

Document 2021 4510

Book 2021 Page 4510 Type 06 044 Pages 22

Date 10/29/2021 Time 2:36:20PM Rec Amt \$112.00 Aud Amt \$5.00

INDX ANNO SCAN

LISA SMITH, COUNTY RECORDER MADISON COUNTY IOWA

CHEK

Type of Document

PREPARER INFORMATION: (name, address, phone number)

Zoning Office for Steven & Ashley Roney.

Contact person is Mark Smith 515-462-3731

TAXPAYER INFORMATION: (name and mailing address)

Roney, Stephen I & Ashley J 1267 Warren Ave Cumming, Iowa 50061

RETURN DOCUMENT TO: (name and mailing address)

Roney, Stephen I & Ashley J 1267 Warren Ave Cumming, Iowa 50061

GRANTOR: (name) GRANTEE: (name)

LEGAL DESCRIPTION: (if applicable)

A PARCEL OF LAND IN NE ¼ SE ¼ & NW ¼ SE ¼ OF SECTION 13, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE 5TH P.M., MADISON COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE E 1/4 CORNER OF SAID SECTION 13, SAID E 1/4 CORNER ALSO BEING THE SE CORNER OF ROLLING ACRES, AN OFFICIAL PLAT RECORDED IN BOOK I, PAGE 149 AT THE MADISON COUNTY RECORDER'S OFFICE; THENCE S00°20'40"W, 1320.36 FEET ALONG THE EAST LINE OF SAID NE 1/4 SE 1/4 TO THE SE CORNER OF SAID NE 1/4 SE 1/4; THENCE S83°19'18"W, 545.14 FEET ALONG THE SOUTH LINE OF SAID NE 1/4 SE 1/4 TO A POINT; THENCE N00°20'40"E, 662.22 FEET ALONG A LINE THAT IS PARALLEL TO SAID EAST LINE OF THE NE 1/4 SE 1/4 TO A POINT ON THE SOUTH LINE OF THE NORTH 655.52 FEET OF SAID NE 1/4 SE 1/4: THENCE S83°32'05"W, 1265.82 FEET ALONG SAID SOUTH LINE OF THE NORTH 655.52 FEET TO A POINT; THENCE N00°20'40"E. 395.95 FEET ALONG A LINE THAT IS PARALLEL TO SAID EAST LINE OF THE NE 1/4 SE 1/4 TO A POINT; THENCE N55°00'00"W, 215.00 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 120.00 FEET OF SAID NW 1/4 SE 1/4; THENCE S83°32'05"W, 125.00 FEET ALONG SAID SOUTH LINE OF THE NORTH 120.00 FEET OF THE NW 4 SE 4 TO A POINT; THENCE S50°00'00"W, 140.00 FEET TO A POINT; THENCE S32°00'00"W, 453.15 FEET TO A POINT; THENCE S83°32'05"W, 124.44 FEET ALONG A LINE THAT IS PARALLEL TO THE NORTH LINE OF SAID NW 1/4 SE 1/4 TO A POINT ON THE WEST LINE OF SAID NW 1/4 SE 1/4; THENCE N00°15'45"E, 555.98 FEET ALONG THE WEST LINE OF SAID NW 1/4 SE 1/4 TO THE NW CORNER OF SAID NW 1/4 SE 1/4, SAID NW CORNER ALSO BEING THE SW CORNER OF ROLLING ACRES; THENCE N83°32'05"E, 2586.04 FEET ALONG THE NORTH LINE OF SAID SE 1/4, SAID NORTH LINE ALSO BEING THE SOUTH LINE OF SAID ROLLING ACRES TO THE POINT OF BEGINNING AND CONTAINING 40.62 ACRES INCLUDING 1.21 ACRES OF PUBLIC RIGHT-OF- WAY EASEMENT MORE OR LESS

Document or instrument of associated documents previously recorded: (if applicable)

PLAT AND CERTIFICATE FOR ASLAN ACRES 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 Aslan Acres Subdivision, and that the real estate comprising said plat is described as follows:

See description attached.

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. Certificate from County Treasurer;
- 4. Lender's Consent by Northwest Bank;
- 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. Approval of the City of Cumming, Iowa;
- 9. Ground Water Statement;
- 10. Fence Agreement;
- 11. Escrow Agreement;
- 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. Micholl

STATE OF IOWA, COUNTY OF MADISON

This instrument was acknowledged before me on this 29 day of 2021, by C.J. Nicholl.



Notary Public in and for said State of Iowa

Zovey

DEDICATION OF PLAT OF ASLAN ACRES SUBDIVISION MADISON COUNTY, IOWA

KNOW ALL MEN BY THESE PRESENTS:

That, we do hereby certify that we are the sole owners and proprietors of the followingdescribed real state:

See description attached.

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

DATED this day of UMU, 2021.

Steven I. Roney

STATE OF IOWA, COUNTY OF MADISON

This instrument was acknowledged before me on this 29 day of 0, 2021, by

Steven I. Roney and Ashley J. Roney.

Notary Public in and for said State of Iowa

CONSENT TO PLATTING BY NORTHWEST BANK

Northwest Bank does consent to the platting and subdivision of the following-described real estate:

See description attached,

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

Entry No. 45 shows a Purchase Money Mortgage from Stephen I. Roney and Ashley J. Roney, Husband and Wife, to Northwest Bank, dated and filed July 23, 2020, in Book 2020, Page 2653 of the Recorder's Office of Madison County, Iowa, to secure credit in an amount up to \$455,000.

Dated this 30 day of They . 2021.	
Northwest Banks	
By Roye	
STATE OF TOWN, COUNTY OF POPPER	
This instrument was acknowledged before me on this 30 day of July by Gary fresnall as Montgage Benfer of Northwest Bank.	,2021
os Cara postas das partirios de la constitución de	
Notary Public in and for said State	

Treum

ATTORNEY'S OPINION FOR FINAL PLAT ASLAN ACRES SUBDIVSION MADISON COUNTY, IOWA

I, Mark L. Smith, 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 April 18, 2021, 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, Aslan Acres Subdivision, Madison County, Iowa.

See description attached.

In my opinion, merchantable title to the above-described property is in the name of the Stephen I. Roney and Ashley J. Roney, husband and wife, as Joint Tenants with Full Rights of Survivorship and Not as Tenants in Common, free and clear of all liens and encumbrances, except:

- 1. Entry No. 45 shows a Purchase Money Mortgage from Stephen I. Roney and Ashley J. Roney, Husband and Wife, to Northwest Bank, dated and filed July 23, 2020, in Book 2020, Page 2653 of the Recorder's Office of Madison County, lowa, to secure credit in an amount up to \$455,000.
- 2. Entry No. 44 shows a Declaration of Private Road and Utilities Access Easement Agreement between Stephen Roney and Ashley Roney, Husband and Wife, and to Justin Dalton and Ann Dalton, Husband and Wife, dated and filed July 23, 2020, in Book 2020, Page 2651 of the Recorder's Office of Madison County, Iowa. Entry No. 54 shows an Amendment to this Declaration of Private Road and Utilities Access Easement Agreement dated November 3, 2020, and filed November 4, 2020, in Book 2020, Page 4246 of the Recorder's Office of Madison County, Iowa. This Agreement details a private ingress/egress and public utility easement, and discusses the maintenance for said easement and who will pay for such maintenance.
- 3. Entries No. 6 and 56 both show Easements granted to Warren Water District, its successors and assigns. Entry No. 6 is dated November 8, 1989, and filed November 15, 1989, in Deed Record 121, Page 615, and Entry No. 56 is dated November 3, 2020, and filed January 11, 2021, in Book 2021, Page 127, both of the Recorder's Office of Madison County, Iowa.

- 4. Entry No. 16 shows a Midamerican Energy Company Option for Electric Line Easement dated August 29, 2005, and filed September 12, 2005, in Book 2005, Page 4397 of the Recorder's Office of Madison County, Iowa. Entry No. 28 shows an exercise of this option by Midamerican Energy Company dated September 28, 2006, and filed October 3, 2006, in Book 2006, Page 4094 of the Recorder's Office of Madison County, Iowa. This Easement is for an electric transmission or distribution line or lines.
 - 5. The taxes payable in the fiscal year beginning July 1, 2020, are shown as paid in full.

Respectfully submitted,

Mr s. smite

JORDAN, OLIVER & WALTERS, P.C.

Mark L. Smith, Title Guaranty No. 10074

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:

ASLAN ACRES SUBDIVISION

See description attached.

Owned by: Stephen I. Roney and Ashley J. Roney.

DATED at Winterset, Iowa, this ______ day of _

ay of ________, 20%

Jana Corkrean, Treasurer of Madison County,

Iowa

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

ASLAN ACRES SUBDIVISION

For property located at:

See description attached.

And owned by: Steven I. Roney and Ashley J. Roney

Has been approved on the $\frac{38^{14}}{2}$ day of $\frac{3}{2}$, 2021.

Auditor, Madison County, Iowa.

Shelley DOKaster, Auditor



AGREEMENT

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

NOW THEREFORE IT IS AGREED AS FOLLOWS:

1. The proprietors of Aslan Acres Subdivision, a Plat of the following described real estate:

See description attached.

hereby agree that all private roads located within Aslan Acres Subdivision are private roads and 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 the Madison County Engineer's Department.

Date: $\sqrt{y/y}$ 28# , 2021

PROPRIETORS OF ASLAN ACRES

Todd Hagan, Madison County Engineer



MADISON COUNTY SECONDARY ROAD DEPARTMENT

1105 E. COURT AVE. WINTERSET, IOWA 50273 PHONE - (515) 462-1136 / FAX - (515) 462-2506



TODD R. HAGAN, P.E. COUNTY ENGINEER

MIKE HACKETT, P.E & P.L.S. ASSISTANT ENGINEER

KERRY STAPLES OFFICE ASSISTANT RAY PARKER JR.
MAINTENANCE SUPERINTENDENT

March 22, 2021

Madison County Zoning Commission Office of Zoning & Environmental Health P.O. Box 152 Winterset, IA 50273

RE: Aslan Acres Preliminary Plan & Profile

Section 13, Township 77N, Range 26W

Lee Township

Madison County, Iowa

Commission Members:

Upon preliminary review of the above-referenced subdivision, it was noted that there will be a need for a new intersection along Warren Ave. The owner needs to obtain, from the Madison County Secondary Road Department, an approved application for the intersection before starting construction. Lots five (5) and six (6) have access to the private subdivision road and therefore will not be allowed any additional driveways or field entrances within the Madison County road right-of-way abutting Warren Ave.

The owner has submitted plan and profile sheets for the proposed private subdivision roads. The roads have been designed to meet AASHTO guidelines for a 40 mph design speed. The proposed profile of the private subdivision road at the intersection with Warren Ave. (within the existing right-of-way) meets Madison County's guidelines.

The seven (7) lots, once developed, will generate an additional 70 (maximum) vehicles per day to the secondary road system.

The granular secondary road system can be separated into 5 levels based on the average daily traffic (ADT).

- 1. Under 50 ADT
- 2. 50 250 ADT
- 3. 250 400 ADT
- 4. 400 1500 ADT
- 5. Over 1500 ADT

The most current traffic count, performed by the lowa Department of Transportation in 2018, shows a total of 790 vehicles per day on that section of Warren Ave. Based on a worst case scenario of an additional 70 vehicles per day, the total goes up to 860 ADT. Since this section of Warren Ave. has been improved due to the higher than normal traffic volumes, the additional 70 vehicles per day will not have a significant impact on the roadway.

The owner has proposed granular surfaced roadways. The surface design calls for 7 inches of granular subbase topped with 4 inches of 3/4" crushed limestone. I concur with their design based on an estimated AADT of 70 vehicles per day.

The developer shall provide the subdivision with adequate ditches, culverts, complete bridges, storm sewers, intakes, and manholes to provide for the collection and removal of all surface waters, and these improvements shall extend to the boundaries of the subdivision so as to provide for extension by adjoining properties. The cross section sheet provided shows 3:1 foreslopes and backslopes with a 4 foot ditch bottom. The plan and profile submitted does not show a need for culverts due to the general location of the private road.

The private road located within the above-referenced subdivision is a private road and will not be dedicated to Madison County, lowa. That same road will not be maintained in any manner by neither Madison County, lowa, nor the Madison County Secondary Road Department.

If you have any questions, please don't hesitate to contact me.

Sincerely.

TODD R. HAGAN, P.E. Madison County Engineer

TRH:kbs

ESCROW AGREEMENT

This Escrow Agreement is made this 30th, day of September, 2021 between Steven I. Roney and Ashley J. Roney, husband and wife, (hereinafter "Developer") and Madison County, Iowa, (hereinafter "County").
The sum of \$19,75 0.00 shall be held in a non-interest-bearing escrow account by the Law Firm of Jordan, Oliver, Walters & Smith, PC., in Trust, and disbursed only in accordance with the following provisions:
1. Said funds will be held by the Law Firm until such time as the roadway for Aslan Acres Subdivision is completed by Developer. Once completion of the roadway has occurred the funds will be returned to Steven I. Roney and Ashley J. Roney or paid directly to the contractor completing the work. The confirmation of completion will come from the Madison County Zoning Administrator.
2. If the roadway is not completed within the timeframe designated by the Madison County Subdivision Ordinance, said funds shall be turned over to County and used to complete the roadway. Any remaining funds after the completion of the roadway would be returned to Steven I. Roney and Ashley J. Roney.
Developer:
Steven I. Roney Ashley J. Roney
Ashley J. Roney
County:
Jeff Nicholf, Madison County Zoning Administrator

Mark L. Smith, Jordan, Oliver, Walters & Smith, P.C.

orf 1- Smith

Escrow Agent:

Prepared b	y
------------	---

And Return to: Mark L. Smith, P.O. Box 230, Winterset, Iowa 50273; 515-462-3731

FENCE AFFIDAVIT

STATE OF IOWA

:ss

MADISON COUNTY

- I, Stephen I. Roney, after first being duly sworn upon oath, depose and state as follows:
- 1. This Affidavit Explanatory of Title concerns the following described property:

See Attached Legal Description

- 2. I know of my own personal knowledge that there is a lawful fence on the northern boundary line of the above described premises.
- 3. The neighbors to my west, and south have agreed to waive the necessity of any boundary fence and they sign this Affidavit showing their agreement. The eastern boundary is the roadway and does not require a fence.
 - 4. Therefore, the subdivision is in compliance with the fencing regulation.

Stephen I. Roney

Subscribed and sworn to before me by the said Stephen I. Roney on this 27^{th} day of

 $A \cup \gamma \cup S + \dots, 2021$

Notary Public in and for the State of Iowa

TOWA STATES

APPROVED BY:

Justin Dalton, Individually and as President of Outlot Z, LLC.

Ann Dalton, Individually

Cynthia Vorhees, Individually and as Trustee of her Revocable Trust

Counterpart 1 of 2

APPROVED BY:

Justin Dalton, Individually and as President of Outlot Z, LLC.

Ann Dalton, Individually

Cynthia Vortices, Individually and as
Trustee of her Revocable Trust

Counterpart $\frac{2}{2}$ of $\frac{2}{2}$

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, we, Stephen I. Roney and Ashley J. Roney, 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:

See description attached.

As owner or occupant 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 sections 161A.43, and 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. The land disturbing activities described above will be conducted in a manner that will insure compliance with the soil loss limit regulations.

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

We are the owners of the land, and have full authority to enter into This agreement.

Stephen I. Roncy

Ashley J. Roney

Subscribed and sworn to before me by Stephen I. Roney and Ashley J. Roney on this 20 day of

√ , 2021.

Notary Public in and for the State of Iowa

Resolution 2021-50 City of Cumming

Approving Amended Preliminary Plat of Aslan Acres

WHEREAS, the City Council previously approved a preliminary plat for Aslan Acres subdivision located at 1267 Warren Avenue at a regular meeting on May 10, 2021;

WHEREAS, an amended preliminary plat was received in the office on July 30, 2021 with minor changes that were deemed insignificant by City staff; and

WHEREAS, this development is within the two (2) mile limit of the City of Cumming; and

WHEREAS, the applicant provides all supporting documentation required within the Cumming Subdivision Regulations; and

WHEREAS, any significant modification to the preliminary plat be reviewed and approved by the Planning & Zoning Commission and City Council; and

NOW THEREFORE BE IT RESOLVED:

1. The City Council of Cumming in Warren County, Iowa, approves the amended preliminary plat for Aslan Acres as described and shown in Exhibit "A-D" attached hereto and made a part thereof by reference.

PASSED AND APPROVED this 9th day of August, 2021

Tom Becker, Mayor

ATTEST:

Angie Ritchie, City Clerk

ZO-RESOLUTION-10-26-21A APPROVING FINAL PLAT ASLAN ACRES SUBDIVISION

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 Aslan Acres Subdivision; and

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

A PARCEL OF LAND IN NE '4 SE '4 & NW '4 SE '4 OF SECTION 13, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE 5TH P.M., MADISON COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE E '4 CORNER OF SAID SECTION 13. SAID E '4 CORNER ALSO BEING THE SE CORNER OF ROLLING ACRES, AN OFFICIAL PLAT RECORDED IN BOOK I, PAGE 149 AT THE MADISON COUNTY RECORDER'S OFFICE: THENCE S00°20'40"W, 1320.36 FEET ALONG THE EAST LINE OF SAID NE ¼ SE ¼ TO THE SE CORNER OF SAID NE ¼ SE ¼; THENCE S83°19'18"W, 545.14 FEET ALONG THE SOUTH LINE OF SAID NE '4 SE '4 TO A POINT: THENCE N00°20'40"E. 662.22 FEET ALONG A LINE THAT IS PARALLEL TO SAID EAST LINE OF THE NE '4 SE '4 TO A POINT ON THE SOUTH LINE OF THE NORTH 655.52 FEET OF SAID NE ¼ SE ¼; THENCE S83°32'05"W, 1265.82 FEET ALONG SAID SOUTH LINE OF THE NORTH 655.52 FEET TO A POINT; THENCE N00°20'40"E, 395.95 FEET ALONG A LINE THAT IS PARALLEL TO SAID EAST LINE OF THE NE ¼ SE ¼ TO A POINT; THENCE N55°00'00"W, 215.00 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 120.00 FEET OF SAID NW '4 SE '4; THENCE S83°32'05"W, 125.00 FEET ALONG SAID SOUTH LINE OF THE NORTH 120.00 FEET OF THE NW 1/4 SE 1/4 TO A POINT: THENCE S50°00'00"W, 140.00 FEET TO A POINT; THENCE S32°00'00"W, 453.15 FEET TO A POINT; THENCE S83°32'05"W, 124.44 FEET ALONG A LINE THAT IS PARALLEL TO THE NORTH LINE OF SAID NW ¼ SE ¼ TO A POINT ON THE WEST LINE OF SAID NW '4 SE '4 ; THENCE N00°15'45"E, 555.98 FEET ALONG THE WEST LINE OF SAID NW 1/4 SE 1/4 TO THE NW CORNER OF SAID NW 1/4 SE 1/4, SAID NW CORNER ALSO BEING THE SW CORNER OF ROLLING ACRES: THENCE N83°32'05"E. 2586.04 FEET ALONG THE NORTH LINE OF SAID SE ¼, SAID NORTH LINE ALSO BEING THE SOUTH LINE OF SAID ROLLING ACRES TO THE POINT OF BEGINNING AND CONTAINING 40.62 ACRES INCLUDING 1.21 ACRES OF PUBLIC RIGHT -OF-WAY EASEMENT MORE OR LESS

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 proprietors, Stephen I & Ashley J. Roney.

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 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 Aslan Acres 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 Aslan 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	26 day of	OCTOBER	_2021.
Madison County Board of Supervisors			
Phil Clifton, Chairman		□ Nay	
Diane Fitch, Supervisor	Z Aye	□ Nay	
Heather Stancil, Supervisor	DAye	□ Nay	
Attest: Melley Chastrest Shelley Kaster	-		

Madison County Auditor

KON # KON

PAPER. PARCE YAY

NUMBER PART.

