



Document 2014 348

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**PLAT AND CERTIFICATE  
FOR  
BIRCHWOOD ESTATES PLAT 3** LISA SMITH, COUNTY RECORDER  
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 Birchwood Estates Plat 3; and, that the real estate comprising said plat is described as follows:

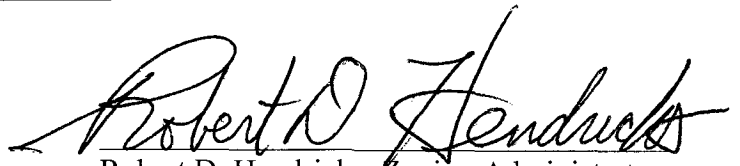
Lot Two (2) in Block Six (6) of Birchwood Estates Plat No. 1, an Addition to the City of Winterset, Madison County, Iowa.

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

- 1) Dedication of Birchwood Estates Plat 3;
- 2) Attorney's Opinion;
- 3) Certificate of Treasurer;
- 4) Auditor's Approval;
- 5) Ground Water Statement;
- 6) Resolution of Winterset City Council;
- 7) Consent to Platting West Bank,

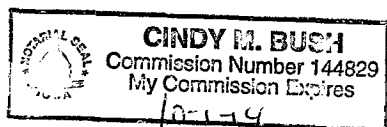
all of which are duly certified in accordance with the Winterset Zoning Ordinance.

Dated this 12<sup>th</sup> day of FEBRUARY, 2014.

  
Robert D. Hendricks, Zoning Administrator

STATE OF IOWA, MADISON COUNTY, ss:

On this 12<sup>th</sup> day of February, 2014, 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.



Cindy M. Bush  
Notary Public in and for the State of Iowa

**DEDICATION OF PLAT  
OF  
BIRCHWOOD ESTATES PLAT 3**

**KNOW ALL MEN BY THESE PRESENT:**

That T & T Development Group, LLC, do certify that they are the sole owners and proprietors of the following-described real estate:

Lot Two (2) in Block Six (6) of Birchwood Estates Plat No. 1, an Addition to the City of Winterset, Madison County, Iowa.

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

Dated this 16 day of January, 2014.

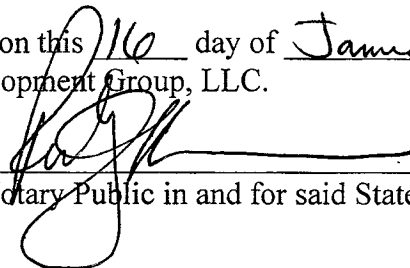
T & T Development Group, LLC

By   
Ted A. Torstenson, Manager

STATE OF IOWA, COUNTY OF Dallas

This instrument was acknowledged before me on this 16 day of January, 2014, by Ted A. Torstenson, Manager of T & T Development Group, LLC.

RUSTY BRAMMER  
Commission# 764189  
My Commission Expires  
August 12, 2016

  
Notary Public in and for said State of Iowa

**ATTORNEY'S OPINION FOR FINAL PLAT,  
BIRCHWOOD ESTATES PLAT 3**

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, last certified to December 3, 2013, at 8:00 A.M., by Madison County Abstract Co., purporting to show the chain of title to the following described real estate, which is the real property contained in Final Plat, Birchwood Estates Plat 3, Madison County, Iowa:

Lot Two (2) in Block Six (6) of Birchwood Estates Plat No. 1, an Addition to the City of Winterset, Madison County, Iowa.

In my opinion, merchantable title to the above described property is in the name of T & T Development Group, LLC, free and clear of all liens and encumbrances, except a Mortgage to West Bank dated February 20, 2008, and filed February 29, 2008, in Book 2008, Page 651 of the Recorder's Office of Madison County, Iowa, in the principal amount of \$200,000.00

The real estate is subject to building restriction and protective covenants, which is a part of the platting and subdivision proceedings shown at Entry No. 31 of the abstract, dated October 14, 2004, and filed October 26, 2004, in Book 2004, page 5025 of the Recorder's Office of Madison County, Iowa. These Building Restrictions and Protective Covenants impose certain restrictions on the use of the real estate under examination and also impose certain duties on owners of Lots within the subdivision.

Respectfully submitted,

JORDAN, OLIVER & WALTERS, P.C.

By 

Jerrold B. Oliver

Farmers & Merchants Bank Bldg.

P.O. Box 230

Winterset, Iowa 50273

Telephone: (515) 462-3731

ATTORNEYS FOR

T & T DEVELOPMENT GROUP, LLC

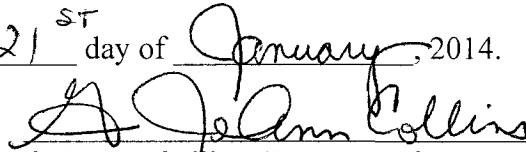
**CERTIFICATE OF THE COUNTY TREASURER  
OF MADISON COUNTY, IOWA**

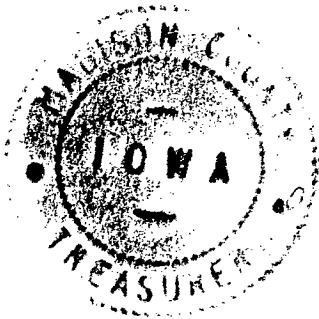
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I, G. JoAnn Collins, do hereby certify that I am the duly elected and acting Treasurer of Madison County, Iowa; that I have examined the records in my office, and that there are no unpaid taxes forming a lien against the following-described real estate, to-wit:

Lot Two (2) in Block Six (6) of Birchwood Estates Plat No. 1, an Addition to the City of Winterset, Madison County, Iowa.

DATED at Winterset, Iowa, this 21<sup>ST</sup> day of January, 2014.

  
\_\_\_\_\_  
G. JoAnn Collins, Treasurer of Madison County,  
Iowa



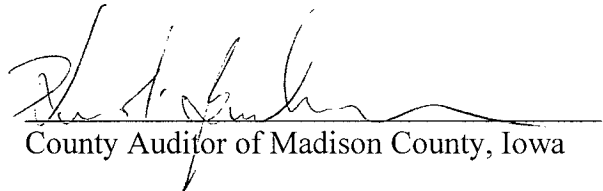
**APPROVAL OF SUBDIVISION PLAT NAME  
BY MADISON COUNTY AUDITOR**

Date: 21 JANUARY 2014

The Madison County Auditor's Office has reviewed the Final Plat of BIRCHWOOD ESTATES PLAT 3 for the following-described real estate:

Lot Two (2) in Block Six (6) of Birchwood Estates Plat No. 1, an Addition to the City of Winterset, Madison County, Iowa.

Pursuant to Iowa Code 354.6(2) and 354.11(1)(e), we approve the Subdivision name or title and have no objections to this Subdivision Plat being recorded.

  
County Auditor of Madison County, Iowa

**RESOLUTION APPROVING  
FINAL PLAT OF BIRCHWOOD ESTATES 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 Birchwood Estates Plat 3; and

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

Lot Two (2) in Block Six (6) of Birchwood Estates Plat No. 1, an Addition to the City of Winterset, Madison County, Iowa.

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, T & T Development Group, LLC; 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, 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, 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 Birchwood Estates Plat 3, prepared in connection with said plat and subdivision is hereby approved.



2. The City Administrator of the City of Winterset, Madison County, Iowa, is hereby directed to certify this resolution which shall be affixed to said plat to the County documents which should be filed and recorded in connection therewith.

DATED at Winterset, Iowa, this 12th day of Feb., 2014.

CITY OF WINTERSET, IOWA

By James C. Olson  
James C. Olson, Mayor

ATTEST:

Mark Nitchals  
Mark Nitchals, City Administrator

**CONSENT TO PLATTING  
WEST BANK**

West Bank does consent to the platting and subdivision of the following-described real estate:

Lot Two (2) in Block Six (6) of Birchwood Estates Plat No. 1, an Addition to the City of Winterset, Madison County, Iowa.

in accordance with the ordinances of Madison County, Iowa, and the laws of the State of Iowa.

The undersigned holds the following mortgage on the above real estate:

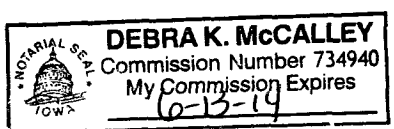
A Mortgage from T & T Development Group, LLC, by Ted A. Torstenson, Manager to West Bank in the principal amount of \$200,000.00, dated February 20, 2008, and filed February 29, 2008 in Book 2008, Page 651 of the Recorder's Office of Madison County, Iowa.

Dated this 14<sup>th</sup> day of January, 2014.

West Bank  
By [Signature]  
Title: Vice President

STATE OF IOWA, COUNTY OF Folk:

This instrument was acknowledged before me on this 14<sup>th</sup> day of January, 2014, by Debra K McCalley as 2nd VP of West Bank.



[Signature]  
Notary Public in and for said State



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Date 2/12/2014 Time 4:09 PM  
Rec Amt \$57.00 Aud Amt \$5.00

INDX  
ANNO  
SCAN  
CHEK

LISA SMITH, COUNTY RECORDER  
MADISON COUNTY IOWA

# FINAL PLAT BIRCHWOOD ESTATES PLAT 3 WINTERSET, IOWA

OWNER / DEVELOPER  
TET DEVELOPMENT GROUP, L.L.C.  
33602 LITE AVE  
WAUKEE, IA 50685

ZONING  
EXISTING: R-2  
SETBACKS  
FRONT - 30 FEET  
SIDE - 3 FEET  
REAR - 3 FEET TOTAL

LEGAL DESCRIPTION  
AN OFFICIAL REPEAT OF LOT 1, BLOCK 6, BIRCHWOOD ESTATES  
AN OFFICIAL REPEAT OF LOT 2, BLOCK 6, BIRCHWOOD ESTATES  
AN OFFICIAL REPEAT OF LOT 3, CITY OF WINTERSET, MADISON  
COUNTY, IOWA.  
SAID TRACT OF LAND CONTAINS 1.004 ACRES MORE OR LESS  
SAID TRACT OF LAND SUBJECT TO ALL EASEMENTS OR RECORD.

- LEGEND
- PLAT BOUNDARY
  - SECTION CORNER
  - FOUND CORNER, AS NOTED
  - SET CORNER 5/8" I.R. W/ YELLOW CAP #1354
  - IRON ROD
  - 1/2" IRON PIPE
  - MEASURED DISTANCE
  - DEEPEST DISTANCE
  - PREVIOUSLY RECORDED DISTANCE
  - P.U.E.
  - ADDRESS
  - B.S.L.
  - BUILDING SETBACK LINE
  - F.I.O.E.
  - FINISH PROTECTION ELEVATION
  - H.P.E.
  - NOT RADIAL

I HEREBY CERTIFY THAT THIS SURVEYING DOCUMENT  
WAS PREPARED AND THE RELATED SURVEY WORK WAS  
CONDUCTED IN ACCORDANCE WITH THE IOWA SURVEYING  
STATUTES AND THAT I AM A DULY LICENSED  
SURVEYOR IN THE STATE OF IOWA.  
DATE: Feb-12-2014  
LISA SMITH  
COUNTY RECORDER  
MADISON COUNTY IOWA

**COOPER CRAWFORD  
& ASSOCIATES, L.L.C.**  
CIVIL ENGINEERS  
475 S. 90th STREET, SUITE 400, WEST DES MOINES, IOWA 50365  
PHONE: (515) 224-1334 FAX: (515) 224-1345  
DATE: 02-12-2014  
JOB NUMBER: CC  
SHEET: 1556  
SHEET 1 OF 1

IOWA  
ONE-CALL  
800-368-6868  
SCALE: 1"=30'  
APPROVED: (L.S. 2003) INTENDED: XXX AS SHOWN (L.S. 2003)  
FINAL PLAT  
BIRCHWOOD ESTATES PLAT 3

