

COMPUTER ☒  
RECORDED ☒  
COMPARED ☒

FILED NO. 2765  
BOOK 44 PAGE 595

Preparer  
Information: Jerrold B. Oliver P.O. Box 230 Winterset 98 JAN 29 PM 2: 55

MICHELLE UTSLER  
RECORDER  
MADISON COUNTY, IOWA

**AFFIDAVIT**

STATE OF IOWA :  
: SS  
MADISON COUNTY :

REC \$ 30.00  
AUD \$ \_\_\_\_\_  
R.M.F. \$ 1.00

I, J. Brian Morrissey, being first duly sworn on oath, state that I am the Madison County Engineer and am a licensed land surveyor of the State of Iowa. I further state that this Affidavit concerns the chain of title to the following described real estate:

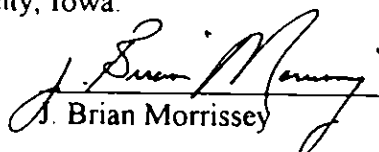
The east 66.41 feet of Parcel M, Recorded in Farm Plat Book 3, Page 147, Madison County, Iowa, Recorder's Office. Full description of Parcel M is as follows: That part of the Northwest Quarter (1/4) of the Northeast Quarter (1/4) of Section Twenty-three (23), Township Seventy-five (75) North, Range Twenty-six (26) West of the Fifth P.M., Madison County, Iowa, described as follows: Commencing at the southeast corner of the Northwest Quarter (1/4) of the Northeast Quarter (1/4) of said Section Twenty-three (23); thence on an assumed bearing of South 90 degrees 00'00" West along the south line of said Northwest Quarter (1/4) of the Northeast Quarter (1/4) a distance of 30.12 feet to the point of beginning; thence South 90 degrees 00'00" West along said south line a distance of 96.78 feet; thence North 05 degrees 02'29" East 100.91 feet to the southerly line of Madison County Highway G-50; thence South 84 degrees 55'13" East along said southerly line a distance of 96.41 feet, thence South 05 degrees 02'29" West 92.34 feet to the south line of the Northwest Quarter (1/4) of the Northeast Quarter (1/4) of said Section Twenty-three (23) and the point of beginning.

I further state that attached hereto and marked Exhibit "A" is a certificate as to donation of real estate certified by Joan Welch, secretary of the Madison County Board of Supervisors, concerning the sale of said real estate, together with Exhibits "A", "B", and "C" attached thereto.

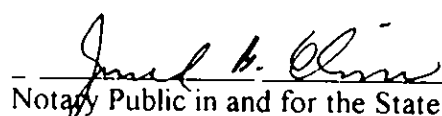
I further state that the above described real estate is included within and is a part of the following described real estate:

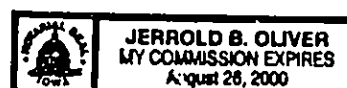
Commencing at the SE corner NW 1/4 NE 1/4 Sec. 23-75-26, thence South 84 degrees 50' W. 30 feet to the P.O.B., thence South 84 degrees 50' West 272 feet thence northeasterly 101.5' along a 613 foot radius curve, concave northwesterly, thence North 54 degrees 18' East 81 feet, thence Northeasterly 138.5 feet along a 342 foot radius curve, concave southeasterly, thence South 130 feet to the P.O.B. containing 0.46 acres, more or less. Note: The east line of the NW 1/4 NE 1/4 is assumed to bear due north.

originally conveyed by Paul Fast to Madison County, Iowa.

  
J. Brian Morrissey

Subscribed and sworn to before me by J. Brian Morrissey this 25 day of January, 1998.

  
Notary Public in and for the State of Iowa



CERTIFICATE AS TO DONATION OF REAL ESTATE

The undersigned, being the duly elected and acting Secretary for the Madison County Board of Supervisors at all times material hereto, does hereby certify the following proceedings and authenticate the instruments duly attached hereto:

On the 10th day of November, 1997, a Resolution was duly passed and adopted by the Board of Supervisors for Madison County, Iowa proposing to donate real estate. A true and authentic copy of said Resolution is attached hereto as Exhibit "A" and made a part of this certification

On the 12th day of November, 1997, a Notice of Public Hearing upon the proposed donation of real estate was duly published in the Winterset Madisonian, a weekly newspaper of general circulation within Madison County, Iowa. A true and authentic copy of the said Public Notice and the publisher's affidavit are attached to this certification as Exhibit "B" and made a part hereof.

On the 25th day of November, 1997, a public hearing upon the proposed donation of real estate was duly held as provided by the Notice of Public Hearing shown on Exhibit "B".

On the 25th day of November, 1997, a Resolution was duly passed and adopted by the Board of Supervisors for Madison County, Iowa approving the donation of the real estate described in the Resolution proposing the donation and upon the terms and conditions of said Resolution shown as Exhibit "A". A true and authentic copy of the Resolution approving the donation of the real estate is attached hereto as Exhibit "C", and made a part of this certification.

Witness my hand as the Secretary for the Board of Supervisors of Madison County, Iowa and the official seal of Madison County, Iowa, on this 25th day of November, 1997.

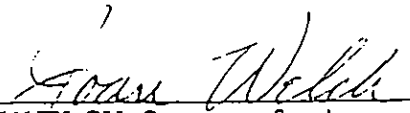
  
JOAN WELCH, Secretary for the  
Madison County Board of Supervisors

EXHIBIT "A"

---

EXHIBIT "A"

RESOLUTION

WHEREAS, the Board of Supervisors propose to donate to the City of St. Charles, Iowa the following described real estate

That part of the Northwest Quarter of the Northeast Quarter of Section 23, Township 75 North, Range 26 West of the Fifth Principal Meridian, Madison County, Iowa, described as follows:

Commencing at the southeast corner of the Northwest Quarter of the Northeast Quarter of said Section 23;  
thence on an assumed bearing of South 90 degrees 00 minutes 00 seconds West along the south line of said Northwest Quarter of the Northeast Quarter a distance of 30.12 feet to the point of beginning;  
thence South 90 degrees 00 minutes 00 seconds West along said south line a distance of 96.78 feet;  
thence North 05 degrees 02 minutes 29 seconds East 100.91 feet to the southerly line of Madison County Highway G-50,  
thence South 84 degrees 55 minutes 13 seconds East along said southerly line a distance of 96.41 feet;  
thence South 05 degrees 02 minutes 29 seconds West 92.34 feet to south line of the Northwest Quarter of the Northeast Quarter of said Section 23 and the point of beginning.

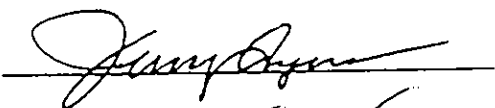
Said tract contains 0.21 acres.

BE IT RESOLVED that a public hearing for the proposed donation of real estate be set for 10:00 A.M., November 25, 1997, in the office of the Board of Supervisors and that the County Auditor be directed to cause notice of said hearing to be published in the Winterset Madisonian.

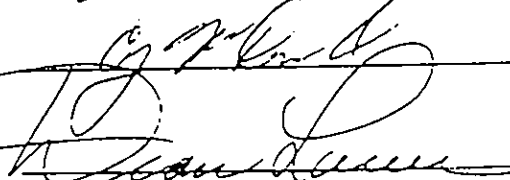
MADISON COUNTY BOARD OF SUPERVISORS

AYE


NAY



\_\_\_\_\_



\_\_\_\_\_

ATTEST   
Madison County Auditor

DATE November 10, 1997

EXHIBIT "B"

## PUBLIC NOTICE

TO ALL INTERESTED PERSONS

YOU ARE HEREBY NOTIFIED that Madison County has proposed by Resolution of the Board of Supervisors that the real estate legally described as:

That part of the Northwest Quarter of the Northeast Quarter of Section 23, Township 75 North, Range 26 West of the Fifth Principal Meridian, Madison County, Iowa, described as follows:

Commencing at the southeast corner of the Northwest Quarter of the Northeast Quarter of said Section 23;  
thence on an assumed bearing of South 90 degrees 00 minutes 00 seconds West along the south line of said Northwest Quarter of the Northeast Quarter a distance of 30.12 feet to the point of beginning;  
thence South 90 degrees 00 minutes 00 seconds West along said south line a distance of 96.78 feet;  
thence North 05 degrees 02 minutes 29 seconds East 100.91 feet to the southerly line of Madison County Highway G-50;  
thence South 84 degrees 55 minutes 13 seconds East along said southerly line a distance of 96.41 feet;  
thence South 05 degrees 02 minutes 29 seconds West 92.34 feet to south line of the Northwest Quarter of the Northeast Quarter of said Section 23 and the point of beginning.

Said tract contains 0.21 acres.

be sold. Madison County proposes to sell the above described real estate to the City of St. Charles, Iowa for the sum of \$1.00. The conveyance shall be by Quit Claim Deed. Possession of the real estate shall be delivered at the time of tender of the Quit Claim Deed. The consideration shall be due and payable upon tender of the Quit Claim Deed

A public hearing on this proposed sale of real estate will be held on the 25th day of November, 1997 at 10:00 A.M., before the Board of Supervisors for Madison County, Iowa in the office of the Supervisors in the Madison County Courthouse in Winterset, Iowa. Any interested party or citizen may appear at the public hearing and offer comments and objections, if any you have, to the proposed sale of this real estate.

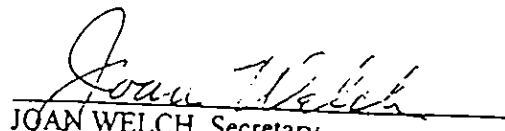
  
JOAN WELCH, Secretary

EXHIBIT "B"

STATE OF IOWA  
SS.  
Madison County

### PUBLIC NOTICE

TO: ALL INTERESTED PERSONS

YOU ARE HEREBY NOTIFIED that Madison County has proposed by Resolution of the Board of Supervisors that the real estate legally described as:

That part of the Northwest Quarter of the Northeast Quarter of Section 23, Township 75 North, Range 26, West of the Fifth Principal Meridian, Madison County, Iowa, described as follows:

Beginning at the southeast corner of the Northwest Quarter of the Northeast Quarter of said Section 23;  
thence on an assumed bearing of South 90 degrees 00 minutes 00 seconds West along the south line of said Northwest Quarter of the Northeast Quarter a distance of 30.12 feet to the point of beginning;  
thence South 90 degrees 00 minutes 00 seconds West along said south line a distance of 96.78 feet;  
thence North 05 degrees 02 minutes 29 seconds East 100.91 feet to the southerly line of Madison County Highway G-50;  
thence South 84 degrees 55 minutes 13 seconds East along said southerly line a distance of 96.41 feet;  
thence South 05 degrees 02 minutes 29 seconds West 92.34 feet to south line of the Northwest Quarter of the Northeast Quarter of said Section 23 and the point of beginning.

Said tract contains 0.21 acres.

Said Madison County proposes to sell the above described real estate to the City of Charice, Iowa for the sum of \$1.00. The conveyance shall be by Quit Claim Deed. Possession of the real estate shall be delivered at the time of tender of the Quit Claim Deed. The consideration shall be due and payable upon tender of the Quit Claim Deed.

A public hearing on this proposed sale of real estate will be held on the 25th day of November, 1997 at 10:00 A.M. before the Board of Supervisors for Madison County, Iowa in the office of the Supervisors in the Madison County Courthouse in Winterset, Iowa. Any interested party or citizen may appear at the public hearing and offer comments and objections, if any you have, to the proposed sale of this real estate.

Don Welch, Secretary

25

### AFFIDAVIT OF PUBLICATION

TED GORMAN BEING DULY SWORN  
SAYS HE IS PUBLISHER OF THE  
WINTERSET MADISONIAN, a once weekly  
newspaper of general circulation,  
published in Winterset, Iowa, and that  
the notice, a copy which is annexed and  
made part hereof, was correctly published  
in said newspaper

for the period of one consecutive  
weeks, the last publication thereof being

on the 12th day of November, 1997.

*Ted Gorman*

Subscribed and sworn to before me this

12th day of November, 1997.

*[Signature]*

NOTARY PUBLIC

In and for Madison County

Fee \$18.60



RESOLUTION APPROVING THE PROPOSED DONATION OF REAL ESTATE

WHEREAS, the Board of Supervisors for Madison County, Iowa has duly proposed to donate to the City of St Charles, Iowa, the real estate legally described as:

That part of the Northwest Quarter of the Northeast Quarter of Section 23, Township 75 North, Range 26 West of the Fifth Principal Meridian, Madison County, Iowa, described as follows:

Commencing at the southeast corner of the Northwest Quarter of the Northeast Quarter of said Section 23;  
thence on an assumed bearing of South 90 degrees 00 minutes 00 seconds West along the south line of said Northwest Quarter of the Northeast Quarter a distance of 30.12 feet to the point of beginning;  
thence South 90 degrees 00 minutes 00 seconds West along said south line a distance of 96.78 feet;  
thence North 05 degrees 02 minutes 29 seconds East 100.91 feet to the southerly line of Madison County Highway G-50;  
thence South 84 degrees 55 minutes 13 seconds East along said southerly line a distance of 96.41 feet;  
thence South 05 degrees 02 minutes 29 seconds West 92.34 feet to south line of the Northwest Quarter of the Northeast Quarter of said Section 23 and the point of beginning.

Said tract contains 0.21 acres

WHEREAS, Madison County, Iowa has duly held a public hearing upon the proposed donation of real estate on the 25th day of November, 1997, at 10:00 o'clock A.M., in the office of the Supervisors in the Madison County Courthouse in Winterset, Iowa

WHEREAS, the Board of Supervisors has duly considered the comments and objections, if any, made to the proposed donation of real estate offered at said public hearing.

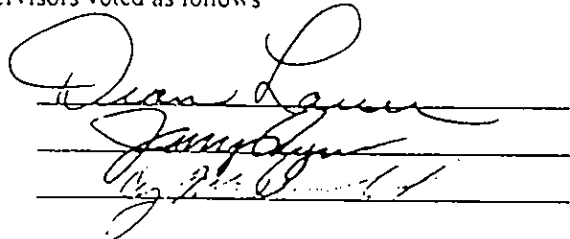
WHEREAS, the Board of Supervisors finds that the proposed donation of real estate should be now approved in all respects.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors for Madison County, Iowa that the proposed donation of the real estate legally described above be and is hereby approved in all respects.

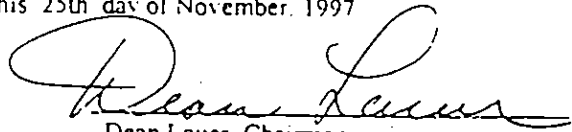
BE IT FURTHER RESOLVED, by the Board of Supervisors for Madison County, Iowa that the Chairman and Secretary be and are hereby authorized and directed to execute and tender to City of St. Charles, Iowa, a Quit Claim Deed, conveying this real estate upon the terms and conditions as set forth in the Resolution proposing the donation of this real estate.

On roll call vote the members of the Board of Supervisors voted as follows

Dean Lauer  
Jerry Ayers  
Cy McDonald

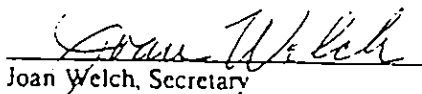


Passed by the Board of Supervisors and approved on this 25th day of November, 1997



Dean Lauer, Chairman  
Madison County Board of Supervisors

ATTEST



Joan Welch, Secretary

EXHIBIT "C"