

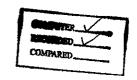
MICHELLE "MICK!" UTSLER, COUNTY RECORDER MADISON IOWA

Document 2005 141

Book 2005 Page 141 Type 06 44 Pages 18 Date 1/12/2005 Time 10:51 AM Rec Amt \$92.00 Aud Amt \$5.00

FOR PLAT SEE 2005-141 13

CERTIFICATE OF ZONING ADMINISTRATOR FOR COPPER FOX ESTATES SUBDIVISION IN MADISON COUNTY, IOWA



I, C. J. Nicholl, Zoning Administrator of Madison County, Iowa, do hereby certify that the Subdivision Plat to which this Certificate is attached is a plat of a subdivision known and designated as the Copper Fox Estates Subdivision, Madison County, Iowa and that the real estate described in this plat is as follows:

The East Half (½) of the Southeast Quarter (1/4) of Section Seventeen (17), in Township Seventy-six (76) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa,

The undersigned Zoning Administrator further certifies that following described documents attached to this Certificate are the true and correct documents submitted in connection with this subdivision plat:

- 1. Consent to Plat executed by the Mortgagee;
- 2. Restrictive Covenants executed by the proprietor for this Subdivision;
- 3. Certificate of the Treasurer of Madison County, Iowa for this Subdivision;
- 4. Certificate of the Recorder of Madison County, Iowa for this Subdivision;
- 5. Certificate of the Clerk of Court of Madison County, Iowa for this Subdivision;
- 6. Certificate of Engineer of Madison County, Iowa, for this Subdivision;
- 7. Title Opinion of Attorney at law for this Subdivision showing the land title to be in the name of the proprietor;
- 8. Groundwater Hazard Statement;
- 9. Letter regarding Road;
- 10. Resolution of Approval of the Final Subdivision Plat for this Subdivision by the Madison County Board of Supervisors;
- 11. 81/2 x 14 inch Final Plat;
- 12. 8 ½ x 14 inch Final Plat- Mylar Copy; and,
- 13. Final Plat.

 $all\ of\ which\ is\ hereby\ duly\ certified\ in\ accordance\ with\ the\ Subdivision\ Ordinance\ of\ Madison\ County,\ Iowa.$

Dated on this 1	of day of	JANAM	, 200\$_, a	winterset, I	2000		
			C. J. Nicho	oll, Zoning Ad	lministrator,	Madison Count	y, Iowa
State of Iowa)						
) ss			. •			
Madison County)						
		JAN 200	2				
On this _	<u>//) </u>	f October, 200	4 , before m	e, the undersi	gned, a Nota	ary Public in and	l for the
State of Iowa, per							
be the identical peacknowledged that						regoing instrum	ent, and

Joan Welle Notary Public

DEDICATION OF PLAT TO COPPER FOX ESTATES SUBDIVISION IN MADISON COUNTY, IOWA

We, Randy Jordan and Radena Jordan, Husband and Wife, hereby certify that we are the sole owners and proprietors of the real property described below and that the disposition of this real property subdivided as shown by the accompanying final plat for the Copper Fox Estates Subdivision in Madison County, Iowa, is in accordance with our free consent and in accordance with our desire as owner and proprietor. The undersigned owner and proprietor do hereby dedicate to the public and convey any and all easements and any other public right-of-way as shown on that plat designated for public use. The real property covered by this Dedication of Plat is described as follows:

The East Half (½) of the Southeast Quarter (1/4) of Section Seventeen (17), in Township Seventy-six (76) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa,

Randy Jordan, Owner

Radena Jordan, Owner

STATE OF IOWA, COUNTY OF MADISON, ss:

On this 13th day of September, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared Randy Jordan and Radena Jordan, to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Notary Public in and for said State

ELISHA R. BUSCH
COMMISSION NO. 714506
MY COMMISSION EXPIRES

MY COMMISSION EXPIRES

CONSENT TO PLATTING BY MORTGAGEE TO COPPER FOX ESTATES SUBDIVISION IN MADISON COUNTY, IOWA

The Farmers and Merchants State Bank hereby states that the Copper Fox Estates Subdivision of the following described real estate is prepared with its free consent and in accordance with its desires upon the real estate legally described as:

The East Half (½) of the Southeast Quarter (1/4) of Section Seventeen (17), in Township Seventy-six (76) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa,

The Farmers and Merchants State Bank hereby releases from the lien of its mortgage that portion of the above described real estate which is dedicated to the public and/or conveyed to the governing body as provided by Iowa Code Chapter 354.

The aforementioned mortgage is dated September 2, 2004 and filed for record on September 2, 2004 in the Office of the Madison County Recorder in Mortgage Record Book 2004 at Page 4135.

FARMERS AND MERCHANTS STATE BANK

James Mease Presiden

STATE OF IOWA, COUNTY OF MADISON, ss:

On this day of September, 2004, before me, the undersigned, a Notary Public in and for the said State, personally appeared James Mease, personally known, who being by me duly sworn, did say that he is the President of the corporation executing the within and foregoing instrument, that the instrument was signed on behalf of the corporation by authority of its Board of Directors; and that Phil Clifton as an officer acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the corporation, by it that them voluntarily executed.

PHILLIP J. CLIFTON
Commission Number 170637
My Commission Expires

Notary Public in and for said State.

Flander, Casper and Rosien, P.C.

ATTORNEYS AT LAW 223 EAST COURT AVENUE P.O. BOX 67 WINTERSET, IOWA 50273-0067

JOHN E. CASPER jcasper@fcrpc.com

JANE E. ROSIEN jrosien@ferpe.com

LEONARD M. FLANDER (1934-2002)

Telephone: (515) 462-4912 Fax: (515) 462-3392 E-Mail:attorneys@fcrpc.com

September 14, 2004

Madison County Zoning Administrator Madison County Courthouse Winterset, Iowa 50273

I, Jane E. Rosien, do hereby certify that I am an attorney licensed to practice under the laws of the State of Iowa; that I have examined an abstract of title showing the chain of title to the real estate described below from the date of original entry to September 9, 2004 at 8:00 o'clock a.m. In my opinion the fee simple title to the real property described below is in the name of the proprietor, Randal J. Jordan and Radena J. Jordan. In my opinion, no mortgages, liens or other encumbrances exist against the following described real property as of September 9, 2004 at 8:00 o'clock a.m., except for the mortgage lien of the Farmers and Merchants State Bank shown in Mortgage Record Book 2004 at Page 4135 of the Madison County Recorder's Office.

This attorney's opinion is for the real estate legally described as:

The East Half (½) of the Southeast Quarter (1/4) of Section Seventeen (17), in Township Seventy-six (76) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa,

Dated at Winterset, Iowa on this 14th day of September, 2004.

FLANDER, CASPER AND ROSIEN, P.C.

By: galleronen

Jan∉ E. Rosier

CERTIFICATE OF THE COUNTY TREASURER OF MADISON COUNTY, IOWA FOR COPPER FOX ESTATES SUBDIVISION IN MADISON COUNTY, IOWA

I, G. JoAnn Collins, do hereby certify that I am the duly elected and acting Treasurer of Madison County, Iowa; that I have examined the records in the Office of the Madison County Treasurer; and, that there are no certified taxes and no certified special assessments forming a lien against the following described real estate:

The East Half (½) of the Southeast Quarter (1/4) of Section Seventeen (17), in Township Seventy-six (76) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa,

Dated at Winterset, Iowa on this <u>15th</u> day of September, 2004.

G. JoAnn Collins, Treasurer of Madison County, Iowa



CERTIFICATE OF THE COUNTY RECORDER OF MADISON COUNTY, IOWA FOR COPPER FOX ESTATES SUBDIVISION IN MADISON COUNTY, IOWA

I, Michelle Utsler, do hereby certify that I am the duly elected and acting Recorder of Madison County, Iowa; that Randy Jordan and Radena Jordan are the fee simple owners and record title holders of the following described real estate:

The East Half (½) of the Southeast Quarter (1/4) of Section Seventeen (17), in Township Seventy-six (76) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa,

and that this real estate is free and clear of all liens and encumbrances, except for the real estate mortgage in favor of the Farmers and Merchants State Bank shown in Book 2004 at Page 4135.

Dated at Winterset, Iowa on this day of September, 2004,

Michelle Utsler, Recorder of

Madison County, Iowa

CERTIFICATE OF THE CLERK OF THE DISTRICT COURT OF MADISON COUNTY, IOWA FOR COPPER FOX ESTATES SUBDIVISION IN MADISON COUNTY, IOWA

I, Janice Weeks, do hereby certify that I am the duly appointed and acting Clerk of the Iowa District Court for Madison County; that I have examined the records in the Office of the District Court for Madison County, Iowa; and, that the following described real estate:

The East Half (½) of the Southeast Quarter (1/4) of Section Seventeen (17), in Township Seventy-six (76) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa,

is free from all judgments, attachments, mechanic's or other liens of any kind as shown by these official records.

Dated at Winterset, Iowa on this 4 day of September, 2004.

Janice Weeks, Clerk of the Iowa District Court for Madison County

RESTRICTIVE COVENANTS FOR COPPER FOX ESTATES SUBDIVISION IN MADISON COUNTY, IOWA

We, Randy Jordan and Radena Jordan, husband and wife, are now the fee simple owner and record titleholder of the following-described real estate:

The East Half (½) of the Southeast Quarter (1/4) of Section Seventeen (17), in Township Seventy-six (76) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa,

The undersigned owner does hereby impose and subject this real estate to certain regulations, covenants, restrictions and easements as to the use and occupancy thereof, as follows:

- 1. All subdivision lots (hereafter referred also as parcels) shall be used only for single-family residential purposes. The residential dwelling structure shall be at least one thousand seven hundred (1700) square feet in area on the main level or at least one thousand two hundred (1200) square feet in area on the main floor of a multi-level dwelling. Each residence shall have an attached garage with sufficient square footage to hold at least two (2) mid-sized automobiles. No mobile homes or manufactured homes shall be erected or placed on any of the parcels at any time. For the purpose of this Restriction, the following definitions shall apply.
- a. "Mobile home" means any vehicle without motive power used or so manufactured or constructed as to permit it being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons.
 - b. "Modular home" means a factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa state building code for modular factory-built structures, and must display the seal issued by the Iowa state building code commissioner.

- c. "Manufactured home" means a factory-built structure used as a place for human habitation and manufactured under the authority of 42 U.S.C. Section 5403 displaying a seal from the United States department of housing and urban development, but which is not constructed to equipped with a permanent hitch or other devise allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles.
- 2. No hog confinement, nursery or finishing structure, cattle finishing structure, poultry laying or raising houses shall be erected on any of the above described parcels.
- 3. The requirements contained in the Madison County Zoning Ordinance as to lot area, width and yard requirements shall apply to all parcels. A setback of fifty (50) feet from all streets, roads and private drives shall apply.
- 4. These parcels described above shall not be further subdivided even if allowable under the Subdivision Ordinance and Zoning Ordinance of Madison County, Iowa.
- 5. 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.
- 6. No building shall be erected on any parcel 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. In addition, all dwelling plans including blueprints, floor plans and construction specifications shall be first approved by the undersigned or their successor or assign prior to the commencement of any construction activity on the building project. All accessory structures shall be one-story not exceeding twenty (20) feet in height.
- 7. No building including a residential dwelling unit may be moved or relocated onto any parcel (other than modular homes), except for storage sheds whose gross floor square feet is less than two hundred (200) square feet, unless all parcel owners within the Subdivision agree in writing prior to such move.

- 8. The titleholder of each parcel, vacant or improved, shall keep his parcel or parcels free of weeds and debris, and shall not engage in any activity which is a nuisance.
- 9. If any parcel owner decides to erect a fence upon their parcel upon or along the boundary with another parcel within the Subdivision, the total cost of installation of such fence shall be borne by that parcel owner as well as the cost of all future maintenance of the fence. No adjoining parcel owner shall be required to participate in the cost of the erection or maintenance of any fence. Any fence erected shall be the sole property of the parcel owner and can be removed by such parcel owner at their discretion. Nothing in this paragraph shall be deemed to preclude a fencing agreement between adjoining parcel owners for the erection and maintenance of a common fence; however, for any such common fence agreement to be enforceable upon future parcel owners, such fencing agreement must be in writing and filed on record in the Madison County Recorder's office in order to apprize prospective purchasers of their obligations with respect to such fencing.
- 10. With respect to exterior partition fences which adjoin property outside the Subdivision it shall be the responsibility and obligation of each parcel owner to maintain at all times a lawful partition fence separating their parcel from this adjoining real estate outside this Subdivision, except for the partition fence for parcels along the East boundary of the Subdivision which shall be maintained as a "tight" fence, consisting of 47 inch woven wire with a single strand of barb wire on top and alternating wood and steel posts spaced ten (10) feet apart, separating their parcel from this adjoining real estate outside the Subdivision.
- 11. There is no common sewage system available for use within the parcels and the responsibility shall be upon each of the parcel owners to provide a septic system for use with the residence constructed upon each parcel.
- 12. No animals shall be kept or maintained on any of the parcels except ordinary household pets. No parcel shall be used at any time for the kenneling, boarding or the commercial breeding of these household pets. A kennel shall mean any premises on which four (4) or more dogs or four (4) or more cats six (6) months of age or older are kept or raised under constant restraint.
- 13. No above-ground swimming pools of any kind having a holding capacity greater than fifty (50) gallons of water shall be allowed on any parcel at any time.

- 14. A perpetual easement is hereby dedicated for purposes of a common private drive and utility access upon, along and under the area designated on the final plat as the private access road and public utility easement. This common easement area is for public access to all lots and for the construction, maintenance, repair and replacement of electric and telephone lines and other accessory equipment, sewer lines and other necessary installations common to all lots within the plat. The undersigned shall provide at their cost the initial construction of the private drive. Thereafter, the Lot owners within the Subdivision other than the owners of Lots One (1), Two (2), Four (4) and Five (5) shall pay equally on a per lot basis for the cost of maintaining and repairing the private drive including the snow and ice removal thereon. The need for such maintenance or replacement and the amount of the assessment for each lot to cover any costs incurred shall be determined by the vote of the lot owners with the decision of a majority of the lot owners being binding upon all lot owners. Each lot shall be entitled to one vote notwithstanding the number of persons who may own an interest in that lot.
- 15. These covenants are to run with the land, and shall be binding on all parties and persons claiming through or under them until January 1, 2025, at which time said covenants shall be automatically extended for successive periods of 10 years, unless by a vote of the majority of the then owners of the parcels, it is agreed to delete or amend these covenants in whole or in part. No new or additional covenants shall be added unless all of the owners of the parcels agree in writing to any such additional covenants.
- 16. If any person shall violate or attempt to violate any of the covenants, conditions or restrictions contained herein, it shall be lawful for any owner of any parcel or parcels 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 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.

Dated this 13th day of September, 2004.

Randy Jordan

Radena Jordan

STATE OF IOWA

: ss

MADISON COUNTY

On this 13 had day of September, 2004, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Randy Jordan and Radena Jordan to me known to be the identical persons named in and who executed the within and foregoing instrument and acknowledged the same as their voluntary act and deed.



...

Telephone: (515) 462-4912

AGREEMENT

THIS AGREEMENT made and entered into by and between Randy Jordan and Radena Jordan, husband and wife, as the proprietor of the Copper Fox Estates Subdivision in Madison County, Iowa and Todd Hagan, Madison County Engineer.

NOW THEREFORE IT IS AGREED as follows:

1. The proprietor of the Copper Fox Estates Subdivision, a Plat of the following-described real estate:

> The East Half (1/2) of the Southeast Quarter (1/4) of Section Seventeen (17), in Township Seventy-six (76) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa,

hereby agree that the private roads located within the Copper Fox Estates Subdivision shall remain at all times as private roads and no such road right of way is being dedicated to Madison County, Iowa. The undersigned proprietor consents and agrees that any such road right of way incident to this Subdivision shall not be maintained in any manner by Madison County, Iowa, or the Madison County Engineer's Department.

Dated at Winterset, Iowa on this 14th day of September, 2004.

COPPER FOX ESTATES SUBDIVISION

MADISON COUNTY, IOWA

RESOLUTION APPROVING FINAL PLAT OF COPPER FOX ESTATES SUBDIVISION IN MADISON COUNTY, IOWA

Whereas, a Final Plat has been filed in the Office of the Zoning Administrator of Madison County, Iowa, for a proposed subdivision to be known as the Copper Fox Estates Subdivision in Madison County, Iowa;

Whereas, the Final Plat comprises the real estate legally described as:

The East Half (½) of the Southeast Quarter (1/4) of Section Seventeen (17), in Township Seventy-six (76) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa,

Whereas, the Final Plat has been duly approved by the Planning and Zoning Commission in accordance with the County Subdivision Ordinance and the laws of the State of Iowa;

Whereas, the Final Plat is accompanied by all the documents required by law including the plat dedication by the proprietor, the certificate of the County Treasurer, the certificate of the County Recorder, the certificate of the Clerk of Court and the title opinion of the attorney;

Whereas, the Madison County Board of Supervisors finds that this rural subdivision is within two (2) miles of a City incorporated under the laws of the State of Iowa; is thereby subject to the concurrent jurisdiction of this City subdivision laws or ordinances; and, the approval of this subdivision by this City is part of the proceedings in this matter;

Whereas, the Madison County Board of Supervisors finds that this plat conforms in all respects to the provisions of the Subdivision Ordinance of Madison County and to the laws of the State of Iowa and should now be approved in all respects.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Madison County, Iowa, that the subdivision plat known as the Copper Fox Estates Subdivision in Madison County, Iowa be and is hereby approved in all respects; the dedication and/or conveyance of public areas within the plat, if any, be and are hereby approved and accepted in all respects; and, the Madison County Zoning Administrator be and is hereby directed to certify this Resolution, the Subdivision Plat and all other accompanying documents to the Office of the Madison County Recorder for recording in the manner provided by law.

Passed and approved by the Board of Supervisors on this $\frac{128}{128}$ day of October, 2004, at Winterset, Iowa.

Madison County Board of Supervisors

Steven Raymond, Chairperson

Madison County Board of Supervisors

Attest:

By: / Mu / / / / / / / Joan Welch, Madison County Auditor

Secretary of the Board of Supervisors

RESOLUTION NO. 2004 – 129

RESOLUTION APPROVING FINAL PLAT OF COPPER FOX ESTATES SUBDIVISION

WHEREAS there is filed in the Office of the Zoning Administrator of the City of Winterset, Iowa, a registered land survey's plat of a proposed subdivision known as Copper Fox Estates; and

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

The East Half of the Southeast Quarter of Section 17, Township 76 North, Range 27 West of the 5th P.M., Madison County, Iowa more particularly described as follows:

Beginning at the Southeast Corner of Section 17, Township 76 North, Range 27 West of the 5th P.M., Madison County, Iowa; thence North 00°29'33" East 2,639.71 feet to the East Quarter Corner of said Section 17; thence North 89°32'10" West 1,308.23 feet along the North line of the East Half of the Southeast Quarter of said Section 17; thence South 00°23'33" West 2,634.15 feet along the West line of said East Half of the Southeast Quarter to the Southwest Corner of the Southeast Quarter of the Southeast Quarter of said Section 17; thence South 89°17'30" East 1,303.65 feet along the Section Line to the Point of Beginning containing 79.055 Acres including 1.536 Acres of County Road right-of-way.

NOTE: Area in the NE.1/4 SE.1/4 = 39.562 Acres Area in the SE.1/4 SE.1/4 = 39.493 Acres

WHEREAS this subdivision is submitted to the City of Winterset, Iowa under its concurrent jurisdiction as provided by law; and

WHEREAS this subdivision of plat has been reviewed by the Planning & Zoning Commission of the City of Winterset; and

WHEREAS the Planning and Zoning Commission recommends that said the City Council should approve the subdivision plat and that all improvements provided for in the Subdivision regulations of the City Code should be waived.

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

- 1. That the subdivision plat known as Copper Fox Estates is hereby approved in all respects.
- 2. That the installations of improvements required by the Subdivision regulations are hereby waived.

3. That the Zoning Administrator of the City of Winterset is hereby directed to certify this Resolution which shall be affixed to this subdivision plat to the county Recorder of Madison County, Iowa, and attend to the filing and recording of the subdivision plat and accompanying documents.

Passed by the City Council and approved by the undersigned Mayor at Winterset,

Iowa, on this 1st day of November 2004.

Attest: Mark Nitchals, City Administrator



www.fandmbankonline.com



Winterset - Main Office

101 West Jefferson

P.O. Box 29

Winterset, Iowa 50273-0029

515-462-4242

Loan Dept.: 515-462-4381

Bookkeeping: 515-462-4248



Winterset - Motor Bank

722 N. John Wayne Drive

Winterset, Iowa 50273-0029 515-462-1110



St. Charles Office

133 West Main

P.O. Box 105

St. Charles, Iowa 50240

641-396-2233

Toll Free: 888-243-2233



Orient Office

114 South Broad

P.O. Box 39

Orient, Iowa 50858

641-337-5418

September 16, 2004

Madison County Board of Supervisors Madison County Courthouse Winterset, IA 50273

RE: Randy Jordan - Copper Fox Estates

Gentlemen:

Please be informed, Farmers and Merchants State Bank has been working with Randy Jordan and has agreed to provide financing to prepare this site and install services necessary for the residential development planned by Mr. Jordan. These services include, but are not limited to, a road to access the proposed lots. Based on the current road profile for this development, the cost is \$42,309.

A line of credit has been established to cover the construction of this road and these funds are available as needed. If Mr. Jordan does not complete this roadway in a timely fashion, Madison County will have the right to access these funds for this purpose.

Thank you for your consideration of this development.

Sincerely

Phillip J. Clifton

Vice President

CC: Randy Jordan

FOR DEDICATION, RESOLUTION & CERTIFICATES SEE 2005-141

Document 2005 141

Book 2005 Page 141 Type 06 44 Pages 18 Date 1/12/2005 Time 10:51 AM Rec Amt \$92.00 Aud Amt \$5.00

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

