

FOR PLAT SEE  
2004-5159

Document 2004 5159

Book 2004 Page 5159 Type 06 44 Pages 10  
Date 11/01/2004 Time 4:09 PM  
Rec Amt \$52.00 Aud Amt \$5.00

MICHELLE "MICKI" UTSLER, COUNTY RECORDER  
MADISON IOWA



COMPUTER	<input checked="" type="checkbox"/>
RECORDED	<input checked="" type="checkbox"/>
COMPARED	<input type="checkbox"/>

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

**STATEMENT BY PROPRIETOR,  
CONSENT TO PLAT, AND DEDICATION**

**KNOW ALL PERSONS BY THESE PRESENTS:**

Richard L. Walters, being the owner in fee simple of the following described real estate, to-wit:

A parcel of land which is also described as Lots 6, 7, 8 and the South 20 feet of Lot 9 and a portion of vacated alley all lying in Block 2 of B.F. Allen's Addition to the City of Earlham, and a vacated portion of N.E. Second Street (also known as Ohio Avenue), Madison County, Iowa, more particularly described as follows:

Beginning at the Southwest corner of Lot 5 of Block 2 of B.F. Allen's Addition to the City of Earlham, Madison County, Iowa; thence South 89°30'03" West, 169.99 feet along the North right-of-way line of First Street to the Southwest corner of said Block 2; thence North 0°05'51" East, 198.32 feet along the East R.O.W. line of North Plum Avenue; thence North 89°31'16" East, 149.90 feet to a point on the West line of the vacated alley in said Block 2; thence North 0°10'33" East, 138.93 feet along said vacated alley R.O.W. line; thence North 89°09'24" East, 20.37 feet; thence South 0°15'36" West, 139.06 feet along the East line of said vacated alley; thence South 0°07'00" West, 198.26 feet along said vacated alley R.O.W. line to the Point of Beginning. Said Parcel is divided into 3 lots, and contains 36,529 square feet (0.838 acres),

has 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:

Richard L. Walters Subdivision, a Replat of Lots 6, 7, 8 and the South 20 Feet of Lot 9 in Block 2 of B.F. Allen's Addition to the City of Earlham, Madison County, Iowa, including vacated street and alley.

The owner and proprietor, Richard L. Walters, and his spouse, Roberta L. Walters, hereby acknowledge that the plat of said real estate is prepared with their free consent and in accordance with their desires. The said owner and proprietor, Richard L. Walters, together with his spouse, Roberta L. Walters, hereby dedicates to the City of Earlham, Iowa and to the public a utility easement over and across all land within the plat that is designated for public utility easement.

IN WITNESS WHEREOF, the said owner and proprietor, Richard L. Walters, has caused these presents to be executed this 8 day of October, 2004.

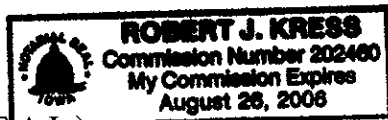
Richard L. Walters  
Richard L. Walters

IN WITNESS WHEREOF, the said owner and proprietor, Roberta L. Walters, the spouse of Richard L. Walters, has caused these presents to be executed this 19 day of October, 2004.

Roberta L. Walters  
Roberta L. Walters

STATE OF IOWA :  
: SS  
MADISON COUNTY :

On this 8<sup>th</sup> day of October, 2004, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Richard L. Walters to me known to be the identical person named in and who executed the within and foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.



(SEAL)

Robert J. Kress  
Notary Public in and for the State of Iowa.

STATE OF VIRGINIA :  
: SS  
CLARKE COUNTY :

On this 19<sup>th</sup> day of October, 2004, before me, the undersigned, a Notary Public in and for the State of Virginia, personally appeared Roberta L. Walters to me known to be the identical person named in and who executed the within and foregoing instrument, and acknowledged that she executed the same as her voluntary act and deed.



Theresa R. Heylin  
Notary Public in and for the State of Virginia.  
Comm Exp 9/12/08

PEER, NELSON & BRALAND

ATTORNEYS AT LAW

115 E. FIRST STREET

P. O. BOX 370

EARLHAM, IOWA 50072

TELEPHONE: (515) 758-2267

TELEPHONE: (515) 993-4674

FACSIMILE: (515) 758-2268

DEAN R. NELSON  
SAMUEL H. BRALAND  
MARTIN S. RAMSEY

H. CLAUDE PEER  
(1910-1994)

November 1, 2004

TITLE OPINION

City Council  
City of Earlham, Iowa  
140 South Chestnut Avenue  
Earlham, Iowa 50072

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

A parcel of land which is also described as Lots 6, 7, 8 and the South 20 feet of Lot 9 and a portion of vacated alley all lying in Block 2 of B.F. Allen's Addition to the City of Earlham, and a vacated portion of N.E. Second Street (also known as Ohio Avenue), Madison County, Iowa, more particularly described as follows:

Beginning at the Southwest corner of Lot 5 of Block 2 of B.F. Allen's Addition to the City of Earlham, Madison County, Iowa, ;thence South 89°30'03" West, 169.99 feet along the North right-of-way line of First Street to the Southwest corner of said Block 2; thence North 0°05'51" East, 198.32 feet along the East R.O.W. line of North Plum Avenue; thence North 89°31'16" East, 149.90 feet to a point on the West line of the vacated alley in said Block 2; thence North 0°10'33" East, 138.93 feet along said vacated alley R.O.W. line; thence North 89°09'24" East, 20.37 feet; thence South 0°15'36" West, 139.06 feet along the East line of said vacated alley; thence South 0°07'00" West, 198.26 feet along said vacated alley R.O.W. line to the Point of Beginning. Said Parcel is divided into 3 lots, and contains 36,529 square feet (0.838 acres),

from the root of title to the 28th day of October, 2004, at 8:00 A.M., as last continued by Security Abstract & Title Company. I find good and merchantable title in fee simple to said real estate to be in:

Richard L. Walters,

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

1. Taxes. The abstractor states that all real estate taxes against the property under examination are paid in full.

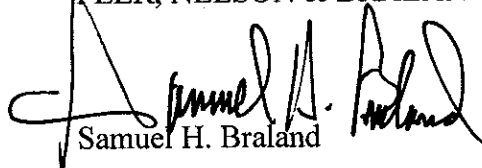
2. Zoning and Subdivision Ordinances. The real estate being platted is subject to the zoning and subdivision ordinances of the City of Earlham, Iowa which regulate and restrict the use of the real estate as well as any construction thereon.

3. Caution. 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.

4. 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 clean up such as removal and remedial actions. The costs of such clean up 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.

Respectfully submitted,

PEER, NELSON & BRALAND

  
Samuel H. Braland

SHB/cjv

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

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

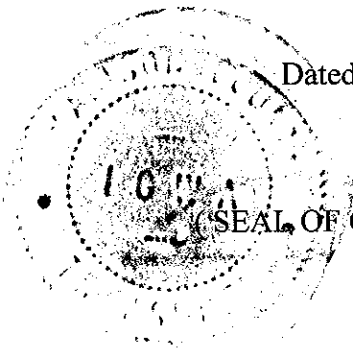
STATE OF IOWA :  
: SS  
MADISON COUNTY :

I, G. Jo Ann Collins, 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 parcel of land which is also described as Lots 6, 7, 8 and the South 20 feet of Lot 9 and a portion of vacated alley all lying in Block 2 of B.F. Allen's Addition to the City of Earlham, and a vacated portion of N.E. Second Street (also known as Ohio Avenue), Madison County, Iowa, more particularly described as follows:

Beginning at the Southwest corner of Lot 5 of Block 2 of B.F. Allen's Addition to the City of Earlham, Madison County, Iowa; thence South 89°30'03" West, 169.99 feet along the North right-of-way line of First Street to the Southwest corner of said Block 2; thence North 0°05'51" East, 198.32 feet along the East R.O.W. line of North Plum Avenue; thence North 89°31'16" East, 149.90 feet to a point on the West line of the vacated alley in said Block 2; thence North 0°10'33" East, 138.93 feet along said vacated alley R.O.W. line; thence North 89°09'24" East, 20.37 feet; thence South 0°15'36" West, 139.06 feet along the East line of said vacated alley; thence South 0°07'00" West, 198.26 feet along said vacated alley R.O.W. line to the Point of Beginning. Said Parcel is divided into 3 lots, and contains 36,529 square feet (0.838 acres).

Dated this 1 day of November, 2004.



(SEAL OF COUNTY TREASURER)

G. Jo Ann Collins  
G. Jo Ann Collins, Treasurer  
Madison County, Iowa.

Subscribed and sworn to before me and in my presence by the said G. Jo Ann Collins this 1 day of November, 2004.



Samuel H. Braland  
Notary Public in and for the State of Iowa.

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

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**CERTIFICATION**

STATE OF IOWA :  
: SS  
MADISON COUNTY :


We, Marilyn Sesker, the City Clerk of Earlham, Iowa, and Richard Rothert, the Mayor of the City of Earlham, Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of said Municipality showing proceedings of the City Council with respect to Resolution No. 12-03, RESOLUTION APPROVING FINAL PLAT OF RICHARD L. WALTERS SUBDIVISION IN THE CITY OF EARLHAM, MADISON COUNTY, IOWA; that said resolution was passed and approved by the City Council of the City of Earlham, Iowa, at a regular meeting thereof on the 10<sup>th</sup> day of November, 2003; that said meeting and all action on said resolution was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the City Council pursuant to the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four (24) hours prior to the commencement of the meeting as required by said law.

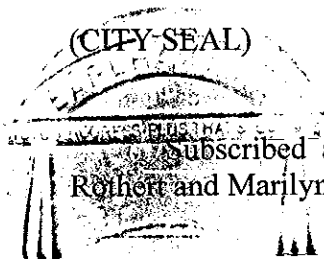
Dated this 9<sup>th</sup> day of August, 2004.

WITNESS our hands and the seal of said Municipality hereto affixed this 9<sup>th</sup> day of August, 2004.

  
Richard Rothert, Mayor  
City of Earlham, Iowa.

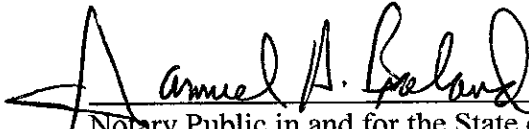
ATTEST:

  
Marilyn Sesker, City Clerk  
City of Earlham, Iowa.



TOWN SEAL

Subscribed and sworn to before me and in my presence by the said Richard Rothert and Marilyn Sesker this 9<sup>th</sup> day of August, 2004.

  
Notary Public in and for the State of Iowa.



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

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**RESOLUTION NO. 12-03**

**RESOLUTION APPROVING FINAL PLAT OF RICHARD L. WALTERS SUBDIVISION, A REPLAT OF LOTS 6, 7, 8 AND THE SOUTH 20 FEET OF LOT 9 IN BLOCK 2 OF B.F. ALLEN'S ADDITION TO THE CITY OF EARLHAM, MADISON COUNTY, IOWA, INCLUDING VACATED STREET AND ALLEY.**

The City Council of Earlham, Iowa met in regular session in the Council Chambers, City Hall, Earlham, Iowa, at 7:00 o'clock P.M., on November 10, 2003. There were present Mayor, Richard Rothert, in the chair, and the following named Council Members:

Douglas Waugh, William Hunter, Truman Payne, Jeffrey Beisner,  
Andrew Arnburg.

Absent None.

Council Member Arnburg introduced the following resolution entitled "RESOLUTION APPROVING FINAL PLAT OF RICHARD L. WALTERS SUBDIVISION, A REPLAT OF LOTS 6, 7, 8 AND THE SOUTH 20 FEET OF LOT 9 IN BLOCK 2 OF B.F. ALLEN'S ADDITION TO THE CITY OF EARLHAM, MADISON COUNTY, IOWA, INCLUDING VACATED STREET AND ALLEY" and moved that the same be adopted. Council Member Waugh seconded the motion to adopt. The Council discussed the resolution. Thereupon the roll was called and the vote was,

Ayes: Waugh, Hunter, Payne, Beisner, Arnburg

Nays: None.

Whereupon the Mayor declared the following resolution duly adopted: "RESOLUTION APPROVING FINAL PLAT OF RICHARD L. WALTERS SUBDIVISION, A REPLAT OF LOTS 6, 7, 8 AND THE SOUTH 20 FEET OF LOT 9 IN BLOCK 2 OF B.F. ALLEN'S ADDITION TO THE CITY OF EARLHAM, MADISON COUNTY, IOWA, INCLUDING VACATED STREET AND ALLEY".

WHEREAS, there has been submitted to the City Council of the City of Earlham, Iowa, a final plat of real estate hereafter described and designated as:

Richard L. Walters Subdivision, a Replat of Lots 6, 7, 8 and the South 20 feet of Lot 9 in Block 2 of B.F. Allen's Addition to the City of Earlham, Madison County, Iowa, including vacated street and alley.

WHEREAS, Richard L. Walters is the owner of the platted real estate; and

WHEREAS, said subdivision plat conforms to the standards and conditions established by the City, and conforms to Chapter 354 of the 2003 Code of Iowa, and Chapter 175 of the City of Earlham Code of Ordinances, with respect to the platting of said real estate; and

WHEREAS, the Earlham Planning & Zoning Commission has recommended Council approval of said plat; and

WHEREAS, it is the opinion of the City Council of the City of Earlham, Iowa, that said plat should be approved; and

WHEREAS, the dedication of public utility easement by the proprietor over and across all land within the plat that is designated for public utility easement should be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EARLHAM, IOWA:

That the final subdivision plat of the following described real estate, to-wit:

A parcel of land which is also described as Lots 6, 7, 8 and the South 20 feet of Lot 9 and a portion of vacated alley all lying in Block 2 of B.F. Allen's Addition to the City of Earlham, and a vacated portion of N.E. Second Street (also known as Ohio Avenue), Madison County, Iowa, more particularly described as follows:

Beginning at the Southwest corner of Lot 5 of Block 2 of B.F. Allen's Addition to the City of Earlham, Madison County, Iowa; thence South 89°30'03" West, 169.99 feet along the North right-of-way line of First Street to the Southwest corner of said Block 2; thence North 0°05'51" East, 198.32 feet along the East R.O.W. line of North Plum Avenue; thence North 89°31'16" East, 149.90 feet to a point on the West line of the vacated alley in said Block 2; thence North 0°10'33" East, 138.93 feet along said vacated alley R.O.W. line; thence North 89°09'24" East, 20.37 feet; thence South 0°15'36" West, 139.06 feet along the East line of said vacated alley; thence South 0°07'00" West, 198.26 feet along said vacated alley R.O.W. line to the Point of Beginning. Said Parcel is divided into 3 lots, and contains 36,529 square feet (0.838 acres),

designated and to be known as:

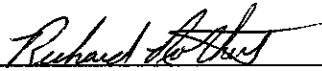
Richard L. Walters Subdivision, a Replat of Lots 6, 7, 8 and the South 20 feet of Lot 9 in Block 2 of B.F. Allen's Addition to the City of Earlham, Madison County, Iowa, including vacated street and alley,

be and the same is hereby accepted and approved, and the Mayor and City Clerk of the City of Earlham be and they are hereby authorized to certify this resolution which shall be recorded with the plat.

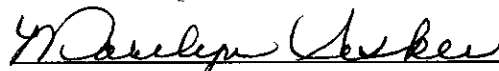
That the dedication of all public utility easements as designated on the plat is hereby approved and accepted.

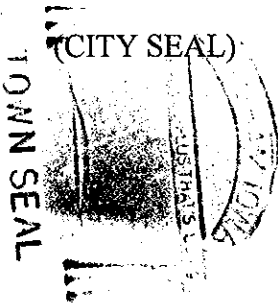


PASSED AND APPROVED, on the 10<sup>th</sup> day of November, 2003.

  
Richard Rothert, Mayor  
City of Earlham, Iowa.

ATTEST:

  
Marilyn Sesker, City Clerk  
City of Earlham, Iowa.

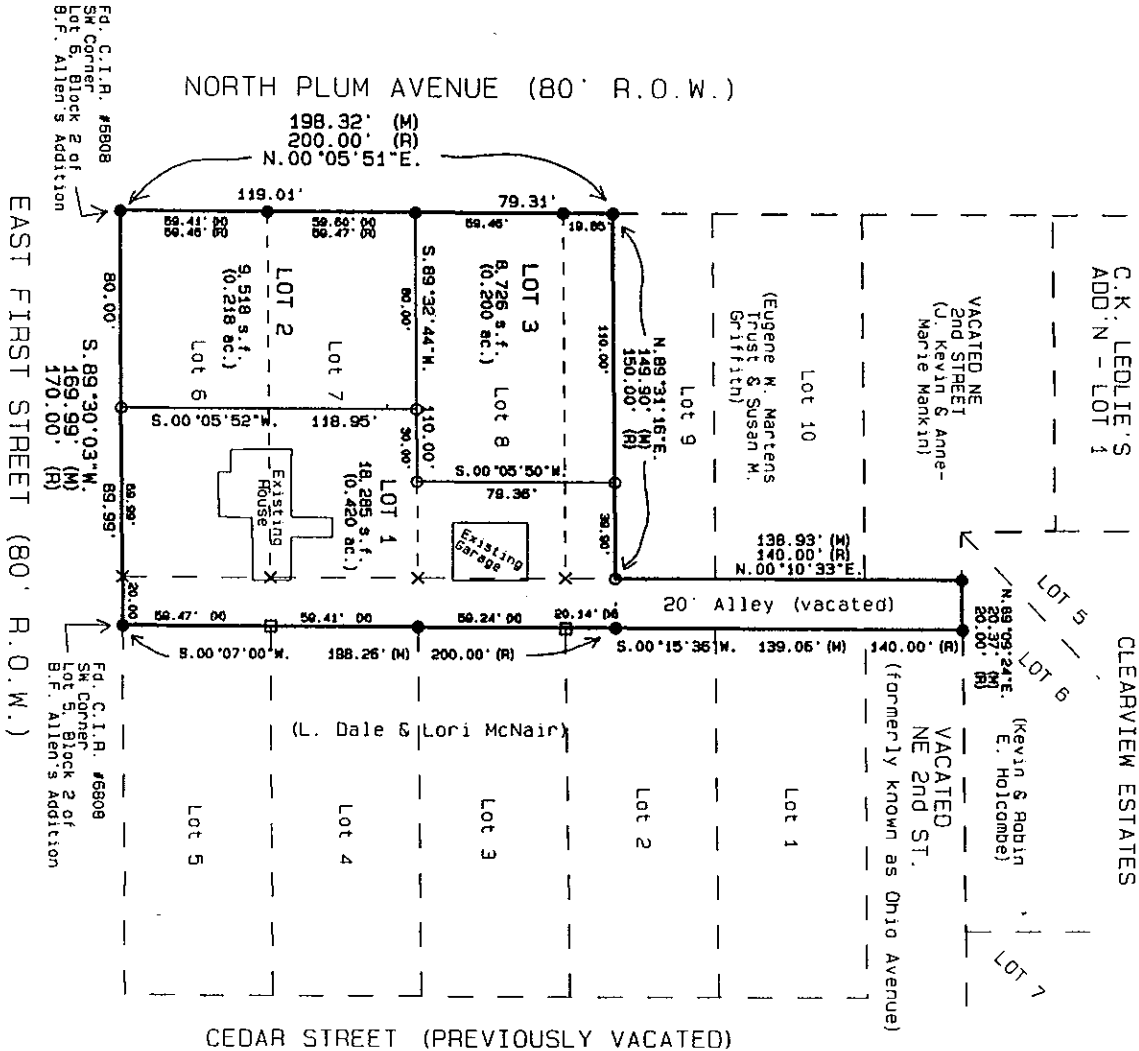


MICHELLE "MICKI" UTSLER, COUNTY RECORDER  
MADISON IOWA

VANCE & HOCHSTETLER, P.C. CONSULTING ENGINEERS, WINTERSET, IOWA (515) 462-3995

CHARLES T. VANCE, 110 WEST GREEN ST., WINTERSET, IOWA 50273

JAMES M HOCHSTETLER, 110 WEST GREEN ST., WINTERSET, IOWA 50273



REPLAT OF LOTS 6, 7, 8 AND THE SOUTH 20 FEET OF LOT 9, BLOCK 2 OF B.F. ALLEN'S ADDITION, INCLUDING VACATED STREETS & ALLEYS, LOCATED IN THE CITY OF EARLHAM, MADISON COUNTY, IOWA.

**LEGAL DESCRIPTION:**  
A parcel of land which is also described as Lots 6, 7, 8 and the South 20 feet of Lot 9 and a portion of vacated alley all lying in Block 2 of B.F. Allen's Addition to the City of Earlham, and a vacated portion of NE Second Street (also known as Ohio Avenue), Madison County, Iowa, more particularly described as follows:  
Beginning at the Southwest corner of Lot 5 of Block 2 of B.F. Allen's Addition to the City of Earlham, Madison County, Iowa; thence South 89°30'03" West, 169.99 feet along the North right-of-way line of First Street to the Southwest corner of said Block 2; thence North 00°05'51" East, 198.32 feet along the East right-of-way line of North Plum Avenue; thence North 89°31'16" East, 149.90 feet to a point on the West line of the vacated alley in said Block 2; thence North 00°10'33" East, 138.93 feet along said vacated alley R.O.W. line; thence North 89°09'24" East, 20.37 feet; thence South 00°15'36" West, 139.06 feet along the East line of said vacated alley; thence South 00°07'00" West, 198.26 feet along said vacated alley R.O.W. line to the Point of Beginning. Said Parcel is divided into three lots, and contains 36,529 square feet (0.838 acres).

Zoning classification is Residential.  
Setbacks are as follows: Front = 30', Side Yard = 8', Rear = 30'.  
Water & Sewer service will be provided by the City of Earlham.

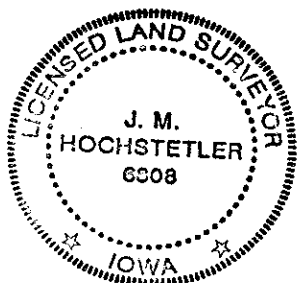
**LEGEND**  
 Fd. Nail  
 (C.I.R.) #6808  
 Previously plotted lot line  
 (M) Measured Dimension  
 (R) Recorded Dimension  
**DATE OF SURVEY:**  
 August 12, 2003



SUBDIVISION PLAT:

**OWNER/SUBDIVIDER:**  
Richard L. Walters  
P.O. Box 409  
Boyce, VA, 22620

**ENGINEER/SURVEYOR:**  
Vance & Hochstetler, PC  
Consulting Engineers  
110 West Green Street  
Winterset, IA, 50273



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

*J.M. Hochstetler*  
**J.M. HOCHSTETLER**  
 License number 6808 Date 11/1/04  
 My license renewal date is December 31, 2005  
 Pages or sheets covered by this seal: 1