INDEX LEGEND

Location: NW of NW, SW of NW all in Section 19, T87N, R3W and Lot 1 of Lot 1 of the Plat of the Subdivision of Lot 1, of Lux Farms First Subdivision-Amended
Proprietors: Gary Gates and Cheryl Gates
Requestor: Matt McQuillen
Surveyor: Bill Burger
Surveyor Company: Wm. Burger Land Surveyor
Return to: Bill Burger, 510 3rd Street West Court, Worthington, Iowa 52078 (563) 855-2028

FILED
Delaware Co. Auditor
JAN 27 2020

FILED
Delaware Co. Assessor
JAN 27 2020

Book 2020 Page 245

Document 2020 245 Type 06 002 Pages 5
Date 1/27/2020 Time 10:40:34AM
Rec Amt $27.00

Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared by Bill Burger 510 3rd Street West Court, Worthington, Iowa 52078 (563) 855 2028

PLAT OF SURVEY

PARCEL 2020-08 – part of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section Nineteen (19), Township Eighty-seven North (T87N), Range Three West (R3W) of the Fifth Principal Meridian, Delaware County, Iowa

PARCEL 2020-09 – part of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) and part of the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4), all in Section Nineteen (19), Township Eighty-seven North (T87N), Range Three West (R3W) of the Fifth Principal Meridian, Delaware County, Iowa

LEGAL DESCRIPTION

PARCEL 2020-08 – part of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section Nineteen (19), Township Eighty-seven North (T87N), Range Three West (R3W) of the Fifth Principal Meridian, Delaware County, Iowa, containing a total of 0.21 acres more or less, **subject to easements, reservations, restrictions, and rights of way of record and not of record** and more particularly described by metes and bounds as follows:

BEGINNING at the Northeast corner of Lot 25 of H.A. Carter's Out Lots to Hopkinton, Iowa as recorded in L. D. Book 19, Page 101 in the Office of the Delaware County Recorder;

Thence South 67°-02'-37" East 34.13 feet along the North line of a strip of land described by deed recorded in Book 2011, Page 2784 in the Office of the Delaware County Recorder to the East line of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section Nineteen (19) Township Eighty-seven North (T87N), Range Three West (R3W) of the Fifth Principal Meridian, Delaware County, Iowa;

Thence South 00°-36'-09" East 277.56 feet along the East line of said Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) to the Southerly line of a parcel described by deed recorded in Book 126, Page 218 in the Office of the Delaware County Recorder;

Thence North 72°-57'-13" West 35.91 feet along the Westerly extension of said Southerly line to the East line of Lot 23 of said H.A. Carter's Out Lots to Hopkinton, Iowa;

Thence North 00°-00'-08" West 280.33 feet along the East line of Lots 23, 24 and 25, all of said H.A. Carter's Out Lots to Hopkinton, Iowa to the **POINT OF BEGINNING**, containing a total of 0.21 acres more or less, **subject to easements, reservations, restrictions, and rights of way of record and not of record**;

The East line of Lot 25 of H.A. Carter's Out Lots to Hopkinton, Iowa is assumed to bear North 00°-00'-08" West.

LICENSED LAND SURVEYOR
WILLIAM H. BURGER
12642
IOWA

SURVEYORS CERTIFICATE

I hereby certify that this land survey document was prepared and 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;

My license renewal date is December 31, 2020

William H. Burger 1/27/2020
William H. Burger Date Reg. No. 12642
Sheet No. 1-5 covered by this seal

LEGAL DESCRIPTION

PARCEL 2020-09 – part of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) and part of the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4), all in Section Nineteen (19), Township Eighty-seven North (T87N), Range Three West (R3W) of the Fifth Principal Meridian, Delaware County, Iowa, containing a total of 1.08 acres more or less, **subject to easements, reservations, restrictions, and rights of way of record and not of record** and more particularly described by metes and bounds as follows:

BEGINNING at the Southeast corner of Lot 19 of H.A. Carter's Out Lots to Hopkinton, Iowa as recorded in L.D. Book 19, Page 101 in the Office of the Delaware County Recorder;

Thence North 00°-00'-08" West 727.47 feet along the East line of Lots 19, 20, 21, 22 and 23, all in said H.A. Carter's Out Lots to Hopkinton, Iowa to the Westerly extension of the Southerly line of a parcel described by deed recorded in Book 126, Page 218 in the Office of the Delaware County Recorder;

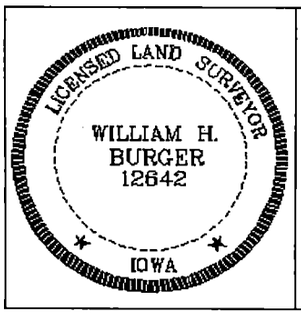
Thence South 72°-57'-13" East 35.91 feet along the Westerly extension of said Southerly line to the East line of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section Nineteen (19), Township Eighty-seven North (T87N), Range Three West (R3W) of the Fifth Principal Meridian, Delaware County, Iowa;

Thence South 00°-36'-09" East 1150.56 feet along the East line of said Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) and along the East line of the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4) of said Section Nineteen (19) to the a point 5.77 chains South of the Southeast corner of said Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4), corner also being the Southeast corner of a strip of land described by deed recorded in Book 2011, Page 2784 in the Office of the Delaware County Recorder;

Thence South 89°-23'-51" West 48.91 feet along the South line of said strip of land described by deed recorded in Book 2011, Page 2784 to an East line of a parcel described by quiet title in the District Court of Delaware County, Iowa, Case No. 9225, Book 44, A.D., Page 185, Chan & Law Record 18, Page 37;

Thence North 00°-19'-52" East 434.08 feet along said East line of the parcel described by quiet title to the **POINT OF BEGINNING,** containing a total of 1.08 acres more or less, **subject to easements, reservations, restrictions, and rights of way of record and not of record**;

The East line of Lot 19 of H.A. Carter's Out Lots to Hopkinton, Iowa is assumed to bear North 00°-00'-08" West.



SURVEYORS CERTIFICATE

I hereby certify that this land survey document was prepared and 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;

My license renewal date is December 31, 2020

William H. Burger 1/27/2020

William H. Burger Date Reg. No. 12642

Sheet No. 2-5 covered by this seal

SURVEYOR'S REPORT

This Surveyor's Report is prepared in order to clarify the facts pertaining to this survey.

The record descriptions used for this survey were found from research at the Office of the Delaware County Auditor and Recorder and from the abstracts. The purpose of this survey is to divide the land owned by Gary Gates and Cheryl Gates as described in Book 2011, Page 2784 in the Office of the Delaware County Recorder into two parcels, Parcel 2020-08 And Parcel 2020-09.

After extensive research and analysis, I found the adjoining deed to the West described in Book 2014, Page 2843 in the Office of the Delaware County Recorder overlaps unto the strip of land owned by Gary Gates and Cheryl Gates as described in Book 2011, Page 2784. However, said adjoining deed was acquired by Walter H. Damon and Dell Frances Damon in 1944 by Quiet Title Case No. 9225, Book 44, A.D., Page 185, Chan & Law Record 18, Page 37 in the District Court of Delaware County, Iowa. This land acquired by Quiet Title was later transferred several times, see Book 74, Page 31, Book 92, Page 328, Book 114, Page 208, Book 2014, Page 813 and to the current owner recorded in Book 2014, Page 2843, all in the Office of the Delaware County Recorder. Therefore, my survey stops at the adjoining deed line since it was acquired by quiet title in 1944.

I also found that the adjoining plat of Lux Farms First Subdivision-Amended as recorded in Plat Book 5, Page 16 in the Office of the Delaware County Recorder overlaps unto the strip of land owned by Gary Gates and Cheryl Gates as described in Book 2011, Page 2784.
According to the plat, Lux Farms First Subdivision-Amended was intended to stop at the West line of the East Half (E1/2) of the Northwest Quarter (NW1/4) of Section Nineteen (19), Township Eighty-seven North (T87N), Range Three West (R3W) of the Fifth Principal Meridian, Delaware County, Iowa. However, using found monuments and dimensions shown on said plat of Lux Farms First Subdivision-Amended, it extends further West into the West Half (W1/2) of the Northwest Quarter (NW1/4) of said Section Nineteen (19) and thus overlapping onto said strip land owned by Gary Gates and Cheryl Gates.
The plat of Lux Farms First Subdivision-Amended was recorded in 1981. According to the plat, the owners of the land included within the subdivision were Lux Pullets, Inc. (formerly Gallus Domesticus, Inc.), Lux Bros., Inc. (formerly Lux Pullets, Inc.), Lux Leghorn Land Farms, Inc., Robert K. Lux, William E. Lux, Gloria S. Lux, and Rosemary A. Lux.
In 2011, Attorney Michael A. Bowman filed an affidavit recorded Book 2011, Page 2428 in the Office of the Delaware County Recorder to assist in clarifying title to the strip of land currently owned by Gary Gates and Cheryl Gates. The affidavit states that Jean J. Lux took title to this property by quit claim deed filed for record on February 21, 1939 and recorded in Book 66, Page 496 in the Delaware County Records. That Jean J. Lux died on November 8, 1970. That the last will and testament of Jean J. Lux established a trust, first for the benefit of her husband, Russell E. Lux, and then to the benefit of her grandchildren, namely: Daniel F. Lux, Barbara A. Lux, Russell Lux, Thomas Lux, Jean D. Lux, William Lux, James W. Lux, David A. Lux, Johnathan S. Lux, and Julia K. Lux. The trust was established as probate case no. 7948 on March 6, 1972 and terminated on February 4, 1986. There is no record of a transfer from the estate to the trust, nor to the residual beneficiaries from the trust. Russell E. Lux, spouse of Jean K. Lux died on September 27, 1975. All the residual beneficiaries of the trust, being those named above have transferred their interest in this property to Gary Gates and Cheryl Gates.
Therefore, the plat of Lux Farms First Subdivision-Amended included land not owned by the proprietors of the plat. Also, according to said affidavit recorded in Book 2011, Page 2428, all the residual beneficiaries of the Jean J. Lux Trust have transferred their interest to Gary Gates and Cheryl Gates. Therefore, I show on the attached plat the East lines of Parcel 2020-08 and Parcel 2020-09 going to the East line of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) and the Southwest Quarter (SW1/4) of the Northwest Quarter (NW/4) all in said Section Nineteen (19) as called for in the deed of Gary Gates and Cheryl Gates.

PLAT OF SURVEY

PARCEL 2020–08 AND PARCEL 2020–09

SECTION NINETEEN (19), TOWNSHIP EIGHTY–SEVEN NORTH (T87N), RANGE THREE WEST (R3W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA

N1/4 CORNER
SEC. 19, T87N, R3W
FD. 1/2" IRON ROD
WITH NO CAP

(S 89°46'32" W 2305.55')
N 89°18'36" E 2305.44'

1323.10'
(19.95–3/4 chs.)

(14.81–3/4 chs.)
982.34'

(S 67°51'49" E 288.56')
S 66°10'54" E 288.56'
261.46'

(S 68°42'29" E)
S 67°02'37" E 286.74'

NW CORNER
SEC. 19, T87N, R3W
FD. 1/2" IRON ROD W/
ORANGE CAP #8419

NE1/4 NW1/4
SEC. 19, T87N, R3W

PARCEL G
BOOK 2010,
PAGE 2466

NE CORNER – LOT 25
H.A. CARTER'S OUTLOTS
TO HOPKINTON
P.O.B. PARCEL 2019–08

EXISTING WATER &
GAS EASEMENT

L3

310TH STREET

LOT 1
LOT 2
LOT 3
LOT 4
LOT 5
LOT 6
LOT 7
LOT 8
LOT 9
LOT 10
LOT 11
LOT 12
LOT 13
LOT 14
LOT 15
LOT 16
LOT 17
LOT 18
LOT 19
LOT 20
LOT 21
LOT 22
LOT 23
LOT 24
LOT 25

PLATTED WALNUT STREET

PARCEL 2020–08
0.21 +/- ACRES TOTAL

277.56'
280.33'

LUX FARMS FIRST SUBDIVISION–AMENDED
BK. 5, PG. 16

TSE

DEED
BOOK 126, PAGE 218

L2

SEE DETAIL
SHEET 4

H.A. CARTER'S OUTLOTS TO HOPKINTON, IOWA
L.D. BOOK 19, PAGE 101

PLATTED KIRK STREET

PLATTED HALE STREET

(NORTH)
N 00°00'08" W 1007.80'

DEED – BOOK 2011, PAGE 2784

727.47'

1150.56'

S 00°36'09" E 1428.12'
(SOUTH)

LOT 1 OF LOT 1
OF THE PLAT OF THE SUBDIVISION
OF LOT 1 OF LUX FARMS FIRST
SUBDIVISION–AMENDED
BOOK 5, PAGE 83

N 00°00'08" W 2630.38'

NW1/4 NW1/4
SEC. 19, T87N, R3W

HOPKINTON CORP.
LIMITS LINE

SE CORNER – LOT 19
H.A. CARTER'S OUTLOTS
TO HOPKINTON
P.O.B. PARCEL 2019–09

S 00°41'14" E 2685.07'

QUIET TITLE
CASE NO. 9225
BOOK 44, A.D., PAGE 185
CHAN & LAW RECORD 18, PAGE 37
IN THE DISTRICT COURT OF
DELAWARE COUNTY, IOWA

LATER DEEDS:
BOOK 74, PAGE 31
BOOK 92, PAGE 328
BOOK 114, PAGE 208
BOOK 2014, PAGE 813
BOOK 2014, PAGE 2843

(NORTH 27.82 rods)
N 00°19'52" E 434.08'

(5.77 CHS.)

PARCEL 2020–09
1.08 +/- ACRES TOTAL

(WEST 8.16 rods)
N 89°20'41" W 134.64'

L1

SW1/4 NW1/4
SEC. 19, T87N, R3W

SE1/4 NW1/4
SEC. 19, T87N, R3W

N

N 00°36'09" W 946.22'
(SOUTH)

N 00°39'19" E 939.02'
(NORTH 56.91 rods)

CENTER OF SECTION
SEC. 19, T87N, R3W
FD. 1/2" IRON ROD W/
YELLOW CAP #12642

SOUTH 38 RODS
SE1/4 NW1/4
SEC. 19, T87N, R3W

(20.00 chs.)
1327.38'

ACREAGE SUMMARY TABLE

PARCEL	SW1/4 NW1/4 SEC. 19, T87N, R3W	NW1/4 NW1/4 SEC. 19, T87N, R3W
	TOTAL ACRES	TOTAL ACRES
2020–09	0.40 +/-	0.68 +/-

LINE	BEARING		DISTANCE	
L1	S 89°23'51" W	(WEST)	48.91'	
L2	N 72°57'13" W	(NORTHWESTERLY)	35.91'	
L3	S 67°02'37" E	(S 67 1/2° E)	34.13'	(41 LINKS)
L4	S 24°48'55" W	(S 24° 22' W)	19.96'	(20.00')

LEGEND

- ○ SET 1/2" IRON ROD W/ YELLOW CAP #12642
- ● FD. 1/2" SMOOTH IRON ROD W/ NO CAP
- ●TSE FD. IRON ROD W/ ALUM. CAP #5227
- ⊕ FD. 1/2" IRON ROD W/ ORANGE CAP #8419
- ━━━ BOUNDARY LINE SURVEYED
- ——·—— SECTION LINE AND OR 1/4 OR 1/4 1/4 SECTION LINE
- – – – R.O.W. LINE
- ——·—— CENTERLINE OF ROAD OR PLATTED STREET
- —x—x—x— FENCE LINE
- ( ) RECORDED AS
- *P.O.B.* POINT OF BEGINNING

NOTE: THIS PLAT IS SUBJECT TO EASEMENTS OF RECORD AND NOT OF RECORD, SHOWN OR NOT SHOWN ON THIS PLAT

DATE OF SURVEY: 11/9/2019

SCALE: 1" = 150'

150 0 150 300

16.50'
(1 ROD)

W1/4 CORNER
SEC. 19, T87N, R3W
FD. 1/4" IRON ROD
WITH NO CAP

(15.22 chs.)
1010.14'

1058.64' (64.16 rods)
N 89°20'41" W 2337.52'

DETAIL – SHEET 5 OF 5

NE CORNER – LOT 25
H.A. CARTER'S OUTLOTS
TO HOPKINTON
P.O.B. PARCEL 2020–08

(S 68°42'29" E)
S 67°02'37" E 286.74'

L3

NE1/4 NW1/4
SEC. 19, T87N, R3W

310TH STREET

PARCEL G
BOOK 2010, PAGE 2466

LOT 25

PARCEL 2020–08
0.21 +/- ACRES TOTAL

N 64°57'19" W 182.93' (182.8')

N 00°39'21" E 138.00' (NORTH 138.0')

S 00°36'09" E 277.56' (SOUTH)

EXISTING WATER & GAS EASEMENT

LOT 7

N 64°57'19" W 123.01' (123.0')

LOT 6

N 64°57'19" W 125.85' (126.0')

LOT 5

LUX FARMS FIRST SUBDIVISION–AMENDED
BOOK 5, PAGE 16

LOT 24

(NORTH) N 00°00'08" W 280.33' 236.90'

126.03'

(S 65°38' E 248.9')
N 64°58'52" W 248.85'

SE CORNER – LOT 24
H.A. CARTER'S OUTLOTS
TO HOPKINTON

WEST LINE OF LUX FARMS FIRST SUBDIVISION AMENDED AS DIMENSIONED ON PLAT RECORDED IN PLAT BOOK 5, PAGE 16 OVERLAPS ONTO THE NW1/4 NW1/4 SECTION, 19, T87N, R3W

122.82' (123.0')

L4

TSE

N 00°39'21" E 135.00' (NORTH 135')

43.43'

L2

DEED
BOOK 126, PAGE 218

S 65°11'10" E 136.01'
(S 65°54' E 136.0')

LOT 4

N 72°57'13" W 358.23'

(S 25°22' E 75.9')
S 24°27'51" E 75.90'

LOT 23

H.A. CARTER'S OUTLOTS
TO HOPKINTON, IOWA
L.D. BOOK 19, PAGE 101

DEED – BOOK 2011, PAGE 2784

LOT 1 OF LOT 1
OF THE PLAT OF THE
SUBDIVISION OF LOT 1
OF LUX FARMS FIRST
SUBDIVISION–AMENDED
BOOK 5, PAGE 83

(NORTH) N 00°00'08" W 727.47'

LOT 22

PARCEL 2020–09
1.08 +/- ACRES TOTAL

S 00°36'09" E 1150.56' (SOUTH)

LOT 21

HOPKINTON CORP. LIMITS LINE

LEGEND

○	SET 1/2" IRON ROD W/ YELLOW CAP #12642
●	FD. 1/2" SMOOTH IRON ROD W/ NO CAP
●TSE	FD. IRON ROD W/ ALUM. CAP #5227
⊕	FD. 1/2" IRON ROD W/ ORANGE CAP #8419
———	BOUNDARY LINE SURVEYED
———	SECTION LINE AND OR 1/4 OR 1/4 1/4 SECTION LINE
— — —	R.O.W. LINE
— – —	CENTERLINE OF ROAD OR PLATTED STREET
—x—x—x—	FENCE LINE
( )	RECORDED AS
P.O.B.	POINT OF BEGINNING

N

NOTE: SEE SHEET 4 FOR LINE TABLE AND ACREAGE SUMMARY TABLE

SCALE: 1" = 50'

50 0 50 100