

For Plat See
Town Plat 2, page 357

COMPUTER
RECORDED
COMPARED

REC'D 60 ⁰⁰
AND \$ 5 ⁰⁰
DATE \$ 1 ⁰⁰

FILED NO. 451

BOOK 62 PAGE 589

98 JUL 24 PM 3: 54

MICHELLE UTSLER
RECORDER
MADISON COUNTY, IOWA

**PLAT AND CERTIFICATE
FOR
REPLAT OF LOT THREE (3), GOLD BUFFET SUBDIVISION,
CITY OF WINTERSET, MADISON COUNTY, IOWA**


I, Bob Hendricks, Zoning Administrator of the city of Winterset, Iowa, do hereby certify that the Plat to which this Certificate is attached is a Plat known and described as the Replat of Lot Three (3), Gold Buffet Subdivision, City of Winterset, Madison County, Iowa, and that the real estate comprising said plat is described as follows:

Lot Three (3) of Gold Buffet Subdivision, City of Winterset, Madison County, Iowa, except the South 45 feet thereof.

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

- 1) Dedication of Replat of Lot Three (3) of Gold Buffet Subdivision, City of Winterset, Madison County, Iowa;
- 2) Attorney's opinion;
- 3) Certificate of County Treasurer of Madison County, Iowa;
- 4) Consent of Mortgagee; and
- 5) Resolution of the city Council of the City of Winterset, approving said Replat, all of which are duly certified in accordance with the Winterset Zoning Ordinance.

Dated this 24 day of JULY, 1998.



Bob Hendricks, Zoning Administrator

**DEDICATION OF REPLAT
OF
LOT 3 OF GOLD BUFFET SUBDIVISION,
CITY OF WINTERSET, MADISON COUNTY, IOWA**

KNOW ALL MEN BY THESE PRESENT:

That we, A. Carroll Meyer, Trustee of the A. Carroll Meyer Revocable Trust Under Trust Agreement dated January 11, 1993, and G F Land Partnership, do certify that said Trust and said Partnership are the owners and proprietors of the following-described real estate, to-wit:

Lot Three (3) of Gold Buffet Subdivision, City of Winterset, Madison County, Iowa.

Except the South 45' thereof

That the resubdivision of the above-described real estate, as shown by the Final Replat of Lot Three (3) of Gold buffet Subdivision, City of Winterset, Madison County, Iowa, is with the free consent and in accordance with the owners' desires as owners of said real estate.

Dated this 24th day of June, 1998.

A. Carroll Meyer

A. Carroll Meyer, Trustee of the A. Carroll Meyer Revocable Trust Under Trust Agreement Dated 1/11/93

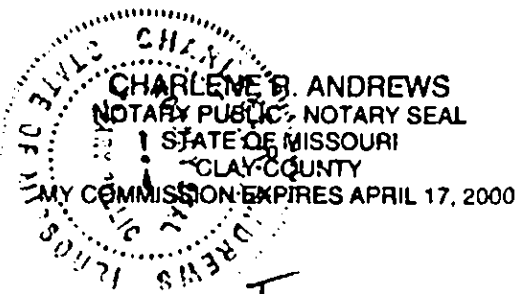
G F Land Partnership

By *[Signature]*

STATE OF MISSOURI

COUNTY OF Clay .SS

On this 24th day of June, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared **A. Carroll Meyer**, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that he, as such fiduciary, executed the instrument as the voluntary act and deed of this person and of the fiduciary.



Charlene B. Andrews

Notary Public in and for State of Missouri

STATE OF Iowa .SS

COUNTY OF Dickinson .SS

On this 16th day of July, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared J. Ronald Marocco, to me personally known, who being by me duly sworn, did say that this person is one of the partners of **G F Land Partnership**, a partnership; and, that the instrument was signed on behalf of the partnership by authority of its partners; and, the partner acknowledged the execution of this instrument to be the voluntary act and deed of the partnership by it and by the partner voluntarily executed.



John F. Smith

Notary Public in and for said State

PERFORMANCE BOND

WHEREAS, Section 4.1006 of the Winterset City Code of 1992 requires the subdivider to install and construct all improvements required by Chapter 10 of Title IV of the City Code of 1992 in accordance with the specifications and under the supervision of the City and to the City's satisfaction.

WHEREAS, Section 4.1006 of the Winterset City Code of 1992 requires that the subdivider either install the improvements or post a Performance Bond at the time of the acceptance of the final plat to a subdivision.

WHEREAS, in the event the subdivider posts a Performance Bond with the City prior to final acceptance of the plat, this Performance Bond shall guarantee that the improvements not completed will be constructed within an approved period of time from final acceptance of the Plat.

WHEREAS, the parties agree that the improvements to be installed within the subdivision Plat known as **Replat of Lot Three (3) of Gold Buffet Subdivision, City of Winterset, Madison County, Iowa**, consist of the installation of a six-inch water main approximately 280 feet in length, the connection to the existing main on Mills Street, and a Hydrant T and valve installed.

WHEREAS, the parties agree that the estimated current construction cost shall be in the sum of **\$5,290.00**.

WHEREAS, the parties agree that the Performance Bond to cover future costs increases and contingencies shall be in the sum of **\$6,612.50**.

WHEREAS, the subdivider does not wish to post a corporate surety Performance Bond with the City.

WHEREAS, the subdivider proposes to post as a Performance Bond with the City of Winterset an irrevocable letter of credit drawn on the Farmers & Merchants State Bank of Winterset, Iowa, in the sum of \$6,612.50, which letter of credit is made a part of this instrument and incorporated herein by this reference.

NOW THEREFORE, IT IS HEREBY DECLARED that A. Carroll Meyer, hereafter called the Principal, and the Farmers & Merchants State Bank of Winterset, Iowa, hereafter called the Surety, are held and firmly bound onto the City of Winterset, hereafter called City, in the penal sum of \$6,612.50 in lawful money of the United States for the payment of which sum to be made, the Principal and Surety bind themselves, their successors and assigns, jointly and severally, firmly to the conditions of this Performance Bond as set forth in Chapter 10 of Title IV of the Winterset City Code of 1992 and in this instrument.

The condition of this obligation is that the Principal has made and entered into an obligation as the subdivider to install and construct the improvements required by Chapter 10 of Title IV of the Winterset City Code of 1992 in accordance with the specification of and under the supervision of the City and to the City's satisfaction, and as provided by the Final Plat of the subdivision submitted to the City of Winterset within the time period ending on September 30, 1998.

NOW THEREFORE, if the Principal shall well and truly perform these duties, all the undertakings, covenants, terms, conditions, and agreements required of the subdivider under Chapter 10 of Title IV of the City Code of 1992 during the term specified therein, and any extensions thereof which may be granted by the City, with or without notice to the Surety and during the four (4) year guarantee and maintenance period, and if the Principal shall satisfy all claims and demands incurred under such obligations and shall fully indemnify and safe harmless the City from all costs and damages which the City may suffer by reason of the failure to do so, and shall reimburse and repay the City all outlay and expense which the City may incur in making good any default, then this obligation shall be void; otherwise, to remain in full force and effect.

IN WITNESS WHEREOF, this instrument is executed on this 20th day of July, 1998, at Winterset, Iowa

A. CARROLL MEYER

By Lewis H. Jordan
Lewis H. Jordan, Agent For
A. Carroll Meyer

FARMERS & MERCHANTS STATE BANK

By Bill Hickey
Vice President

5

LETTER OF CREDIT

The Farmers & Merchants State Bank of Winterset, Iowa, doe hereby execute and deliver to the City of Winterset, Iowa, an irrevocable Letter of Credit in the sum of Six Thousand Six Hundred Twelve Dollars and Fifty Cents (\$6,612.50), which may be drawn upon to pay for the installation of a waterline and associated accessories in the Replat of Lot Three (3) of Gold Buffet Subdivision, City of Winterset, Madison County, Iowa.

Said funds shall be held for the purpose of installation of said waterline and accessories and shall be used for no other purpose except that in the event the approved costs of the waterline are less than \$6,612.50, any remaining balance, after completion of the waterline and accessories, may be refunded to A. Carroll Meyer.

This Letter of Credit shall expire on September 30, 1998.

Dated at Winterset, Iowa, this 20th day of July, 1998.

FARMERS & MERCHANTS STATE BANK

By Bill Whaley
Vice President

6

TITLE OPINION OF ATTORNEY AT LAW

I, Lewis H. Jordan, do hereby state that I am an attorney at law practicing in Winterset, Madison County, Iowa; and, that I have examined an abstract of title to the following-described real estate, to-wit:

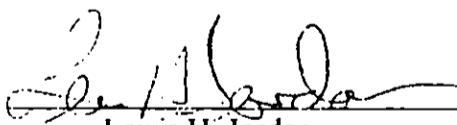
Lot Three (3) of Gold Buffet Subdivision, City of Winterset, Madison County, Iowa, except the South 45 feet thereof.

I further state that the names of the proprietors of said Plat are: **A. Carroll Meyer, Trustee of the A. Carroll Meyer Revocable Trust Under Trust Agreement Dated January 11, 1993, and G F Land Partnership.**

I further state there are no mortgages, liens or other encumbrances on the above-described land except for a Real Estate Mortgage executed by G F Land Partnership to Union State Bank, which Mortgage is dated and filed for record on March 30, 1998, at Mortgage Record 197, Page 71, in the office of the Madison County Recorder, on the following-described real estate, to-wit.

A parcel of land located in Lot Three (3) of Gold Buffet Subdivision, City of Winterset, Madison County, Iowa, described as follows: Commencing at the southwest corner of said Lot Three (3); thence North 00°00'00" East 45 feet to the north line of Mills Street, which is the point of beginning; thence North 00°00'00" East 101.16 feet along the west line of said Lot Three (3), thence North 90°00'00" East 295 feet; thence South 00°00'00" East 101.16 feet to the north line of Mills Street; thence North 90°00'00" West 295 feet to the Point of Beginning, containing 0.6851 Acres.

Dated this 16 day of July, 1998.



Lewis H. Jordan

1

**RESOLUTION APPROVING FINAL PLAT
OF
LOT THREE (3), GOLD BUFFET SUBDIVISION
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 replat of the following-described real estate, to-wit:

Lot Three (3) of Gold Buffet Subdivision, City of Winterset, Madison County, Iowa, except the South 45 feet thereof,

WHEREAS, there was filed with said Replat a Dedication of said Replat containing a statement to the effect that the replat, as it appears, is with the free consent and in accordance with the desires of the owners and proprietors, to-wit: A. Carroll Meyer, Trustee of the A. Carroll Meyer Revocable Trust under Agreement dated January 11, 1993, and G F Land Partnership.

WHEREAS, said Replat was accompanied by a complete abstract of title and an opinion from the attorney at law showing that title in fee simple is in said proprietors, that the Replat is free from encumbrances, except for a mortgage to Union State Bank on the portion owned by GF Land Partnership, a Consent of Union State Bank, the mortgagee of the portion encumbered, and a certified statement from the Treasurer of Madison County, Iowa, that said replatted land is free from taxes; and

WHEREAS, the City Council of the City of Winterset, Iowa, finds that said Replat conforms to the provisions of the Zoning Ordinance of the City of Winterset and that the replat papers and documents presented therewith should be approved by the City Council; and, that said Replat known as Lot Three (3), Gold Buffet Subdivision, 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 Replat of Lot Three (3), Gold Buffet Subdivision, City of Winterset, Madison County, Iowa, prepared in connection with said Replat 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 Replat to the County Recorder of Madison County, Iowa, and attend to the filing and recording of the replat, papers and documents which should be filed and recorded in connection therewith.

Dated at Winterset, Iowa, this 20th day of July, 1998.

James C. Olson

Mayor Protem of the City of Winterset, Iowa

ATTEST:

Mark Nitchard

Clerk of the City of Winterset, Iowa



8

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

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 certified taxes and no certified special assessments forming a lien against the following-described real estate:

Lot Three (3) of gold Buffet Subdivision, City of Winterset, Madison County, Iowa, except the South 45 feet thereof.

Dated at Winterset, Iowa, this 16 day of July, 1998.

Becky McDonald

Becky McDonald, Treasurer of Madison County, Iowa

For Dedication, Resolution and Certificate - See Deed Record 62-589

FILED NO. 451

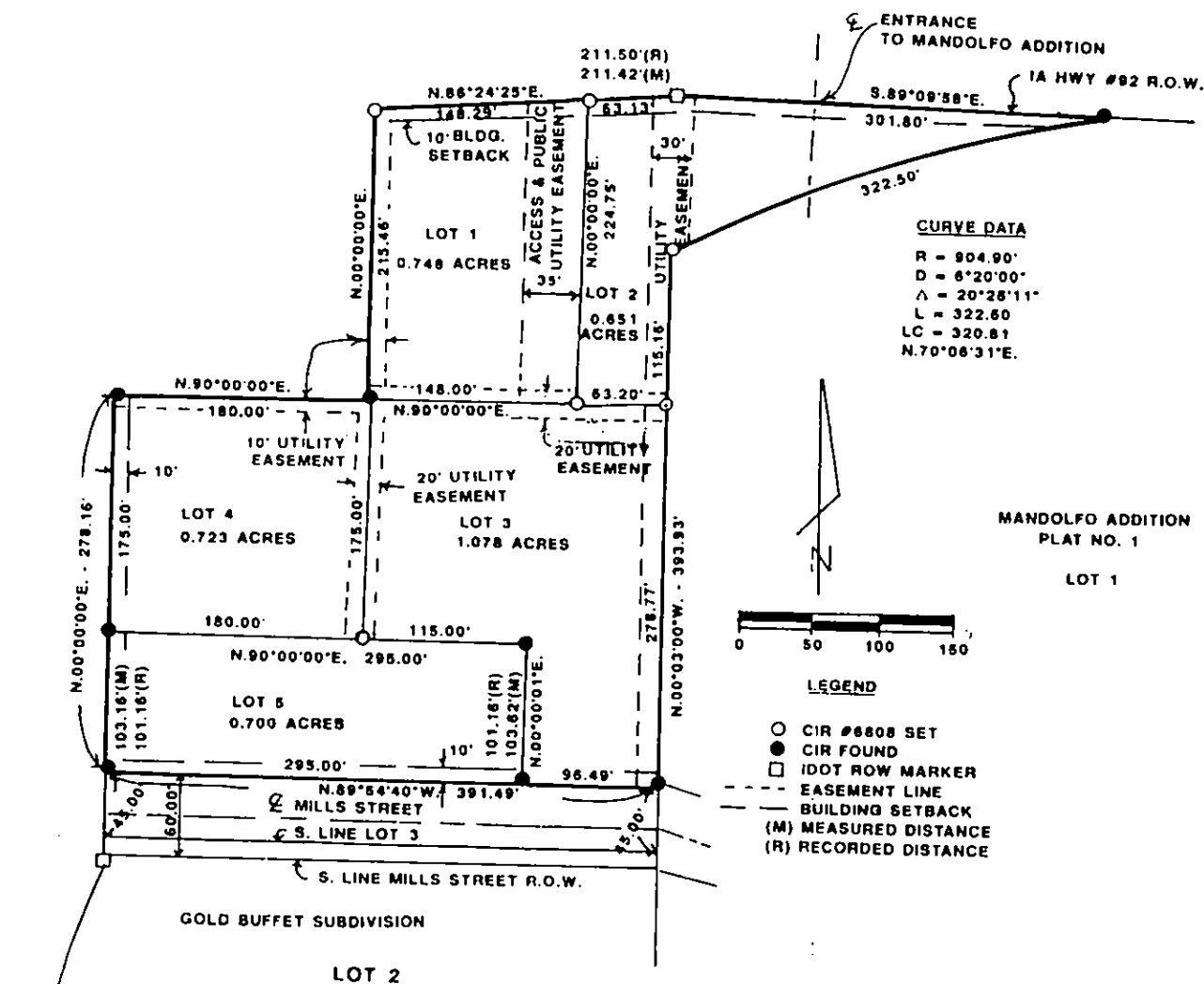
BOOK 2 PAGE 367

98 JUL 24 PM 3:54

MICHELLE UTSLER RECORDER MADISON COUNTY, IOWA

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

REPLAT OF LOT 3 OF THE GOLD BUFFET SUBDIVISION, CITY OF WINTERSET, MADISON COUNTY, IOWA.



LEGAL DESCRIPTION: LOT 3 OF GOLD BUFFET SUBDIVISION, CITY OF WINTERSET, MADISON COUNTY, IOWA, EXCEPT THE SOUTH 45.00 FEET THEREOF CONTAINING 3.900 ACRES AND IS DIVIDED INTO 5 LOTS AS SHOWN ON THE ABOVE PLAT.



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 License number 6808 Date 7/23/98 My license renewal date is December 31, 1999. Pages or sheets covered by this seal: 1

FINAL PLAT REPLAT OF LOT 3, GOLD BUFFET SUBDIVISION, CITY OF WINTERSET MADISON COUNTY, IOWA. OWNER/DEVELOPER A. CARROLL MEYER, TRUSTEE OF THE A. CARROLL MEYER REVOCABLE TRUST UNDER TRUST AGREEMENT DATED JANUARY 11, 1993. 5901 NORTH MATTOX KANSAS CITY, MISSOURI 64161 VANCE & HOCHSTETLER, P.C. CONSULTING ENGINEERS 110 WEST GREEN STREET WINTERSET, IOWA 50273