



REC \$ 120.00  
 AUD \$ 5.00  
 R.M.F. \$ 7.00

FOR PLAT SEE  
 2001-2798A

FILED NO. 002798  
 BOOK 2001 PAGE 2798

COMPUTER   
 RECORDED   
 COMPARED

**PLAT AND CERTIFICATE  
 FOR CLARK TOWER SUBDIVISION  
 MADISON COUNTY, IOWA**

01 JUL -5 AM 10: 29  
 MICKI UTSLER  
 RECORDER  
 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 Clark Tower Subdivision and that the real estate comprising said plat is described as follows:

Parcel of land in the Northeast Quarter of the Northwest Quarter and the Southeast Quarter of the Northwest Quarter of Section 18, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of the Northwest Quarter of Section 18, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa; thence South 89°07'08" West 100.37 feet along the North line of said Southeast Quarter of the Northwest Quarter to the Point of Beginning; thence continuing South 89°07'08" West 350.00 feet along said North line to the Southeast Corner of Lot 7 in the Northeast Quarter of the Northwest Quarter of said Section 18; thence North 00°36'46" West 943.15 feet along the East line of said Lot 7 to the centerline of a paved county road; thence along said centerline Southwesterly 469.52 feet along a 1146.00 feet radius curve concave Northwesterly with a 466.24 feet chord bearing South 34°15'40" West, thence South 45°59'54" West 49.54 feet; thence Southwesterly 669.15 feet along a 1146.00 feet radius curve concave Southeasterly with a 659.69 feet chord bearing South 29°16'15" West; thence South 12°32'35" West 648.21 feet; thence South 77°27'25" East 40.00 feet to the Easterly right-of-way line of said County Road; thence North 88°48'44" East 1144.59 feet; thence North 08°29'47" East 182.48 feet; thence North 10°11'00" West 502.64 feet to the Point of Beginning containing 24.359 acres including 2.065 acres of County Road right-of-way. Said Parcel is divided into 5 lots numbered 1 through 5.


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 Clark Tower Subdivision;
2. Attorney's opinion;
3. Certificate of County Treasurer of Madison County, Iowa;

4. Certificate of County Recorder of Madison County, Iowa;  
5. Certificate of Clerk of the District court of Madison County, Iowa;  
6. Resolution of the Board of Supervisors of Madison County, Iowa, approving said plat; and

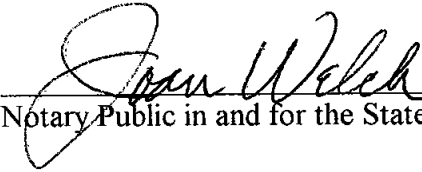
7. Consent to Platting by Farm Credit Services and Anchored Walls, Inc.;  
8. Deed of Restrictions;  
9. Resolution of the City Council of the City of Winterset, Madison County, Iowa,  
all of which are duly certified in accordance with the Zoning Ordinance of Madison County,  
Iowa.

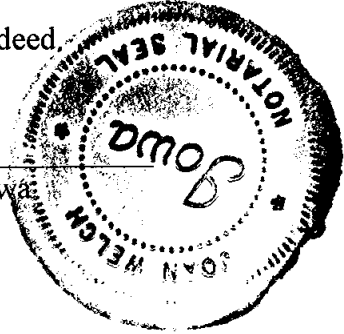
Dated this 2<sup>nd</sup> day of July, 2001.

  
\_\_\_\_\_  
C. J. Nicholl, Zoning Administrator for  
Madison County, Iowa

STATE OF IOWA :  
: SS  
MADISON COUNTY :

On this 21 day of April, 2000, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Larry H. Utsler and Michelle J. Utsler, to me known to be the identical persons named in and who executed the within and foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

  
Notary Public in and for the State of Iowa



**DEDICATION OF PLAT  
OF  
CLARK TOWER SUBDIVISION**

KNOW ALL MEN BY THESE PRESENTS:

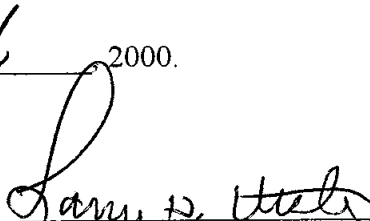
That we, Larry H. Utsler and Michelle J. Utsler, husband and wife, do hereby certify that we are the sole owners and proprietors of the following-described real state:

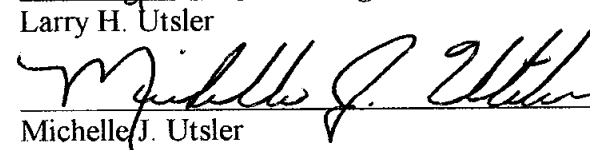
A Parcel of land in the Northeast Quarter of the Northwest Quarter and the Southeast Quarter of the Northwest Quarter of Section 18, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of the Northwest Quarter of Section 18, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa; thence South 89°07'08" West 100.37 feet along the North line of said Southeast Quarter of the Northwest Quarter to the Point of Beginning; thence continuing South 89°07'08" West 350.00 feet along said North line to the Southeast Corner of Lot 7 in the Northeast Quarter of the Northwest Quarter of said Section 18; thence North 00°36'46" West 943.15 feet along the East line of said Lot 7 to the centerline of a paved county road; thence along said centerline Southwesterly 469.52 feet along a 1146.00 feet radius curve concave Northwesterly with a 466.24 feet chord bearing South 34°15'40" West, thence South 45°59'54" West 49.54 feet; thence Southwesterly 669.15 feet along a 1146.00 feet radius curve concave Southeasterly with a 659.69 feet chord bearing South 29°16'15" West; thence South 12°32'35" West 648.21 feet; thence South 77°27'25" East 40.00 feet to the Easterly right-of-way line of said County Road; thence North 88°48'44" East 1144.59 feet; thence North 08°29'47" East 182.48 feet; thence North 10°11'00" West 502.64 feet to the Point of Beginning containing 24.359 acres including 2.065 acres of County Road right-of-way. Said Parcel is divided into 5 lots numbered 1 through 5.

That the subdivision of the above-described real estate as shown by the final plat of Clark Tower Subdivision is with the free consent and in accordance with the owners' desires as owners of said real estate.

DATED this 21<sup>st</sup> day of April, 2000.

  
\_\_\_\_\_  
Larry H. Utsler

  
\_\_\_\_\_  
Michelle J. Utsler

**CONSENT TO PLATTING  
BY ANCHORED WALLS, INC.**

Anchored Walls, Inc., does hereby consent to the platting and subdivision of the following-described real estate:

A Parcel of land in the Northeast Quarter of the Northwest Quarter and the Southeast Quarter of the Northwest Quarter of Section 18, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of the Northwest Quarter of Section 18, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa; thence South 89°07'08" West 100.37 feet along the North line of said Southeast Quarter of the Northwest Quarter to the Point of Beginning; thence continuing South 89°07'08" West 350.00 feet along said North line to the Southeast Corner of Lot 7 in the Northeast Quarter of the Northwest Quarter of said Section 18; thence North 00°36'46" West 943.15 feet along the East line of said Lot 7 to the centerline of a paved county road; thence along said centerline Southwesterly 469.52 feet along a 1146.00 feet radius curve concave Northwesterly with a 466.24 feet chord bearing South 34°15'40" West, thence South 45°59'54" West 49.54 feet; thence Southwesterly 669.15 feet along a 1146.00 feet radius curve concave Southeasterly with a 659.69 feet chord bearing South 29°16'15" West; thence South 12°32'35" West 648.21 feet; thence South 77°27'25" East 40.00 feet to the Easterly right-of-way line of said County Road; thence North 88°48'44" East 1144.59 feet; thence North 08°29'47" East 182.48 feet; thence North 10°11'00" West 502.64 feet to the Point of Beginning containing 24.359 acres including 2.065 acres of County Road right-of-way. Said Parcel is divided into 5 lots numbered 1 through 5.

in accordance with ordinances of the State of Iowa. The undersigned are the vendors of a real estate contract providing for the sale of said real estate to Larry H. Utsler and Michelle J. Utsler.

Dated: April 21, 2000.

ANCHORED WALLS, INC.

By

By

**CONSENT TO PLATTING  
BY FARM CREDIT SERVICES**

Farm Credit Services does hereby consent to the platting and subdivision of the following-described real estate:

A Parcel of land in the Northeast Quarter of the Northwest Quarter and the Southeast Quarter of the Northwest Quarter of Section 18, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of the Northwest Quarter of Section 18, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa; thence South 89°07'08" West 100.37 feet along the North line of said Southeast Quarter of the Northwest Quarter to the Point of Beginning; thence continuing South 89°07'08" West 350.00 feet along said North line to the Southeast Corner of Lot 7 in the Northeast Quarter of the Northwest Quarter of said Section 18; thence North 00°36'46" West 943.15 feet along the East line of said Lot 7 to the centerline of a paved county road; thence along said centerline Southwesterly 469.52 feet along a 1146.00 feet radius curve concave Northwesterly with a 466.24 feet chord bearing South 34°15'40" West, thence South 45°59'54" West 49.54 feet; thence Southwesterly 669.15 feet along a 1146.00 feet radius curve concave Southeasterly with a 659.69 feet chord bearing South 29°16'15" West; thence South 12°32'35" West 648.21 feet; thence South 77°27'25" East 40.00 feet to the Easterly right-of-way line of said County Road; thence North 88°48'44" East 1144.59 feet; thence North 08°29'47" East 182.48 feet; thence North 10°11'00" West 502.64 feet to the Point of Beginning containing 24.359 acres including 2.065 acres of County Road right-of-way. Said Parcel is divided into 5 lots numbered 1 through 5.

in accordance with ordinances of the State of Iowa. The undersigned holds a mortgage against said real estate.

Dated: April 24<sup>th</sup>, 2000.

FARM CREDIT SERVICES

By 

STATE OF IOWA :  
 : ss  
LUCAS COUNTY :

On this 24<sup>th</sup> day of April, 2000, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Rachel S Dudley of said corporation executing the within and foregoing instrument; that the seal affixed thereto is the seal of said corporation; that said instrument was signed on behalf of said corporation by authority of its Board of Directors; and that the said Rachel S Dudley as such officer, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by his voluntarily executed.

Julie Anderson  
Notary Public in and for the State of Iowa

11-3-2001

LAW OFFICES

JORDAN, OLIVER & WALTERS, P.C.

FARMERS & MERCHANTS STATE BANK BUILDING  
POST OFFICE BOX 230  
WINTERSSET, IOWA 50273-0230

TELEPHONE (515)462-3731  
FAX (515)462-3734

LEWIS H. JORDAN

JERROLD B. OLIVER

G. STEPHEN WALTERS

May 1, 2001

Mr. C. J. Nicholl  
Madison County Zoning Administrator  
Madison County Courthouse  
Winterset, IA 50273

Dear Mr. Nicholl:

This attorney's opinion is given in accordance with Section 6, subparagraph C1, of the Madison County Subdivision Ordinance. I, Jerrold B. Oliver, an attorney at law of Winterset, Madison County, Iowa, do hereby state that this attorney's opinion of title concerns the following described real estate:

A Parcel of land in the Northeast Quarter of the Northwest Quarter and the Southeast Quarter of the Northwest Quarter of Section 18, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of the Northwest Quarter of Section 18, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa; thence South 89°07'08" West 100.37 feet along the North line of said Southeast Quarter of the Northwest Quarter to the Point of Beginning; thence continuing South 89°07'08" West 350.00 feet along said North line to the Southeast Corner of Lot 7 in the Northeast Quarter of the Northwest Quarter of said Section 18; thence North 00°36'46" West 943.15 feet along the East line of said Lot 7 to the centerline of a paved county road; thence along said centerline Southwesterly 469.52 feet along a 1146.00 feet radius curve concave Northwesterly with a 466.24 feet chord bearing South 34°15'40" West, thence South 45°59'54" West 49.54 feet; thence Southwesterly 669.15 feet along a 1146.00 feet radius curve concave Southeasterly with a 659.69 feet chord bearing South 29°16'15" West; thence South 12°32'35" West 648.21 feet; thence South 77°27'25" East 40.00 feet to the Easterly right-of-way line of said County Road; thence North 88°48'44" East 1144.59 feet; thence North 08°29'47" East 182.48 feet; thence North 10°11'00" West 502.64 feet to the Point of Beginning containing 24.359 acres including 2.065 acres of County Road right-of-way. Said Parcel is divided into 5 lots numbered 1 through 5.



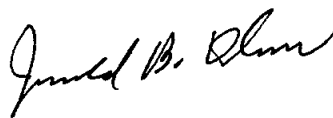
Mr. C. J. Nicholl  
May 1, 2001  
Page Two

Title to said real estate is in Larry H. Utsler and Michelle J. Utsler, free and clear of all liens and encumbrances, except a Mortgage from Larry H. Utsler and Michelle J. Utsler, husband and wife, to Farm Credit Services in the principal sum of \$88,240, recorded in mortgage record 171, page 734 of the Recorder's office of Madison County, Iowa, and a Real Estate Contract entered into between Anchored Walls, Inc. and Larry H. Utsler and Michelle J. Utsler in the principal sum of \$103,060, recorded in book 139, page 454 of the Recorder's office of Madison County, Iowa.

Respectfully submitted,

JORDAN, OLIVER & WALTERS, P.C.

By



Jerrold B. Oliver

JBO:hd

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

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I, Becky McDonald, 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:

Parcel of land in the Northeast Quarter of the Northwest Quarter and the Southeast Quarter of the Northwest Quarter of Section 18, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, more particularly described as follows:

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DATED at Winterset, Iowa, this 2 day of May, 2001.

Becky McDonald  
Becky McDonald, Treasurer of Madison County,  
Iowa

**CERTIFICATE OF THE COUNTY RECORDER**  
**OF MADISON COUNTY, IOWA**

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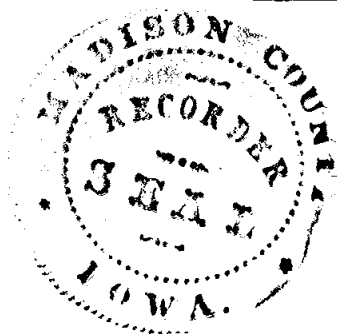
I, Michelle Utsler, do hereby certify that I am the duly elected and acting Recorder of Madison County, Iowa; that Larry H. Utsler and Michelle J. Utsler, husband and wife, are the fee simple owners and record titleholders of the following-described real estate, to-wit:

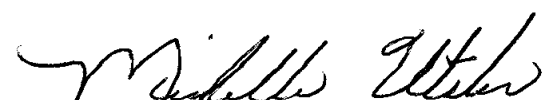
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and that said real estate is free and clear of all liens and encumbrances, except for a Mortgage to Farm Credit Services, and a Real Estate Contract between Anchored Walls, Inc., and Larry H. Utsler and Michelle J. Utsler, husband and wife, against said real estate.

DATED at Winterset, Iowa, this 3<sup>rd</sup> day of MAY, 2001.



  
Michelle Utsler, Recorder of Madison  
County, Iowa

**CERTIFICATE OF THE CLERK OF THE DISTRICT  
COURT  
OF MADISON COUNTY, IOWA**

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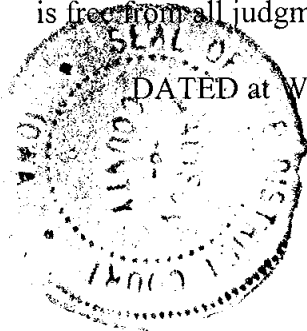
I, Janice Weeks, do hereby certify that I am the duly elected and acting Clerk of the District Court of Madison County, Iowa; that I have examined the records in my office, and that the following-described real estate, to-wit:

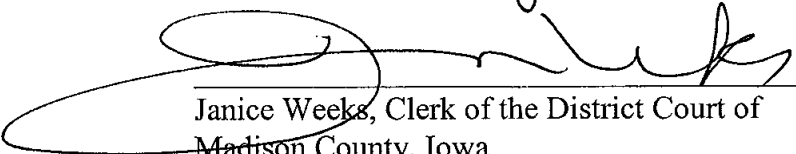
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is free from all judgments, attachments, mechanic's or other liens.

DATED at Winterset, Iowa, this 3rd day of May, 2001.



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

**DEED OF RESTRICTIONS**  
**CLARK TOWER SUBDIVISION**  
**MADISON COUNTY, IOWA**

We, Larry H. Utsler and Michelle J. Utsler, husband and wife, are now the fee simple owners and record titleholders of the following-described real estate:

Parcel of land in the Northeast Quarter of the Northwest Quarter and the Southeast Quarter of the Northwest Quarter of Section 18, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, more particularly described as follows:

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which real estate is being platted as Clark Tower Subdivision, 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:

1. All lots in said plat shall be used only for single-family residential purposes. No structure shall be erected on any lot except the residential dwelling structure, which shall be at least 1250 square feet in area, a one- to three-car garage and certain accessory buildings provided that accessory buildings other than garages may not be erected in excess of 1000 square feet in area. No mobile homes, earth homes, modular homes, or berm homes shall be erected or placed

on any of the lots in Clark Tower Subdivision. No hog confinement, nursery or finishing structure, cattle finishing structure, poultry laying or raising houses shall be erected on any of the lots in said Clark Tower Subdivision.

2. The requirements contained in the Madison County Zoning Ordinance as to lot area, width and yard requirements shall apply to all lots within the subdivision. A setback of fifty from all streets, roads, and private drives shall apply.

3. No lot in the plat shall be further subdivided, except that a lot may be divided and sold to or with adjoining lots to increase their size.

4. 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.

5. 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.

6. The titleholder of each lot, vacant or improved, shall keep his lot or lots free of weeds and debris, and shall not engage in any activity which is a nuisance.

7. 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, 2020, 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 lots, it is agreed to delete and 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 Clark Tower Subdivision agree in writing to any such additional covenants.

8. If any person shall violate or attempt to violate any of the covenants, conditions or

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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 violation 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.

9. 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.

10. If any lot owner decides to erect a fence upon his lot, the total cost of installation of such fence shall be borne by said lot owner as well as the cost of all future maintenance of the fence. No adjoining lot 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 lot owner and can be removed by such lot owner at his discretion. Nothing in this paragraph shall be deemed to preclude a fencing agreement between adjoining lot owners for erection and maintenance of a common fence; however, for any such common fence agreement to be enforceable upon future lot owners, such fencing agreement must be in writing and filed on record in the Madison County Recorder's office in order to apprise prospective purchasers of their obligations with respect to such fencing.

11. With respect to exterior partition fences it shall be the responsibility and obligation of each lot owner to maintain a lawful partition fence separating his lot from adjoining unplatted real estate.

12. There is no common sewage system available for use within Clark Tower Subdivision, and it shall be the responsibility of each of the owners of the respective lots within the Clark Tower Subdivision to provide a septic tank for use with the residence constructed upon each lot.

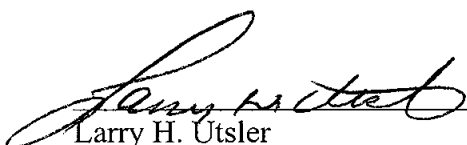
13. No animals shall be kept or maintained on any of the lots in Clark Tower Subdivision except ordinary household pets and horses.

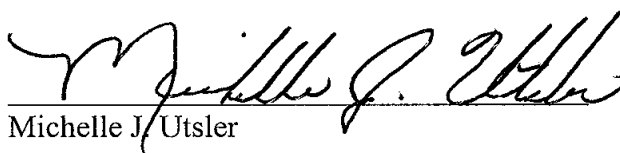
14. A perpetual easement for a private drive and utility purposes with the right to construct, maintain and remove electric light lines, telephone lines, poles, wires, conduits, water pipe lines, drain tiles, sewer tile and other necessary installations is hereby granted to all lot owners together with the right of ingress and egress by, through, over and to the following-described real estate:

Area designated on plat as public utility and access easement.

Developers Larry H. Utsler and Michelle J. Utsler, shall pay for and provide the initial construction of the private drive. Thereafter, the owners of lots of Clark Tower Subdivision shall pay for the cost of maintenance and repair of said private drive, and snow removal for said private drive, with the owner of each lot paying 1/5 of the costs of such maintenance, repair and snow removal costs. A majority of the lot owners may decide at any time as to the need for and cost of any needed maintenance, repair or snow removal, and the decision of the majority of said lot owners shall be binding upon all of the owners of lots.

Dated this 21<sup>st</sup> day of February, 2001.

  
Larry H. Utsler

  
Michelle J. Utsler



STATE OF IOWA :  
 :SS  
MADISON COUNTY :

On this 21 day of February, 2001, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Larry H. Utsler and Michelle J. Utsler, to me known to be the identical persons named in and who executed the within and foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

Becky McDonald  
Notary Public in and for the State of Iowa



**RESOLUTION APPROVING FINAL PLAT  
OF CLARK TOWER SUBDIVISION  
MADISON COUNTY, IOWA**

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 Clark Tower Subdivision; and

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

Parcel of land in the Northeast Quarter of the Northwest Quarter and the Southeast Quarter of the Northwest Quarter of Section 18, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa, more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of the Northwest Quarter of Section 18, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa; thence South  $89^{\circ}07'08''$  West 100.37 feet along the North line of said Southeast Quarter of the Northwest Quarter to the Point of Beginning; thence continuing South  $89^{\circ}07'08''$  West 350.00 feet along said North line to the Southeast Corner of Lot 7 in the Northeast Quarter of the Northwest Quarter of said Section 18; thence North  $00^{\circ}36'46''$  West 943.15 feet along the East line of said Lot 7 to the centerline of a paved county road; thence along said centerline Southwesterly 469.52 feet along a 1146.00 feet radius curve concave Northwesterly with a 466.24 feet chord bearing South  $34^{\circ}15'40''$  West, thence South  $45^{\circ}59'54''$  West 49.54 feet; thence Southwesterly 669.15 feet along a 1146.00 feet radius curve concave Southeasterly with a 659.69 feet chord bearing South  $29^{\circ}16'15''$  West; thence South  $12^{\circ}32'35''$  West 648.21 feet; thence South  $77^{\circ}27'25''$  East 40.00 feet to the Easterly right-of-way line of said County Road; thence North  $88^{\circ}48'44''$  East 1144.59 feet; thence North  $08^{\circ}29'47''$  East 182.48 feet; thence North  $10^{\circ}11'00''$  West 502.64 feet to the Point of Beginning containing 24.359 acres including 2.065 acres of County Road right-of-way. Said Parcel is divided into 5 lots numbered 1 through 5.

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, Larry H. Utsler and Michelle J. Utsler, husband and wife; and

WHEREAS, said plat was accompanied by a complete abstract of title and an opinion

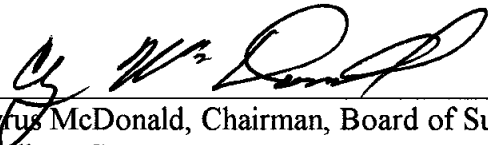
from an attorney at law showing that title in fee simple is in said proprietors and that the platted land is free from encumbrance, except for a Mortgage to Farm Credit Services, and a Real Estate Contract between Anchored Walls, Inc., and Larry H. Utsler and Michelle J. Utsler, against said real estate, and certified statement from the Treasurer of Madison County, Iowa, that said platted land is free from taxes, and the Clerk of the District Court of Madison County, Iowa, that said land is free from all judgments, attachments, mechanic's or other liens, and the Recorder of Madison County, Iowa, that title in fee simple is in said proprietors, and that it is free from encumbrance except for a Mortgage to Farm Credit Services, and a Real Estate Contract between Anchored Walls, Inc., and Larry H. Utsler and Michelle J. Utsler, against said real estate; and

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 Clark Tower Subdivision, should be approved by the Board of Supervisors, Madison County, Iowa.

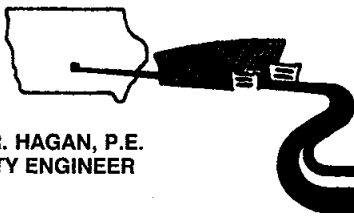
NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, Madison County, Iowa:

1. That said plat, known as Clark Tower 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 JUNE, 2000.

  
Cyrus McDonald, Chairman, Board of Supervisors,  
Madison County, Iowa

ATTEST:   
Madison County Auditor



MADISON COUNTY  
SECONDARY ROAD DEPARTMENT

TODD R. HAGAN, P.E.  
COUNTY ENGINEER

MIKE HACKETT, Assistant to County Engineer  
TIM WADDINGHAM, Office Manager  
RAY PARKER, JR., Maintenance Superintendent

Courthouse, P.O. Box 152  
Winterset, Iowa 50273

515-462-1136  
Fax 515-462-2506

May 3, 2001

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

RE: Clark Tower Subdivision Final Plat  
Section 18, T-75N, R-27W, Scott Township  
Madison County, Iowa

Commission Members:

The owner has asked for a review of the gradient on the as-built subdivision road. The road was graded to well below the maximum gradient of 11% for local roads carrying less than 50 vehicles per day. Therefore, the road is built to the standards established by the American Association of State and Highway Transportation Officials in the 1994 edition of "A Policy on Geometric Design of Highways and Streets," and thus acceptable.

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

Sincerely,

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

TRH:kbs

RESOLUTION 2001-57

RESOLUTION APPROVING FINAL PLAT  
OF CLARK TOWER SUBDIVISION

**WHEREAS**, there is filed in the Office of the Zoning Administrator of the City of Winterset, Iowa, a registered land surveyor's plat of a proposed subdivision known as the Clark Tower Subdivision; and,

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

A Parcel of land in the Northeast Quarter of the Northwest Quarter and the Southeast Quarter of the Northwest Quarter of Section 18, Township 75 North, Range 27 West of the 5<sup>th</sup> P.M., Madison County, Iowa more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of the Northwest Quarter of Section 18, Township 75 North, Range 27 West of the 5<sup>th</sup> P.M., Madison County, Iowa: thence South 89°07'08" West 100.37 feet along the North line of said Southeast Quarter of the Northwest Quarter to the Point of Beginning; thence continuing South 89°07'08" West 350.0 feet along said North line to the Southeast Corner of Lot 7 in the Northeast Quarter of the Northwest Quarter of said Section 18, thence North 00°36'46" West 943.15 feet along the East line of said Lot 7 to the centerline of a paved county road; thence along said centerline Southwesterly 469.52 feet along a 1146.00 feet radius curve concave Northwesterly with a 466.24 feet chord bearing South 34°15'40" West; thence South 45°59'54" West 49.54 feet; thence Southwesterly 669.15 feet along a 1146.00 feet radius curve concave Southeasterly with a 659.69 feet chord bearing South 29°16'15" West; thence South 12°32'35" West 648.21 feet; thence South 77°27'25" East 40.00 feet to the Easterly right-of-way line of said County Road; thence North 88°48'44" East 1144.59 feet; thence North 08°29'47" East 182.48 feet; thence North 10°11'00" West 502.64 feet to the Point of Beginning containing 24.359 acres including 2.065 acres of County Road right-of-way. Said Parcel is divided into 5 lots numbered 1 through 5.

**WHEREAS**, there is also filed with this survey 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, Larry H. Utsler and Michelle J. Utsler, husband and wife; and

**WHEREAS**, this survey plat is accompanied by a complete abstract of title and an opinion from an attorney at law showing that title in fee simple is in said proprietors and that the platted land is free from encumbrance, except for a Mortgage to Farm Credit Services, and a Real Estate Contract between Anchored Walls, Inc. and Larry H. Utsler and Michelle J. Utsler, against said real estate; and

**WHEREAS**, this survey plat is accompanied by a Certificate of the County Treasurer of Madison County, Iowa, certifying that the land being plated is free from certified taxes and certified

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special assessments; and,

**WHEREAS**, the Planning and Zoning Commission of the City of Winterset has reviewed this subdivision of plat has recommended approval of the proposed subdivision known as the Clark Tower Subdivision; and,

**WHEREAS**, the Planning and Zoning Commission recommends waiving the installation of public improvements required by the Subdivision Ordinance of the City of Winterset, Iowa,

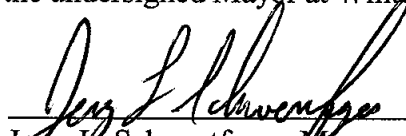
**WHEREAS**, this subdivision is submitted to the City of Winterset, Iowa under its concurrent jurisdiction as provided by law; and,

**WHEREAS**, the City Council of the City of Winterset, Iowa, finds that with the exception of the installation of public improvements which are hereby waived, said plat conforms to the provisions of the Subdivision Ordinance of the City of Winterset, Iowa, and that the Subdivision plat and accompanying documents should be approved by the City Council.


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

1. That the subdivision plat known as Clark Tower Subdivision be and is hereby approved.
2. That the installation of public improvement required by the Subdivision Ordinance is hereby waived.
3. That the City Administrator of the City of Winterset, Iowa, is hereby directed to file a copy of this Resolution with the Madison County Zoning Administrator, to be included with the Plat and Certificate to be filed by the Madison County Zoning Administrator in the office of the County Recorder of Madison County, Iowa.

Passed by the City Council and approved by the undersigned Mayor at Winterset, Iowa, on this 21<sup>st</sup> day of May 2001.

  
\_\_\_\_\_  
Jerry L. Schwertfeger, Mayor of the  
City of Winterset, Iowa

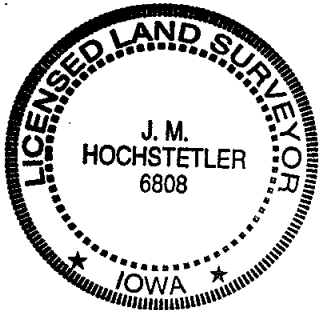
ATTEST:

  
\_\_\_\_\_  
Mark J. Nitchals, City Administrator  
of the City of Winterset, Iowa

FOR DEDICATION,  
 RESOLUTION &  
 CERTIFICATES SEE  
 RECORD 2001-2798

MICKI UTSLER  
 RECORDER

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

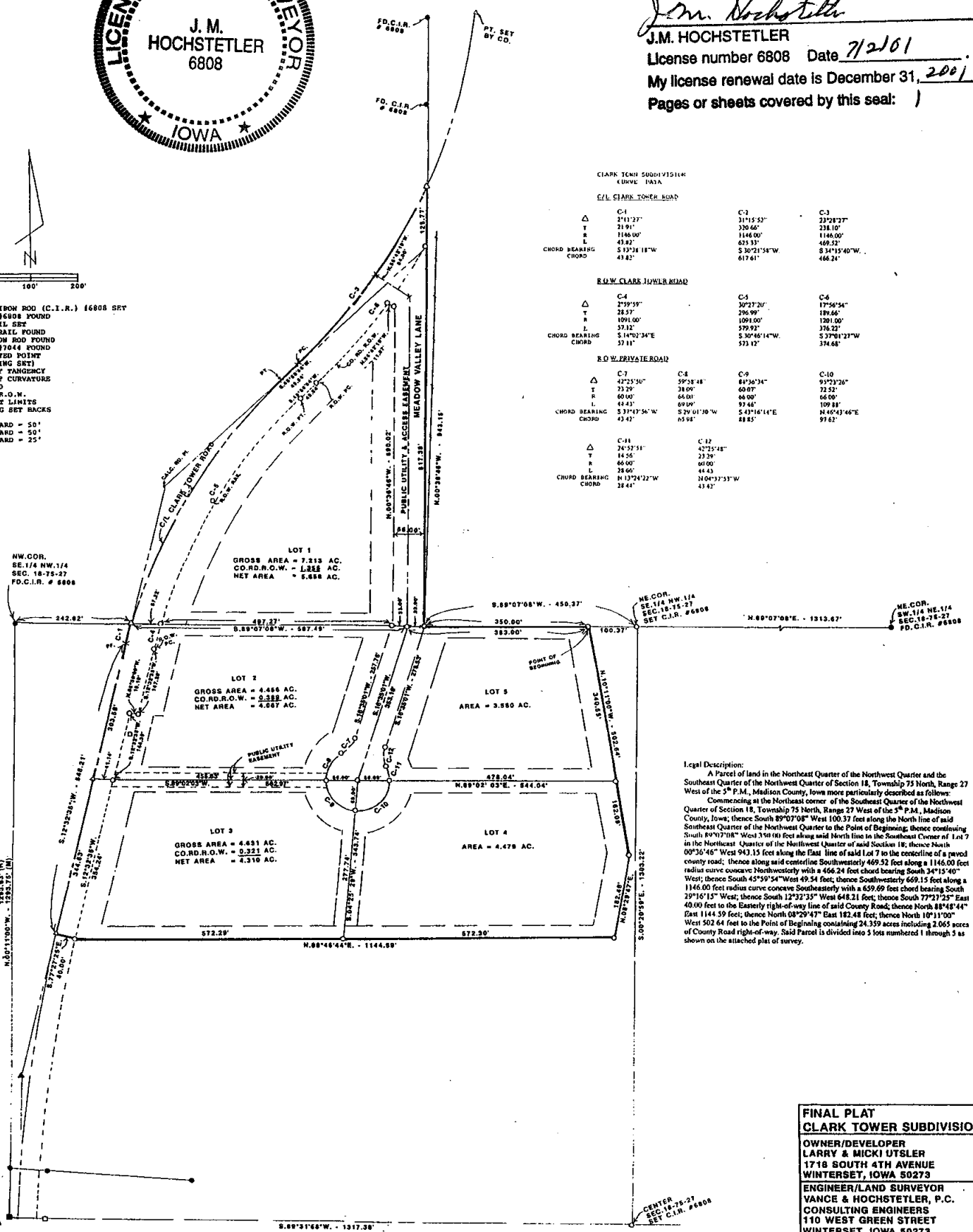


CLARK TOWER SUBDIVISION

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 7/2/01  
 My license renewal date is December 31, 2001  
 Pages or sheets covered by this seal: 1

- CAPPED IRON ROD (C.I.R.) 16808 SRT
  - C.T.R. 16808 FOUND
  - P.E. NAIL SET
  - R.O.W. BAIL FOUND
  - 1/2" IRON ROD FOUND
  - C.I.R. 17044 FOUND
  - CALCULATED POINT (NOTHING SET)
  - PT. POINT OF VARIOSITY
  - P.C. POINT OF CURVATURE
  - C/L ROAD
  - CO. HD. R.O.W.
  - BASEMENT LIMITS
  - BUILDING SET BACKS
- FRONT YARD = 50'  
 REAR YARD = 50'  
 SIDE YARD = 25'



CLARK TOWER SUBDIVISION  
 CURVE DATA

C/L CLARK TOWER ROAD

C-1	C-2	C-3
Δ 2°13'27"	31°15'52"	23°28'27"
T 21.91'	230.66'	238.10'
R 1146.00'	1146.00'	1146.00'
L 43.82'	633.33'	469.32'
CHORD BEARING 5°30'21"18"W	5°30'21"58"W	8°34'19"40"W
CHORD 43.82'	617.61'	466.24'

R.O.W. CLARK TOWER ROAD

C-4	C-5	C-6
Δ 2°39'58"	30°37'20"	17°56'54"
T 28.37'	296.99'	186.66'
R 1091.00'	1091.00'	1201.00'
L 53.32'	579.92'	376.22'
CHORD BEARING 5°14'02"34"E	5°30'46"14"W	5°27'01"27"W
CHORD 53.32'	573.12'	374.68'

R.O.W. PRIVATE ROAD

C-7	C-8	C-9	C-10
Δ 42°25'50"	59°32'48"	44°26'34"	71°52'26"
T 23.29'	31.00'	40.07'	72.52'
R 60.00'	66.00'	60.00'	66.00'
L 44.43'	69.00'	67.66'	109.81'
CHORD BEARING 5°37'47"56"W	5°29'01"30"W	5°42'16"14"E	8°46'47"46"E
CHORD 43.42'	63.94'	48.83'	97.62'

C-11	C-12
Δ 24°52'51"	42°25'48"
T 14.26'	23.29'
R 66.50'	60.00'
L 28.60'	44.43'
CHORD BEARING N 13°24'22"W	N 04°37'33"W
CHORD 28.42'	43.42'

Legal Description:  
 A Parcel of land in the Northeast Quarter of the Northwest Quarter and the Southeast Quarter of the Northwest Quarter of Section 18, Township 75 North, Range 27 West of the 5<sup>th</sup> P.M., Madison County, Iowa more particularly described as follows:  
 Commencing at the Northeast corner of the Southeast Quarter of the Northwest Quarter of Section 18, Township 75 North, Range 27 West of the 5<sup>th</sup> P.M., Madison County, Iowa; thence South 89°07'08" West 100.37 feet along the North line of said Southeast Quarter of the Northwest Quarter to the Point of Beginning; thence curving South 89°07'08" West 350.00 feet along said North line to the Southeast Corner of Lot 7 in the Northeast Quarter of the Northwest Quarter of said Section 18; thence North 00°30'46" West 943.15 feet along the East line of said Lot 7 to the centerline of a paved county road; thence along said centerline Southwesterly 469.52 feet along a 1146.00 foot radius curve concave Northwesterly with a 466.24 foot chord bearing South 34°15'40" West 1144.59 feet; thence North 08°29'47" East 182.48 feet; thence North 10°11'00" West 502.64 feet to the Point of Beginning containing 24.339 acres including 2.065 acres of County Road right-of-way. Said Parcel is divided into 5 lots numbered 1 through 5 as shown on the attached plat of survey.

**FINAL PLAT**  
**CLARK TOWER SUBDIVISION**  
 OWNER/DEVELOPER  
 LARRY & MICKI UTSLER  
 1718 SOUTH 4TH AVENUE  
 WINTERSET, IOWA 50273  
 ENGINEER/LAND SURVEYOR  
 VANCE & HOCHSTETLER, P.C.  
 CONSULTING ENGINEERS  
 110 WEST GREEN STREET  
 WINTERSET, IOWA 50273