

Document 2020 3695

Book 2020 Page 3695 Type 06 044 Pages 19 Date 9/29/2020 Time 3:21:18PM

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LISA SMITH, COUNTY RECORDER MADISON COUNTY IOWA

CHEK

Type of Document

RUSTIC ACRES SUBDIVISION

PREPARER INFORMATION:

Zoning Office for Benjamin Johnson

Contact:

Samuel Braland, PO Box 370, Earlham IA 50072, 515-758-2267

attorney for Benjamin Johnson

TAXPAYER INFORMATION:

Johnson, Benjamin W. & Terri J. 2647 235th St. Winterset, IA 50273

RETURN DOCUMENT TO:

Johnson, Benjamin W. & Terri J. 2647 235th St. Winterset, IA 50273 Or Samuel Braland PO Box 370 Earlham IA 50072

GRANTOR:

GRANTEE:

LEGAL DESCRIPTION:

A tract of land located in the West Half of the Southwest Quarter of the Northwest Quarter (W ½ SW ¼ NW ¼) of Section 12, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, described as follows: Commencing at the West Quarter (W ¼) comer of said Section 12; thence S 88°56'33" E, along the South line of said Southwest Quarter of the Northwest Quarter (SW ¼ NW ¼), a distance 235.53' to the Point of Beginning; thence N 00°10'15" E a distance of 553.74'; thence N 88°36'51" W a distance of 235.40'; thence N 00°11' 13" E, along the West line of said Southwest Quarter of the Northwest Quarter (SW ¼ NW ¼), a distance of 764.98'; thence S 88°45'46" E, along the North line thereof, a distance of 662.12'; thence S 00°13'34" W, along the East line thereof, a distance of 1317.97'; thence N 88°56'33" W a distance of 425.64' to the Point of Beginning. Containing 17.036 acres INCLUDING 0.902 acres of county road right of way easement.

PLAT AND CERTIFICATE FOR RUSTIC ACRES RURAL SUBDIVISION MADISON COUNTY, IOWA

I, C.J. Nicholl, Zoning Administrator of Madison County, Iowa do hereby certify that the plat to which this certificate is attached is a plat of a subdivision known and designated as Rustic Acres Rural Subdivision, and that the real estate comprising said plat is described as follows:

See attached exhibit.

I do further certify that attached hereto are true and correct copies of the following documents which have been submitted in connection with said plat:

- 1. Dedication of Plat of Rustic Acres Rural Subdivision;
- 2. Consent to Plat;
- 3. Attorney's opinion;
- 4. Certificate of County Treasurer of Madison County, Iowa;
- 5. Auditor Approval of Name;
- 6. Resolution of the Board of Supervisors of Madison County, Iowa, approving said Plat;
- 7. Final Plat of Subdivision;
- 8. Groundwater Hazard Statement.

All of which are duly certified in accordance with the Madison County Zoning Ordinance.

Dated the 23th day of September 2020.

C.J. Nicholl, Zoning Administrator of Madison County, Iowa

STATE OF IOWA, COUNTY OF MADISON

This record was acknowledged before me on this <u>a5</u> day of <u>lipholic</u>, 2020, by C.J. Nicholl.

Commission Number 768383

My Commission Expires

Notary Public in and for the State of Iowa.

Exhibit "A"

A tract of land located in the West Half of the Southwest Quarter of the Northwest Quarter (W½ SW¼ NW¼) of Section 12, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, described as follows: Commencing at the West Quarter (W¼) corner of said Section 12; thence S 88°56'33" E, along the South line of said Southwest Quarter of the Northwest Quarter (SW¼ NW¼), a distance 235.53' to the Point of Beginning; thence N 00°10'15" E a distance of 553.74'; thence N 88°36'51" W a distance of 235.40'; thence N 00°11' 13" E, along the West line of said Southwest Quarter of the Northwest Quarter (SW¼ NW¼), a distance of 764.98'; thence S 88°45'46" E, along the North line thereof, a distance of 662.12'; thence S 00°13'34" W, along the East line thereof, a distance of 1317.97'; thence N 88°56'33" W a distance of 425.64' to the Point of Beginning. Containing 17.036 acres INCLUDING 0.902 acres of county road right of way easement.

Prepared By: Samuel H. Braland, P.O. Box 370, Earlham, Iowa 50072 (515) 758-2267 Return To: Samuel H. Braland, P.O. Box 370, Earlham, Iowa 50072

STATEMENT BY PROPRIETORS, CONSENT TO PLAT, AND DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS:

Benjamin W. Johnson and Terri J. Johnson, husband and wife, being the owners in fee simple of the following described real estate, to-wit:

A tract of land located in the West Half of the Southwest Quarter of the Northwest Quarter (W½ SW¼ NW¾) of Section 12, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, described as follows: Commencing at the West Quarter (W¾) corner of said Section 12; thence S 88°56′33" E, along the South line of said Southwest Quarter of the Northwest Quarter (SW¼ NW¼), a distance 235.53' to the Point of Beginning; thence N 00°10′15" E a distance of 553.74'; thence N 88°36′51" W a distance of 235.40'; thence N 00°11' 13" E, along the West line of said Southwest Quarter of the Northwest Quarter (SW¼ NW¼), a distance of 764.98'; thence S 88°45′46" E, along the North line thereof, a distance of 662.12'; thence S 00°13′34" W, along the East line thereof, a distance of 1317.97'; thence N 88°56′33" W a distance of 425.64' to the Point of Beginning. Containing 17.036 acres INCLUDING 0.902 acres of county road right of way easement,

have caused a survey and subdivision of said real estate to be made, with lots marked and numbered as shown by a final subdivision plat thereof. The final subdivision plat will be recorded with this statement, consent and dedication and shall be designated and known as:

Rustic Acres Rural Subdivision, an Official Plat in the W½SW¼NW¼ of Section 12, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa.

The said owners and proprietors, Benjamin W. Johnson and Terri J. Johnson, husband and wife, hereby acknowledge that the plat of said real estate is prepared with their free consent and in accordance with their desires. The said owners and proprietors hereby dedicate to the public a right-of-way easement over and across all land within the plat that is designated as County Road right-of-way.

IN WITNESS WHEREOF, the said owners and proprietors, Benjamin W. Johnson and Terri J. Johnson, have caused these presents to be executed this // day of September, 2020.

Benjamin W. Johnson

Terri J. Johnson

STATE OF IOWA

: SS

MADISON COUNTY

This record was acknowledged before me on September 11, 2020, before me, by Benjamin W. Johnson and Terri J. Johnson.



Notary Public in and for the State of Iowa.

PEER, NELSON & BRALAND

ATTORNEYS AT LAW 115 E. FIRST STREET P.O. BOX 370 EARLHAM, IOWA 50072

H. CLAUDE PEER (1910 – 1994) DEAN R. NELSON (1940 – 2013) TELEPHONE: (515) 758-2267 TELEPHONE: (515) 993-4674 FACSIMILE: (515) 758-2268

SAMUEL H. BRALAND

shb@nyblaw.com

September 11, 2020

TITLE OPINION

Board of Supervisors Madison County Courthouse Winterset, Iowa 50273

I have examined the abstract of title to the following described real estate, to-wit:

A tract of land located in the West Half of the Southwest Quarter of the Northwest Quarter (W½ SW¼ NW¼) of Section 12, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, described as follows: Commencing at the West Quarter (W¼) corner of said Section 12; thence S 88°56'33" E, along the South line of said Southwest Quarter of the Northwest Quarter (SW¼ NW¼), a distance 235.53' to the Point of Beginning; thence N 00°10'15" E a distance of 553.74'; thence N 88°36'51" W a distance of 235.40'; thence N 00°11' 13" E, along the West line of said Southwest Quarter of the Northwest Quarter (SW¼ NW¼), a distance of 764.98'; thence S 88°45'46" E, along the North line thereof, a distance of 662.12'; thence S 00°13'34" W, along the East line thereof, a distance of 1317.97'; thence N 88°56'33" W a distance of 425.64' to the Point of Beginning. Containing 17.036 acres INCLUDING 0.902 acres of county road right of way easement,

from the date of government entry to the 8th day of September, 2020, at 8:00 A.M. as last continued by Madison County Abstract Co. I find good and merchantable title in fee simple to said real estate to be in:

Benjamin W. Johnson and Terri J. Johnson, husband and wife, as tenants in common.

who are the proprietors of the plat. Title to said real estate is subject to the following:

- 1. <u>Taxes.</u> All real estate taxes against the property being platted are paid in full.
- 2. <u>County Road Right-of-Way</u>. The real estate being platted is encumbered by existing County Road right-of-way as shown on the plat.
- 3. <u>Soil Conservation District Land Disturbing Activities Regulation Resolution</u>. The real estate being platted is subject to a Madison County Soil Conservation District land disturbing activities resolution providing that erosion control plans must be filed by a land owner for certain projects where the land to be disturbed by the project is in excess of 25,000 square feet.
- 5. Zoning. The real estate being platted is subject to the zoning ordinance of Madison County, Iowa which regulates and restricts the use of the real estate as well as any construction thereon.
- 6. Environmental Caution. An abstract of title will not disclose the existence of hazardous wastes, underground storage tanks, drainage wells and other environmentally regulated activities. You are cautioned that federal, state and local legislation may, in the event there are environmental and/or public health violations, permit injunctive relief and require cleanup such as removal and remedial actions. The costs of such cleanup may be a lien against the property and a personal liability to the owner thereof. You may have liability even though you may not have disposed of hazardous wastes on the property or used an underground storage tank or wells.
- 7. <u>Caution.</u> You are bound to take notice of the rights of persons actually in possession of the real estate and the right of materialmen and laborers to file claims for mechanic's liens by reason of having furnished material or labor in the improvement of the premises. Such claim of lien must be filed by a principal contractor within ninety days and by a subcontractor within sixty days from the date on which the last of the material was furnished or the last of the labor was performed. None appear to have been filed except such as may be mentioned in this opinion. The correctness of lot, acreage, and boundary lines is not assured by this opinion. In order to ascertain the correctness of lot, acreage, and boundary lines, it is necessary to have the premises surveyed by a qualified engineer. You should also determine the fence lines with adjoining landowners together with the right of drainage.

Respectfully submitted, PEER, NELSON & BRALANI

Samuel H. Braland M. Usalam

Prepared By: Samuel H. Braland, P.O. Box 370, Earlham, Iowa 50072 (515) 758-2267 Return To: Samuel H. Braland, P.O. Box 370, Earlham, Iowa 50072

CERTIFICATE OF TREASURER OF MADISON COUNTY, IOWA

STATE OF IOWA

: SS

MADISON COUNTY

I, Jana Corkrean, state that I am Treasurer of Madison County, Iowa. I certify that I have examined the records in the Office of the Treasurer of Madison County, Iowa, as of the date set forth below, and in accordance with the provisions of Section 354.11(5) of the Code of Iowa, I certify that the following described real estate is free from certified taxes and certified special assessments, to-wit:

A tract of land located in the West Half of the Southwest Quarter of the Northwest Quarter (W½ SW¼ NW¾) of Section 12, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, described as follows: Commencing at the West Quarter (W¼) corner of said Section 12; thence S 88°56′33″ E, along the South line of said Southwest Quarter of the Northwest Quarter (SW¼ NW¼), a distance 235.53′ to the Point of Beginning; thence N 00°10′15″ E a distance of 553.74′; thence N 88°36′51″ W a distance of 235.40′; thence N 00°11′ 13″ E, along the West line of said Southwest Quarter of the Northwest Quarter (SW¼ NW¼), a distance of 764.98′; thence S 88°45′46″ E, along the North line thereof, a distance of 662.12′; thence S 00°13′34″ W, along the East line thereof, a distance of 1317.97′; thence N 88°56′33″ W a distance of 425.64′ to the Point of Beginning. Containing 17.036 acres INCLUDING 0.902 acres of county road right of way easement.

Dated this <u>I</u> day of September, 2020.

Jana Corkrean, Treasurer Madison County, Iowa.

Notary Public in and for the State of Iowa.

This record was acknowledged before me by Jana Corkrean on September ______,

2020.

APPROVAL OF SUBDIVISION PLAT NAME BY MADISON COUNTY

Date September 11, 2020

The Madison County Auditor's Office has reviewed the final plat of

Rustic Acres Rural Subdivision, an Official Plat in the W½SW¼NW¼ of Section 12, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa.

Pursuant to Iowa Code §354.6(2) and §354.11(1)(e), we approve of the Subdivision name and have no objections to this subdivision plat being recorded.

Signed

County Auditor of Nadison County, Iowa

Exhibit "A"

A tract of land located in the West Half of the Southwest Quarter of the Northwest Quarter (W½ SW¼ NW¼) of Section 12, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, described as follows: Commencing at the West Quarter (W¼) corner of said Section 12; thence S 88°56'33" E, along the South line of said Southwest Quarter of the Northwest Quarter (SW¼ NW¼), a distance 235.53' to the Point of Beginning; thence N 00°10'15" E a distance of 553.74'; thence N 88°36'51" W a distance of 235.40'; thence N 00°11' 13" E, along the West line of said Southwest Quarter of the Northwest Quarter (SW¼ NW¼), a distance of 764.98'; thence S 88°45'46" E, along the North line thereof, a distance of 662.12'; thence S 00°13'34" W, along the East line thereof, a distance of 1317.97'; thence N 88°56'33" W a distance of 425.64' to the Point of Beginning. Containing 17.036 acres INCLUDING 0.902 acres of county road right of way easement.

AGREEMENT

This Agreement, made and entered into by and between Benjamin W. Johnson and

Terri J. Johnson as the proprietors of Rustic Acres Rural Subdivision, and Todd Hagan,

Madison County Engineer, DO HEREBY AGREE AS FOLLOWS:

1. The proprietors of Rustic Acres Rural Subdivision, a plat of the following

described real estate:

Northwest Quarter (W½ SW¼ NW¼) of Section 12, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, described as follows: Commencing at the West Quarter (W¼) corner of said Section 12; thence S 88°56′33" E, along the South line of said Southwest Quarter of the Northwest Quarter (SW¼ NW¼), a distance 235.53' to the Point of Beginning; thence N 00°10′15" E a distance of 553.74'; thence N 88°36′51" W a distance of 235.40'; thence N 00°11′13" E, along the West line of said Southwest Quarter of the Northwest Quarter (SW¼ NW¼), a distance of 764.98'; thence S 88°45′46" E,

along the North line thereof, a distance of 662.12'; thence S 00°13'34" W, along the East line thereof, a distance of 1317.97'; thence N 88°56'33" W a distance of 425.64' to the Point of Beginning. Containing

A tract of land located in the West Half of the Southwest Quarter of the

17.036 acres INCLUDING 0.902 acres of county road right of way easement,

acknowledge and agree that any private roads located within Rustic Acres Rural

Subdivision are private roads that are not being dedicated to Madison County, Iowa. Said

proprietors consent and agree that such roads shall not be maintained in any manner by

Madison County, Iowa, or by the Madison County Engineer's Department.

Benjamin W Johnson, Proprietor of Rustic Acres Rural Subdivision

Terri J. Johnson, Proprietor of Rustic Acres Rural Subdivision

Tem J. John

Todd Hagan, Madison County Engineer

FENCE AFFIDAVIT

STATE OF IOWA

:ss

MADISON COUNTY

The proprietors of Rustic Acres Rural Subdivision, a plat of the following described real estate, to-wit:

A tract of land located in the West Half of the Southwest Quarter of the Northwest Quarter (W½ SW¼ NW¼) of Section 12, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, described as follows: Commencing at the West Quarter (W¼) corner of said Section 12; thence S 88°56'33" E, along the South line of said Southwest Quarter of the Northwest Quarter (SW¼ NW¼), a distance 235.53' to the Point of Beginning; thence N 00°10'15" E a distance of 553.74'; thence N 88°36'51" W a distance of 235.40'; thence N 00°11' 13" E, along the West line of said Southwest Quarter of the Northwest Quarter (SW¼ NW¼), a distance of 764.98'; thence S 88°45'46" E, along the North line thereof, a distance of 662.12'; thence S 00°13'34" W, along the East line thereof, a distance of 1317.97'; thence N 88°56'33" W a distance of 425.64' to the Point of Beginning. Containing 17.036 acres INCLUDING 0.902 acres of county road right of way easement,

hereby state that currently that there is no existing "lawful fence" around the Rustic Acres Rural Subdivision Development; however, at such time the need arises for installation of a "lawful fence" on any of the boundaries of the development, the developers and the owners of the land within the plat shall be responsible for the cost of installation and ongoing maintenance of such fence.

The developers have full authority to execute this Affidavit.

Dated this 14 day of September, 2020.

Benjamin W. Johnson

Jerri J. Johnson

This record was acknowledged before me by Benjamin W. Johnson and Terri J. Johnson on this 14 day of September, 2020.

TAMI RICE
Commission Number 763618
My Commission Expires
June 24, 2022

Notary Public in and for the State of Iowa

LAND DISTURBING ACTIVITIES
AFFIDAVIT

STATE OF IOWA

: :ss

MADISON COUNTY

land disturbing activity as defined in that statute, and recognizing that the agency authorized by

Pursuant to Section 161A.64, Code of Iowa, in consideration for permission to engage in a

that statute to receive and file this Affidavit will rely on the statements made herein, we, Benjamin

J. Johnson and Terri J. Johnson, a married couple, being first duly sworn on oath, do solemnly

swear and affirm that:

We do not plan to engage in land disturbing activities upon the following described real estate:

A tract of land located in the West Half of the Southwest Quarter of the Northwest Quarter (W½ SW¼ NW¼) of Section 12, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, described as follows: Commencing at the West Quarter (W¼) corner of said Section 12; thence S 88°56'33" E, along the South line of said Southwest Quarter of the Northwest Quarter (SW¼ NW¼), a distance 235.53' to the Point of Beginning; thence N 00°10'15" E a distance of 553.74'; thence N 88°36'51" W a distance of 235.40'; thence N 00°11' 13" E, along the West line of said Southwest Quarter of the Northwest Quarter (SW¼ NW¼), a distance of 764.98'; thence S 88°45'46" E, along the North line thereof, a distance of 662.12'; thence S 00°13'34" W, along the East line thereof, a distance of 1317.97'; thence N 88°56'33" W a distance of 425.64' to the Point of Beginning. Containing 17.036 acres INCLUDING 0.902 acres of county road right of way easement.

As owners or occupants of the land described above, we are aware that we must establish and maintain soil conservation practices as necessary to meet the soil loss limits established by the Madison County Soil and Water Conservation District, pursuant to Section 161A.44, Code of Iowa.

We are aware that loss limit regulations prohibit sediment from leaving the site in excess of 5 tons per acre per year. Any land disturbing activities upon the real estate described above will be conducted in a manner that will ensure compliance with the soil limit regulations.

We assume responsibility for all land disturbing activities conducted on this property by us or other people or entities we represent. This authority covers only the land and land disturbing activity on the real estate described above.

We are the owners of the land, and have full authority to execute this Affidavit.

Dated this 14 day of September, 2020.

Benjamin W. Johnson

Terri J. Johnson

STATE IF IOWA, COUNTY OF MADISON

This instrument was acknowledged before me by Benjamin W. Johnson and Terri J. Johnson on this 14 day of September, 2020.

TAMI RICE
Commission Number 763618
My Commission Expires
June 24, 2022

Notary Public in and for the State of Iowa

ZO-RESOLUTION-092220C APPROVING FINAL PLAT RUSTIC ACRES SUBDIVISION

WHEREAS, there was filed in the Office of the Zoning Administrator of Madison County, Iowa, a Final Plat of the proposed Subdivision known as Rustic Acres Rural Subdivision, prepared by a Licensed Professional land Surveyor; and

WHEREAS, the real estate comprising said plat is described and attached.

WHEREAS, there is also filed with said plat a dedication of said plat containing a statement to the effect the subdivision as it appears on the plat is with free consent and in accordance with the desire of the proprietors, Benjamin W. Johnson and Terri J. Johnson; and

WHEREAS, the dedicated easement for County Road Right-of-Way as shown on the plat should be accepted; and

WHEREAS, said plat was accompanied by an opinion from an attorney at law showing that title is in fee simple in said proprietor and that the platted land is free from encumbrance, and a Certified statement from the Treasurer of Madison County, Iowa, that said platted land is free from taxes.

WHEREAS, the Board of Supervisors, Madison County, Iowa, finds that said plat conforms to the provisions of the Zoning Ordinance of Madison County, Iowa, and that the plat, papers and documents presented therewith should be approved by the Board of Supervisors, and that the plat, known as Rustic Acres Rural Subdivision should be approved by the Board Of Supervisors, Madison County, Iowa.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, Madison County, Iowa;

- 1. That said plat, known as Rustic Acres Rural Subdivision prepared in connection with said plat and subdivision is hereby approved.
- 2. The dedicated County Road Right-of-Way easement as shown on the plat, is accepted;
- 3. The Zoning Administrator of Madison County, Iowa, is hereby directed to certify this resolution which shall be affixed to said plat to the County Recorder of Madison County, Iowa, and attend to the filing and recording of the plat, papers and documents which should be filed and recorded in connection therewith.

DATED at Winterset, Iowa, this 22 day of Septem 2020.

Phillip Clifton, Chairman

Diane Fitch, Supervisor

Robert Duff, Supervisor

Attest

Shellev D. Kaster

Madison County Auditor

INDEX LEGEND

Location: S12-T75N-R27W of the 5th P.M.

Requestor: Ben Johnson

Proprietor: Ben and Terri Johnson

Project: 20048 Date of Survey: 7/22/2020

Surveyor Co: Boldman Surveying Consultants

Prepared by/Return to: Craig S.Boldman

521 West Green Street, Winterset, la 50273

Phone/fax: 515-462-9242



Document 2020 3695

Book 2020 Page 3695 Type 06 044 Pages 19 Date 9/29/2020 Time 3:21:18PM Rec Amt \$97.00 Aud Amt \$5.00 INDX

ANNO **SCAN**

LISA SMITH, COUNTY RECORDER

MADISON COUNTY TOWA

CHEK

RUSTIC ACRES SUBDIVISON being a part of the W 1/2 of the SW 1/4 NW 1/4 of Section 12, Township 75 North, Range 27 West of the 5th P.M., Madison County, lowa, described as follows: Commencing at the W 1/4 corner of said Section 12; thence S 88'56'33" E, along the South line of said SW 1/4 NW 1/4, a distance 235.53' to the Point of Beginning; thence N 00'10'15" E a distance of 553.74'; thence N 88'36'51" W a distance of 235.40'; thence N 00'11'13" E,along the West line of said SW 1/4 NW 1/4, a distance of 764.98'; thence S 88'45'46" E, along the North line thereof, a distance of 662.12'; thence S 00'13'34" W, along the East line thereof, a distance of 1317.97'; thence N 88'56'33" W a distance of 425.64'to the Point of Beginning. Containing 17.036 acres INCLUDING 0.902 acres of county road right of way easement.

OWNER/DEVELOPER

Benjamin and Terri Johnson 2647 235th Street Winterset, IA 50273 (515) 468-0323

SURVEYOR

Craig S. Boldman Boldman Surveying Consultants LLC 521 West Green Street Winterset, IA 50273 (515)462 - 9242

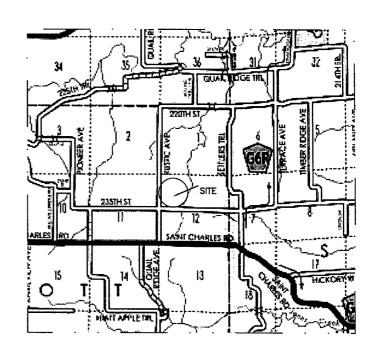
UTILITIES

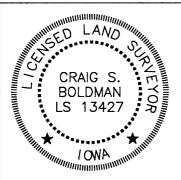
Gas-Propane Water-Warren Rural Water Sewer-Septic Electric-R.E.C. Internet-MCI

ZONING-A (AGRICULTURAL)

BUILDING SETBACK

Front and Rear-50' Sideyard-25'





I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct supervision and that I am a duly licensed Land Surveyor under the laws of the State of Joya

Signature____ Name Craig S. Boldman P.L.S No. 13427

Renewal date is December 31, 2020

Pages or sheets covered by this seal _

Date.

