

Book 2021 Page 4881 Type 06 044 Date 11/30/2021 Time 3:07:20PM Rec Amt \$87.00 Aud Amt \$5.00

PLAT AND CERTIFICATE FOR NORTH STONE VILLAGE PLAT 7 AN ADDITION TO THE CITY OF WINTERSET, MADISON COUNTY, IOWA

LISA SMITH, COUNTY RECORDER MADISON COUNTY IOWA

Pages 17

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I, Robert D. Hendricks, Zoning Administrator of the City of Winterset, Iowa, do hereby certify that the Plat to which this certificate is attached is a plat of a subdivision known and designated as North Stone Village Plat 7, an Addition to the City of Winterset, Madison County, Iowa: and, that the real estate comprising said plat is described as follows:

A part of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of Section Twenty-five (25), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th PM., in the City of Winterset, Madison County, Iowa, and more particularly described as follows: Beginning at the Northwest Corner of Lot 7, North Stone Village Plat 6, an official plat; thence North 00° 49' 47" East, 200.00 feet; thence South 89° 10' 13" East, 125.00 feet; thence South 00° 49' 47" West, 1.15 feet; thence South 89° 10' 12" East, 303.25 feet; thence South 00° 49' 49" West, 240.00 feet; thence North 89° 10' 11" West, 237.25 feet to the East line of said North Stone Village Plat 6; thence North 00° 49' 47" East along said East line, 41.15 feet to the Northeast Corner of said North Stone Village Plat 6; thence North 89° 10' 13" West along the North line of said North Stone Village Plat 6, a distance of 191.00 feet to the point of beginning and containing 2.18 acres.

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

- 1) Dedication of Plat of North Stone Village Plat 7, an Addition to the City of Winterset, Madison County, Iowa;
 - 2) Consent of Mortgagee, Union State Bank;
 - 3) Attorney's Opinion;
 - Certificate of Treasurer; 4)
 - Auditor's Approval; 5)
 - Ground Water Statement: 6)

- 7) Deed of Restrictions;
- 8) Resolution of Winterset City Council;

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

Dated this 30 TH day of November, 2021.

Robert D. Hendricks, Zoning Administrator

STATE OF IOWA, MADISON COUNTY, ss:



Notary Public in and for the State of Iowa

DEDICATION OF PLAT OF

NORTH STONE VILLAGE PLAT 7 TO THE CITY OF WINTERSET, MADISON COUNTY, IOWA

KNOW ALL MEN BY THESE PRESENT:

That Corkrean Properties, L.L.C. does hereby certify that they are the sole owners and proprietors of the following-described real estate:

A part of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of Section Twenty-five (25), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th PM., in the City of Winterset, Madison County, Iowa, and more particularly described as follows: Beginning at the Northwest Corner of Lot 7, North Stone Village Plat 6, an official plat; thence North 00° 49' 47" East, 200.00 feet; thence South 89° 10' 13" East, 125.00 feet; thence South 00° 49' 47" West, 1.15 feet; thence South 89° 10' 12" East, 303.25 feet; thence South 00° 49' 49" West, 240.00 feet; thence North 89° 10' 11" West, 237.25 feet to the East line of said North Stone Village Plat 6; thence North 00° 49' 47" East along said East line, 41.15 feet to the Northeast Corner of said North Stone Village Plat 6; thence North 89° 10' 13" West along the North line of said North Stone Village Plat 6, a distance of 191.00 feet to the point of beginning and containing 2.18 acres.

That the subdivision of the above described real estate, as shown by the Final Plat of North Stone Village Plat 7 is with the free consent and in accordance with the owners' desires as owners of said real estate.

Dated this day of hug. t, 2021.

CORKREAN PROPERTIES, L.L.C.

By

Peter J. Corkrean, Manager

STATE OF IOWA, COUNTY OF MADISON

This instrument was acknowledged before me on this <u>30</u> day of <u>Angust</u>, 2021, by Peter J. Corkrean as Manager of Corkrean Properties, L.L.C.

MARK L. SMITH
Commission Number 740655
My Commission Expires
May 10, 2024

Notary Public in and for said State of Iowa

CONSENT TO PLATTING BY UNION STATE BANK

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

A part of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of Section Twenty-five (25), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th PM., in the City of Winterset, Madison County, Iowa, and more particularly described as follows: Beginning at the Northwest Corner of Lot 7, North Stone Village Plat 6, an official plat; thence North 00° 49' 47" East, 200.00 feet; thence South 89° 10' 13" East, 125.00 feet; thence South 00° 49' 47" West, 1.15 feet; thence South 89° 10' 12" East, 303.25 feet; thence South 00° 49' 49" West, 240.00 feet; thence North 89° 10' 11" West, 237.25 feet to the East line of said North Stone Village Plat 6; thence North 00° 49' 47" East along said East line, 41.15 feet to the Northeast Corner of said North Stone Village Plat 6; thence North 89° 10' 13" West along the North line of said North Stone Village Plat 6, a distance of 191.00 feet to the point of beginning and containing 2.18 acres.

in accordance with the ordinances of the City of Winterset, and the laws of the State of Iowa.

The undersigned holds the following mortgages on the above real estate:

- 1. An Open End Mortgage from Corkrean Properties, LLC, to Union State Bank dated June 28, 2007, and filed July 25, 2007, in Book 2007, Page 2913 of the Recorder's Office of Madison County, Iowa, to secure credit in the amount of \$510,000. This Mortgage is a first lien against the real estate under examination.
- 2. A Mortgage (with Future Advance Clause) from Corkrean Properties, LLC to Union State Bank dated April 14, 2021, and filed April 15, 2021, in Book 2021, Page 1553 of the Recorder's Office of Madison County, Iowa, to secure credit in the amount of \$375,000.00. This Mortgage is a second lien against the real estate under examination.

Dated this 304 day of August, 2021.

UNION STATE BANK

By Hay ING Pros/CEO

STATE OF IOWA, COUNTY OF MADISON

This instrument was acknowledged before me on this 30 day of August, 2021,

by Jeffrey J. Nolan, as Prusident CEO f Union State Bank.

Notary Public in and for said State



ATTORNEY'S OPINION FOR FINAL PLAT NORTH STONE VILLAGE PLAT 7

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 August 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, North Stone Village Plat No. 7, City of Winterset, Madison County, Iowa.

A part of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of Section Twenty-five (25), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th PM., in the City of Winterset, Madison County, Iowa, and more particularly described as follows: Beginning at the Northwest Corner of Lot 7, North Stone Village Plat 6, an official plat; thence North 00° 49' 47" East, 200.00 feet; thence South 89° 10' 13" East, 125.00 feet; thence South 00° 49' 47" West, 1.15 feet; thence South 89° 10' 12" East, 303.25 feet; thence South 00° 49' 49" West, 240.00 feet; thence North 89° 10' 11" West, 237.25 feet to the East line of said North Stone Village Plat 6; thence North 00° 49' 47" East along said East line, 41.15 feet to the Northeast Corner of said North Stone Village Plat 6; thence North 89° 10' 13" West along the North line of said North Stone Village Plat 6, a distance of 191.00 feet to the point of beginning and containing 2.18 acres.

In my opinion, merchantable title to the above-described property is in the name of: Corkrean Properties, L.L.C., free and clear of all liens and encumbrances, except:

- A. An Open End Mortgage from Corkrean Properties, LLC, to Union State Bank dated June 28, 2007, and filed July 25, 2007, in Book 2007, Page 2913 of the Recorder's Office of Madison County, Iowa, to secure credit in the amount of \$510,000; and
- B. A Mortgage (with Future Advance Clause) from Corkrean Properties, LLC to Union State Bank dated April 14, 2021, and filed April 15, 2021, in Book 2021, Page 1553 of the

Recorder's Office of Madison County, Iowa, to secure credit in the amount of \$375,000.00.

C. A Limited Easement granted to Southern Iowa Rural Water Association dated December 13, 2001, and filed May 31, 2002, in Book 2002, Page 2586 of the Recorder's Office of Madison County, Iowa, for a waterline and all necessary appurtenances thereto. The legal description used in this Easement is too broad to determine if it crosses the real estate under examination.

Respectfully submitted,

JORDAN, OLIVER & WALTERS, P.C.

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Bv

Mark L. Smith

101 ½ W Jefferson, POB 230

Winterset, Iowa 50273

Telephone: (515) 462-3731 ATTORNEYS FOR CORKREAN PROPERTIES, L.L.C.

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 part of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of Section Twenty-five (25), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th PM., in the City of Winterset, Madison County, Iowa, and more particularly described as follows: Beginning at the Northwest Corner of Lot 7, North Stone Village Plat 6, an official plat; thence North 00° 49' 47" East, 200.00 feet; thence South 89° 10' 13" East, 125.00 feet; thence South 00° 49' 47" West, 1.15 feet; thence South 89° 10' 12" East, 303.25 feet; thence South 00° 49' 49" West, 240.00 feet; thence North 89° 10' 11" West, 237.25 feet to the East line of said North Stone Village Plat 6; thence North 00° 49' 47" East along said East line, 41.15 feet to the Northeast Corner of said North Stone Village Plat 6; thence North 89° 10' 13" West along the North line of said North Stone Village Plat 6, a distance of 191.00 feet to the point of beginning and containing 2.18 acres.

DATED at Winterset, Iowa, this _____ day of ____ Jana Corkrean, Treasurer of Madison County, Iowa

CERTIFICATE OF AUDITOR

Pursuant to Iowa Code Requirements, the following proposed Subdivision name:

North Stone Village Plat 7 City of Winterset, Madison County, Iowa

For property located at:

A part of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of Section Twenty-five (25), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th PM., in the City of Winterset, Madison County, Iowa, and more particularly described as follows: Beginning at the Northwest Corner of Lot 7, North Stone Village Plat 6, an official plat; thence North 00° 49' 47" East, 200.00 feet; thence South 89° 10' 13" East, 125.00 feet; thence South 00° 49' 47" West, 1.15 feet; thence South 89° 10' 12" East, 303.25 feet; thence South 00° 49' 49" West, 240.00 feet; thence North 89° 10' 11" West, 237.25 feet to the East line of said North Stone Village Plat 6; thence North 89° 10' 13" West along the North line of said North Stone Village Plat 6; thence North 89° 10' 13" West along the North line of said North Stone Village Plat 6, a distance of 191.00 feet to the point of beginning and containing 2.18 acres.

And owned by: Corkrean Properties, LLC

Has been approved on the $30^{\frac{1}{100}}$ day of Augus f, 2021.

By the Auditor, Madison County, Iowa.

County Auditor of Madison County, Iowa

DEED OF RESTRICTIONS NORTH STONE VILLAGE PLAT 7 AN ADDITION TO THE CITY OF WINTERSET, MADISON COUNTY, IOWA

That Corkrean Properties, L.L.C., an Iowa limited liability company, is now the fee simple owner and record titleholder of the following-described real estate, to-wit:

A part of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of Section Twenty-five (25), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th PM., in the City of Winterset, Madison County, Iowa, and more particularly described as follows: Beginning at the Northwest Corner of Lot 7, North Stone Village Plat 6, an official plat; thence North 00° 49' 47" East, 200.00 feet; thence South 89° 10' 13" East, 125.00 feet; thence South 00° 49' 47" West, 1.15 feet; thence South 89° 10' 12" East, 303.25 feet; thence South 00° 49' 49" West, 240.00 feet; thence North 89° 10' 11" West, 237.25 feet to the East line of said North Stone Village Plat 6; thence North 00° 49' 47" East along said East line, 41.15 feet to the Northeast Corner of said North Stone Village Plat 6; thence North 89° 10' 13" West along the North line of said North Stone Village Plat 6, a distance of 191.00 feet to the point of beginning and containing 2.18 acres;

which real estate is being platted as North Stone Village Plat 7, an Addition to the City of Winterset, Madison County, Iowa.

Said owners do hereby impose and subject said real estate to certain regulations, covenants, restrictions and easements as to the use and occupancy thereof, as follows:

Zoning Ordinance, the above-described real estate being located in a residential district. No structure shall be erected on any lot except a single-family residential dwelling structure, a one-to three-car garage and certain accessory buildings provided that accessory buildings other than garages may not be erected in excess of 400 square feet in area. One story dwellings shall contain a minimum of 1000 total square feet of finished ground floor area. Two story dwellings shall contain a minimum of 1200 total square feet of finished area on the main and second levels. Also, a townhouse consisting of two residential units or three residential units, may be

constructed on any lot. No construction shall start on any such dwelling until the plans have been approved by the developer. No mobile homes, manufactured homes, double-wide homes or earth homes shall be erected or placed on any of the lots in said North Stone Village Plat 7, an Addition to the City of Winterset, Madison County, Iowa. Motor homes, camper trailers, boats, motorcycles and other recreational vehicles shall not be stored on the premises unless the same are stored in a garage as permitted by these covenants.

- 2) The maximum amount of residents in any townhome shall be four, unless approved in writing by the developer.
- 3) The maximum amount of animals is three common house pets and only common house pets are permitted on any lot. A common house pet shall be defined as a dog, cat, fish, hamster, guinea pig, reptile or like animal. In the case of fish, more than three are allowed.
- 4) No fence of any kind shall be permitted on any lot without written approval from the developer. However, underground electric dog fences shall be permitted.
- 5) No exposed tile foundation shall be permitted and all exposed exterior concrete wall material shall be painted or covered with brick or stone veneer.
- 6) No driveways may be extended without the written consent of the developer. No parking on any grassy area is permitted.
- 7) No dog runs of any kind are permitted. All trash receptacle, or other out structure of like nature, shall be properly screened by reasonable shrubbery or decorative fence or both.
- 8) No automotive, boat or other mechanical repair work may be performed at or on any lot and all hobby type activity of a similar nature shall be confined to the interior of buildings on the lot. No bulky or unsightly piece of machinery shall be kept on any lot at any

time.

- 9) Satellite dishes must be permanently installed to be located so that no part of the dish is viewable from the front of the home it services.
- 10) All portions of a lot not occupied by structures, walkways, driveways, parking or landscaping shall be sodded with grass within ninety (90) days after completion of the residence thereon unless weather conditions make this requirement impossible to satisfy, in which event, they shall be sodded within sixty (60) days after weather conditions reasonably permit compliance with this requirement.
- No lot in the Plat shall be further subdivided, except that a lot may be divided and sold to owners of adjoining lots to increase their size, and except that a lot may be divided into two or three lots in order that a building may be constructed on any lot composed of two or three townhouses and that the division of a lot into separate lots for two or three townhouse units shall not be considered to be a prohibited subdivision of the lot and shall be permitted.
- 12) No trailer, basement, tent, shack, garage, barn or other accessory building in the tract shall at any time be used as a residence, temporarily or permanently, nor shall any residence of a temporary character be permitted.
- 13) No building shall be erected on any building lot unless the design and location is in harmony with the existing structures and locations in the tract and does not violate any of these protective covenants.
- 14) The titleholder of each lot, vacant or improved, shall keep his lot or lots free of weeds and debris, and shall not engage in an activity which is a nuisance.
- 15) These covenants are to run with the land and shall be binding on all parties and persons claiming through or under them, at which time said covenants shall be automatically

extended for successive periods of ten (10) years, unless by a vote of the majority of the then owners of the lots, it is agreed to delete the said covenants in whole or in part. No new or additional covenants shall be added unless all of the owners of the lots in said North Stone Village Plat 7, an Addition to the City of Winterset, Madison County, Iowa, agree in writing to any such additional covenants, provided that as long as the Developer owns a lot or lots in North Stone Village Plat 7, the Developer shall have the right to add additional covenants to this Deed of Restrictions, amend such Deed of Restrictions or delete any portion of such deed of Restrictions without the consent of any of the other owners in North Stone Village Plat 7. The easements shown at numbered paragraph 14 hereof are perpetual in nature and may not be deleted.

- 16) If any party shall violate or attempt to violate any of the covenants, conditions or restrictions contained herein, it shall be lawful for any owner of any lot or lots in the subdivision to institute proceedings in law or in equity against the person or persons violating or attempting to violate any such covenants, conditions or restrictions, and to prevent or enjoin him or them from so doing or recover damages for such violation.
- 17) Invalidation of any one of these covenants by judgment or court order shall not affect any of the other provisions which shall remain in full force and effect.
- Perpetual easements for ingress, egress, drainage and utility purposes are hereby granted to the City of Winterset, Iowa, Mid-American Energy, Century Link, Mediacom and their successors and assigns for the installation, operation, maintenance and repair thereof, as shown by the Engineer's Final Plat filed herewith.
- 19) Any person, partnership, corporation or other entity purchasing a vacant lot in North Stone Village Plat 7, an Addition to the City of Winterset, Madison County, Iowa, shall

commence construction of a residential dwelling withing twelve (12) months of the date of delivery of a deed to said purchaser from the developer. In the event such buyer has not commenced construction within said 12-month period, the developer shall have the right to repurchase said lot at the same price paid by the buyer plus interest at the rate of seven percent (7%) per annum from and after date of the Deed from developer to buyer; and upon developer exercising the option to repurchase the lot buyer shall promptly comply and furnish to developer an abstract showing merchantable title and a warranty deed.

20) "Developer" is defined as Corkrean Properties, L.L.C., an Iowa Limited Liability Company.

Dated this 30 day of Hugues + , 2021.

CORKREAN PROPERTIES, L.L.C.

Peter J. Corkrean, Member-Manager

STATE OF IOWA

:ss

MADISON COUNTY

This instrument was acknowledged before me on this 30 day of 2021 by Peter J. Corkrean, Member-Manager of Corkrean Properties, L.L.C.



Notary Public in and for the State of Iowa

RESOLUTION APPROVING FINAL PLAT OF NORTH STONE VILLAGE PLAT 7

WHEREAS, there was filed in the Office of the City Administrator of the City of Winterset, Madison County, Iowa, a registered land surveyor's plat of a proposed subdivision known as North Stone Village Plat 7, an Addition to the City of Winterset, Madison County, Iowa; and

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

A part of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of Section Twenty-five (25), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th PM., in the City of Winterset, Madison County, Iowa, and more particularly described as follows: Beginning at the Northwest Corner of Lot 7, North Stone Village Plat 6, an official plat; thence North 00° 49' 47" East, 200.00 feet; thence South 89° 10' 13" East, 125.00 feet; thence South 00° 49' 47" West, 1.15 feet; thence South 89° 10' 12" East, 303.25 feet; thence South 00° 49' 49" West, 240.00 feet; thence North 89° 10' 11" West, 237.25 feet to the East line of said North Stone Village Plat 6; thence North 00° 49' 47" East along said East line, 41.15 feet to the Northeast Corner of said North Stone Village Plat 6; thence North 89° 10' 13" West along the North line of said North Stone Village Plat 6, a distance of 191.00 feet to the point of beginning and containing 2.18 acres.

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, Corkrean Properties, L.L.C., and Lender, Union State Bank; and

WHEREAS, said plat was accompanied by an opinion from an attorney at law showing that title is in fee simple in said proprietors and that said platted land is free from encumbrance, except two mortgages held by Union State Bank, and a certified statement from the Treasurer of Madison County, Iowa, that said platted land is free from taxes; and consents by the mortgage holder, Union State Bank to such platting.

WHEREAS, the City Council of the City of Winterset, Madison County, Iowa, finds that said plat conforms to the provisions of the Ordinances of the City of Winterset, Madison County, Iowa, and that the plat, papers and documents presented therewith should be approved by the City of Council of the City of Winterset, Madison County, Iowa.

NOW, THEREFORE, BE IT RESOLVED by the City of Council of the City of Winterset, Madison County, Iowa:

- Said plat, known as North Stone Village Plat 7, an Addition to the City of Winterset,
 Madison County, Iowa, prepared in connection with said plat and subdivision is hereby approved.
- 2. The City Administrator of the City of Winterset, Madison County, Iowa, is hereby directed to certify this resolution which shall be affixed to said plat to the County documents which should be filed and recorded in connection therewith.

DATED at Winterset, Iowa, this 18th day of October, 2021.

CITY OF WINTERSET, IOWA

By Phil Macumber, Mayor

ATTEST:

Andrew Barden, City Administrator

