~~ Wilbur E. Kehrli, subject to a mortgage in favor of Peoples State Bank, in Book 137, L.M., Page 109.

Dated at Manchester, Iowa, in said County, this 14th day of April, 2011.

Mary Lou Tracey

Attorney at Law

PLANNING & ZONING COMMISSION RESOLUTION

WHEREAS, the subdivision plat of ***COUNTRY WEST 2nd SUBDIVISION,*** Delaware County, Iowa, affecting premises more specifically described in the Surveyor's Certificate of Randall L. Rattenborg, dated March 25, 2011, has been filed with the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa;

WHEREAS, the Planning and Zoning Commission 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;

WHEREAS, the construction of sidewalks is deferred according to Resolution No. R-006-2003, Resolution Regarding Procedures and Guidelines for Implementation of Sidewalk Construction Program, under Item No. 4 (a) ("streets developed as a rural cross section"); 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;

WHEREAS, the Manchester Planning and Zoning Commission has recommended to the Council that they accept the subdivision plat of ***COUNTRY WEST 2nd SUBDIVISION,*** Delaware County, Iowa, as presented with the following variances, declarations and conditions;

a. No determination has been made as to compliance with this subdivision and platting requirements which are set forth in the Code of Iowa.

NOW, THEREFORE, BE IT RESOLVED, by the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa, that said subdivision plat of ***COUNTRY WEST 2nd SUBDIVISION***, be, and the same is hereby acknowledged, approved and accepted on the part of the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa, and exhibits attached thereto, subject to all conditions as presented and representations referred to above, and the Commission hereby recommends to the City Council the acceptance of the same and the Chairperson and the Secretary are hereby authorized and directed to certify this resolution of approval and affix the same to said plat and all attachments referred to herein as provided by law.

Adopted and passed this 6th day of April, A.D., 2011.

PLANNING & ZONING COMMISSION
CITY OF MANCHESTER, IOWA

By Becky Dolan
Becky Dolan, Chairperson

By Laura Thomas
Laura Thomas, Recording Secretary

STATE OF IOWA)
) ss:
COUNTY OF DELAWARE)

On this 6th day of April 2011, before me, Julie A. Schmitz, a Notary Public in and for the State of Iowa, personally appeared Becky Dolan and Laura Thomas, to me personally known, and, who, being by me duly sworn, did say that they are the Chairperson and Secretary, respectively, of the Planning and Zoning Commission 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 Planning and Zoning Commission, as contained in Resolution adopted by the Planning and Zoning Commission on the 6th day of April 2011, and that Becky Dolan and Laura Thomas 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.

Julie A. Schmitz
Notary Public

JULIE A. SCHMITZ
Commission Number 224151
My Commission Expires
8-23-11

R-051-2011

Resolution Approving Preliminary & Final Plat

WHEREAS, the subdivision plat of ***COUNTRY WEST 2nd SUBDIVISION,*** Delaware County, Iowa, affecting premises more specifically described in the Surveyor's Certificate of Randall L. Rattenborg, dated March 25, 2011, 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;

WHEREAS, the construction of sidewalks is deferred according to Resolution No. R-006-2003, Resolution Regarding Procedures and Guidelines for Implementation of Sidewalk Construction Program, under Item No. 4 (a) ("streets developed as a rural cross section"); 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;

WHEREAS, the Manchester Planning and Zoning Commission has recommended to the City Council that they accept the subdivision plat of ***COUNTRY WEST 2nd SUBDIVISION,*** Delaware County, Iowa, as presented with the following variances, declarations and conditions;

a. No determination has been made as to compliance with this subdivision and platting requirements which are set forth in the Code of Iowa.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manchester, Delaware County, Iowa, that said ***COUNTRY WEST 2nd SUBDIVISION,*** Delaware County, Iowa, be, and exhibits attached thereto, 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 Preliminary plat as by law provided.

Passed this 11th day of April, A.D., 2011.

CITY OF MANCHESTER IOWA SEAL

Milt L. Kramer

Milt L. Kramer, Mayor

ATTEST:

Erin Rempe, City Clerk

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 11th day of April, 2011, 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-051-2011 adopted by the City Council on the 11th day of April, 2011, 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

Laura K. Thomas, Notary Public

NOTARIAL SEAL IOWA

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

MORTGAGE HOLDERS ACKNOWLEDGMENT

The Citizens State 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.

Shelia D Smith, VP

By: Shelia D Smith, _____

_____

By: _____, _____

State of Iowa)
) ss:
County of Delaware)

On this 14th day of April, 2011, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Shelia D. Smith and _____ to me personally known, who being duly sworn, did say that they are the Vice President and _____ respectively, of Citizens State Bank executing the within and foregoing instrument to which this is attached, that no seal has been procured by Citizens State Bank; that said instrument was signed on behalf of Citizens State Bank by authority of its Board of Directors; and that Shelia D. Smith and _____ as officers acknowledged the execution of the foregoing instrument to be the voluntary act and deed of Citizens State Bank, by it and by them voluntarily executed.

Jason M. Tuel
Notary Public in and for said County

JASON M. TUEL
Commission Number 734413
My Commission Expires
5-10-2014