FILED

FEB 14 2012

CARLA K. BECKER
DELAWARE COUNTY AUDITOR

FILED

FEB 14 2012

CLAUDIA J. CAHALAN
DELAWARE COUNTY ASSESSOR

Book 2012 Page 533

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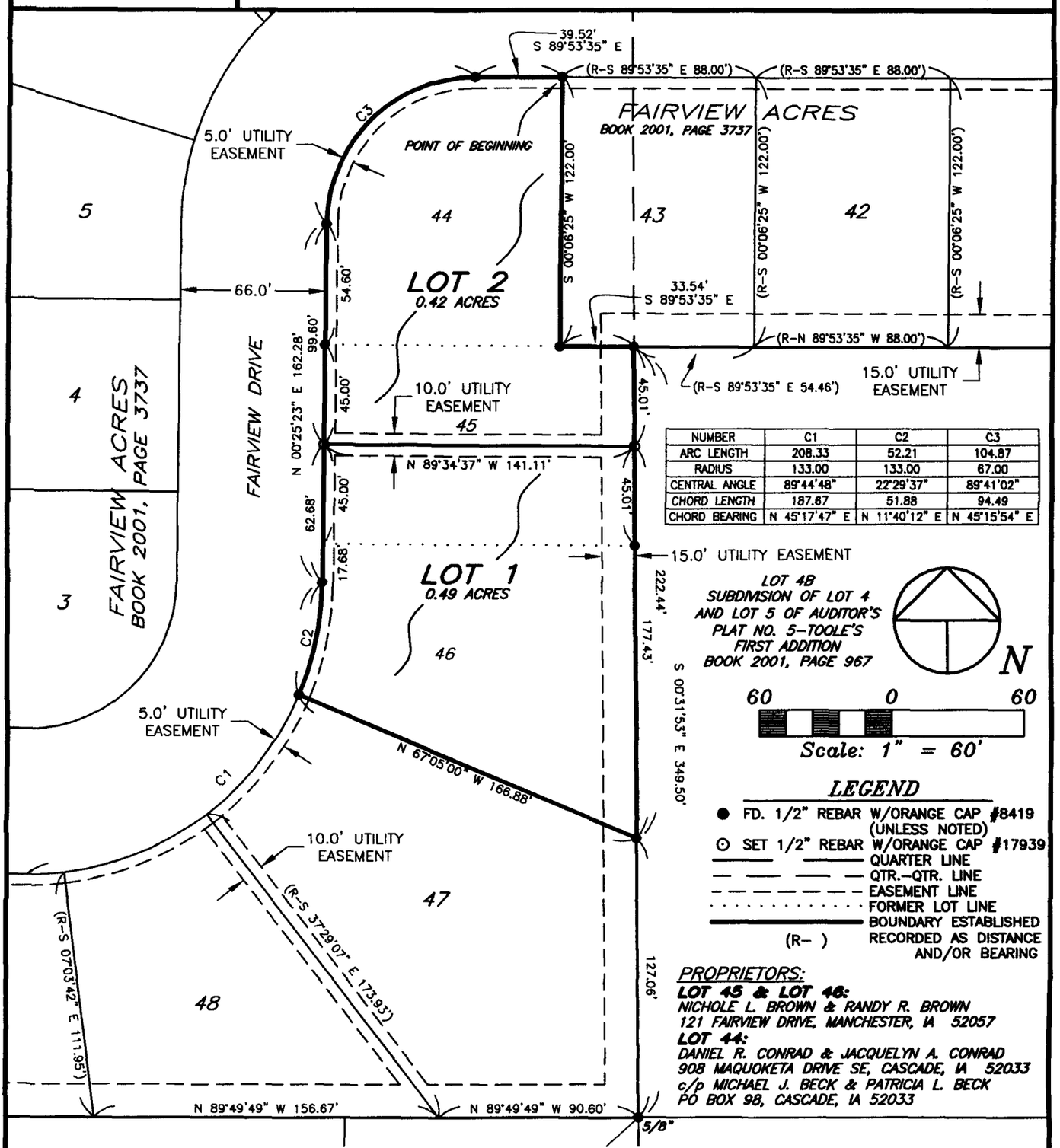
DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

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

SUBDIVISION PLAT

FAIRVIEW ACRES SECOND SUBDIVISION

A SUBDIVISION OF LOTS 44, 45, 46 OF FAIRVIEW ACRES
SEC. 20, T89N, R5W OF THE FIFTH P.M., CITY OF MANCHESTER, DELAWARE COUNTY, IOWA



NUMBER	C1	C2	C3
ARC LENGTH	208.33	52.21	104.87
RADIUS	133.00	133.00	67.00
CENTRAL ANGLE	89°44'48"	22°29'37"	89°41'02"
CHORD LENGTH	187.67	51.88	94.49
CHORD BEARING	N 45°17'47" E	N 11°40'12" E	N 45°15'54" E

LEGEND

- ● FD. 1/2" REBAR W/ORANGE CAP #8419 (UNLESS NOTED)
- ⊙ SET 1/2" REBAR W/ORANGE CAP #17939
- QUARTER LINE
- QTR.-QTR. LINE
- EASEMENT LINE
- FORMER LOT LINE
- BOUNDARY ESTABLISHED
- (R-) RECORDED AS DISTANCE AND/OR BEARING

PROPRIETORS:

LOT 45 & LOT 46:
NICHOLE L. BROWN & RANDY R. BROWN
121 FAIRVIEW DRIVE, MANCHESTER, IA 52057

LOT 44:
DANIEL R. CONRAD & JACQUELYN A. CONRAD
908 MAQUOKETA DRIVE SE, CASCADE, IA 52033
c/p MICHAEL J. BECK & PATRICIA L. BECK
PO BOX 98, CASCADE, IA 52033

SURVEY REQUESTED BY: MIKE BECK Q:\PROJECTS\CONRAD\SUB_01-18\SUB_01-18.DWG SURVEYED ON: 2/3/2012

LICENSED LAND SURVEYOR
RANDALL L. RATTENBORG
17939
IOWA

PAGES OR SHEETS COVERED BY THIS SEAL: 1-2

PROPRIETORS: *SEE ABOVE*

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.

1/25/2012

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

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2013

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

PROJECT NO.	07-57/01-18
SCALE:	1"=60'
DATE:	1/25/2012
DRAWN BY:	RLR
CHECKED BY:	JDG
GPS:	EGPT
REVISED	
SHEET	1 OF 11

LEGAL DESCRIPTION:

FAIRVIEW ACRES SECOND SUBDIVISION; A Subdivision of Lots 44, 45, and 46 of Fairview Acres, Section Twenty (20), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, City of Manchester, Delaware County, Iowa, containing a total of 0.91 acres, divided into two (2) lots numbered Lot 1 and Lot 2, subject to easements of record, and more particularly described by metes and bounds as follows;

BEGINNING at the Northeast corner of Lot 44 of Fairview Acres, as recorded in Book 2001, Page 3737 in the Office of the Delaware County Recorder;

THENCE along the Easterly Line of said Lot 44, South 00° 06' 25" West, to the Southeast Corner of said Lot 44, being on the Northerly Line of Lot 45 of said Fairview Acres, 122.00 feet;

THENCE along the Northerly Line of said Lot 45, South 89° 53' 35" East, to the Northeast Corner of said Lot 45, 33.54 feet;

THENCE along the Easterly Line of said Lot 45 and Lot 46 of said Fairview Acres, South 00° 31' 53" East, to the Southeast Corner of said Lot 46, 222.44 feet;

THENCE along the Southerly Line of said Lot 46, North 67° 05' 00" West, to the Southwest Corner of said Lot 46, being on the Easterly Line of Fairview Drive, 166.88 feet;

THENCE along the Westerly Line of said Lot 46, being on the Easterly Line of Fairview Drive, along a circular curve having an arc length of 52.21 feet, a radius of 133.00 feet, a central angle of 22° 29' 37", a chord length of 51.88 feet, and a chord bearing of North 11° 40' 12" East;

THENCE along the Westerly Line of said Lots 46, 45 and 44, being the Easterly Line of Fairview Drive, North 00° 25' 23" East, 162.28 feet;

THENCE along the Northwesterly Line of said Lot 44, being on the Southeasterly Line of Fairview Drive along a circular curve having an arc length of 104.87 feet, a radius of 67.00 feet, a central angle of 89° 41' 02", a chord length of 94.49 feet, and a chord bearing of North 45° 15' 54" East;

THENCE along the Northerly Line of said Lot 44, being the Southerly Line of Fairview Drive, South 89° 53' 35" East, 39.52 feet to the **POINT OF BEGINNING**;

Containing a total of 0.91 acres and subject to easements of record.

OWNER'S ACKNOWLEDGMENT

I Randy R. Brown and Nichole L. Brown 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.

Randy R. Brown

Nichole L. Brown

State of Iowa)
)
County of Delaware) ss:

On this 30th day of JANUARY A.D. 2012, before me a Notary Public in and for said County, personally appeared Randy R. Brown and Nichole L. Brown 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

RANDY RATTENBORG
Commission Number 224055
My Commission Expires
8-11-2014

OWNER'S ACKNOWLEDGMENT

I Michael S, Beck & Patricia L. Beck of Dubuque 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.

Michael J. Beck

Patricia L. Beck

State of Iowa)
)
County of Dubuque) ss:

On this 31st day of January A.D. 2012, before me a Notary Public in and for said County, personally appeared Michael J. Beck and Patricia L. Beck 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.

Angie Burger
Notary Public in and for said State

NOTARIAL SEAL IOWA

ANGIE BURGER
Commission Number 750466
My Commission Expires
12/24/13

OWNER'S ACKNOWLEDGMENT

I, DANIEL R. CONRAD and JACQUELYN A. CONRAD, husband and wife of Dubuque 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.

Daniel R Conrad
DANIEL R. CONRAD

Jacquelyn A. Conrad
JACQUELYN A CONRAD

STATE OF Texas)
) SS
COUNTY OF Hidalgo)

On this 27 day of January A.D., 2012, before me a Notary Public in and for said County, personally appeared DANIEL R. CONRAD and JACQUELYN A. CONRAD, husband and wife 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.

Nancy Y Obregon
Notary Public in and for said State

NOTARY PUBLIC STATE OF TEXAS
NANCY Y. OBREGON
Notary Public
STATE OF TEXAS
My Comm. Exp. 12-11-2015

MORTGAGE HOLDERS ACKNOWLEDGMENT

The Mortgage Electronic Registratin Systems Inc., "MERS" as nominee for U.S. Bank N.A. does hereby certify that the attached plat 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.

Mortgage Electronic Registration Systems Inc., "MERS"
as nominee for U.S. Bank N.A.

By: _____
Renee J. Mueller, Assistant Secretary

By: _____
Amber Montgomery, Assistant Secretary

STATE OF KENTUCKY)
) SS:
COUNTY OF DAVIESS)

On this 8th day of February, 2012, before me the undersigned, a Notary Public in and for the State of KY personally appeared, Renee J. Mueller and Amber Montgomery, to me personally known, and, who, being by me duly sworn, did say that they are the Assistant Secretary and Assistant Secretary respectively, of the MERS as nominee for U.S. Bank N.A executing the within and foregoing instrument to which this is attached, that (no seal has been procured by the) (~~the seal affixed thereto is the seal of the~~) MERS; that the instrument was signed (~~and sealed~~) on behalf of the corporation by authority of its Board of Directors, and the said Renee J. Mueller and Amber Montgoemry as officers acknowledged the execution of the foregoing instrument to be the voluntary act and deed of said Corporation by it, and by them voluntarily executed.

_____
NOTARY PUBLIC IN AND FOR THE STATE OF KENTUCKY

Andrea L. Johnson #406490
My Commission Expires on October 9, 2013

MORTGAGE HOLDERS ACKNOWLEDGMENT

The OHNWARD BANK & TRUST f/k/a TRI-COUNTY BANK & TRUST CO. does hereby certify that the attached plat 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.

OHNWARD BANK & TRUST f/k/a
TRI-COUNTY BANK & TRUST CO.

By: DM Tabor SVP

David M. Tabor, Senior Vice President

By: Travis J Schlemme, AVP

Travis J. Schlemme, Assistant Vice President

STATE OF IOWA)
) SS:
COUNTY OF DUBUQUE)

On this 8th day of February, 2012, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared, David M. Tabor and Travis J. Schlemme, to me personally known, and, who, being by me duly sworn, did say that they are the Senior Vice President and Assistant Vice President respectively, of Ohnward Bank & Trust f/k/a Tri-County Bank & Trust Co., executing the within and foregoing instrument to which this is attached, that (no seal has been procured by the) ~~(the seal affixed thereto is the seal of the)~~corporation ; that the instrument was signed ~~(and sealed)~~ on behalf of the corporation by authority of its Board of Directors, and the said David M. Tabor and Travis J. Schlemme as officers acknowledged the execution of the foregoing instrument to be the voluntary act and deed of said corporation by it, and by them voluntarily executed.

Angie Burger
NOTARY PUBLIC IN AND FOR THE STATE OF IOWA

NOTARIAL SEAL IOWA

ANGIE BURGER
Commission Number 750466
My Commission Expires
12/24/13

ATTORNEY'S OPINION

I, Roger J. Kurt, a practicing attorney at law in Cascade, Dubuque County, Iowa, have examined the abstract of title to the land included in **Fairview Acres Second Subdivision,** City of Manchester, Delaware County, Iowa, on the premises more specifically described in the Surveyor's Certificate of Randall L. Rattenborg, dated JAN 25, 2012.

Said abstract has been prepared in its entirety by the DELAWARE COUNTY ABSTRACT COMPANY, and was last certified to by said company on the 19th day of January, 2012, at the hour of 8:00 o'clock A.M.

My examination of said abstract shows good and merchantable title on the date and hour of certification to be in:

Lot 45 and Lot 46 - Nichole L. Brown and Randy R. Brown, wife and husband subject to:

1. Mortgage from Nichole L. Brown and Randy R. Brown, wife and husband to MERS acting solely as a nominee for U.S. Bank, N.A. dated February 8, 2008 and filed February 14, 2008 at Book 2008, Page 410 of the Delaware County records.
2. Open End Mortgage from Nichole L. Brown and Randy R. Brown, wife and husband to U.S. Bank National Association, N.D. dated August 24, 2010 and filed September 24, 2010 at Book 2010, Page 2892 in the Delaware County records

Lot Forty Four - Michael J. Beck and Patricia L. Beck, husband and wife subject to:

1. Real Estate Contract between Daniel R. Conrad and Jacquelyn A. Conrad, husband and wife, Sellers, and Michael J. Beck and Patricia L. Beck, husband and wife, Buyers filed August 18, 2005 at Book 2005, Page 2886 in the Delaware County records.
2. Assignment of Real Estate for Security Purposes from Michael J. Beck and Patricia Beck to Tri-County Bank & Trust, dated October 1, 2007 and filed May 28, 2008 at Book 2008, Page 1681 in the Delaware County records.
3. Deed of Trust from Michael Beck and Patricia L. Beck, husband and wife to Tri-County Bank & Trust Company dated October 1, 2007 and filed May 28, 2008 at Book 2008, Page 1682 in the Delaware County records.

Dated at **Cascade**, Iowa, in said County, Iowa, this 1 day of February, 2012.

Attorney at Law

CERTIFICATE OF TREASURER

I, the undersigned, Carolyn A. Wilson, Treasurer of Delaware County, Iowa, do hereby certify that all taxes and special assessments against ***Fairview Acres 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.

Carolyn A. Wilson 2-14-12

Carolyn A. Wilson, County Treasurer Date

DELAWARE COUNTY TREASURER SEAL IOWA

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

Carla K. Becker, Delaware County Auditor

State of Iowa)
)
County of Delaware)

On this 14 day of February, 2012, 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

CITY MANAGER DETERMINATION

Fairview Acres Second Subdivision; *A Subdivision of Lots 44, 45, and 46 of Fairview Acres of Section Twenty (20), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, 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.

2-10-2012
Date

Timothy J Vick
Timothy Vick, City Manager

STATE OF IOWA)
)SS
COUNTY OF DELAWARE)

On this 10th day of February, 2012, 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.

Laura K Thomas
Laura K. Thomas, Notary Public

NOTARIAL SEAL IOWA
LAURA K. THOMAS
Commission Number 718135
My Commission Expires
August 26, 2014

R-020-2012
RESOLUTION APPROVING FINAL PLAT

WHEREAS, the final plat of ***Fairview Acres Second Subdivision***, City of Manchester, Delaware County, Iowa, affecting premises more specifically described in the Surveyor's Certificate of Randall L. Rattenborg, dated , 2012, 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, 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 Manchester City Manager has recommended to the City Council that they accept the final plat of said ***Fairview Acres Second Subdivision;*** *A Subdivision of Lots 44, 45, and 46 of Fairview Acres of Section Twenty (20), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, City of Manchester, Delaware County, Iowa* as presented with the following declarations 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) Sidewalks have been constructed on proposed Lot 1. Sidewalks will be deferred on proposed Lot 2 until construction commences on said proposed Lot 2, or until 75% of sidewalks within Fairview Acres have been installed.
3) The ten (10) foot utility easement along the Southerly Line of former Lot 44 of Fairview Acres is vacated and replaced by a ten (10) foot utility easement along the lot line between proposed Lot 1 and Lot 2 of Fairview Acres Second Subdivision.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manchester, Delaware County, Iowa, that said ***Fairview Acres 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 13th day of February, A.D., 2012.

Milt L. Kramer, Mayor

ATTEST:

Erin Rempe, City Clerk

CITY OF MANCHESTER IOWA SEAL

STATE OF IOWA)
) ss.
COUNTY OF DELAWARE)

On this 14th day of February, 2012, 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-020-2012 adopted by the City Council on the 13th day of February, 2012, 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

LAURA K. THOMAS
Commission Number 718135
My Commission Expires
August 26, 2014