



Document 2020 4168

Book 2020 Page 4168 Type 06 044 Pages 20
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**PLAT AND CERTIFICATE
FOR FOUST ACRES,
MADISON COUNTY, IOWA**

LISA SMITH, COUNTY RECORDER
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 Foust Acres Subdivision, and that the real estate comprising said plat is described as follows:

A tract of land located in the Northeast Quarter (1/4) of the Northeast Quarter (1/4) of Section Twenty (20), and in the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Seventeen (17), ALL in Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, containing 14.155 acres, more or less, as shown in Plat of Survey filed in Farm Plat Book 1, Page 162, on June 5, 1981, in the Office of the Recorder of Madison County, Iowa.

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:

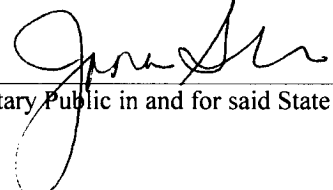
1. Dedication of Plat;
2. Attorney's Opinion;
3. Consent to Platting of Lender;
4. Certificate from County Treasurer;
5. Consent of County Auditor to subdivision name;
6. Agreement with County Engineer;
7. Madison County Soil and Water Conservation District Land Disturbing Activity Affidavit;
8. Fence Affidavit
9. Ground Water Hazard Statement;
10. Resolution of the Board of Supervisors of Madison County, Iowa, approving said plat;

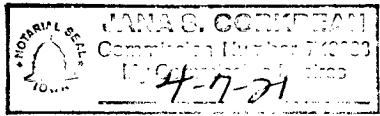
all of which are duly certified in accordance with the Madison County Zoning Ordinance.


C. J. Nicholl

STATE OF IOWA, COUNTY OF MADISON

This instrument was acknowledged before me on this 28 day of Oct, 2020, by C.J. Nicholl.


Notary Public in and for said State of Iowa



**DEDICATION OF PLAT
OF
FOUST ACRES SUBDIVISION
MADISON COUNTY, IOWA**

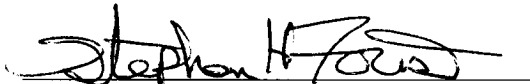
KNOW ALL MEN BY THESE PRESENTS:

That I, Stephen Foust, a/k/a Stephen H. Foust, a/k/a Stephen Howard Foust, do hereby certify that I am the sole owner and proprietor of the following-described real state:

A tract of land located in the Northeast Quarter (¼) of the Northeast Quarter (¼) of Section Twenty (20), and in the Southeast Quarter (¼) of the Southeast Quarter (¼) of Section Seventeen (17), ALL in Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, containing 14.155 acres, more or less, as shown in Plat of Survey filed in Farm Plat Book 1, Page 162, on June 5, 1981, in the Office of the Recorder of Madison County, Iowa.


That the subdivision of the above-described real estate as shown by the final plat of Foust Acres Subdivision is with the free consent and in accordance with the owner's desire as owner of said real estate.

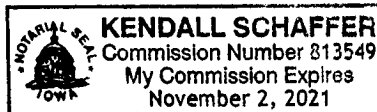
DATED this 10th day of OCT, 2020.


Stephen H. Foust

STATE OF IOWA, COUNTY OF MADISON

This instrument was acknowledged before me on this 10th day of October, 2020, by Stephen H. Foust.


Notary Public in and for said State of Iowa



**CONSENT TO PLATTING
BY GREENSTATE CREDIT UNION**

GreenState Credit Union does consent to the platting and subdivision of the following-described real estate:

A tract of land located in the Northeast Quarter (¼) of the Northeast Quarter (¼) of Section Twenty (20), and in the Southeast Quarter (¼) of the Southeast Quarter (¼) of Section Seventeen (17), ALL in Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, containing 14.155 acres, more or less, as shown in Plat of Survey filed in Farm Plat Book 1, Page 162, on June 5, 1981, in the Office of the Recorder of Madison County, Iowa.

in accordance with the ordinances of Madison County, Iowa, and the laws of the State of Iowa. The undersigned holds two mortgages against said real estate as follows:

A Revolving Credit Mortgage from Stephen Howard Foust, a Single Person, to GreenState Credit Union, dated June 22, 2020, and filed June 26, 2020, in Book 2020, Page 2266 of the Recorder's Office of Madison County, Iowa. to secure credit in the amount of \$100,000.00.

A Revolving Credit Mortgage from Stephen Howard Foust, a Single Person, to GreenState Credit Union, dated July 27, 2020, and filed August 3, 2020, in Book 2020, Page 2810 of the Recorder's Office of Madison County, Iowa to secure credit in the amount of \$64,500.00.

Dated this 2nd day of October, 2020.

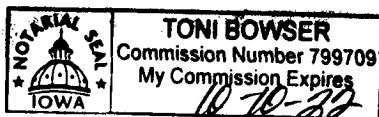
GreenState Credit Union

By Jerry D. Sebec

STATE OF Iowa, COUNTY OF Johnson

This instrument was acknowledged before me on this 2nd day of October, 2020 by Tiffany Leibold as Mortgage Servicing and Post Closing Officer of GreenState Credit Union.

Toni Bowser
Notary Public in and for said State



**ATTORNEY'S OPINION FOR FINAL PLAT,
FOUST ACRES SUBDIVISION
MADISON COUNTY, IOWA**

I, G. Stephen Walters, an attorney at law licensed to practice under the laws of the State of Iowa, have examined the abstract of title in one (1) part, last certified to September 13, 2020, at 8:00 A.M., by Madison County Abstract Co., purporting to show the chain of title to the following described real estate, which is the real property contained in Final Plat, Foust Acres Subdivision, Madison County, Iowa.

A tract of land located in the Northeast Quarter (¼) of the Northeast Quarter (¼) of Section Twenty (20), and in the Southeast Quarter (¼) of the Southeast Quarter (¼) of Section Seventeen (17), ALL in Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, containing 14.155 acres, more or less, as shown in Plat of Survey filed in Farm Plat Book 1, Page 162, on June 5, 1981, in the Office of the Recorder of Madison County, Iowa.

In my opinion, merchantable title to the above-described property is in the name of Stephen H. Foust, a/k/a Stephen Howard Foust, a/k/a Stephen Foust, free and clear of all liens and encumbrances, except the following, which appear in the abstract:

1. Entry No. 45 shows a Revolving Credit Mortgage dated June 22, 2020, and filed June 26, 2020, in Book 2020, Page 2266 of the Recorder's Office of Madison County, Iowa, which secures credit in the amount of \$100,000, and runs from Stephen Howard Foust, a Single Person, to GreenState Credit Union.

2. Entry No. 53 shows another Revolving Credit Mortgage dated July 27, 2020, and filed August 3, 2020, in Book 2020, Page 2810 of the Recorder's Office of Madison County, Iowa, which secures repayment of a note in the amount of \$64,500, and runs from Stephen Howard Foust, a Single Person, to GreenState Credit Union.

3. Entry No. 55 shows real property taxes payable during the second half of the twelve month fiscal year commencing July 1, 2020, to be unpaid, but not yet delinquent, in the amount

of \$1,076, and real property taxes payable in all prior periods to have been paid in full.

However, after the date of the last continuation of this abstract being examined, Stephen Howard Foust paid the \$1,076 unpaid balance of the real property taxes payable during the twelve month fiscal year commencing July 1, 2020, in full, and secured from the Madison County Treasurer the attached and incorporated Receipt of Taxes dated September 22, 2020, evidencing that the said unpaid real property taxes payable during the twelve month fiscal year commencing July 1, 2020, have been paid in full and that there is no lien for any such unpaid taxes.

4. Entry No. 55 also shows, by a Certification of the Madison County, Iowa, Treasurer that there were no unpaid special assessments certified against the real property covered by this title opinion payable during twelve month fiscal year commencing July 1, 2020.

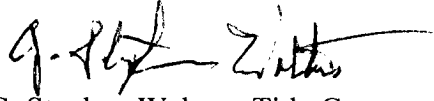
5. Entry No. 29 shows a Notice of Cost-Sharing Agreements, acknowledged and recorded April 21, 1981, in Misc. Rec. 33, Page 488 in the Office of the Madison County, Iowa, Recorder. This Notice states that there are in effect in Madison County certain agreements covenanted under Section 467A.7 (16), Iowa, Code, which places upon the owners of agricultural land the "obligation to maintain permanent soil conservation practices established with public cost-sharing money and that a failure to do so may result in an obligation to refund a portion of said money, although the notice further states that this "agreement to refund shall not create a lien on the land but shall be a charge personally against the owner of the land at the time of removal, alteration, or modification which gives rise to the need for a refund." This entry further states that such "Agreements are on file and may be viewed at the office of Madison county Soil Conservation District". There is no showing that any such agreement covering the real property in question is in effect, or that any such agreement, has been violated, if such an agreement was in fact in effect.

6. Entry No. 34 shows what the abstractor describes as a “Conflicting Instrument” which shows an Electric Line Right-Of-Way Easement (Underground) from Valerie Smith (No Marital Status) to Farmers’s Electric Cooperative, Inc., dated June 20, 2007, and recorded June 20, 2007, in Book 2007, Page 245 in the Office of the Madison County, Iowa, Recorder, granting a “perpetual right-of-way to, from time to time, construct, lay, maintain, operate and remove an underground electric transmission or distribution line or lines, conduits, pedestals, or other appurtenances desirable in connection therewith, with the right to ingress and egress to and from said lands situated in the County of Madison and State of Iowa, described as follows, to wit: 17-75-26, Tract in E½ SE”. This is probably an over description included in the above described Electric Line Right-Of-Way Easement, because there is no more specific description, and there is no showing that Valerie Smith ever owned any portion of the real property covered by this title opinion.

7. Entry No. 51 shows a Surface Discharging Permit Wastewater Treatment System, dated June 26, 2020, and filed August 31, 2020, in Book 2020, Page 3241 in the Office of the Madison County Recorder, from Steve Foust to Madison County Board of Health, which states that there is a Property Owners Agreement to Follow Chapter 69 Requirements, regarding discharges into surface water, and essentially that they will be “treated in a manner that will conform with the requirements of NPDES General Permit No. 4 issued by the department of natural resources”, and indicates that the Type of Disposal Treatment will be “Advantex”. Steve Foust has verbally stated that there is a “maintenance contract with a manufacturer certified technician” and that such contract is being maintained at all times, with the system recently approved at or about the time of installation. This matter is dealt with as indicated by the Groundwater Hazard Statement attachment. It passed that recent inspection.

Respectfully submitted,

JORDAN, OLIVER, WALTERS & SMITH, P.C.

A handwritten signature in black ink, appearing to read "G. Stephen Walters". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

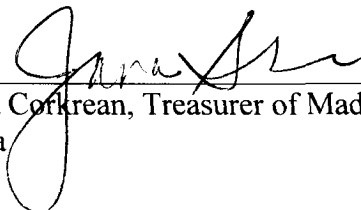
G. Stephen Walters, Title Guaranty No. 1312

**CERTIFICATE OF THE COUNTY TREASURER
OF MADISON COUNTY, IOWA**

I, Jana Corkrean, do hereby certify that I am the duly elected and acting Treasurer of Madison County, Iowa; that I have examined the records in my office, and that there are no unpaid taxes forming a lien against the following-described real estate, to-wit:

A tract of land located in the Northeast Quarter (¼) of the Northeast Quarter (¼) of Section Twenty (20), and in the Southeast Quarter (¼) of the Southeast Quarter (¼) of Section Seventeen (17), ALL in Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, containing 14.155 acres, more or less, as shown in Plat of Survey filed in Farm Plat Book 1, Page 162, on June 5, 1981, in the Office of the Recorder of Madison County, Iowa.

DATED at Winterset, Iowa, this 1 day of Oct, 2020.



Jana Corkrean, Treasurer of Madison County,
Iowa

RECEIPT OF TAXES

Jana Corkrean
Madison County Treasurer
 PO Box 152
 Winterset IA 50273
 jcorkrean@madisoncoia.us

Date 9/22/2020

Entity#: 10000979
Name: FOUST, STEPHEN HOWARD
Address: 2999 ST CHARLES RD
City: ST CHARLES, IA 50240

Paid by FOUST, STEPHEN HOWARD **Check 4608**

Receipt Key		1st Tax		Interest	Drainage		Cost		
Dist	Parcel/V.I.N.	2nd	Paid	Paid	INT	Paid		Total	Paid
2020/2021-10-07278-01									
500-	500091788050000		19.00						19.00
2020/2021-10-07279-01									
500-	500092022030000		1,057.00						1,057.00
	2999 ST CHARLES RD ST CHARLES								

Acre: 14.13

Tax Paid:	1,076.00
Interest Paid:	
Drainage Interest Paid:	
Cost/Admin. Paid:	
Grand Total Paid:	1,076.00
Total Consolidated Tax:	1,076.00

CERTIFICATE OF AUDITOR

Pursuant to Iowa Code requirements, the following proposed subdivision name:

FOUST ACRES SUBDIVISION,

For property located at:

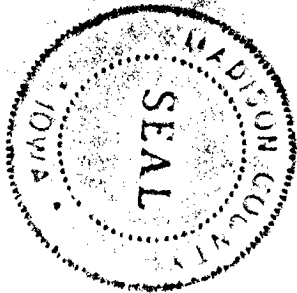
A tract of land located in the Northeast Quarter (¼) of the Northeast Quarter (¼) of Section Twenty (20), and in the Southeast Quarter (¼) of the Southeast Quarter (¼) of Section Seventeen (17), ALL in Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, containing 14.155 acres, more or less, as shown in Plat of Survey filed in Farm Plat Book 1, Page 162, on June 5, 1981, in the Office of the Recorder of Madison County, Iowa.

And owned by: Stephen H. Foust, an unmarried person

Has been approved on the 15th day of October, 2020.

Auditor, Madison County, Iowa.

By Melley Kasto



AGREEMENT

This Agreement made and entered into, by and between, the proprietor of Foust Acres Subdivision and Todd Hagan, Madison County Engineer.

NOW THEREFORE IT IS AGREED AS FOLLOWS:

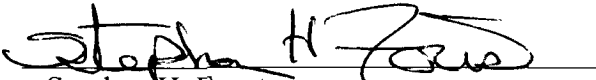
1. The proprietor of Foust Acres Subdivision, a Plat of the following described real estate:

A tract of land located in the Northeast Quarter (¼) of the Northeast Quarter (¼) of Section Twenty (20), and in the Southeast Quarter (¼) of the Southeast Quarter (¼) of Section Seventeen (17), ALL in Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, containing 14.155 acres, more or less, as shown in Plat of Survey filed in Farm Plat Book 1, Page 162, on June 5, 1981, in the Office of the Recorder of Madison County, Iowa.

hereby agree that all private roads located within Foust Acres Subdivision are private roads and driveways, and are not being dedicated to Madison County, Iowa. Said proprietor consents and agrees that such roads shall not be maintained in any manner by Madison County, Iowa, or the Madison County Engineer's Department.

Date: October 1, 2020

PROPRIETOR OF FOUST ACRES SUBDIVISION


Stephen H. Foust


Todd Hagan, Madison County Engineer

FENCE AFFIDAVIT

STATE OF IOWA :
: ss
MADISON COUNTY :

The sole proprietor and owner of Foust Acres Subdivision, a plat of the following described real estate:

A tract of land located in the Northeast Quarter (1/4) of the Northeast Quarter (1/4) of Section Twenty (20), and in the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Seventeen (17), ALL in Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, containing 14.155 acres, more or less, as shown in Plat of Survey filed in Farm Plat Book 1, Page 162, on June 5, 1981, in the Office of the Recorder of Madison County, Iowa,

hereby states that currently there is no existing "lawful fence" around the Foust Acres Subdivisions. However, at such time as the need arises for installation of a "lawful fence" on any of the boundaries of the subdivision, the owners and proprietors of the land within the subdivision shall be responsible for the cost of installation and ongoing maintenance of such fence.

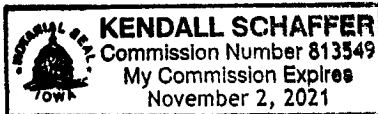
The undersigned current and sole owner and proprietor has full authority to execute this Affidavit.

Dated this 10 day of OCT, 2020.

Handwritten signature of Stephen H. Foust over a horizontal line.

Subscribed and sworn to before me on this 10th day of OCT, 2020.

Handwritten signature of Kendall Schaffer over a horizontal line, followed by the text "Notary Public in and for the State of Iowa".



**LAND DISTURBING ACTIVITIES
AFFIDAVIT**

STATE OF IOWA :
 :
 : **ss**
MADISON COUNTY :

Pursuant to section 161 A.64, Code of Iowa in consideration for permission to engage in a land disturbing activity as defined in that statute, and recognizing that the agency authorized by that statute to receive and file this affidavit will rely on the statements we make herein, I, Stephen H. Foust, an unmarried person, being first duly sworn on oath, do solemnly swear to affirm that:

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

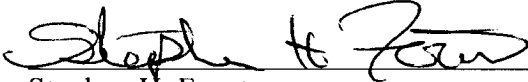
A tract of land located in the Northeast Quarter (1/4) of the Northeast Quarter (1/4) of Section Twenty (20), and in the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Seventeen (17), ALL in Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, containing 14.155 acres, more or less, as shown in Plat of Survey filed in Farm Plat Book 1, Page 162, on June 5, 1981, in the Office of the Recorder of Madison County, Iowa.

As owner or occupant of the land described above, I am aware that I 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 sections 161A.43, and 161A.44, Code of Iowa.


I am aware that loss limit regulations prohibit sediment from leaving the site in excess of 5 tons per acre per year. The land disturbing activities described above will be conducted in a manner that will ensure compliance with the soil loss limit regulations.

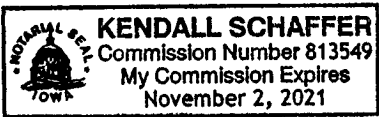
I assume responsibility for all land disturbing activities conducted on this property by me or other people or entities I represent. This authority covers only the land and land disturbing activity described above.

I am the owner of the land, and have full authority to enter into this agreement.


Stephen H. Foust

Subscribed and sworn to before me on this 10th day of OCT, 2020.


Notary Public in and for the State of Iowa



**RESOLUTION APPROVING FINAL PLAT
OF FOUST ACRES SUBDIVISION
MADISON COUNTY, IOWA**

WHEREAS, there was filed in the Office of the Zoning Administrator of Madison County, Iowa, a registered land surveyor's plat of a proposed subdivision known as Foust Acres Subdivision; and

WHEREAS, the real estate comprising said plat is described as follows:

A tract of land located in the Northeast Quarter ($\frac{1}{4}$) of the Northeast Quarter ($\frac{1}{4}$) of Section Twenty (20), and in the Southeast Quarter ($\frac{1}{4}$) of the Southeast Quarter ($\frac{1}{4}$) of Section Seventeen (17), ALL in Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, containing 14.155 acres, more or less, as shown in Plat of Survey filed in Farm Plat Book 1, Page 162, on June 5, 1981, in the Office of the Recorder of Madison County, Iowa.

WHEREAS, there was also filed with said plat a dedication of said plat containing a statement to the effect that the subdivision as it appears on the plat is with the free consent and in accordance with the desire of the proprietor Stephen Foust, a/k/a Stephen H. Foust, a/k/a Stephen Howard Foust; and WHEREAS, said plat was accompanied by a complete abstract of title and an opinion from an attorney at law showing that title in fee simple is in said proprietor and that the platted land is free from encumbrance, except as noted therein, 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 said plat, known as Foust Acres Subdivision should be approved by the Board of Supervisors, Madison County, Iowa.

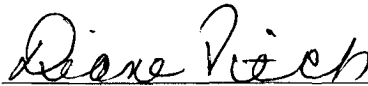
NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, Madison County, Iowa:

1. That said plat, known as Foust Acres Subdivision prepared in connection with said plat and subdivision is hereby approved. 2. 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.

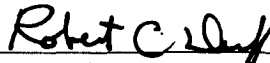
DATED at Winterset, Iowa, this 27 day of OCTOBER, 2020.



Phillip Clifton, Chairman



Diane Fitch, Supervisor



Robert Duff, Supervisor

Attest:



Shelley D. Kaster
Madison County Auditor



Courthouse at Winterset
Madison County, Iowa
Built in 1876 of native limestone.

Madison County Zoning Department

C.J. (Jeff) Nicholl, Zoning Administrator

ZONING ADMINISTRATOR REPORT AND RECOMMENDATION FOUST ACRES SUBDIVISION

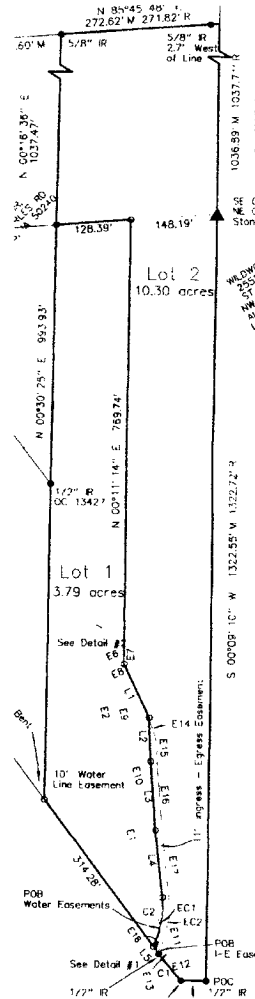
APPLICANT: Stephen H. Foust

PROJECT LOCATION: 6.51A SE PT SE SE Section 17 and 7.65A E PT NE NE Section 20 South Township

REQUEST: Divide the existing parcel into 2 lots

CURRENT ZONING: A-Agricultural

SITE MAP



BACKGROUND/PROJECT DESCRIPTION:

- The applicants request is to divide this area and create 2 lots.
- The property is currently zoned “A” Agricultural
- The combined CSR of these parcels is approximately 28 therefore not considered Prime Farm Ground.
- According to the updated Flood Insurance Rate Maps (FIRM), none of this property is located in the Flood Plain.
- This request is not within 2 miles of any City therefore no review is required.
- All required accompanying documents have been submitted pursuant to the Madison County Subdivision Ordinance.

ANALYSIS / STAFF COMMENTS:

- Traffic and Access: Saint Charles Road.
- Public Notification and Comments:
 - a) Notice of the proposed subdivision and public hearing for this application was published as required, placed on the county web page and posted at the Annex, notification was mailed to surrounding property owners and email notifications were sent to MCSWCD, NRSC, Madison County Conservation, Madison County Secondary Roads and others that have requested to be notified of public hearings.

GENERAL COMMENTS:

- As proposed, each lot meets the applicable standards required by the Madison County Zoning and Subdivision Ordinances.
- Any improvements to the site and all activities occurring on the site must meet the rules and regulations of all local, state and federal requirements.
- Any new driveway entrances will require applicable permits and must meet the standards and requirements of the Madison County Secondary Road Department.
- Staff has noted there are recorded mortgages with secured credit. The creditor has provided the proper lenders consent to plat.
- Staff notes with proper documentation submitted the taxes are paid current.
- Staff notes there are recorded cost sharing agreements dated April 21, 1981 in misc. Rec 33, Page 488. The notice states there are in effect in Madison County certain agreements covenanted under Section 467A.7 (16), Iowa Code, that places the owner of agricultural land the obligation to maintain permanent soil conservation practices with established cost sharing money. Staff recommends any interested party should contact the Madison County Soil and Water Conservation District for further information and restrictions.
- Staff notes an entry related to an electric line right of way easement to Farmers Electric Cooperative dated June 20, 2007. This entry is described as a “conflicting instrument” as it was granted by someone other than the property owner and appears to be in error.
- Staff notes an entry for a surface discharging wastewater treatment system from Steve Foust to the Madison County Board of Health.
- The developer is notified that if more than 1 acre of land will be disturbed, a SWPPP and “land disturbing activity affidavit” must be on file with the Madison County Soil and Water Conservation District Office. Enforcement of the erosion control practice and storm water discharge is under the direction of the Iowa DNR and the Madison County SWCD.

GENERAL COMMENTS: (continued)

- It is recommended the owner contact the Madison County Soils and Water Conservation District and work closely with that office in the planning, construction and development of the plat to ensure all required permits are in place, all easements have been identified and to check on programs, funding and technical assistance that may available to conserve natural resources.
- All surface water must be maintained in the subdivision and the natural course of a waterway may not be altered or changed in a manner that increases the flow onto Madison County right-of-way.
- Any comments received are attached at the end of this report.
- Both lots in this parcel are located with access from an existing driveway entrance from a paved road and will share that access, no new driveway will be required.
- The current tract contains an area that is not being farmed and could be better used for residential purposes. Since the number of divisions already in place in this 40 acre aliquot part is at 3, this additional division requires the subdivision process be followed.


STAFF RECOMMENDATIONS:

Staff recommends approval of the request to divide the property as requested and reminds the developer that all easements should be disclosed and must be complied with.

REASON FOR STAFF RECOMMENDATION:

After complete review it was determined the request meets all required zoning and subdivision regulations and all required documentation has been submitted.

Respectfully submitted,



C.J. Nicholl
Zoning Administrator

APPLICABLE REGULATIONS: (attached to the end of this report)

The Subdivision Regulations are a part of the Madison County Zoning Ordinance. These regulations apply to the division of any lot, tract or parcel of land that results in the creation of a third lot in any 40 acre aliquot part. Each division must be at least three (3) or more acres for the purpose, whether immediate or future, for building purposes.

- Madison County Subdivision Ordinance:
- Section 2 – Definitions - Subsection 19
- Section 4 – Minor Subdivision Procedure - Subsection C

The Subdivision Ordinance is a set of regulations that are a part of the Madison County Zoning Ordinance. These regulations apply to the division of a lot, tract or parcel of land, into three (3) or more lots, plots or sites, each division consisting of three (3) or more acres, for the purpose whether immediate or future, of transfer of ownership or of building development. These regulations shall apply to the approval of plats, subdivisions, re-subdivisions or dedications in the unincorporated areas of Madison County prescribing minimum standards for the design layout and development thereof; providing for the preliminary and final approval or disapproval thereof; providing for the enforcement of all regulations contained herein; all for the purpose of promoting the adequacy, safety and efficiency of the street and road system; and for the purpose of improving the health, safety and general welfare of the citizens; and repealing all other ordinances, regulations, or resolutions in conflict herewith.

SECTION 2

19. Subdivision

The division of a tract of land into three (3) or more lots, plots, sites, or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or of building development. It also includes a re-subdivision of land or lots.

SECTION 4

C - MINOR SUBDIVISION PROCEDURE

The purpose of the Minor Subdivision is to provide a more expedient process for reviewing small divisions of land with less land use impact than that of a Major Subdivision. For a Minor Subdivision, the subdivider shall arrange a preliminary plat or sketch plat of the proposed area which contains all the information specified in Section 4a and submit it to the Zoning Administrator for review. The County Zoning Administrator shall check for any deficiencies or issues regarding compliance with respect to these regulations and the Madison County Comprehensive Plan. Within 10 working days of such preliminary submittal, the Zoning Administrator shall take action to approve or conditionally approve the Minor Subdivision but shall not have the power to reject such subdivision. If the minor subdivision proposal is approved or approved conditionally, the subdivider shall have prepared and submit 5 copies of a final plat and all other accompanying documents as required by these regulations to the Zoning Administrator for public hearing in front of the Board of Supervisors. The plat shall conform to and contain all the data and information as required on a final plat for a Major Subdivision. Once approved by the Board of Supervisors, the subdivider shall record the minor subdivision in the office of the Madison County Recorder within 30 days of the final county approval, otherwise said approval will become null and void unless an extension is requested and agreed to by the Zoning Administrator. Any resubmitted minor subdivision is subject to additional review and will be required to pay an additional minor subdivision fee. If the minor subdivision is not approved by the Zoning Administrator, the proposal shall be placed on the Zoning Commission hearing agenda on the next available hearing date for their action. The Zoning Commission may approve, conditionally approve or reject the plat, any conditions for approval or reasons for rejection shall be stated in writing and filed with the sketch or plat by the Zoning Administrator. Minor Subdivision proposals must be submitted to city authorities if within the 2 mile review range of the municipalities city limits. The decision of the Municipal Commission or the respective Council, if in disagreement with the Zoning Administrator or Zoning Commission, shall be final.

INDEX LEGEND

COUNTY: Madison
 SITE ADDRESS: 2999 St. Charles Road
 CITY: St. Charles
 SECTION: 17 & 20 TOWNSHIP: 75 RANGE: 26
 ALIQUOT PART: SE1/4 SE1/4 (17) & NE1/4 NE1/4 (20)
 SUBDIVISION NAME: NEED NAME
 BLOCK: LOT(S): 1 & 2
 PROPRIETOR: Stephen Foust
 REQUESTED BY: Stephen Foust
 SURVEYOR NAME: Vincent E. Piagentini

FINAL PLAT
 MINOR SUBDIVISION
FOUST ACRES

OWNER / DEVELOPER
 Steve Foust
 2999 St Charles Road
 St Charles, Iowa 50240



Document 2020 4168

Book 2020 Page 4168 Type 06 044 Pages 20
 Date 10/30/2020 Time 10:56:07AM
 Rec Amt \$102.00 Aud Amt \$10.00

LISA SMITH, COUNTY RECORDER
 MADISON COUNTY IOWA

INX
 ANNO
 SCAN
 CHEK

PREPARED BY & RETURN TO: ABACI CONSULTING INC, 3000 SE GRIMES BLVD, STE 800, GRIMES, IA 50111, PH(515)986-5048

THIS SPACE RESERVED FOR RECORDER'S OFFICE USE ONLY

Legal Description Book 2019 Page 4132

A tract of land located in the Northeast 1/4 of the Northeast 1/4 of Section 20, and in the Southeast 1/4 of the Southeast 1/4 of Section 17, all in Township 75 North, Range 26 West of the 5th P.M., Madison County, Iowa, containing 14.155 acres, more or less, as shown in Plat of Survey filed in Farm Plat Book 1, Page 162, on June 5, 1981 in the Office of the Recorder of Madison County, Iowa

Legal Description - Ingress - Egress Easement

All that part of Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section 20, Township 75 North, Range 26 West of the 5th P.M., Madison County, Iowa, more particularly described as follows; Commencing at the intersection of the North right of way line of St. Charles Road and the east line of the NE1/4 of said Section 20, thence North 89°27'35" West, along said North right of way line, a distance of 43.06 feet; thence North 40°10'27" West, a distance of 59.27 feet; thence North 37°18'01" West, a distance of 3.14 feet to the Point of Beginning; thence continuing North 37°18'01" West, a distance of 12.21 feet to a point on a curve; thence along a curve to the left having a radius of 153.00 feet, a delta of 32°41'34", an arc length of 87.30 feet, and a chord which bears North 09°38'56" East, having a chord distance of 86.12 feet to a point on a line; thence North 06°40'14" West, a distance of 115.74 feet; thence North 04°34'19" West, a distance of 117.92 feet; thence North 02°55'56" West, a distance of 75.23 feet; thence South 17°39'43" East, a distance of 39.07 feet; thence South 04°34'19" East, a distance of 37.15 feet; thence South 04°34'19" East, a distance of 117.92 feet; thence South 06°40'26" East, a distance of 115.33 feet to a point on a curve; thence along a curve to the right having a radius of 164.00 feet, a delta of 34°36'36", an arc length of 99.07 feet, and a chord which bears South 10°36'27" West, having a chord distance of 97.57 feet to the Point of Beginning, and containing 4,171 square feet or 0.10 acres of land, more or less.

Legal Description - 10' Water Line Easement on Lot 1

All that part of Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section 20, Township 75 North, Range 26 West of the 5th P.M., Madison County, Iowa, more particularly described as follows;

Commencing at the intersection of the North right of way line of St. Charles Road and the east line of the NE1/4 of said Section 20, thence North 89°27'35" West, along said North right of way line, a distance of 43.06 feet; thence North 40°10'27" West, a distance of 59.27 feet; thence North 37°18'01" West, a distance of 15.35 feet; thence North 19°22'30" East, a distance of 32.28 feet, to the Point of Beginning; thence North 14°00'34" West a distance of 338.18 feet; thence North 12°22'09" West, a distance of 101.08 feet; thence North 22°42'19" East, a distance of 5.65 feet; thence North 67°49'02" West, a distance of 3.94 feet; thence North 12°22'09" West, a distance of 12.23 feet; thence North 67°01'24" East, a distance of 43.23 feet; thence South 00°11'14" West, a distance of 10.88 feet; thence South 67°01'24" East, a distance of 30.65 feet; thence South 12°22'09" East, a distance of 111.73 feet; thence South 14°00'34" East, a distance of 312.89 feet to a point on a curve; thence along a curve to the right having a radius of 153.00 feet, a delta of 10°08'42", an arc length of 27.09 feet, and a chord which bears South 07°40'55" West, having a chord distance of 27.06 feet to the Point of Beginning, and containing 4,784 square feet or 0.11 acres of land, more or less.

Legal Description - 10' Water Line Easement on Lot 2

All that part of Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section 20, Township 75 North, Range 26 West of the 5th P.M., Madison County, Iowa, more particularly described as follows;

Commencing at the intersection of the North right of way line of St. Charles Road and the east line of the NE1/4 of said Section 20, thence North 89°27'35" West, along said North right of way line, a distance of 43.06 feet; thence North 40°10'27" West, a distance of 59.27 feet; thence North 37°18'01" West, a distance of 15.35 feet; thence North 19°22'30" East, a distance of 30.65 feet; thence North 12°22'09" East, a distance of 32.28 feet, to the Point of Beginning; thence along a curve to the left having a radius of 153.00 feet, a delta of 10°08'42", an arc length of 27.09 feet, and a chord which bears North 07°40'55" East, having a chord distance of 27.06 feet; thence South 14°00'34" East, a distance of 83.53 feet; thence South 75°59'26" West, a distance of 10.00 feet; thence North 14°00'34" West, a distance of 58.39 feet to the Point of Beginning, and containing 699 square feet or 0.016 acre(s) of land, more or less.

Easement Line Table

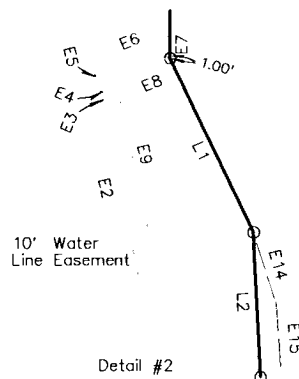
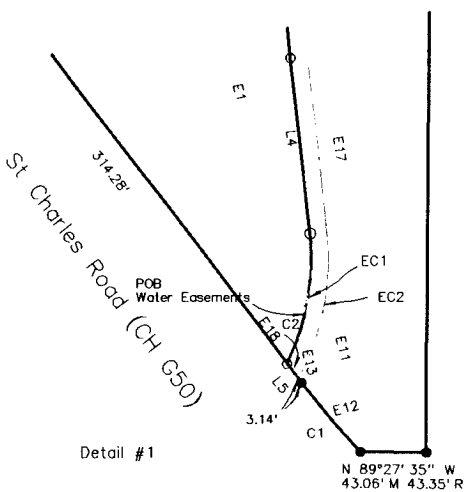
E1	N 14°00' 34" W	338.18'
E2	N 12°22' 09" W	101.08'
E3	N 22°42' 19" E	5.65'
E4	N 67°49' 02" W	3.94'
E5	N 12°22' 09" W	12.23'
E6	N 67°01' 24" E	43.23'
E7	S 00°11' 14" W	10.88'
E8	S 67°01' 24" W	30.65'
E9	S 12°22' 09" E	111.73'
E10	S 14°00' 34" E	312.89'
E11	S 14°00' 34" E	83.53'
E12	S 75°59' 26" W	10.00'
E13	N 14°00' 34" W	58.39'
E14	S 17°39' 43" E	39.07'
E15	S 04°34' 19" E	37.15'
E16	S 04°34' 19" E	117.92'
E17	S 06°40' 26" E	115.33'
E18	N 37°18' 01" W	12.21'

C1	R=758.51'
	Δ=04°28' 43"
	L=59.29'
	T=29.66'
	Ch=59.27'
	CB=N40°10' 27"W
C2	R=153.00'
	Δ=32°41' 34"
	L=87.30'
	T=44.88'
	Ch=86.12'
	CB=N09°38' 56"E

Boundary Line Table

L1	N 25°41' 15" W	101.25'
L2	N 02°55' 56" W	75.23'
L3	N 04°34' 19" W	117.92'
L4	N 06°40' 14" W	115.74'
L5	N 37°18' 01" W	15.35'

EC1	R=153.00'
	Δ=10°08' 42"
	L=27.09'
	T=13.58'
	Ch=27.06'
	CB=N07°40' 55"E
EC2	R=164.00'
	Δ=34°36' 36"
	L=99.07'
	T=51.10'
	Ch=97.57'
	CB=S10°36' 27"W



ABACI CONSULTING, INC.
 CIVIL ENGINEERING - LAND SURVEYING
 3000 SE Grimes Blvd., Ste 800, GRIMES, IOWA 50111, PH. (515)986-5048

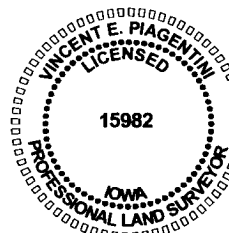
DATE OF SURVEY FIELDWORK: 6/9/20 DRAWING DATE: 6/15/20 DRAFTER: VP PROJECT NO: 20223

I HEREBY CERTIFY THAT THIS SURVEYING DOCUMENT WAS PREPARED AND THE RELATED 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.

Vincent E. Piagentini
 VINCENT E. PIAGENTINI, IOWA LIC. NO 15982 DATE 6/27/2020

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2020.

ADDITIONAL PAGES CERTIFIED (NONE UNLESS INDICATED HERE)



SYMBOLS LEGEND:

- R RECORDED DISTANCE
- M MEASURED DISTANCE
- C CALCULATED DISTANCE
- CORNER MONUMENT FOUND
- SET 1/2" IR YC 15982 UNLESS NOTED
- ▲ SECTION CORNER FOUND
- △ SECTION CORNER SET
- 1/2" IR YC 15982 UNLESS NOTED
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- YC YELLOW CAP
- RC RED CAP
- OC ORANGE CAP
- IR IRON ROD
- IP IRON PIPE

