

REC : 20.00 AUD . 3.00 R.M.F. \$ 1.00 RECORDED COMPAGED

FOR PLAT SEE TOWN PLAT BOOK 2 PAGE 208

FILED NO. 3216 BOOK 59 PAGE 271

PLAT AND CERTIFICATE
FOR FIELDSTONE ADDITION
TO THE CITY OF WINTERSET, IOWA

94 MAY 20 AM 10: 56

MICHELLE UTSLER RECORDER MADISON COUNTY.10WA

I, Randy Jeffs, 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 Fieldstone Addition, and that the real estate comprising said plat is described as follows:

Lot Five (5) of the Irregular Survey of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE¼) of Section Thirty-six (36), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa; AND part of Lot Twenty-one (21), Northwest Development Plat 1, in the City of Winterset, Madison County, Iowa; AND the West 48 feet of Lot Four (4), Lot Five (5), Lot Six (6), and the East 72 feet of Lot Seven (7), all in Clark's Irregular Survey in the City of Winterset, Madison County, Iowa, more particularly described as follows: Commencing at the Southwest Corner of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section Thirty-six (36), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., City of Winterset, Madison County, Iowa; thence South 89°52'12" East, 50.00 feet to the point of beginning. Thence North 00°00'00", 329.50 feet along the East line of North 8th Avenue; thence South 89°50'57" East, 394.72 feet; thence North 00°08'08" West, 121.70 feet; thence South 89°45'20" East, 60.00 feet along the South line of Mills Street; thence South 00°08'08" East, 121.60 feet; thence South 89°50'57" East, 157.50 feet; thence South 00°00'00", 485.59 feet; thence North 89°58'35" West, 352.23 feet; thence North 00°00'00", 156.98 feet; thence North 89°52'12" West, 259.99 feet to the point of beginning, and containing 6.06 acres.

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 Fieldstone Addition;
- 2. Attorney's opinion;
- 3. Certificate of County Treasurer of Madison County, Iowa;
- 4. Resolution of the City Council of the City of Winterset approving said plat; and
- 5. Consent to Platting by Farmers and Merchants State Bank;
- 6. Consent to Platting by Clarke County State Bank,

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

Randy Jeffs, Zoning Administrator

# DEDICATION OF PLAT OF FIELDSTONE ADDITION

### KNOW ALL MEN BY THESE PRESENTS:

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That we, Patrick F. Corkrean and Nancy M. Corkrean, husband and wife, and Brian G. Neal and Patricia J. Neal, husband and wife, do hereby certify that we are the sole owners and proprietors of the following-described real state:

Lot Five (5) of the Irregular Survey of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE%) of Section Thirty-six (36), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa; AND part of Lot Twenty-one (21), Northwest Development Plat I, in the City of Winterset, Madison County, Iowa; AND the West 48 feet of Lot Four (4), Lot Five (5), Lot Six (6), and the East 72 feet of Lot Seven (7), all in Clark's Irregular Survey in the City of Winterset, Madison County, Iowa, more particularly described as follows: Commencing at the Southwest Corner of the Northwest Quarter (NW%) of the Northeast Quarter (NE%) of Section Thirty-six (36), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., City of Winterset, Madison County, Iowa; thence South 89°52'12" East, 50.00 feet to the point of beginning. Thence North 00°00'00", 329.50 feet along the East line of North 8th Avenue; thence South 89°50'57" East, 394.72 feet; thence North 00°08'08" West, 121.70 feet; thence South 89°45'20" East, 60.00 feet along the South line of Mills Street; thence South 00°08'08" East, 121.60 feet; thence South 89°50'57" East, 157.50 feet; thence South 00°00'00", 485.59 feet; thence North 89°58'35" West, 352.23 feet; thence North 00°00'00", 156.98 feet; thence North 89°52'12" West, 259.99 feet to the point of beginning, and containing 6.06 acres.

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

Lot A is hereby dedicated to the City of Winterset as a public street. Perpetual easements are dedicated as shown on said plat to the City of Winterset for all applicable utilities and utility companies for all utility installations and the necessary maintenance and repair thereof.

All lots in said subdivision are subject to a front yard setback and rear yard setback as shown on said plat.

DATED this 2 day of Muy

Patrick F. Corkrean

Napcy M. Corkrean

Brian G. Nea

Patricia I Neal

: SS
MADISON COUNTY :
On this 2nd day of May, 1994, before me, the undersigned, a Notary
Public in and for the State of Iowa, personally appeared Patrick F. Corkrean and Nancy M. Corkrean, 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.
Newary Public in and for the State of Iowa
STATE OF IOWA :
MADISTRE COUNTY P
On this day of Maff., 1994, before me, the undersigned, a Notary
Public in and for the State of Iowa, personally appeared Brian G. Neal and Patricia J. Neal, 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

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#### TITLE OPINION OF ATTORNEY AT LAW

I, Jerrold B. Oliver, do hereby state that I am an attorney at law practicing in Winterset, Madison County, lowa, and that I have examined an abstract of title to the following-described real estate:

Lot Five (5) of the Irregular Survey of the Northwest Quarter (NW%) of the Northeast Quarter (NE%) of Section Thirty-six (36), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa; AND part of Lot Twenty-one (21), Northwest Development Plat 1, in the City of Winterset, Madison County, Iowa; AND the West 48 feet of Lot Four (4), Lot Five (5), Lot Six (6), and the East 72 feet of Lot Seven (7), all in Clark's Irregular Survey in the City of Winterset. Madison County, lowa, more particularly described as follows: Commencing at the Southwest Corner of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section Thirty-six (36), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., City of Winterset, Madison County, Iowa; thence South 89°52'12" East, 50.00 feet to the point of beginning. Thence North 00°00'00", 329.50 feet along the East line of North 8th Avenue; thence South 89°50'57" East, 394.72 feet; thence North 00°08'08" West, 121.70 feet; thence South 89°45'20" East, 60.00 feet along the South line of Mills Street; thence South 00°08'08" East, 121.60 feet; thence South 89°50'57" East, 157.50 feet; thence South 00°00'00", 485.59 feet; thence North 89°58'35" West, 352.23 feet; thence North 00°00'00", 156.98 feet; thence North 89°52'12" West, 259.99 feet to the point of beginning, and containing 6.06 acres

I further state that the names of the proprietors of said plat are Patrick F. Corkrean and Nancy M. Corkrean, and Brian G. Neal and Patricia J. Neal, and that the holders of mortgages, liens or other encumbrances on the land being platted are as follows:

- 1. Mortgage from Patrick F. Corkrean and Nancy M. Corkrean, husband and wife, to Clarke County Bank in the principal sum of \$52,000.00, recorded in Mortgage Record 170, Page 361 of the Recorder's office of Madison County, Iowa.
- 2. Mortgage from Brian G. Neal and Patricia J. Neal, individually and as husband and wife, to Farmers & Merchants State Bank in the principal sum of \$150,000.00, recorded in Mortgage Record 165, Page 749 of the Recorder's office of Madison County, Iowa.

Dated this 28 day of Soul 1994.

Just b Olm Jerrold B. Oliver

### CERTIFICATE OF THE COUNTY TREASURER

### OF MADISON COUNTY, IOWA

I, Carita Kelleher, 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, to-wit:

Lot Five (5) of the Irregular Survey of the Northwest Quarter (NW4) of the Northeast Quarter (NE%) of Section Thirty-six (36), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa; AND part of Lot Twenty-one (21), Northwest Development Plat 1, in the City of Winterset, Madison County, Iowa; AND the West 48 feet of Lot Four (4), Lot Five (5), Lot Six (6), and the East 72 feet of Lot Seven (7), all in Clark's Irregular Survey in the City of Winterset, Madison County, Iowa, more particularly described as follows: Commencing at the Southwest Corner of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section Thirty-six (36), Township Seventy-six (76) North, Range Twenty-cight (28) West of the 5th P.M., City of Winterset, Madison County, Iowa; thence South 89°52'12" East, 50.00 feet to the point of beginning. Thence North 00°00'00", 329.50 feet along the East line of North 8th Avenue; thence South 89°50'57" East, 394.72 feet; thence North 00°08'08" West, 121.70 feet; thence South 89°45'20" East, 60.00 feet along the South line of Mills Street; thence South 00°08'08" East, 121.60 feet; thence South 89°50'57" East, 157.50 feet; thence South 00°00'00", 485.59 feet; thence North 89°58'35" West, 352.23 feet; thence North 00°00'00", 156.98 feet; thence North 89°52'12" West, 259.99 feet to the point of beginning, and containing 6.06 acres.

DATED at Winterset, lowa, this 27 day of Garil, 1994.

Carita Kelleher, Treasurer of Madison County, Iowa



### RESOLUTION APPROVING FINAL PLAT OF FIELDSTONE ADDITION TO THE 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 plat of a proposed subdivision known as Fieldstone Addition; and

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

Lot Five (5) of the Irregular Survey of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/2) of Section Thirty-six (36), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa; AND part of Lot Twenty-one (21), Northwest Development Plat 1, in the City of Winterset, Madison County, lowa; AND the West 48 feet of Lot Four (4), Lot Five (5), Lot Six (6), and the East 72 feet of Lot Seven (7), all in Clark's Irregular Survey in the City of Winterset, Madison County, Iowa, more particularly described as follows: Commencing at the Southwest Corner of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section Thirty-six (36), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., City of Winterset, Madison County, Iowa; thence South 89°52'12" East, 50.00 feet to the point of beginning. Thence North 00°00'00", 329.50 feet along the East line of North 8th Avenue; thence South 89°50'57" East, 394.72 feet; thence North 00°08'08" West, 121.70 feet; thence South 89°45'20" East, 60.00 feet along the South line of Mills Street; thence South 00°08'08" East, 121.60 feet; thence South 89°50'57" East, 157.50 feet; thence South 00°00'00", 485.59 feet; thence North 89°58'35" West, 352.23 feet; thence North 00°00'00", 156.98 feet; thence North 89°52'12" West, 259.99 feet to the point of beginning, and containing 6.06 acres; and

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, Patrick F. Corkrean and Nancy M. Corkrean, husband and wife, and Brian G. Neal and Patricia J. Neal, 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 Farmers & Merchants Savings Bank against said real estate and except for a mortgage to Clarke County State Bank against said real estate, and a certified statement from the Treasurer of Madison County, Iowa, that said platted land is free from taxes, and

WHEREAS, the City Council of the City of Winterset, Iowa, finds that said plat conforms to the provisions of the Zoning Ordinance of the City of Winterset, and that the plat, papers and documents presented therewith should be approved by the City Council, and that said plat, known as Fieldstone Addition, 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 plat, known as Fieldstone Addition, prepared in connection with said plat and subdivision is hereby approved.
- 2. That the dedication of a portion of said real estate as a street and the perpetual easements, all as shown on said plat, are hereby accepted and approved.
- 2. That the Zoning Administrator of the City of Winterset, 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, lowa, this day or _	, 1994.
	lem Silumokeen
	Mayor of the City of Winterset, Iow

ATTEST:

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Clerk of the City of Winterset, Iowa

# CONSENT TO PLATTING BY FARMERS AND MERCHANTS STATE BANK

Farmers and Merchants State Bank does hereby consent to the platting and subdivision of the following-described real estate:

Lot Five (5) of the Irregular Survey of the Northwest Quarter (NW4) of the Northeast Quarter (NE4) of Section Thirty-six (36), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, lowa; AND part of Lot Twenty-one (21), Northwest Development Plat 1, in the City of Winterset, Madison County, Iowa; AND the West 48 feet of Lot Four (4), Lot Five (5), Lot Six (6), and the East 72 feet of Lot Seven (7), all in Clark's Irregular Survey in the City of Winterset, Madison County, lowa, more particularly described as follows: Commencing at the Southwest Corner of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section Thirty-six (36), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., City of Winterset, Madison County, Iowa; thence South 89°52'12" East, 50.00 feet to the point of beginning. Thence North 00°00'00", 329.50 feet along the East line of North 8th Avenue; thence South 89°50'57" East, 394.72 feet; thence North 00°08'08" West, 121.70 feet; thence South 89°45'20" East, 60.00 feet along the South line of Mills Street; thence South 00°08'08" East, 121.60 feet; thence South 89°50'57" East, 157.50 feet; thence South 00°00'00", 485.59 feet; thence North 89°58'35" West, 352.23 feet; thence North 00°00'00", 156.98 feet; thence North 89°52'12" West, 259.99 feet to the point of beginning, and containing 6.06 acres.

in accordance with ordinances of the City of Winterset and the State of Iowa. Said plat is prepared with its free consent in accordance with its desires. The undersigned holds a mortgage against said real estate and executes this Consent in accordance with Section 354.11 of the Code of Iowa.

Dated: May 2 . 1994.

FARMERS AND MERCHANTS STATE BANK

By Millian L. Warr

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DEED RECORD 59

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## CONSENT TO PLATTING BY CLARKE COUNTY STATE BANK

Clarke County State Bank does hereby consent to the platting and subdivision of the followingdescribed real estate:

Lot Five (5) of the Irregular Survey of the Northwest Quarter (NW%) of the Northeast Quarter (NE4) of Section Thirty-six (36), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa; AND part of Lot Twenty-one (21), Northwest Development Plat 1, in the City of Winterset, Madison County, Iowa; AND the West 48 feet of Lot Four (4), Lot Five (5), Lot Six (6), and the East 72 feet of Lot Seven (7), all in Clark's Irregular Survey in the City of Winterset, Madison County, Iowa, more particularly described as follows: Commencing at the Southwest Corner of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of Section Thirty-six (36), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., City of Winterset, Madison County, Iowa; thence South 89°52'12" East, 50.00 feet to the point of beginning. Thence North 00°00'00", 329.50 feet along the East line of North 8th Avenue; thence South 89°50'57" East, 394.72 feet; thence North 00°08'08" West, 121.70 feet; thence South 89°45'20" East, 60.00 feet along the South line of Mills Street; thence South 00°08'08" East, 121.60 feet; thence South 89°50'57" East, 157.50 feet; thence South 00°00'00", 485.59 feet; thence North 89°58'35" West, 352.23 feet; thence North 00°00'00", 156.98 feet; thence North 89°52'12" West, 259.99 feet to the point of beginning, and containing 6.06 acres.

in accordance with ordinances of the City of Winterset and the State of Iowa. Said plat is prepared with its free consent in accordance with its desires. The undersigned holds a mortgage against said real estate and executes this Consent in accordance with Section 354.11 of the Code of Iowa.

Dated: Apr. 129, 1994.

CLARKE COUNTY STATE BANK

By Gattery D. Shult STUP

ORIGINAL

STATE OF IOWA

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: ss

MADISON COUNTY

On this 29th day of April 1994, before me, the undersigned, a Notary Public in and for said County and State, personally appeared <u>Dale D. Windhorst</u> and Anthony D. Shultz respectively, 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 <u>Dale D. Windhorst</u> and <u>Anthony D. Shultz</u> as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

MY COMMISSION EXPIRES January 7, 1995		CONNIE KENT MY COMMISSION EXPIRES January 7, 1995
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Notary Public in and for the State of Iowa

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.

PERFORMANCE BOND

WHEREAS, Section 4.1006 of the Winterset City Code of 1992 further requires the subdivider to warrant the design, material and workmanship of such improvements and their installation and/or construction for a period of four (4) years from and after its acceptance by the City of Winterset, Iowa.

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 the Fieldstone Addition to the City of Winterset, Iowa, includes paving with associated storm sewer and subgrade drains, plus water mains and sanitary sewer mains and related accessory structures.

WHEREAS, the parties agree the estimated current construction cost of these improvements shall be in the sum of \$112,059.00.

WHEREAS, the parties agree that the performance bond to cover these construction costs shall be in the sum of \$112,059.00.

WHEREAS, the subdivider and City have agreed that these improvements shall be installed within one (1) year from the date of the final acceptance of the plat by the City of Winterset, Iowa.

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

#### Page -2-

WHEREAS, the subdivider proposes to post as Surety for this Performance Bond with the City of Winterset, Iowa a bank account with an initial cash balance of \$112,059.00 to be held at the Clarke County State Bank of Osceola, Iowa. This account shall be held as an escrow account in the name of Patrick F. Corkrean as the Subdivider. The money shall be disbursed from this account solely for the costs of the aforesaid improvements in the Fieldstone Addition to the City of Winterset, Iowa including engineering costs on the project and only after the joint approval of the Subdivider and the City of Winterset, Iowa for each such disbursement. Subdivider or the bank shall provide the City of Winterset, Iowa with monthly activity statement on this bank account to include beginning and ending balance and copies of all receipt and The escrow account shall require the disbursement instruments. countersignature of the Subdivider and the City Administrator or Assistant Administrator for any moneys to be disbursed from the account. Such signature or approval of the disbursement of moneys from the escrow account shall not constitute approval of the improvement by the City. Any account balance remaining after all improvements have been installed in the Fieldstone Addition and after final acceptance of these improvements by the City of Winterset, Iowa may be disbursed by the Subdivider to the Subdivider; provided, however, that this disbursement does not modify or cancel in any way the Subdivider's maintenance obligation on these improvements for four (4) years under the City Code of 1992. In the event the bank account balance is insufficient to pay the costs of the improvements, then the Subdivider remains responsible for this deficiency amount and for the completion of the improvements as provided by the City Code of 1992.

WHEREAS, each Subdivider's request for approval by the City of Winterset, Iowa of any funds disbursement from the escrow account shall be accompanied by a copy of the contractor's payment request and an engineer's statement certifying that the construction payment is for the aforesaid improvements in the Fieldstone Addition to the City of Winterset, Iowa and that the contractor's

DEED RECORD 59 284

Page -3-

work subject to the invoice complies with the project plans and conforms in all respects to the specifications approved by the City for the portion of the improvement for which payment is being made.

WHEREAS, the Subdivider agrees and understands that the City's approval of any disbursement from the escrow account shall not constitute in any way an approval of the construction of the improvement not be construed as an acceptance, in whole or in part, of the improvement.

NOW, THEREFORE, IT IS HEREBY DECLARED that Patrick F. and Nancy M. Corkrean, hereafter called the Principal are held and firmly bound onto the City of Winterset, Iowa, hereafter called City, in the penal sum of \$112,059.00 in lawful money of the United States for the payment of which sum to be made, the principal binds itself, its 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 and as provided by the final plat of the subdivision submitted to the City.

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 this Performance Bond, and any extensions thereof which may be granted by the City, and if the Principal shall satisfy all claims and demands incurred under such obligations and shall fully indemnify and save 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.

Page -4-

PRINCIPAL

Patrick F. Corkrean

Nancy M. Corkrean

