

**PLAT AND CERTIFICATE
FOR
NELSON ACRES PLAT 3
AN ADDITION TO THE CITY OF WINTERSET,
MADISON COUNTY, IOWA**

I, Robert D. Hendricks, Zoning Administrator of the City of Winterset, Iowa, do hereby certify that the Plat to which this certificate is attached is a plat of a subdivision known and designated as Nelson Acres Plat 3, an Addition to the City of Winterset, Madison County, Iowa; and, that the real estate comprising said plat is described as follows:

Nelson Acres Plat 3 in the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) and the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) all in Section One (1), Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M., City of Winterset, Madison County, Iowa, more particularly described as follows:

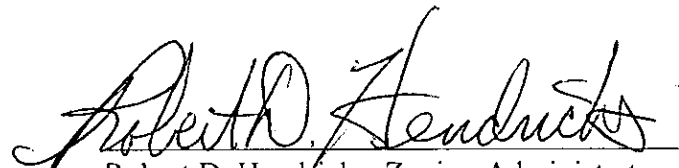
Commencing at the northeast corner of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of Section 1, Township 75 North, Range 28 West of the 5th P.M., City of Winterset, Madison County, Iowa; thence South 00°26'22" West 123.16 feet along the East line of said Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) to the southeast corner of Nelson Acres Plat 2 which is the Point of beginning; thence continuing South 00°26'22" West 201.81 feet along said East line; thence North 89°18'13" West 548.25 feet; thence South 00°08'19" West 329.46 feet to a corner of Seven Oaks Subdivision; thence North 89°11'25" West 772.35 feet to the Northwest corner of Seven Oaks Subdivision; thence North 00°15'29" East 194.49 feet along the West line of said Northwest Quarter (NW 1/4) of Southeast Quarter (SE 1/4); thence North 88°49'02" West 153.22 feet; thence North 00°08'09" East 140.00 feet; thence North 88°49'02" West 10.00 feet; thence North 00°08'09" East 66.00 feet; thence South 88° 52'34" East 934.32 feet along the South line of Nelson Acres Plat 2; thence North 00°13'05" East 132.81 feet along a line of Nelson Acres Plat 2; thence South 89°30'57" East 550.00 feet to the Point of Beginning, containing 10.335 Acres.. Nelson Acres Plat 3 is divided into two development lots, Lot A which is 4th Avenue right-of-way and Lot B which is West School Street right-of-way.

- 1) Dedication of Plat of Nelson Acres Plat 3, an Addition to the City of Winterset, Madison County, Iowa;
- 2) Attorney's Opinion;
- 3) Certificate of Treasurer;

- 4) Ground Water Statement;
- 5) Resolution of Winterset City Council.
- 6) SUBDIVISION AGREEMENT RDT#

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

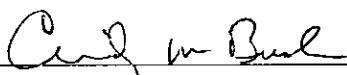
Dated this 7th day of AUGUST, 2007.


Robert D. Hendricks, Zoning Administrator

STATE OF IOWA, MADISON COUNTY, ss:

On this 7th day of August, 2007, before me, the undersigned, a Notary Public in and for the said State, personally appeared, Robert D. 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.




Notary Public in and for the State of Iowa

**DEDICATION OF PLAT
OF
NELSON ACRES PLAT 3
TO THE CITY OF WINTERSET, MADISON COUNTY, IOWA**

KNOW ALL MEN BY THESE PRESENT:

That Noel R. Nelson, Single, Katherine M. Wilkie, Single, Ward J. Wilkie, Jr., Single Janette Kay Wilkie Thompson and Washington H. Thompson, Wife and Husband, Jody Ann Wilkie Spina and Thomas K. Spina, Wife and Husband, Lester John Wilkie, Single and Jeffrey Allen Wilkie, Single, do certify that they are the sole owners and proprietors of the following-described real estate:

Nelson Acres Plat 3 in the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) and the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) all in Section One (1), Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M., City of Winterset, Madison County, Iowa, more particularly described as follows:

Commencing at the northeast corner of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of Section 1, Township 75 North, Range 28 West of the 5th P.M., City of Winterset, Madison County, Iowa; thence South 00°26'22" West 123.16 feet along the East line of said Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) to the southeast corner of Nelson Acres Plat 2 which is the Point of beginning; thence continuing South 00°26'22" West 201.81 feet along said East line; thence North 89°18'13" West 548.25 feet; thence South 00°08'19" West 329.46 feet to a corner of Seven Oaks Subdivision; thence North 89°11'25" West 772.35 feet to the Northwest corner of Seven Oaks Subdivision; thence North 00°15'29" East 194.49 feet along the West line of said Northwest Quarter (NW 1/4) of Southeast Quarter (SE 1/4); thence North 88°49'02" West 153.22 feet; thence North 00°08'09" East 140.00 feet; thence North 88°49'02" West 10.00 feet; thence North 00°08'09" East 66.00 feet; thence South 88° 52'34" East 934.32 feet along the South line of Nelson Acres Plat 2; thence North 00°13'05" East 132.81 feet along a line of Nelson Acres Plat 2; thence South 89°30'57" East 550.00 feet to the Point of Beginning, containing 10.335 Acres.. Nelson Acres Plat 3 is divided into two development lots, Lot A which is 4th Avenue right-of-way and Lot B which is West School Street right-of-way.

That the subdivision of the above described real estate, as shown by the Final Plat of Nelson Acres Plat 3 is with the free consent and in accordance with the owners' desires as owners of said real estate.

Dated this 11th day of JUNE, 2007.

X Noel R. Nelson
Noel R. Nelson

X Katherine M. Wilkie
Katherine M. Wilkie

X Ward J. Wilkie, Jr.
Ward J. Wilkie, Jr.

X Janette Kay Wilson Thompson
Janette Kay Wilson Thompson
Willie

X Lester J. Wilkie
Lester John Wilkie

X Washington H. Thompson
Washington H. Thompson

X Jody Ann Wilkie Spina
Jody Ann Wilkie Spina

X Thomas R. Spina
Thomas R. Spina
R.

X Jeffrey Allen Wilkie
Jeffrey Allen Wilkie

STATE OF Maryland, COUNTY OF Montgomery

This instrument was acknowledged before me on this 11th day of June, 2007
by Michael D. McSpadden
MICHAEL D. MESPADDEN
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires October 3, 2010

Michael D. McSpadden
Notary Public in and for said State

STATE OF MD, COUNTY OF Montgomery

This instrument was acknowledged before me on this 12th day of June, 2007
by Katherine M. Wilkie.

[Signature]
Notary Public in and for said State

STATE OF MD, COUNTY OF Montgomery

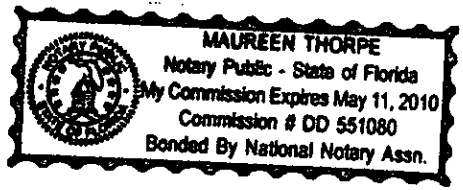
This instrument was acknowledged before me on this 12th day of June, 2007
by Ward J. Wilkie, Jr.

[Signature]
Notary Public in and for said State

STATE OF Florida, COUNTY OF Volusia

This instrument was acknowledged before me on this 15 day of June, 2007
by Janette Kay Wilson Thompson
JEFFREE ALLEN WILKIE

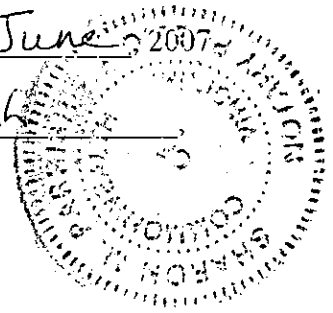
Jeffrey Allen Wilkie
Notary Public in and for said State



STATE OF Virginia, COUNTY OF Clarke

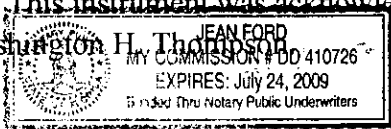
This instrument was acknowledged before me on this 14th day of June, 2007
by Lester John Wilkie.

Sharon M. Parrish
Notary Public in and for said State



STATE OF Florida, COUNTY OF Brevard

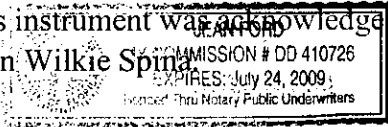
This instrument was acknowledged before me on this 17 day of June, 2007
by Washington H. Thompson



Jean Ford
Notary Public in and for said State

STATE OF Florida, COUNTY OF Brevard

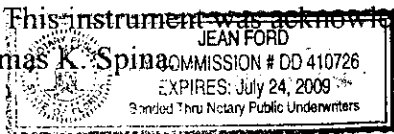
This instrument was acknowledged before me on this 17 day of June, 2007
by Jody Ann Wilkie Spina



Jean Ford
Notary Public in and for said State

STATE OF Florida, COUNTY OF Brevard

This instrument was acknowledged before me on this 17 day of June, 2007
by Thomas K. Spina



Jean Ford
Notary Public in and for said State

STATE OF Florida, COUNTY OF Brevard

This instrument was acknowledged before me on this 17 day of June, 2007
by Jeffrey Allen Wilkie

Janette Kay Wilkie Thompson



Jean Ford
Notary Public in and for said State

**ATTORNEY'S OPINION FOR FINAL PLAT,
NELSON ACRES PLAT 3 SUBDIVISION**

I, Jerrold B. Oliver, an attorney at law licensed to practice under the laws of the State of Iowa, have examined the abstract of title in one (1) part, from the Root of Title to May 18, 2007, at 8:00 a.m., by Security Abstract & Title Co., Inc., purporting to show the chain of title to the following described real estate, which is the real property contained in Final Plat of Nelson Acres Plat 3, Madison County, Iowa:

Nelson Acres Plat 3 in the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) and the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) all in Section One (1), Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M., City of Winterset, Madison County, Iowa, more particularly described as follows:

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In my opinion, merchantable title to the above described property is in the names of Noel R. Nelson, Katherine M. Wilkie, Ward J. Wilkie, Lester John Wilkie, Jeffree Allen Wilkie, Janette Kay Wilkie Thompson and Jody Ann Wilkie Spina, free and clear of all liens and encumbrances

Respectfully submitted,

JORDAN, OLIVER & WALTERS, P.C.

By Jerrold B. Oliver

Jerrold B. Oliver

Farmers & Merchants Bank Bldg.

P.O. Box 230

Winterset, Iowa 50273

Telephone: (515) 462-3731


CERTIFICATE OF THE COUNTY TREASURER OF 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 my office, and that there are no unpaid taxes forming a lien against the following-described real estate, to-wit:

Nelson Acres Plat 3 in the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) and the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) all in Section One (1), Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M., City of Winterset, Madison County, Iowa, more particularly described as follows:

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DATED at Winterset, Iowa, this 27th day of June, 2007.


G. JoAnn Collins, Treasurer of Madison County,
Iowa



**RESOLUTION APPROVING
FINAL PLAT OF NELSON ACRES PLAT 3**

WHEREAS, there was filed in the Office of the City Administrator of the City of Winterset, Madison County, Iowa, a registered land surveyor's plat of a proposed subdivision known as Nelson Acres Plat 3 an Addition to the City of Winterset, Madison County, Iowa; and

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

Nelson Acres Plat 3 in the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) and the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) all in Section One (1), Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M., City of Winterset, Madison County, Iowa, 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 it appears on the plat is with the free consent and in accordance with the desire of the proprietors, Noel R. Nelson, Single, Katherine M. Wilkie, Single, Ward J. Wilkie, Jr., Single Janette Kay Wilkie Thompson and Washington H. Thompson, Wife and Husband, Jody Ann Wilkie Spina and Thomas K. Spina, Wife and Husband, Lester John Wilkie, Single and Jeffrey Allen

Wilkie, Single, and;

WHEREAS, said plat was accompanied by an opinion from an attorney at law showing that title is in fee simple in said proprietors and that said platted land is free from encumbrance;

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

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

1. Said plat, known as Nelson Acres Plat 3 an Addition to the City of Winterset, Madison County, Iowa, prepared in connection with said plat and subdivision is hereby approved.

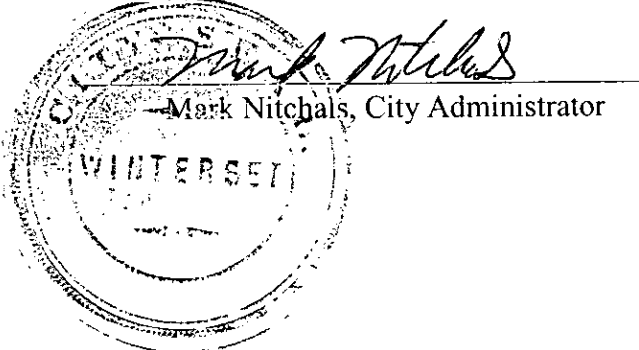
2. The Zoning Administrator of the City of Winterset, Madison County, Iowa, is hereby directed to certify this Resolution which shall be affixed to said plat and filed and recorded with the other documents submitted in connection with said plat in the office of the Madison County Recorder.

DATED at Winterset, Iowa, this 6th day of August, 2007.

CITY OF WINTERSET, IOWA

By James C. Olson
James C. Olson, Mayor

ATTEST:



SUBDIVISION AGREEMENT

Whereas, the Winterset Community School District (hereafter the District) is purchasing the real estate legally described as:

Nelson Acres Plat 3 in the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) and the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) all in Section One (1), Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M., City of Winterset, Madison County, Iowa, more particularly described as follows:

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which is annexed to and a part of the City of Winterset, Iowa (hereafter the City);

Whereas, the District or its predecessors-in-title are submitting the above described real estate for subdivision under the City Subdivision Code to be known as Nelson Acres-Plat 3 to the City of Winterset, Madison County, Iowa;

Whereas, a portion of the above described real estate is zoned under the City's Zoning Code as Residential R-1;

Whereas, the parties understand that the portion of the above described real estate zoned Residential R-1 is to be rezoned to Residential R-2 Zoning District should the use of Lot 2 be changed to private development purposes rather than the proposed public school purposes of the District;

Whereas, under Section 4.1011(B) of the City Municipal Code (hereafter the Code) the City is authorized to grant subdividers a variance from the improvement standards and requirements of Chapter 10 of the Code with the final variance granted to be negotiated between the Subdivider and the City;

Whereas, the District is a successor-in-interest to the Subdivider of the above mentioned Plat 3 and has made written application to the City as the Subdivider's successor-in-interest for the variance under the above referenced Code Section; and,

Whereas, the District and the City mutually desire to set forth in this Agreement the variance negotiated by the parties for the subdivision improvements within the aforesaid Plat 3 of the Nelson

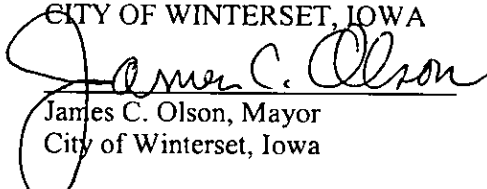
Acres Subdivision.


IT IS THEREFORE AGREED BY THE UNDERSIGNED PARTIES:

1. The parties agree that all improvements required to be installed under Chapter 10 of Title IV of the City Code for Plat 3 of the Nelson Acres Subdivision including the extension of the street designated on the Plat 3 as "West School Street" shall be deferred until such time as the District, or its successor-in-interest to any of the lots within such Plat 3, plans construction of improvement(s) upon such lot(s) which are subject to the City Building Codes and/or the Special Use Permit(s) of the City Zoning Code.
2. Upon the termination of the deferral period as aforesaid, the District, or its successor-in-interest, shall install at its expense the public improvements required to be installed under Chapter 10 of Title IV of the City Code for Plat 3 of the Nelson Acres Subdivision.
3. This Agreement shall be made apart of the subdivision proceedings of Nelson Acres Plat 3 and shall be a covenant running with the land binding upon the parties, their successors and assigns.
4. The parties agree the recitals form and are a part of this Agreement.
5. Each party by the signature of their authorized representative(s) acknowledges that this Agreement has been duly approved by action of their respective Board or Council.


Dated at Winterset, Iowa on this 6th day of ^{Aug.}~~July~~, 2007.

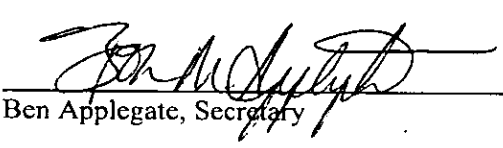
CITY OF WINTERSET, IOWA


James C. Olson, Mayor
City of Winterset, Iowa


Mark J. Nitchals
City Administrator
City of Winterset, Iowa

WINTERSET COMMUNITY SCHOOL DISTRICT

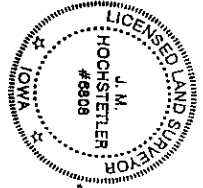
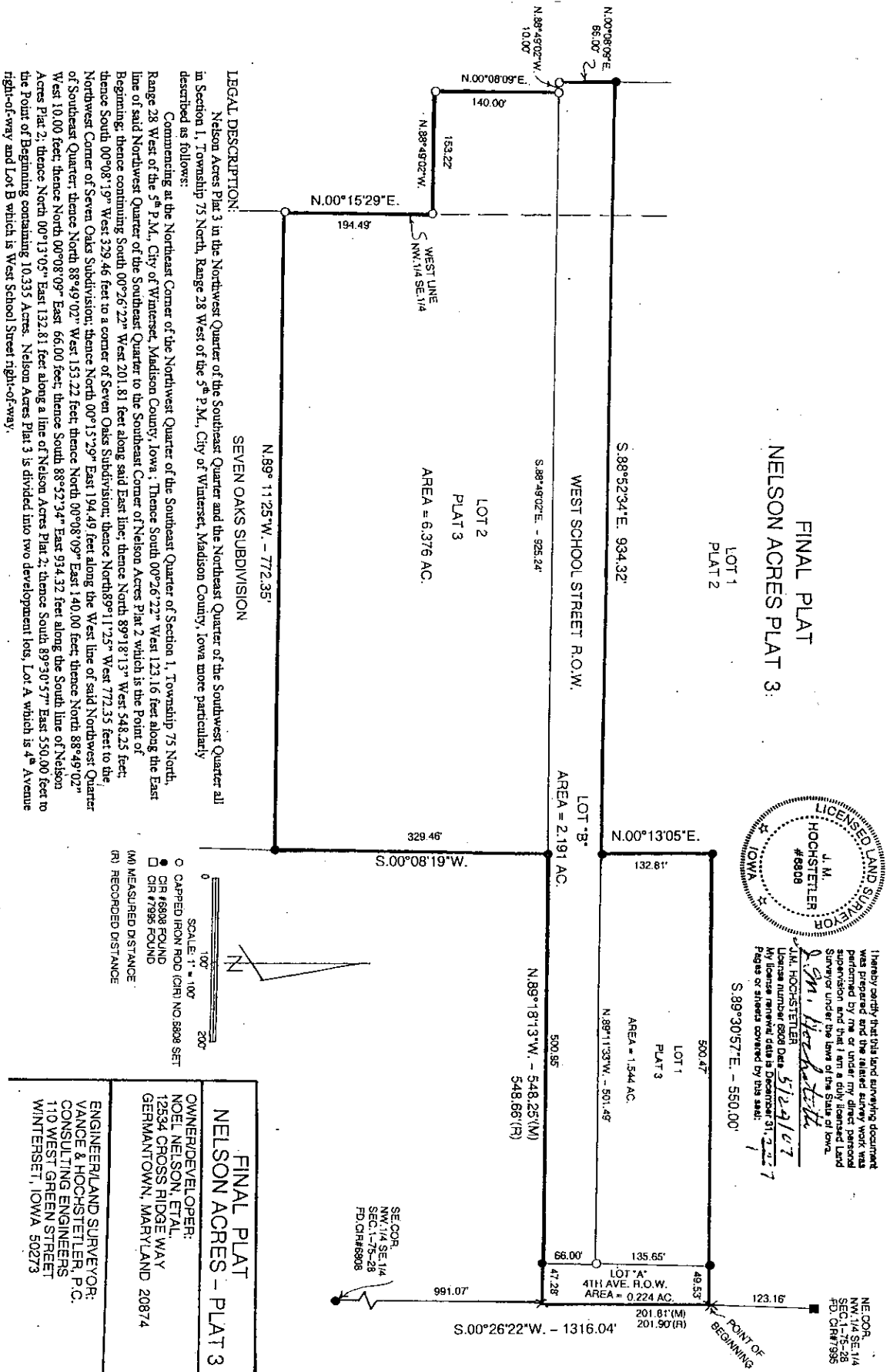

Shane Pashek, President


Ben Applegate, Secretary

INDX
 ANNO
 SCAN
 CHEK

LISA SMITH, COUNTY RECORDER
 MADISON IOWA

VANCE & HOCHSTETLER, P.C. CONSULTING ENGINEERS, WINTERSSET, IOWA (515)462-3995
 CHARLES T. VANCE, 110 WEST GREEN ST., WINTERSSET, IOWA 50273-1533
 JAMES M HOCHSTETLER, 110 WEST GREEN ST., WINTERSSET, IOWA 50273-1533



I hereby certify that this land surveying document was prepared and the plat thereon was prepared and performed by me or under my direct 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 5/24/07
 My license renewal date is December 31, 2017
 Page or sheet covered by this seal: 1

NE COR.
 NW 1/4 SE 1/4
 SEC. 1-75-28
 T. 75 N.
 R. 28 W.
 FD. CH. #7995

POINT OF BEGINNING