| |
|---|
| COUNTY: DELAWARE |
| SECTION 33, T 89 N, R 5W |
| ALIQUOT PART: NE 1/4 - NW 1/4 |
| |
| CITY: MANCHESTER |
| SURVEY: BAILEY DRIVE ESTATES 2nd SUBDIVISION |
| BLOCK: LOTS: LOT 9, LOT 10, LOT 11 |
| PROPRIETOR: |
| R SIMON INVESTMENTS, LLC |
| REQUESTED BY: JOE HILDEBRAND |
| SURVEYOR: RANDALL L. RATTENBORG |
| COMPANY: BURRINGTON, GROUP, INC.<br>105 W. MAIN STREET, MANCHESTER, IA 52057<br>INFO@BURRINGTONGROUP.COM 563-927-2434 |

FILED
Delaware Co. Assessor
DEC 09 2019

FILED
Delaware Co. Auditor
DEC 09 2019

Book 2019 Page 3471

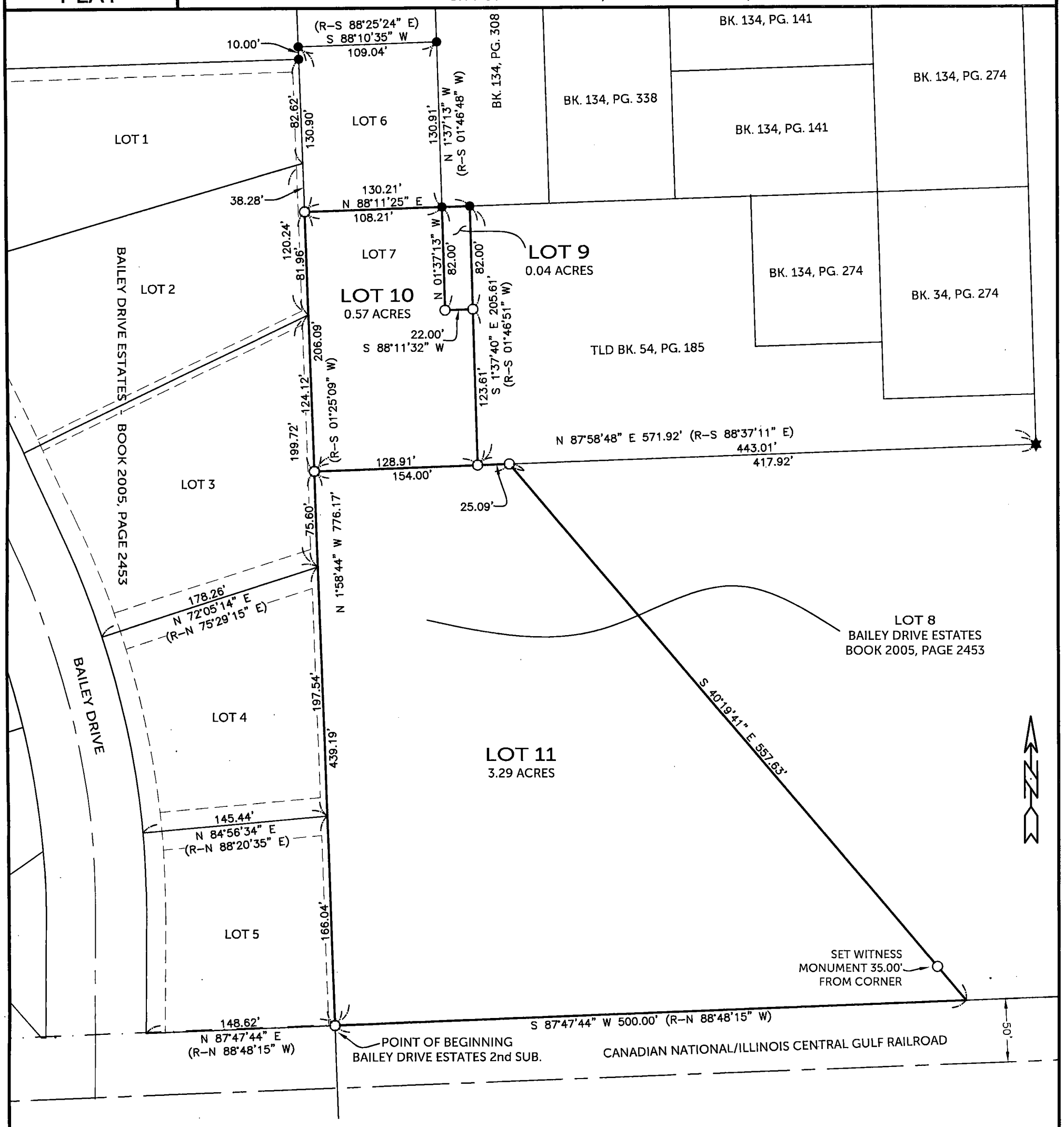
2019 3471 Type 06 002 Pages 10
Date 12/09/2019 Time 3:42:38PM
Rec Amt $52.00

Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

# FINAL PLAT

## BAILEY DRIVE ESTATES 2nd SUBDIVISION

A SUBDIVISION OF LOT 7 AND PART OF LOT 8 OF BAILEY DRIVE ESTATES
CITY OF MANCHESTER, DELAWARE COUNTY, IOWA




SURVEYED ON: SEPTEMBER 12, 2018
SURVEY REQUESTED BY: JOE HILDEBRAND

Q:\Civil3D_Survey\Manchester\Manchester 2018.dwg

LICENSED PROFESSIONAL LAND SURVEYOR
RANDALL L. RATTENBORG
17939
IOWA

SHEETS COVERED BY THIS SEAL: SHEET 1 & 2

PROPRIETORS: R SIMON INVESTMENTS, LLC
920 SIMON DRIVE, FARLEY, IA 52046

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 PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

9/12/18

RANDALL L. RATTENBORG P.L.S. LIC. #17939 DATE
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2019

BURRINGTON GROUP, INC.
Civil Engineering | Land Surveying
105 W. Main Street Manchester, Iowa 52057 burringtongroup.com

| |
|---|
| PROJECT NO. 15-074 |
| SCALE: 1" = 80' |
| DATE: 09/12/2018 |
| DRAWN BY: RLR |
| CHECKED BY: DDK/DM |
| GPS BOX: MANCHESTER |
| SHEET 1 OF 2 |

LEGEND

- FD. 1/2"ø REBAR w/ ORANGE CAP PLS 8419
- FOUND MAGNAIL
- SET 1/2" REBAR w/ ORANGE CAP PLS 17939
- CENTER LINE
- RAILROAD ROW LINE
- EASEMENT OR ROW LINE
- PARCEL BOUNDARY
- BOUNDARY ESTABLISHED

(R– ) RECORDED AS DISTANCE AND/OR BEARING

80 0 80
SCALE: 1" = 80'

## LEGAL DESCRIPTION:

***BAILEY DRIVE ESTATES 2ND SUBDIVISION,*** *A SUBDIVISON OF LOT 7 AND PART OF LOT 8 OF BAILEY DRIVE ESTATES, CITY OF MANCHESTER, DELAWARE COUNTY, IOWA,* containing a total of 3.90 acres, divided into three (3) lots numbered Lot 9, Lot 10 and Lot 11, subject to easements of record, and more particularly described by metes and bounds as follows;

**BEGINNING** at the Southwest Corner of Lot 8 of Bailey Drive Estates, as recorded in Book 2005, Page 2453;

**THENCE** along the Westerly Line of said Lot 8, North 01° 58' 44" West, to the Northwest Corner of said Lot 8, being the Southwest Corner of Lot 7 of said Bailey Drive Estates, 439.19 feet;

**THENCE** along the Westerly Line of said Lot 7, North 01° 58' 44" West, to the Northwest Corner of said Lot 7, 206.09 feet;

**THENCE** along the Northerly Line of said Lot 7, North 88° 11' 25" East, to the Northeast Corner of said Lot 7, 130.21 feet;

**THENCE** along the Easterly Line of said Lot 7, South 01° 37' 40" East, to the Southeast Corner of said Lot 7, being on the Northerly Line of said Lot 8, 205.61 feet;

**THENCE** along the Northerly Line of said Lot 8, North 87° 58' 48" East, 25.09 feet;

**THENCE** South 40° 19' 41" East, to the Northerly Line of the existing railroad, 557.63 feet;

**THENCE** along the Northerly Line of said existing railroad, South 87° 47' 44" West, 500.00 feet to the **POINT OF BEGINNING**;

Containing a total of 3.90 acres, divided into three (3) lots numbered Lot 9, Lot 10 and Lot 11, and subject to easements of record.

The Westerly Line of Lot 7 and Lot 8 of Bailey Drive Estates as recorded in Book 2005, Page 2453 is assumed to bear North 01° 58' 44" West.

## OWNER'S ACKNOWLEDGMENT

I Roger J. Simon 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.

Roger J. Simon

State of Iowa )
)
County of Dubuque ) ss:

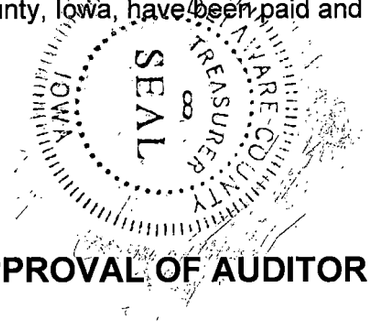
On this 1 day of October ,2019, before me, a Notary Public in and for said County, personally appeared Roger J. Simon, to me personally known, who being by me duly sworn or affirmed, did say that that person is the President of said R Simon Investments, LLC and that said instrument was signed on behalf of said R Simon Investments, LLC by authority of its managers and the said President acknowledged the execution of said instrument to be the voluntary act and deed of said R Simon Investments, LLC by it voluntarily executed.

Notary Public in and for said County

NOTARIAL SEAL IOWA
JUSTIN PHILIPP
Commission Number 744707
My Comm. Exp. June 4 2021

## CERTIFICATE OF TREASURER

I, the undersigned, Pam Klein, Treasurer of Delaware County, Iowa, do hereby certify that all taxes and special assessments against ***BAILEY DRIVE ESTATES 2ND SUBDIVISION***, Delaware County, Iowa, have been paid and said real estate is free and clear of all taxes as of this date.

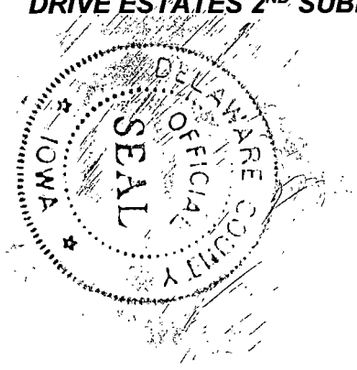



Pam Klein 12/9/19

Pam Klein, County Treasurer 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 ***BAILEY DRIVE ESTATES 2ND SUBDIVISION***, a subdivision in Delaware County, Iowa.




Carla K. Becker, Delaware County Auditor

## ATTORNEY'S OPINION

I, Steven E. Carr, a practicing attorney at law in Manchester, Delaware County, Iowa, have examined the abstract of title to the land included in Bailey Drive Estates 2nd Subdivision, Delaware County, Iowa on premises more specifically described in the Surveyor's Certificate of Randall L. Rattenborg, dated SEPT 12, 2018.

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 9th day of September, A.D., 2019, at the hour of eight 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 the name of Roger M. Simon and Darlene M. Simon, husband and wife, as tenants in common subject to the following:

A mortgage in favor of First State Bank filed January 13, 2012 in Book 2012, Page 134

A mortgage in favor of First State Bank filed January 13, 2012 in Book 2012, Page 135

A mortgage in favor of Iowa Business Growth Company filed March 9, 2012 in Book 2012, Page 780. Said mortgage was assigned to Small Business Administration by an instrument filed March 9, 2012 in Book 2012, Page 781.

A mortgage (open-end) in favor of GNB Bank filed November 19, 2012 in Book 2012, Page 3956.

Dated at Manchester, Iowa in said County, this 30th day of January, 2019.

Steven E. Carr
Attorney at Law

## PLANNING & ZONING COMMISSION RESOLUTION
## BAILEY DRIVE ESTATES 2ND SUBDIVISION FINAL PLAT

WHEREAS, the subdivision Final plat of ***BAILEY DRIVE ESTATES 2ND SUBDIVISION***, City of Manchester, Delaware County, Iowa, affecting premises more specifically described in the Surveyor's Certificate of Randall L. Rattenborg, dated SEPT 12, 2018, has been filed with the City Clerk 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 subdivision Final 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 is recommending to the Council that they accept the subdivision Final plat of ***BAILEY DRIVE ESTATES 2ND SUBDIVISION***, Delaware County, Iowa, as presented with the following variances, declarations and conditions;

NOW, THEREFORE, BE IT RESOLVED, by the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa, that said the Final plat of ***BAILEY DRIVE ESTATES 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 Chairperson and Secretary are hereby directed to certify this approval and affix the same to said Final plat as by law provided.

Passed this 19TH day of September, A.D., 2018.

CITY OF MANCHESTER CITY

David Smith, Chairperson

ATTEST:

Laura Thomas

Laura Thomas, Recording Secretary

STATE OF IOWA )
) SS.
COUNTY OF DELAWARE )

On this 19th day of September, 2018, before me, Julie A. Schmitz, a Notary Public in and for the State of Iowa, personally appeared David Smith 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; and that David Smith 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.

Notary Public

NOTARIAL SEAL IOWA
JULIE A. SCHMITZ
Commission Number 224151
My Comm. Exp. OCT 12, 2020

## MORTGAGE HOLDERS ACKNOWLEDGMENT

The GNB 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: Dave Smith, Market President

State of Iowa )
) ss:
County of Delaware )

On this 30 day of October, 2019, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Dave Smith to me personally known, who being duly sworn, did say that he is the Market President of GNB Bank executing the within and foregoing instrument to which this is attached, ~~that the seal affixed hereto is the seal of the GNB Bank ;~~ that said instrument was signed on behalf of GNB Bank by authority of its Board of Directors ; and that Dave Smith as officer acknowledged the execution of the foregoing instrument to be the voluntary act and deed of GNB Bank , by it and by them voluntarily executed.

Notary Public in and for said County

NOTARIAL SEAL IOWA
TRACY SCHULTE
Commission Number 819569
My Commission Expires
8-16-2022

## PLANNING & ZONING COMMISSION RESOLUTION
## BAILEY DRIVE ESTATES 2ND SUBDIVISION PRELIMINARY PLAT

WHEREAS, the subdivision preliminary plat of ***BAILEY DRIVE ESTATES 2ND SUBDIVISION***, City of Manchester, Delaware County, Iowa, affecting premises more specifically described in the Surveyor's Certificate of Randall L. Rattenborg, dated SEPT 12, 2018, has been filed with the City Clerk 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 subdivision preliminary 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 is recommending to the Council that they accept the subdivision preliminary plat of ***BAILEY DRIVE ESTATES 2ND SUBDIVISION***, Delaware County, Iowa, as presented with the following variances, declarations and conditions;

NOW, THEREFORE, BE IT RESOLVED, by the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa, that said the preliminary plat of ***BAILEY DRIVE ESTATES 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 Chairperson and Secretary are hereby directed to certify this approval and affix the same to said Preliminary plat as by law provided.

Passed this 19TH day of September, A.D., 2018.

CITY OF MANCHESTER
CITY SEAL
MANCHESTER, IOWA

David Smith, Chairperson

ATTEST:

Laura Thomas, Recording Secretary

STATE OF IOWA )
) SS.
COUNTY OF DELAWARE )

On this 19th day of September, 2018, before me, Julie A. Schmitz, a Notary Public in and for the State of Iowa, personally appeared David Smith 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; and that David Smith 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.

Notary Public

JULIE A. SCHMITZ
Commission Number 224151
My Comm. Exp. OCT 12, 2020

**R-105-2018**

**RESOLUTION APPROVING PRELIMINARY PLAT OF BAILEY DRIVE ESTATES 2ND SUBDIVISION**

WHEREAS, the subdivision preliminary plat of ***BAILEY DRIVE ESTATES 2ND SUBDIVISION,*** City of Manchester, Delaware County, Iowa, affecting premises more specifically described in the Surveyor's Certificate of Randall L. Rattenborg, dated SEPT. 12, 2018, 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 preliminary plats and additions to cities or within a two mile radius of the City;

WHEREAS, the subdivision preliminary 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 preliminary plat of ***BAILEY DRIVE ESTATES 2ND SUBDIVISION***, Delaware County, Iowa, as presented with the following variances, declarations and conditions;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manchester, Delaware County, Iowa, that said ***BAILEY DRIVE ESTATES 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 24th day of September, A.D., 2018.

CITY OF MANCHESTER
CITY SEAL
MANCHESTER, IOWA

Milt L. Kramer
Milt L. Kramer, Mayor

ATTEST:

Erin Learn
Erin Learn, City Clerk

STATE OF IOWA )
) SS.
COUNTY OF DELAWARE )

On this 27th day of September, 2018, before me, Laura K. Thomas, 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-105-2018 adopted by the City Council on the 24th day of September, 2018, 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.

Laura K. Thomas
Laura K. Thomas, Notary Public

NOTARIAL SEAL IOWA
LAURA K. THOMAS
Commission Number 718135
My Commission Expires
August 26, 2020

**R-106-2018**

**RESOLUTION APPROVING FINAL PLAT OF BAILEY DRIVE ESTATES 2ND SUBDIVISION**

WHEREAS, the subdivision final plat of ***BAILEY DRIVE ESTATES 2ND SUBDIVISION,*** City of Manchester, Delaware County, Iowa, affecting premises more specifically described in the Surveyor's Certificate of Randall L. Rattenborg, dated SEPT 12, 2018, 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 final plats and additions to cities or within a two mile radius of the City;

WHEREAS, the subdivision final 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 final plat of ***BAILEY DRIVE ESTATES 2ND SUBDIVISION***, Delaware County, Iowa, as presented with the following variances, declarations and conditions;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manchester, Delaware County, Iowa, that said ***BAILEY DRIVE ESTATES 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 final plat as by law provided.

Passed this 24th day of September, A.D., 2018.

CITY OF MANCHESTER CITY SEAL MANCHESTER, IOWA

Milt L. Kramer

Milt L. Kramer, Mayor

ATTEST:

Erin Learn

Erin Learn, City Clerk

STATE OF IOWA )
) SS.
COUNTY OF DELAWARE )

On this 27th day of September, 2018, before me, Laura K. Thomas, 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-106-2018 adopted by the City Council on the 24th day of September, 2018, 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.

Laura K. Thomas

Laura K. Thomas, Notary Public

NOTARIAL SEAL IOWA

LAURA K. THOMAS
Commission Number 718135
My Commission Expires
August 26, 2020