

FOR PLAT  
SEE 2004-5418

**PLAT AND CERTIFICATE  
FOR  
BIRCHWOOD ESTATES PLAT NO.2  
AN ADDITION TO THE CITY OF WINTERSET,  
MADISON COUNTY, IOWA**

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

I, Robert 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 know and designated as Birchwood Estates Plat No. 2, an Addition to the City of Winterset, Madison County, Iowa; and, that the real estate comprising said plat is described as follows:

A portion of Parcel "N" in the Northwest Quarter of the Northeast Quarter of the Southwest Quarter of Section 36, Township 76 North, Range 28 West of the 5th P.M., City of Winterset, Madison County, Iowa shown as Outlot 3 on a Preliminary Plat for Birchwood Estates Filed with the City of Winterset more particularly described as follows:

Beginning at the Southeast Corner of the Southwest Quarter of the Northwest Quarter of Section 36, Township 76 North, Range 28 West of the 5th P.M., City of Winterset, Madison County, Iowa; thence North 89°24'27" West 67.04 feet along the South line of said Southwest Quarter of the Northwest Quarter; thence North 00°16'34" West 391.50 feet; thence North 89°54'33" East 572.20 feet to a point on the East line of the Parcel "N"; thence South 00°16'34" East 176.78 feet along a line of Parcel "N"; thence North 55°03'55" West 13.04 feet along a line of Parcel "N"; thence North 82°08'12" West 64.22 feet along a line of Parcel "N"; thence South 00°23'05" East 190.26 feet along a line of Parcel "N"; thence South 01°32'25" West 91.10 feet along a line of Parcel "N"; thence North 89°26'00" West 428.57 feet along a line of Parcel "N"; thence North 00°07'33" West 44.51 feet along a line of Parcel "N" to the Point of Beginning containing 5.230 acres.

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

1. Dedication of Plat of Birchwood Estates Plat No. 2, an Addition to the City of Winterset, Madison County, Iowa;
2. Mortgagee's Consent to Plat from Peoples Trust and Savings Bank;
3. Attorney's Opinion;
4. Certificate of County Treasurer of Madison County, Iowa;
5. Resolution of the City Council of the City of Winterset approving said plat, all of which are duly certified in accordance with the Winterset Zoning Ordinance;
6. Groundwater Hazard Statement.

All of which are duly certified in accordance with the Winterset Zoning Ordinance; and dated this 16<sup>TH</sup> day of NOVEMBER, 2004.



Robert D. Hendricks  
Robert Hendricks, Zoning Administrator

STATE OF IOWA, MADISON COUNTY, ss:

On this 16<sup>th</sup> day of November, 2004, before me, the undersigned, a Notary Public in and for the said State, personally appeared, Robert Hendricks, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.

Cindy M. Bush  
Notary Public in and for the State of Iowa

**DEDICATION AND CONSENT TO PLAT**

KNOW ALL MEN BY THESE PRESENTS:

That Birchwood Estates, L.L.C., an Iowa limited liability company, does hereby acknowledge and declare that the platting of the following described real estate, situated in Winterset, Iowa, to-wit:

See Exhibit "A" attached hereto and made a part hereof into lots and streets, as shown by the attached plat, to be known as Birchwood Estates Plat No. 2, City of Winterset, Madison County, Iowa, is with the free consent and in accordance with the desires and wishes of the undersigned. The undersigned dedicates to the public all streets and public easements as shown on said Plat.

IN WITNESS WHEREOF, Birchwood Estates, L.L.C. has caused this instrument to be executed this 27<sup>th</sup> day of October, 2004.

Birchwood Estates, L.L.C.

By:

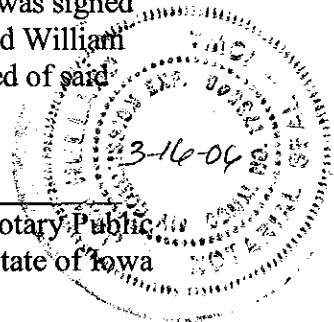
  
William E. Kline, Manager

STATE OF IOWA    )  
                          ) ss:  
COUNTY OF POLK )

On this <sup>4th</sup>27 day of October, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared William E. Kline to me personally known, who being by me duly sworn, did say that the Manager of said limited liability company; that said instrument was signed on behalf of said limited liability company by authority of its members; and that the said William E. Kline acknowledged the execution of said instrument to be the voluntary act and deed of said limited liability company, by it and by him voluntarily executed.

*Jan Holland*  
*Jan Holland*

Notary Public  
in and for the State of Iowa



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Prepared by: David D. Nelson, 213 N. Ankeny Blvd., Ste. 100, Ankeny, IA 50021 (515) 964-3633

### MORTGAGEE'S CONSENT TO PLAT

The undersigned hereby states, acknowledges and certifies that Peoples Trust & Savings Bank, is the holder of a Mortgage on certain real estate described as follows, to-wit:

See Exhibit "A" attached hereto and by this reference incorporated herein that is to be subdivided and platted as Birchwood Estates Plat No. 2, City of Winterset, Madison County, Iowa, and which Mortgage was recorded March 17, 2004, in Book 2004 Page 1142 in the Madison County Recorder's Office. The platting of the real estate described above is done so with the free consent and in accordance with the desire of said Mortgagee.

Dated this 27<sup>th</sup> day of October 2004.

Peoples Trust & Savings Bank, an Iowa corporation

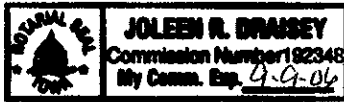
By: 

Mark S. Johnston, (name)  
Vice President, (title)

STATE OF IOWA )  
 )  
COUNTY OF Dallas ) SS:

On this 27<sup>th</sup> day of October 2004, before me, a Notary Public in and for the State of Iowa, personally appeared Mark S. Johnston, to me personally known, who being by me duly sworn, did say that he is the Vice President of said corporation; that said instrument was signed on behalf of said Corporation by authority of its Board of Directors; and that the said Mark S. Johnston as such officer, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it and by him voluntarily executed.

Joleen R. Draisey  
Notary Public



Legal Description:

A portion of Parcel "N" in the Northwest Quarter of the Northeast Quarter of the Southwest Quarter of Section 36, Township 76 North, Range 28 West of the 5th P.M., City of Winterset, Madison County, Iowa shown as Outlot 3 on a Preliminary Plat for Birchwood Estates Filed with the City of Winterset more particularly described as follows:

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# WHITFIELD & EDDY P.L.C.

213 N. Ankeny Blvd, Ste 100  
Ankeny, Iowa 50021-1749  
Telephone: 515-964-3633  
Facsimile 515-964-3692  
www.whitfieldlaw.com

## ATTORNEYS AND COUNSELORS AT LAW

Mark R. Gray	Kevin M. Reynolds	John F. Fatino	Theodore C. Simms, II	West Des Moines:	<b>Of Counsel:</b>
David D. Nelson	Thomas H. Burke	Jason M. Casini	Christine C. Cownie	John A. Templer, Jr.	Harley A. Whitfield
	Thomas Henderson	Roscoe A. Ries, Jr.	Jon E. Kramer	Greg A. Naylor	Timothy J. Walker
<b>Des Moines:</b>	Megan M. Antenucci	J. Campbell Helton	Kara M. Sinnard	Maureen Roach Tobin	Wendy Carlson
Gary Gately	Thomas S. Reavely	Sally A. Reavely	B. MacPaul Stanfield	Jeffrey D. Stone	Dennis R.
David L. Phipps	Gary A. Norton	Anjela A. Shutts		Stephen D. Marso	Thompson
Benjamin B. Ullem	Frank M. Grenard	Stephen E. Doohen	<b>Mt. Pleasant:</b>	Jeffrey D. Ewoldt	
Robert L. Fanter	Ron Adams	Sean A. Pelletier	Philip McCormick		<b>Retired:</b>
Bernard L. Spaeth, Jr.	Mark V. Hanson	John Hoffman	Danny L. Cornell		John C. Eddy
William L. Fairbank	August B. Landis	Thomas G. Fisher, Jr.	Alanson F. Elgar,		A. Roger Witke
Robert G. Bridges	G. Mark Rice	Marc T. Beltrame	of Counsel		
Jaki K. Samuelson	Richard J. Kirschman	Drew J. Gentsch			

October 27, 2004

E-Mail  
nelson@whitfieldlaw.com

City of Winterset, Iowa  
City Hall  
124 West Court Avenue  
Winterset, IA 50273

This is to certify that I have examined an Abstract of Title commencing with the date of root of title entry and ending with Abstract No. 367628185 prepared by Madison County Company. Those who prepared the last continuation of this Abstract of Title have certified that it reflects all matters up to September 27, 2004, at 8:00 a.m. and relating to the following property:

See Exhibit "A" attached hereto and by this reference made a part hereof, to be known as:

Birchwood Estates Plat No. 2, City of Winterset, Madison County, Iowa

As of that date and time, we find from our examination that good and marketable title to the property described above is held by:

Birchwood Estates, L.L.C.

EXCEPT THAT we also find certain matters which affect title as listed below:

1. **MORTGAGE.** The abstract shows a mortgage in the principal sum of \$1,700,000.00 from Birchwood Estates, L.L.C., to Peoples Trust & Savings Bank, dated March 15, 2004, and filed March 17, 2004, in Book 2004 Page 1142 of the Madison County records.
2. **EASEMENT.** The abstract shows a Utility Easement Agreement between Birchwood Estates, L.L.C. and the City of Winterset, Iowa, dated March 23, 2004, and filed May 20, 2004, in Book 2004 Page 2339 of the Madison County records.
3. **EASEMENT.** The abstract shows a Right of Way Permit to Northwestern Bell Telephone Company for telephone and telegraph lines filed in Deed Record Book 37, Page 484 of the Madison County records.
4. **REAL ESTATE TAXES.** All real estate taxes, including the 2003/2004 fiscal year taxes are paid in full.

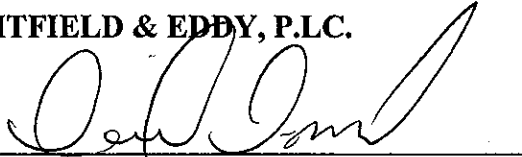
5. **OTHER MATTERS.** There are no other encumbrances, judgments, special assessments or other liens affecting the property.

This opinion is given for platting purposes pursuant to Section 354.11(3) of the Code of Iowa.

Respectfully submitted,

**WHITFIELD & EDDY, P.L.C.**

By



**David D. Nelson**

Legal Description:

A portion of Parcel "N" in the Northwest Quarter of the Northeast Quarter of the Southwest Quarter of Section 36, Township 76 North, Range 28 West of the 5th P.M., City of Winterset, Madison County, Iowa shown as Outlot 3 on a Preliminary Plat for Birchwood Estates Filed with the City of Winterset more particularly described as follows:

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

STATE OF IOWA            )  
                                  )  
COUNTY OF MADISON    )            ss:

I, Jo Anne Collins, Treasurer of Madison County, having examined the records of my office, in accordance with the provisions of Section 354.11, Iowa Code, 2003, as amended, pertaining to real properties legally described as follows:

See Exhibit "A" attached hereto

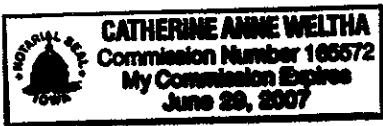
To be hereinafter designated as Birchwood Estates Plat No. 2, an Official Plat, City of Winterset, Madison County, Iowa, does hereby certify that same is free from real estate taxes, special assessments and special rates and charges.

Dated at Winterset, Iowa, this 27 day of October, 2004.

MADISON COUNTY TREASURER

By: Jo Anne Collins  
Treasurer

Subscribed and sworn to before me this 27 day of October, 2004.



Catherine A. Weltha  
Notary Public in and for the State of Iowa

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**RESOLUTION APPROVING FINAL PLAT  
OF  
BIRCHWOOD ESTATES PLAT NO. 2,  
AN ADDITION TO THE CITY OF WINTERSET,  
MADISON COUNTY, IOWA**

WHEREAS, there was filed in the office of the Zoning Administrator of the City of Winterset, a registered land surveyor's plat of a proposed subdivision know as Birchwood Estates Plat No. 2, an Addition to the City of Winterset, Madison County, Iowa; and

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

**A portion of Parcel "N" in the Northwest Quarter of the Northeast Quarter of the Southwest Quarter of Section 36, Township 76 North, Range 28 West of the 5th P.M., City of Winterset, Madison County, Iowa shown as Outlot 3 on a Preliminary Plat for Birchwood Estates Filed with the City of Winterset more particularly described as follows:**

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WHEREAS, there was also filed with said plat a dedication of said plat containing a statement to the effect that the subdivision, as is appears on the plat, is with the free consent and in accordance with the desire of the proprietor Birchwood Estates, L.L.C.

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

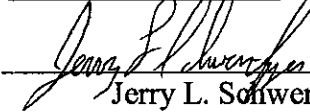
WHEREAS, the City Council of the City of Winterset, Iowa, finds that said Plat conforms to the provisions of the Zoning Ordinance of the City of Winterset and the plat, papers and documents presented therewith should be approved by the City Council; and, that said Plat, know as Birchwood Estates Plat No. 2, an Addition to the City of

Winterset, Madison County, Iowa, should be approved by the City Council of the City of Winterset, Iowa.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Winterset, Iowa;

1. That said Plat, known as Birchwood Estates Plat No. 2, an Addition to the City of Winterset, Madison County, Iowa, prepared in connection with said plat and subdivision, is hereby approved.
2. The Zoning Administrator of the City of Winterset, 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 16<sup>th</sup> day of NOVEMBER, 2004.

  
\_\_\_\_\_  
Jerry L. Schwerfeger, Mayor  
of the City of Winterset

ATTEST:

  
\_\_\_\_\_  
Mark Nitchals, City Clerk



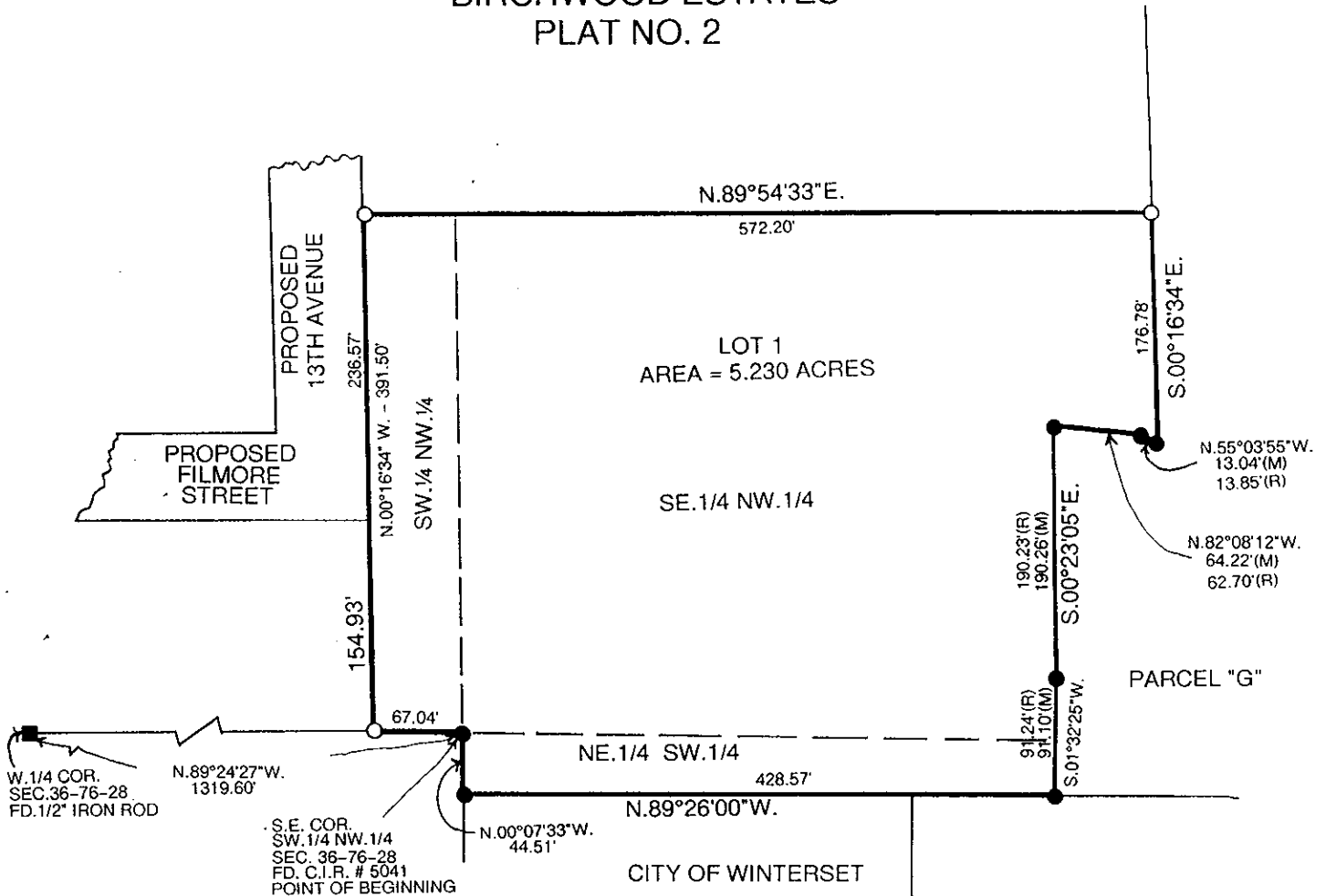
MICHELLE "MICKI" UTSLER, COUNTY RECORDER  
MADISON IOWA

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

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

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

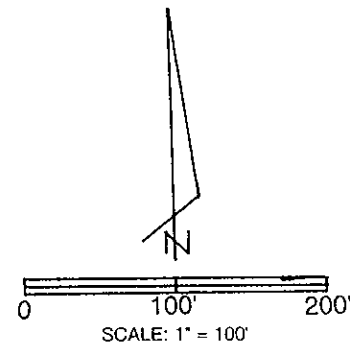
FINAL PLAT  
BIRCHWOOD ESTATES  
PLAT NO. 2



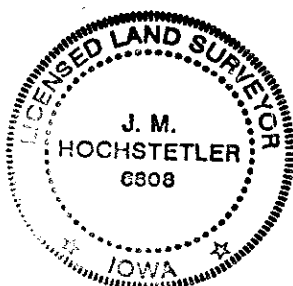
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- CAPPED IRON ROD (CIR)#6808 FOUND
- CIR# 5041 FOUND
- 1/2" IRON ROD FOUND
- x CALCULATED POINT NOTHING SET
- 1/4-1/4 SECTION LINE
- (M) MEASURED DISTANCE
- (R) RECORDED DISTANCE



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 10/8/04  
My license renewal date is December 31, 2005  
Pages or sheets covered by this seal: 1

FINAL PLAT

BIRCHWOOD ESTATES  
PLAT NO. 2

OWNER/DEVELOPER:

BIRCHWOOD ESTATES, LLC  
3501 WESTOWN PARKWAY  
WEST DES MOINES, IOWA 50265

ENGINEER/LAND SURVEYOR:

VANCE & HOCHSTETLER, P.C.  
CONSULTING ENGINEERS  
110 WEST GREEN ST.  
WINTERSSET, IOWA 50273