Recorder's Index
County: Delaware
Section: 32–T89N–R5W
Quarter Section: NE1/4–NW1/4
City: Manchester
Subdivision: Whitewater Park Subdivision
Block: N/A
Lot(s): 1 & 2
Proprietor: City of Manchester
Requested By: City of Manchester (KW)

Book 2017 Page 1464

Document 2017 1464 Type 06 002 Pages 22
Date 5/24/2017 Time 2:55:07PM
Rec Amt $112.00

Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

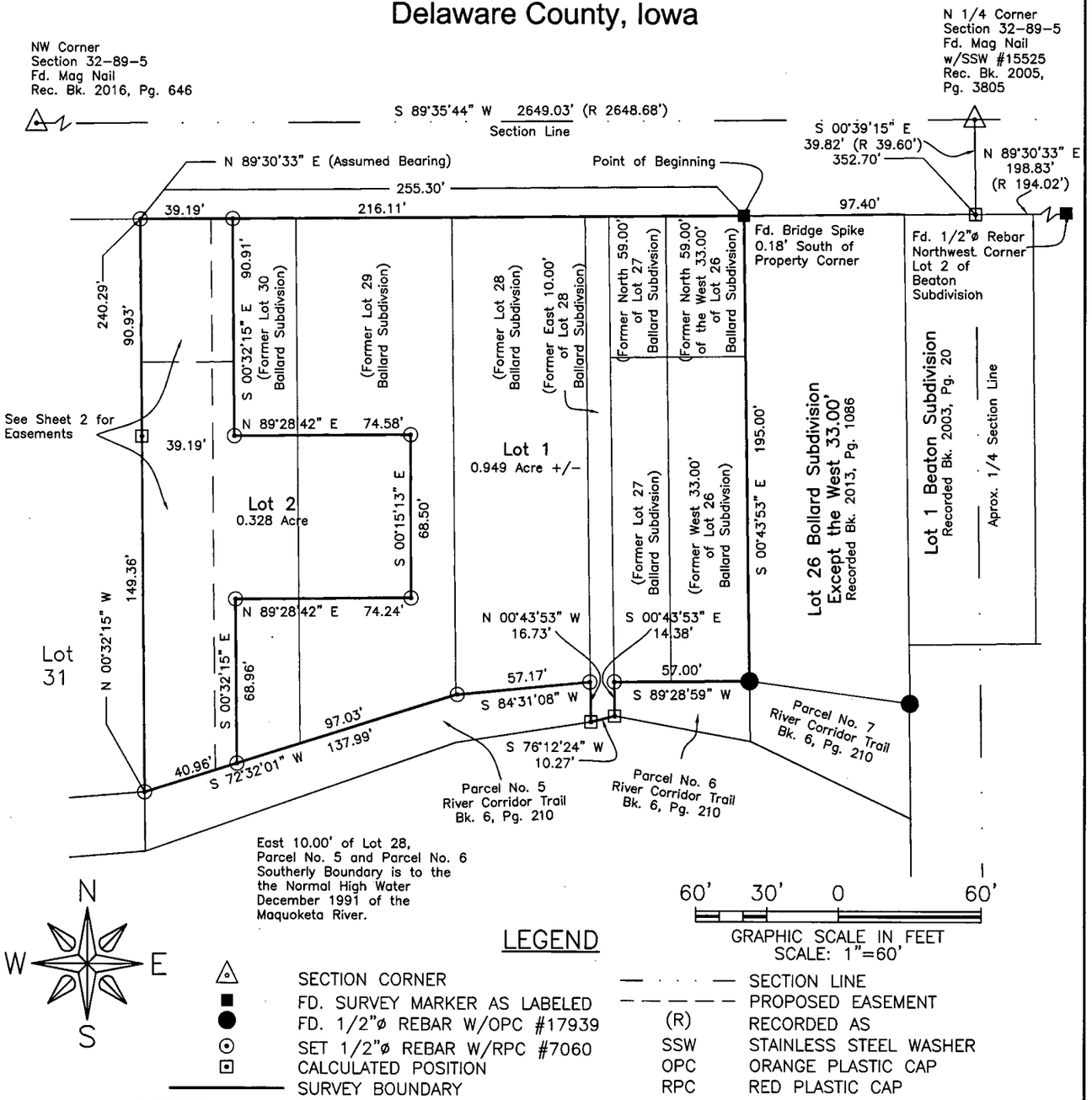
FILED
Delaware Co. Assessor
MAY 24 2017

FILED
Delaware Co. Auditor
MAY 24 2017

Prepared by/Return to: FEHR GRAHAM, 1919 210th Street, Manchester, IA 52057 – Ph. (563)927–2060

Final Plat

Whitewater Park Subdivision, Part of Lots 26 and 27, and Lots 28, 29, and 30 of Ballard's Subdivision in the City of Manchester, Section 32-T89N-R5W, Delaware County, Iowa



LEGEND

△	SECTION CORNER
■	FD. SURVEY MARKER AS LABELED
●	FD. 1/2"ø REBAR W/OPC #17939
⊙	SET 1/2"ø REBAR W/RPC #7060
⊡	CALCULATED POSITION
———	SURVEY BOUNDARY
— · · · —	SECTION LINE
– – – – –	PROPOSED EASEMENT
(R)	RECORDED AS
SSW	STAINLESS STEEL WASHER
OPC	ORANGE PLASTIC CAP
RPC	RED PLASTIC CAP

PROF. ENGINEER & 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.

Lyle G. TeKippe, P.E. & P.L.S.
License Number: 7060
My license renewal date is December 31, 2018.
Sheets covered by this seal: Sheet 1 though 2

3-7-17
Date

FEHR GRAHAM
ENGINEERING & ENVIRONMENTAL
2016 FEHR GRAHAM

ILLINOIS
IOWA
WISCONSIN

G:\C3D\16\16-953\16-953 Legal.dwg

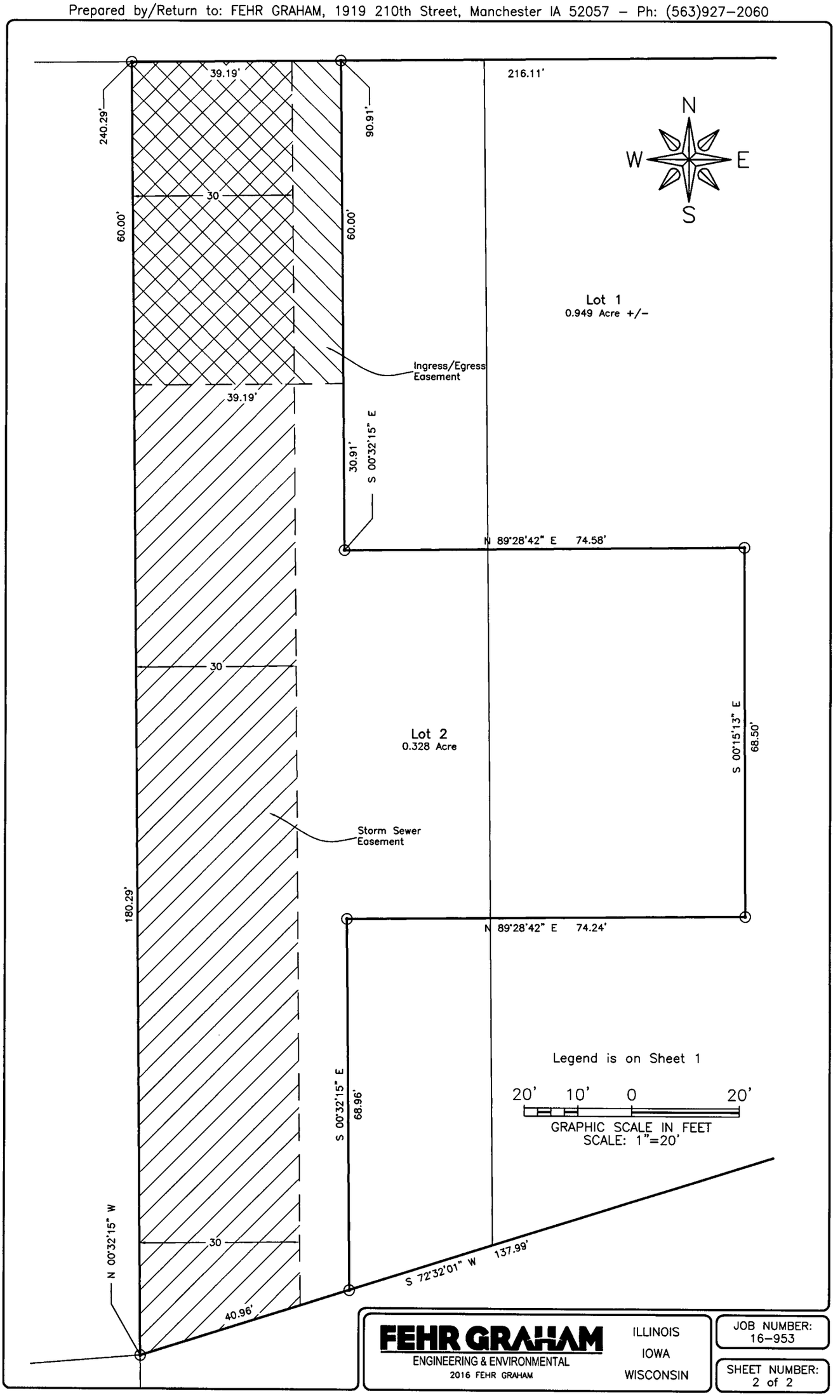
FLD BK: Del. Co. Delaware Twp #1
PG: 40–41

SURVEY WAS COMPLETED ON:
February 17, 2017

JOB NUMBER:
16–953

SHEET NUMBER:
1 of 2

Prepared by/Return to: FEHR GRAHAM, 1919 210th Street, Manchester IA 52057 – Ph: (563)927–2060



FEHR GRAHAM
ENGINEERING & ENVIRONMENTAL
2016 FEHR GRAHAM

ILLINOIS
IOWA
WISCONSIN

JOB NUMBER: 16–953

SHEET NUMBER: 2 of 2

Prepared by/Return To: FEHR GRAHAM, 1919 210th Street, Manchester, Iowa 52057, Ph. (563)927-2060

Project No. 16-953 Page BD-1

PROF. ENGINEER & 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.

Lyle G. TeKippe, P.E. & P.L.S. 3-7-17 Date
License Number 7060
My license renewal date is December 31, 2018.
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 7th day of March, 2017.

Notary Public

NOTARIAL SEAL IOWA
RYAN M. WICKS
Commission #723753
My Comm. Exp. 08/04/2018

SURVEY AND PLAT OF:

Boundary Description:

Whitewater Park Subdivision, Part of Lots 26 and 27, and Lots 28, 29, and 30 of Ballard's Subdivision as recorded in Plat Book 1, Page 120 in the Delaware County Recorder's Office, Manchester, Iowa, in the Northeast Quarter of the Northwest 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:

Commencing at the North Quarter Corner of said Section;

Thence **South 00°39'15" East, 39.82 feet** along the Quarter Section Line to the North Line of said Ballard's Subdivision;

Thence **South 89°30'33" West (Assumed Bearing), 97.40 feet** along the North Line of said Ballard's Subdivision to the Point of Beginning and the Northeast Corner of the West 33.00 feet of Lot 26 of said Ballard's Subdivision;

Thence **South 00°43'53" East, 195.00 feet** along the East Line of the West 33.00 feet of said Lot 26 to the Southeast Corner of the West 33.00 feet of said Lot 26 and the Northeast Corner of Parcel No. 6 of River Corridor Trail as recorded in Book 6, Page 210, in the Delaware County Recorder's Office, Manchester, Iowa;

Thence **South 89°28'59" West, 57.00 feet** along the North Line of said Parcel No. 6 to the East Line of Lot 28 of said Ballard's Subdivision;

Thence **South 00°43'53" East, 14.38 feet, more or less,** along the East Line of said Lot 28 to the Northerly Line of the Maquoketa River;

Thence **South 76°12'24" West, 10.27 feet, being a meander line,** along the Northerly Line of the Maquoketa River (Normal High Water Mark in December of 1991) to the West Line of the East 10.00 feet of said Lot 28 and the East Line of Parcel No. 5 of River Corridor Trail as recorded in Book 6, Page 210, in the Delaware County Recorder's Office, Manchester, Iowa;

Thence **North 00°43'53" West, 16.73 feet, more or less,** along the West Line of the East 10.00 feet of said Lot 28 and said East Line to the Northeast Corner of said Parcel No. 5;

Thence **South 84°31'08" West, 57.17 feet** along the North Line of said Parcel No. 5 to the East Line of Lot 29 of said Ballard's Subdivision;

Thence **South 72°32'01" West, 137.99 feet** continuing along the North Line of said Parcel No. 5 to the West Line of Lot 30 of said Ballard's Subdivision and Northwesterly Corner of said Parcel No. 5;

Thence **North 00°32'15" West, 240.29 feet** along said West Line of Lot 30 to the North Line of said Ballard's Subdivision;

Thence **North 89°30'33" East, 255.30 feet** along said North Line to the Point of Beginning;

Containing **1.277 Acres, more or less**, subject to easements of record.
(See plat attached to this original survey description.)

References are hereby made to a Survey and Plat made by J. David Gibbs, recorded August 28, 1992, in Book 6, Page 210; to a Survey and Plat made by Lyle G. TeKippe, recorded January 23, 2008, in Book 2008, Page 238; to a Survey and Plat made by Lyle G. TeKippe, recorded January 2, 2003, in Book 2003, Page 20; to a Survey and Plat made by J. David Gibbs, recorded February 18, 2004, in Book 2004, Page 492; to a Survey and Plat made by Randall L. Rattenborg, recorded March 28, 2013, in Book 2013, Page 1086, to a Survey and Plat made by Paul Ilg, recorded November 1, 1905, in Plat Book 1, Page 120; all on file in the Delaware County Recorder's Office, Manchester, Iowa.

OWNER'S ACKNOWLEDGMENT

We, Milt Kramer, Mayor, and Erin Learn, City Clerk, do hereby certify that the Whitewater Park Subdivision, in the City of Manchester, Delaware County, as shown by the attached plat, is made with our free consent and in accordance with our desire on behalf of the City of Manchester. We hereby dedicate all easements shown to the public.

CITY OF MANCHESTER CITY SEAL MANCHESTER, IOWA

Milt Kramer

Milt Kramer, Mayor

Erin Learn

Erin Learn, City Clerk

State of Iowa)
ss.
County of Delaware)

On this 5 day of May, 2017, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Milt Kramer and Erin Learn, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk respectively, of the City of Manchester; that the seal affixed thereto is the corporate seal of the corporation; that said instrument was signed and sealed on behalf of said corporation, by authority of its City Council, as contained in ~~Ordinance No.~~ R-048-2017 passed (Resolution adopted) by the City Council, under Roll Call No. 2.14 of the City Council on the ~~24~~ day of April 2017, and that Milt Kramer and Erin Learn as such officers acknowledged 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.

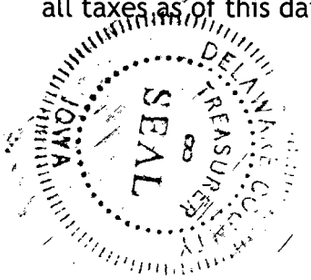
Laura K Thomas

Notary Public

NOTARIAL SEAL IOWA
LAURA K. THOMAS
Commission Number 716135
My Commission Expires
August 26, 2017

CERTIFICATE OF TREASURER

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

Carolyn A. Wilson, Delaware County Treasurer

3-10-17

Date

State of Iowa)
) SS
Delaware County)

On this 10 day of March, 2017 before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Carolyn Wilson, 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.

BARB ROBINSON
Commission Number 742641
My Commission Expires
9-14-18

Notary Public in and for the State of Iowa

My commission expires 9-14-18

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 ***Whitewater Park Subdivision, City of Manchester, Delaware County, Iowa***, a subdivision in Delaware County, Iowa.

Peggy A. Hildebrand, Deputy
Carla K. Becker, Delaware County Auditor

3-10-17
Date

DELAWARE COUNTY AUDITOR SEAL IOWA

State of Iowa)
) SS
Delaware County)

On this 10th day of March, 2017 before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Peggy A. Hildebrand, 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
ANNE RAVE
Commission Number 757587
My Commission Expires
March 25, 2018

Anne Rave
Notary Public in and for the State of Iowa
My commission expires 3/25/2018

DELAWARE COUNTY E-911 BOARD

The foregoing plat of ***Whitewater Park Subdivision, City of Manchester, 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 6th day of August, 1996.

Mike Corkery,
Coordinator Delaware County E-911 Board

3-10-17
Date

State of Iowa)
) SS
Delaware County)

On this 10TH day of MARCH, 2017 before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared MIKE CORKERY, 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.

Adam J. Recker
Notary Public in and for the State of **Iowa**
My commission expires 3-3-18

OFFICIAL SEAL IOWA
ADAM RECKER
Commission Number 788821
MY COMMISSION EXPIRES
March 3, 2018

RESOLUTION R-044-2017
RESOLUTION APPROVING FINAL PLAT (WHITEWATER PARK SUBDIVISION)

WHEREAS, the final plat of ***Whitewater Park Subdivision, City of Manchester, Delaware County, Iowa,*** affecting premises more specifically described in the Surveyor's Certificate of Lyle G. TeKippe, dated _____, 2017, 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 or within a two mile radius of the City; and

WHEREAS, upon said plat, all easements which are represented on the plat, all of which the owners have dedicated to the public forever; 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 as presented.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manchester, Delaware County, Iowa, that said ***Whitewater Park 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.

That the dedication of easements for public, all as the same appear on said plat, be and the same are hereby accepted.

The Mayor and City Clerk are hereby directed to certify this approval and affix the same to said final plat as by law provided.

Adopted and passed this 24th day of April, 2017.

CITY OF MANCHESTER, IOWA

CITY OF MANCHESTER CITY SEAL MANCHESTER, IOWA

By Milt L. Kramer
Milt L. Kramer, Mayor

ATTEST:

By Erin Learn
Erin Learn, City Clerk

State of Iowa)
) SS
Delaware County)

On this 25th day of April, 2017, before me, Julie A. Schmitz, a Notary Public in and for the State of Iowa, personally appeared Milt L. Kramer and Erin Learn, 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-044-2017 adopted by the City Council on the 24th day of April, 2017, and that Milt L. Kramer and Erin Learn 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 in and for the State of Iowa
My commission expires 9-14-2017

NOTARIAL SEAL IOWA
JULIE A. SCHMITZ
Commission Number 224151
My Commission Expires
September 14, 2017

PETERS LAW OFFICES

James T. Peters
jtp@jtplawoffice.com

R.J. Longmuir
rjl@jtplawoffice.com

309 First Street East
P.O. Box 774
Independence, IA 50644
(319) 334-9992
Fax (319) 334-9993

Vinton Office:
415 A Avenue
Vinton, IA 52349
(319) 472-3867
Please respond to the Independence address

May 18, 2017

Tim Vick, City Manager
City of Manchester, Iowa
208 E Main
Manchester, IA 52057

IN RE: Whitewater Park Subdivision

Dear Tim:

I am sending with this letter four title opinions which together, establish title to the property shown on the final plat of the Whitewater Park Subdivision, a copy of which is attached hereto, to be in the name of the City of Manchester.

Please review each of the four title opinions to determine any restrictions for various portions of the platted property as shown on each opinion.

Very truly yours,

PETERS LAW OFFICE

BY: _____
James T. Peters, City Attorney

JTP:sds

Enclosures

PETERS LAW OFFICES

James T. Peters
jtp@jtplawoffice.com

R.J. Longmuir
rjl@jtplawoffice.com

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May 18, 2017

OPINION OF TITLE

TO: City of Manchester
208 East Main
Manchester, IA 52057

This is to certify that I have examined an abstract of title in two (2) parts to the following-described property in Delaware County, Iowa:

Lots 29 and 30, and the West 56.0 feet of Lot 28, Ballard's Subdivision of part of Lot I and of Lots M and N of Iowa Land Company's Subdivision of part of Manchester, Iowa, according to plat recorded in Book 1 Plats, Page 120, except any part included in Parcel No. 5 of Acquisition Plat – Amended, River Corridor Trail – Phase I, City of Manchester, Delaware County, Iowa, according to plat recorded in Book 6 Plats, Page 210.

Said abstract was prepared by the Delaware County Abstract Company, Inc. The abstract is in two parts. Part 1 of the abstract of title commences with date of platting and is continued down to August 4, 1954, at 8:00 a.m. Part 2 of the abstract of title commences with the 4th day of August, 1954, at 8:00 a.m. and is continued down to April 20, 2017, at 8:00 a.m., bearing final caption no. 71598.

According to my examination, title as of the date of last certification to the above-described property is in the name of:

CITY OF MANCHESTER, IOWA, pursuant to Warranty Deed from Kerndt Brothers Savings Bank dated December 22, 2016, and filed December 22, 2016, in Delaware County Recorder Book 2016, Page 3542.

Title is subject to the following, to which your attention is directed:

1. Entries 105, 106 and 129 of the abstract of title report various easements. Your attention is directed to these easements to determine how they may affect your intended use of the above-described property.

2. The above-described property is subject to zoning ordinances adopted by the City of Manchester, Iowa. Your attention is directed to these ordinances to determine how they may affect your intended use of the above-described property.

3. The description shown above refers to easements of record. Your attention is further directed to plats and surveys of the subdivision which contains the above-described property. These plats further show locations of easements and boundary lines to which your attention is further directed.

4. The final page of certification reports real estate taxes as: all paid.

This opinion is limited to matters shown upon the abstract and does not make any reported guarantee as to the following matters:

a. Accuracy of abstracting or plats;
b. Location of boundary lines or markers;
c. Possible claims of parties in possession;
d. Claims for unrecorded mechanic's liens for labor or improvements placed upon the property within the last ninety (90) days of the date of the last certification by the abstracter;
e. Pendency of any action under the Iowa Dissolution of Marriage Laws, which files are sealed by law;
f. Special assessments and improvements authorized by a Resolution of Necessity but which have not been certified to the County Auditor;
g. Financing statements or security instruments under the Iowa Uniform Commercial Code;
h. Easements by prescription;
i. Child support liens which may be of record in the Office of the Collections Services Center, P.O. Box 9125, Des Moines, IA 50306-2125;
j. Any flood plain regulations, encroachment limits or flood plain zoning as established by the Iowa Natural Resources Council;
k. Zoning regulations for the County of Delaware, Iowa;
l. This opinion is expressly made subject to the presence of solid waste, radioactive waste, hazardous waste or hazardous substances, underground petroleum or chemical storage tanks including those substances defined to be hazardous in Chapter 42, United States Code Section 9601(14) and Chapter 455B of the 1991 Code of Iowa;
m. You should determine whether any solid wastes, hazardous substances, pollutants, above or below ground storage tanks, drainage wells, water wells, landfill sites or other environmentally regulated conditions exist on the property. Such conditions are not ordinarily shows in the abstract, but they may result in injunctions, fines, required cleanup, or other remedial actions under federal, state or local laws. These laws may impose liens against the property and personal liability against the owner, even though the owner did nothing to create the condition, and acquired the property without knowing about it.
n. The abstract notes that lien searches, judgment reports, and related data have been abstracted through the lien indexes and the ICIS system as provided by the

County Clerk of Court. Various proceedings filed regarding zoning, TIF government regulations and ordinances, may affect the real estate herein abstracted. The abstract requests that you contact the various offices for further particulars. No such contact has been made by the undersigned unless specifically referred to herein.

This Opinion includes all such matters of record which have not become void or unenforceable under applicable statutes of limitation and the Iowa Title Standards, including but not limited to contracts, mortgages, assignments, liens, leases, assignments of rent, building setback lines, easements, restrictive covenants, leases and encumbrances, unpaid real estate taxes or assessments and all amendments to such documents up to and including the time of the last abstract certification by the participating abstractor.

Determination should be made with regard to the above-referenced property regarding private sewage disposal systems. If in fact the property is served by a private sewage disposal system, your attention is directed to this office or the office of the county sanitarian to determine if the property may be transferred without inspection of the system.

This abstract is being retained by the Peters Law Officer until further instructions are received.

Dated this 18th day of May, 2017, at Independence, Iowa.

Respectfully submitted,

BY: _____
James T. Peters
Attorney Participation #3158

JTP:sds

PETERS LAW OFFICES

James T. Peters
jtp@jtplawoffice.com

R.J. Longmuir
rjl@jtplawoffice.com

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Vinton, IA 52349
(319) 472-3867
Please respond to the Independence address

May 18, 2017

OPINION OF TITLE

TO: City of Manchester
208 East Main
Manchester, IA 52057

This is to certify that I have examined an abstract of title in two (2) parts to the following-described property in Delaware County, Iowa:

Lot 27 of Ballard's Subdivision of part of Lot I and of Lots M and N of Iowa Land Company's Subdivision of part of Manchester, Iowa, according to plat recorded in Book 1 Plats, Page 120, except any part included in Parcel No. 6 of Acquisition Plat – Amended, River Corridor Trail – Phase I, City of Manchester, Delaware County, Iowa, according to plat recorded in Book 6 Plats, Page 210.

Said abstract was prepared by the Delaware County Abstract Company, Inc. The abstract is in two parts. Part 1 of the abstract of title commences with date of platting and is continued down to December 29, 1992, at 8:00 a.m. Part 2 of the abstract of title commences with the 29th day of December, 1992, at 8:00 a.m. and is continued down to April 20, 2017, at 8:00 a.m., bearing final caption no. 71598.

According to my examination, title as of the date of last certification to the above-described property is in the name of:

CITY OF MANCHESTER, IOWA, pursuant to Warranty Deed from Kerndt Brothers Savings Bank dated December 22, 2016, and filed December 22, 2016, in Delaware County Recorder Book 2016, Page 3542.

Title is subject to the following, to which your attention is directed:

1. Entries 105, 106 and 129 of the abstract of title report various easements. Your attention is directed to these easements to determine how they may affect your intended use of the above-described property.

2. The above-described property is subject to zoning ordinances adopted by the City of Manchester, Iowa. Your attention is directed to these ordinances to determine how they may affect your intended use of the above-described property.

3. The description shown above refers to easements of record. Your attention is further directed to plats and surveys of the subdivision which contains the above-described property. These plats further show locations of easements and boundary lines to which your attention is further directed.

4. The final page of certification reports real estate taxes as: all paid.

This opinion is limited to matters shown upon the abstract and does not make any reported guarantee as to the following matters:

a. Accuracy of abstracting or plats;
b. Location of boundary lines or markers;
c. Possible claims of parties in possession;
d. Claims for unrecorded mechanic's liens for labor or improvements placed upon the property within the last ninety (90) days of the date of the last certification by the abstracter;
e. Pendency of any action under the Iowa Dissolution of Marriage Laws, which files are sealed by law;
f. Special assessments and improvements authorized by a Resolution of Necessity but which have not been certified to the County Auditor;
g. Financing statements or security instruments under the Iowa Uniform Commercial Code;
h. Easements by prescription;
i. Child support liens which may be of record in the Office of the Collections Services Center, P.O. Box 9125, Des Moines, IA 50306-2125;
j. Any flood plain regulations, encroachment limits or flood plain zoning as established by the Iowa Natural Resources Council;
k. Zoning regulations for the County of Delaware, Iowa;
l. This opinion is expressly made subject to the presence of solid waste, radioactive waste, hazardous waste or hazardous substances, underground petroleum or chemical storage tanks including those substances defined to be hazardous in Chapter 42, United States Code Section 9601(14) and Chapter 455B of the 1991 Code of Iowa;
m. You should determine whether any solid wastes, hazardous substances, pollutants, above or below ground storage tanks, drainage wells, water wells, landfill sites or other environmentally regulated conditions exist on the property. Such conditions are not ordinarily shows in the abstract, but they may result in injunctions, fines, required cleanup, or other remedial actions under federal, state or local laws. These laws may impose liens against the property and personal liability against the owner, even though the owner did nothing to create the condition, and acquired the property without knowing about it.
n. The abstract notes that lien searches, judgment reports, and related data have been abstracted through the lien indexes and the ICIS system as provided by the

County Clerk of Court. Various proceedings filed regarding zoning, TIF government regulations and ordinances, may affect the real estate herein abstracted. The abstract requests that you contact the various offices for further particulars. No such contact has been made by the undersigned unless specifically referred to herein.

This Opinion includes all such matters of record which have not become void or unenforceable under applicable statutes of limitation and the Iowa Title Standards, including but not limited to contracts, mortgages, assignments, liens, leases, assignments of rent, building setback lines, easements, restrictive covenants, leases and encumbrances, unpaid real estate taxes or assessments and all amendments to such documents up to and including the time of the last abstract certification by the participating abstractor.

Determination should be made with regard to the above-referenced property regarding private sewage disposal systems. If in fact the property is served by a private sewage disposal system, your attention is directed to this office or the office of the county sanitarian to determine if the property may be transferred without inspection of the system.

This abstract is being retained by the Peters Law Office until further instructions are received.

Dated this 18th day of May, 2017, at Independence, Iowa.

Respectfully submitted,

BY: _____
James T. Peters
Attorney Participation #3158

JTP:sds

PETERS LAW OFFICES

James T. Peters
jtp@jtplawoffice.com

R.J. Longmuir
rjl@jtplawoffice.com

309 First Street East
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Vinton Office:
415 A Avenue
Vinton, IA 52349
(319) 472-3867
Please respond to the Independence address

May 18, 2017

OPINION OF TITLE

TO: City of Manchester
208 East Main
Manchester, IA 52057

This is to certify that I have examined an abstract of title in three (3) parts to the following-described property in Delaware County, Iowa:

The West 33 feet of Lot 26 of Ballard's Subdivision of part of Lot I and of Lots M and N of Iowa Land Company's Subdivision of part of Manchester, Iowa, according to plat recorded in Book 1 Plats, Page 120, except any part included in Parcel No. 6 of Acquisition Plat – Amended, River Corridor Trail – Phase I, City of Manchester, Delaware County, Iowa, according to plat recorded in Book 6 Plats, Page 210.

Said abstract was prepared by the Delaware County Abstract Company, Inc. The abstract is in three parts. Part 1 of the abstract of title commences with date of platting and is continued down to April 30, 1941. Part 2 of the abstract of title concerns the East 8 feet of the West 33 feet of Lot 26 of Ballard's Subdivision of Part of Lot I and of Lots M and N of Iowa Land Company's Subdivision of part of Manchester, Iowa, according to plat recorded in Book 1 Plats , Page 120. This portion of the abstract was prepared pursuant to the Iowa Marketable Title Standards Act and is continued down to March 25, 1965, at 8:00 a.m. by the Delaware County Abstract Co. Part 3 of the abstract of title commences with the 30th day of April, 1941, at 8:00 a.m. and is continued down to April 20, 2017, at 8:00 a.m., bearing final caption no. 71598.

According to my examination, title as of the date of last certification to the above-described property is in the name of:

CITY OF MANCHESTER, IOWA, pursuant to Warranty Deed from Kerndt Brothers Savings Bank dated December 22, 2016, and filed December 22, 2016, in Delaware County Recorder Book 2016, Page 3542.

Title is subject to the following, to which your attention is directed:

1. Entries 105, 106 and 129 of the abstract of title report various easements. Your attention is directed to these easements to determine how they may affect your intended use of the above-described property.

2. The above-described property is subject to zoning ordinances adopted by the City of Manchester, Iowa. Your attention is directed to these ordinances to determine how they may affect your intended use of the above-described property.

3. The description shown above refers to easements of record. Your attention is further directed to plats and surveys of the subdivision which contains the above-described property. These plats further show locations of easements and boundary lines to which your attention is further directed.

4. The final page of certification reports real estate taxes as: all paid.

This opinion is limited to matters shown upon the abstract and does not make any reported guarantee as to the following matters:

a. Accuracy of abstracting or plats;
b. Location of boundary lines or markers;
c. Possible claims of parties in possession;
d. Claims for unrecorded mechanic's liens for labor or improvements placed upon the property within the last ninety (90) days of the date of the last certification by the abstracter;
e. Pendency of any action under the Iowa Dissolution of Marriage Laws, which files are sealed by law;
f. Special assessments and improvements authorized by a Resolution of Necessity but which have not been certified to the County Auditor;
g. Financing statements or security instruments under the Iowa Uniform Commercial Code;
h. Easements by prescription;
i. Child support liens which may be of record in the Office of the Collections Services Center, P.O. Box 9125, Des Moines, IA 50306-2125;
j. Any flood plain regulations, encroachment limits or flood plain zoning as established by the Iowa Natural Resources Council;
k. Zoning regulations for the County of Delaware, Iowa;
l. This opinion is expressly made subject to the presence of solid waste, radioactive waste, hazardous waste or hazardous substances, underground petroleum or chemical storage tanks including those substances defined to be hazardous in Chapter 42, United States Code Section 9601(14) and Chapter 455B of the 1991 Code of Iowa;
m. You should determine whether any solid wastes, hazardous substances, pollutants, above or below ground storage tanks, drainage wells, water wells, landfill sites or other environmentally regulated conditions exist on the property. Such

conditions are not ordinarily shows in the abstract, but they may result in injunctions, fines, required cleanup, or other remedial actions under federal, state or local laws. These laws may impose liens against the property and personal liability against the owner, even though the owner did nothing to create the condition, and acquired the property without knowing about it.
n. The abstract notes that lien searches, judgment reports, and related data have been abstracted through the lien indexes and the ICIS system as provided by the County Clerk of Court. Various proceedings filed regarding zoning, TIF government regulations and ordinances, may affect the real estate herein abstracted. The abstract requests that you contact the various offices for further particulars. No such contact has been made by the undersigned unless specifically referred to herein.

This Opinion includes all such matters of record which have not become void or unenforceable under applicable statutes of limitation and the Iowa Title Standards, including but not limited to contracts, mortgages, assignments, liens, leases, assignments of rent, building setback lines, easements, restrictive covenants, leases and encumbrances, unpaid real estate taxes or assessments and all amendments to such documents up to and including the time of the last abstract certification by the participating abstractor.

Determination should be made with regard to the above-referenced property regarding private sewage disposal systems. If in fact the property is served by a private sewage disposal system, your attention is directed to this office or the office of the county sanitarian to determine if the property may be transferred without inspection of the system.

This abstract is being retained by the Peters Law Office until further instructions are received.

Dated this 18th day of May, 2017, at Independence, Iowa.

Respectfully submitted,

BY: _____
James T. Peters
Attorney Participation #3158

JTP:sds

PETERS LAW OFFICES

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(319) 334-9992
Fax (319) 334-9993

Vinton Office:
415 A Avenue
Vinton, IA 52349
(319) 472-3867
Please respond to the Independence address

May 18, 2017

OPINION OF TITLE

TO: City of Manchester
208 East Main
Manchester, IA 52057

This is to certify that I have examined an abstract of title in one (1) part to the following-described property in Delaware County, Iowa:

The East 10 feet of Lot 28 of Ballard's Subdivision of Part of Lot I and of Lots M and N of Iowa Land Company's Subdivision of part of Manchester, Iowa, according to plat recorded in Book 1 Plats, Page 120.

Said abstract was prepared by the Delaware County Abstract Company, Inc. The abstract is in one part. The abstract of title commences with date of platting and is continued down to October 5, 2016, at 8:00 a.m. The abstract is dated April 20, 2017 and bears final caption no. 71598A.

According to my examination, title as of the date of last certification to the above-described property is in the name of:

CITY OF MANCHESTER, IOWA.

Title is subject to the following, to which your attention is directed:

1. The above-described property is subject to zoning ordinances adopted by the City of Manchester, Iowa. Your attention is directed to these ordinances to determine how they may affect your intended use of the above-described property.

2. The description shown above refers to easements of record. Your attention is further directed to plats and surveys of the subdivision which contains the above-described property. These plats further show locations of easements and boundary lines to which your attention is further directed. The easement referred to at Entry 4 of the abstract of title is for the benefit of adjoining property, which this examiner is aware through other title opinions, now belongs to the City of Manchester. Entry 5 of the abstract of title reports an Easement for Northern Natural Gas Company. Your attention is directed to this easement regarding your use of the property. The utility easement appears to have been assigned on various occasions and is now held in favor of Black Hills/Iowa Gas Utility Company.

3. The final page of certification reports real estate taxes as: all paid.

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b. Location of boundary lines or markers;
c. Possible claims of parties in possession;
d. Claims for unrecorded mechanic's liens for labor or improvements placed upon the property within the last ninety (90) days of the date of the last certification by the abstracter;
e. Pendency of any action under the Iowa Dissolution of Marriage Laws, which files are sealed by law;
f. Special assessments and improvements authorized by a Resolution of Necessity but which have not been certified to the County Auditor;
g. Financing statements or security instruments under the Iowa Uniform Commercial Code;
h. Easements by prescription;
i. Child support liens which may be of record in the Office of the Collections Services Center, P.O. Box 9125, Des Moines, IA 50306-2125;
j. Any flood plain regulations, encroachment limits or flood plain zoning as established by the Iowa Natural Resources Council;
k. Zoning regulations for the County of Delaware, Iowa;
l. This opinion is expressly made subject to the presence of solid waste, radioactive waste, hazardous waste or hazardous substances, underground petroleum or chemical storage tanks including those substances defined to be hazardous in Chapter 42, United States Code Section 9601(14) and Chapter 455B of the 1991 Code of Iowa;
m. You should determine whether any solid wastes, hazardous substances, pollutants, above or below ground storage tanks, drainage wells, water wells, landfill sites or other environmentally regulated conditions exist on the property. Such conditions are not ordinarily shows in the abstract, but they may result in injunctions, fines, required cleanup, or other remedial actions under federal, state or local laws. These laws may impose liens against the property and personal liability against the owner, even though the owner did nothing to create the condition, and acquired the property without knowing about it.
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This abstract is being retained by the Peters Law Officer until further instructions are received.

Dated this 18th day of May, 2017, at Independence, Iowa.

Respectfully submitted,

BY: _____
James T. Peters
Attorney Participation #3158

JTP:sds