IND ✓
REC. ✓
PAGE ✓

285

FILED NO.
BOOK 50 PAGE 652
1982 AUG 31 PM 2:23
MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Fee $39.00
Auditor $5.00

Compared

FOR PLAT See Town Plat Record 1, Page 257

RESOLUTION 82-65

RESOLUTION

APPROVING SUBDIVISION

OF

EAST 133 FEET OF LOT 1 OF THE DEPOT ADDITION TO THE TOWN OF WINTERSET, IOWA

WHEREAS, Marcella B. Field, Jeffery A. Dolton and Doris M. Dolton have filed in the office of the Clerk of the City of Winterset, Iowa, a final plat subdividing the real estate legally described as:

> The East 133 feet of Lot 1 of the Depot Addition to the Town of Winterset, Iowa;

WHEREAS, said Plat is accompanied by a title opinion of an attorney at law showing fee title without encumbrance is held by the Subdividers, Marcella B. Field, Jeffery A. Dolton and Doris M. Dolton; by a certificate of consent duly executed by the subdividers and acknowledged before a notary public; by a certificate of the Madison County Treasurer that said real estate is free from taxes; by a certificate of the Clerk of Court of Madison County, Iowa, that said real estate is free from all judgments, attachments, or liens of any kind as appears from the records in her custody; by the Recorder of Madison County, Iowa that the title to the real estate is held in fee simple by said subdividers and is without encumbrance thereon.

WHEREAS, said Plat is accompanied by a statement of Cleo E. McCall, a licensed and registered land surveyor, of Winterset, Iowa, certifying his preparation of said Plat.

WHEREAS, the City Planning and Zoning Commission approved the preliminary plat hereof prepared pursuant to Chapter 54 of the Winterset Municipal Code of 1982, as amended, and has submitted a true copy of a resolution dated May 11, 1982, showing its approval of the said Final Plat and recommending approval thereof by the Council.

WHEREAS, the Council finds this subdivision has all improvements previously installed and requires no further dedication of lands to the public.

WHEREAS, the Council finds that water and electricity are available to the development.

WHEREAS, the Council finds that the said Plat should now be approved and accepted by the City of Winterset, Iowa.

Affidavit to Amend Attorney's Opinion Misc. Rec. 34 - 418 1-24-1983

ENTERED FOR TAXATION
THIS 1 DAY OF Sept 1982
AUDITORS FEE $ 5.00
AUDITOR
DEPUTY AUDITOR

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Winterset, Iowa that said Plat of the East 133 feet of Lot 1 of the Depot Addition to the Town of Winterset, Iowa be and is hereby approved and accepted by the City of Winterset, Iowa, and that the instruments and documents presented in connection herewith are hereby approved.

BE IT FURTHER RESOLVED by the Council of the City of Winterset, Iowa that the Mayor and Clerk are hereby authorized and directed to certify this Resolution, which shall be affixed to said Plat to the Recorder of Madison County, Iowa, and attend to the filing and recording of all instruments and documents which should be filed and recorded in connection therewith and that all things shall be done to carry out the provisions of Chapter 409 of the Code of Iowa, as amended, so far as applicable, and the provisions of the Ordinances of the City of Winterset, Iowa, so far as applicable.

Adopted by the Council and approved by the undersigned on the 30th day of August, 1982.

BERNARD MORRISSEY, Mayor

Attest:

Mark J. Nitchals, City Clerk

2.

CERTIFICATE OF APPROVAL

FOR

SUBDIVISION OF EAST 133 FEET OF LOT 1 OF THE DEPOT ADDITION

TO

WINTERSET, IOWA

STATE OF IOWA
County of Madison
City of Winterset

We, Bernard Morrissey and Mark J. Nitchals, Mayor and City Clerk, respectively, of the City of Winterset, Iowa, located in Madison County, Iowa, do hereby certify that the Plat to which this certificate is attached is a plat of a subdivision of the East 133 feet of Lot 1 of the Depot Addition to the City of Winterset, Iowa, and the real estate comprising said Plat is more specifically described as follows, to-wit:

The East 133 feet of Lot One (1) of Depot Addition
to Winterset, Madison County, Iowa

Said Plat was approved by the City Council of the City of Winterset, Iowa, by Resolution passed and adopted by said Council on August 30, 1982, and approved by the Mayor of the City of Winterset, Iowa, on August 30, 1982; that a true, correct and complete copy of said Resolution as passed and approved is affixed to said Plat and is made a part of this certification; and the Mayor and the City Clerk do hereby certify said Resolution as part of said Plat. This certification has attached the Certificate of Engineer, executed by Cleo E. McCall, a licensed and registered Engineer of Winterset, Iowa; a dedication of plat, duly signed and acknowledged by the proprietors of said land; a title opinion of an attorney showing that the fee title to said platted real estate is in said proprietors free from encumbrance; a certificate of the Clerk of the District Court of the State of Iowa in and for Madison County stating that the real estate platted is free from all judgments, attachments or liens of any kind as appears by the records in her custody; a certificate of the County Recorder of Madison County, Iowa, stating that the title is in fee simple in the name of said proprietors, to-wit: Marcella B. Field, Jeffery A. Dolton and Doris M. Dolton, and is free from encumbrance; and, a certificate from the County Treasurer of Madison County, Iowa, that said real estate platted is free from taxes, all of which is duly certified in accordance with the provisions of Chapter 409 of the Code of Iowa and other provisions of law applicable thereto.

Dated and signed at Winterset, Madison County, Iowa, on the 30th day of August, 1982.

Bernard Morrissey
Mayor of the City of Winterset, Iowa

Attest:

Mark J. Nitchals
City Clerk of the City of Winterset, Iowa



3

MARCELLA B. FIELD, JEFFERY A. DOLTON
and DORIS M. DOLTON)

TO)

THE PUBLIC) DEDICATION OF PLAT

KNOW ALL MEN BY THESE PRESENTS that Marcella B. Field, Jeffery A. Dolton and Doris M. Dolton hereby certify that they are the sole owners and proprietors in fee simple of the following described real estate, to-wit:

The East 133 feet of Lot One (1) of Depot Addition to Winterset, Madison County, Iowa

That Marcella B. Field is single and unmarried; and, Jeffery A. Dolton and Doris M. Dolton are husband and wife.

That the subdivision of said land, as shown by the annexed Plat and surveyor's certificate, is with the free consent of the proprietors and the free consent of the respective spouses, and is in accordance with the desires of the undersigned; and, they, and each of them, hereby acknowledge that all public streets are and have been previously dedicated to the City of Winterset, Iowa, and are public streets and right-of-way of the City of Winterset, Iowa, all as shown by said Plat.

IN WITNESS WHEREOF, said proprietors has caused this instrument to be duly executed this 30 day of August, 1982.

Marcella B. Field
Marcella B. Field

Jeffery A. Dolton
Jeffery A. Dolton

Doris M. Dolton
Doris M. Dolton

STATE OF IOWA)
) ss
POTTAWATTAMIE COUNTY)

On this 27th day of August, A.D. 1982, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Marcella B. Field, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that she executed the same as her voluntary act and deed.

Iowa NOTARIAL SEAL

Christi R. Jacob
Notary Public in and for said County and State

STATE OF IOWA)
) ss
MADISON COUNTY)

On this 20 day of August, A.D. 1982, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Jeffery A. Dolton and Doris M. Dolton to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Mary Jane Benoit
Notary Public in and for said County and State
Mary Jane Benoit

4

Flander and Casper
ATTORNEYS AT LAW
223 EAST COURT AVENUE
WINTERSET, IOWA 50273

LEONARD M. FLANDER
JOHN E. CASPER
KATHRYN B. SCHMITT

AREA CODE 515
TELEPHONE 462-4912

August 20, 1982

Marcella B. Field
2812 Ninth Avenue
Council Bluffs, Iowa 51501

Jeffery A. Dolton and Doris M. Dolton
516 East Filmore
Winterset, Iowa 50273

Re: Title Opinion
8/82 C-2

Dear Ms. Field and Mr. & Mrs. Dolton:

Pursuant to your request, I have examined the title to the premises legally described as:

The East 133 feet of Lot One (1) of Depot Addition to Winterset, Madison County, Iowa,

as disclosed by an abstract, being abstract number 47335, prepared by the Security Loan and Abstract Company of Winterset, Iowa, covering the period from July 19, 1916 at 11:43 o'clock A.M. to and including June 8, 1982 at 8:00 o'clock A.M. and containing twenty-two (22) entries.

On the date and time last mentioned above, I find marketable title pursuant to the Forty (40) Year Marketable Title Act of the State of Iowa to be in:

MARCELLA B. FIELD

subject to the following comments and objections:

1. Entry number fourteen (14) discloses a real estate contract upon the premises under examination between Marcella B. Field, Administrator of Willard R. Field Estate, Seller, and Jeffery A. Dolton and Doris M. Dolton, husband and wife, as joint tenants with full rights of survivorship and not as tenants in common, Buyers, which contract is dated August 29, 1981 and filed for record on August 31, 1981 in Town Lot Deed Record Book 50 at page 226.

2. Entry number thirteen (13) shows that Willard Richard Field died intestate on June 7, 1981, leaving a surviving spouse and an heir-at-law who is Nellie Field. The abstract does not disclose what interest Nellie Field as a surviving parent would have in the real estate under examination. This examiner would require showing that Nellie Field has no interest in the real estate, or, in alternative, a quit claim deed from Nellie Field conveying all right, title or interest in the premises under examination.

3. Entry number sixteen (16) discloses a home improvement lien upon the premises under examination in favor of the Farmers & Merchants State Bank, which lien is dated October 6, 1981 and filed for record on October 9, 1981 in Mortgage Record Book 135 at page 133. This lien constitutes an encumbrance upon the premises under examination.

4. Entry number seventeen (17) discloses the purported subdivision proceedings which will require correction in compliance with Iowa Code Chapter 409.

5. Entries eighteen (18) through twenty (20) disclose the premises under examination are subject to the City regulations concerning fire zones, building and subdivisions and zoning within the City of Winterset, Iowa. For the exact effect of these ordinances upon the premises under examination, you should consult the zoning administrator and building official for the City of Winterset, Iowa.

6. Entry number twenty-one (21) discloses that the property taxes upon the premises under examination payable in the fiscal year beginning July 1, 1981 are paid in full.

7. Since the following cannot be determined by an examination of the abstract, your attention is called to the fact that you are required to take notice of all the rights for the parties in possession of the real estate under examination other than the owners, any facts that would be disclosed by a survey, the rights of persons furnishing materials and labor for improvements placed upon the premises under examination to file mechanic liens within ninety (90) days from and after the furnishing of the last item of material or labor thereon, any visible easements such as overhanging wires or underground drains, and the restrictions on the rights of access to and from highways and roadways which may be designated as "controlled facilities" by the State and local authorities.

Respectfully submitted

FLANDER AND CASPER

John E. Casper
JEC:sd

AFFIDAVIT

STATE OF IOWA)
) ss
MADISON COUNTY)

I, Mary Welty, being first duly sworn on oath, depose and say that I am the County Recorder of Madison County, Iowa, and that the land described as:

The East 133 feet of Lot One (1) of Depot Addition to the Town of Winterset, Madison County, Iowa

is owned in fee simple by the proprietors Marcella B. Field subject to the contract purchase rights of Jeffery A. Dolton and Doris M. Dolton, which contract is dated August 29, 1981 and recorded in Town Lot Deed Record Book 50 at page 226, and is free from all encumbrances as shown by the records in the Office of the County Recorder.

Dated August 30, 1982

Mary Welty

Mary Welty, Madison County Recorder



AFFIDAVIT

STATE OF IOWA

MADISON COUNTY, ss

I, Margret Wheeler, being first duly sworn on oath, depose and say that I am Clerk of the District Court of Madison County, Iowa, and I hereby certify that the land situated and platted in

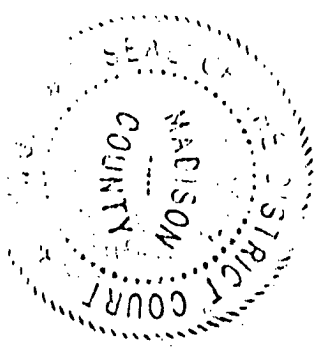
"A parcel of land in Lot One, Depot Addition to Winterset, Iowa, hereafter to be known as Lots A, B, C, D, and E, a subdivision of East 133 Feet of Lot 1, Depot Addition to Winterset, Iowa, more particularly described as: Beginning at the Northeast corner of Lot 1, Depot Addition to Winterset, Iowa; thence South 00°02'18'' West 280.31 feet to the Southeast corner of said Lot 1; thence along the South line of said Lot 1, North 90°00'00'' West 133.10 feet; thence North 00°03'32'' East 280.31 feet to the North line of said Lot 1; thence North 90°00'00'' East 133.00 feet to the Point of Beginning, containing 0.856 acres, more or less."

is free from all judgments, attachments, mechanic's liens or other liens as appears by the records in my office.

Margaret Wheeler

Margret Wheeler

Subscribed and sworn to before me Margaret Wheeler,
a Notary Public in and for Madison County, Iowa, this 30 day of
August, 1982.



Ida L. Silvertsom, Deputy Clerk
~~Notary Public~~

AFFIDAVIT

STATE OF IOWA)
) ss
MADISON COUNTY)

I, Esther J. Frank, being first duly sworn upon oath, depose and say that I am the Treasuer of Madison County, Iowa, and the land legally described as:

The East 133 feet of Lot One (1) of Depot Addition
to the Town of Winterset, Madison County, Iowa

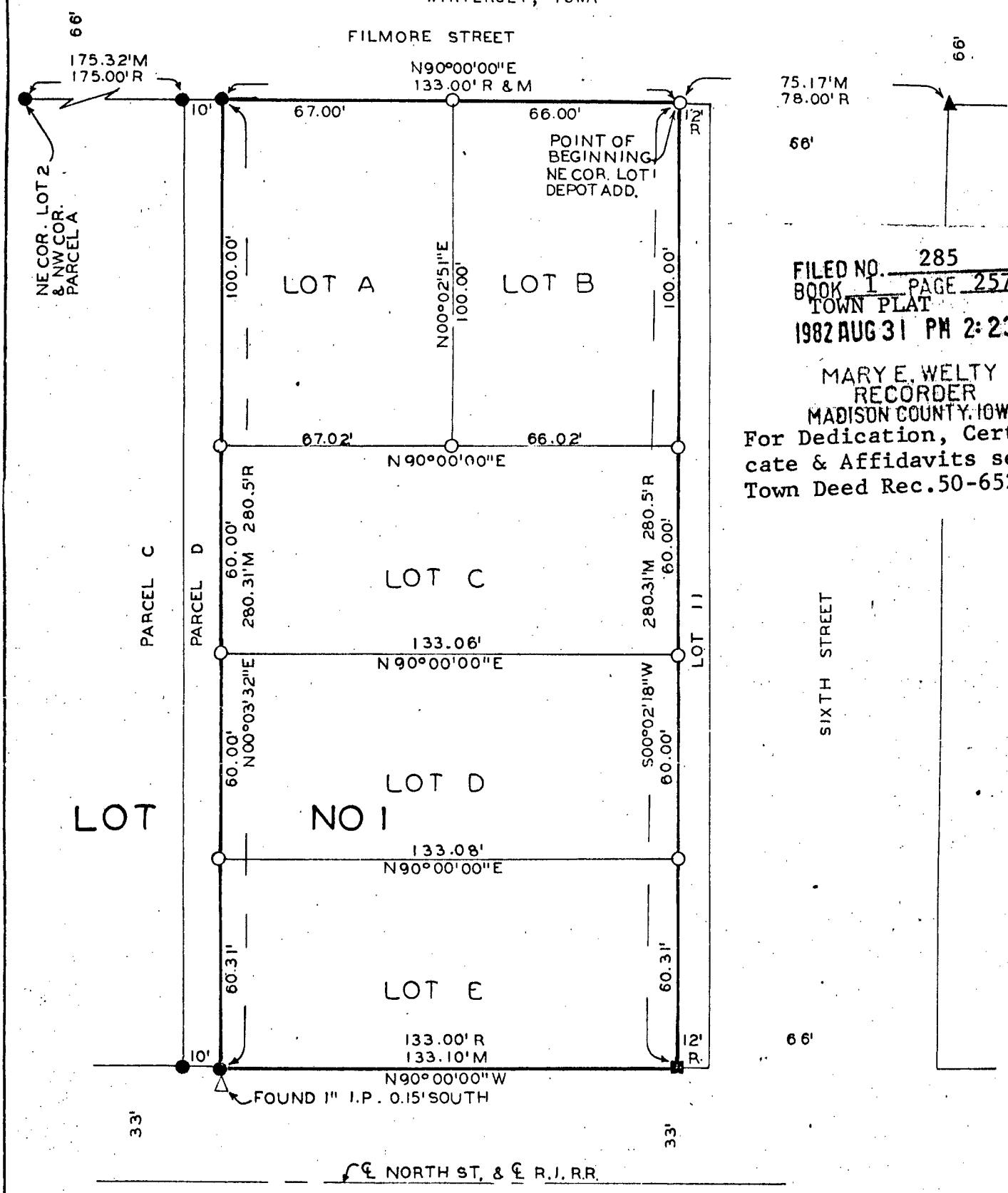
is free from taxes on the property.

Dated August 30, 1982

Esther J. Frank

IOWA
TREASURER

PLAT OF SURVEY FOR JEFF DOLTON
OF LOTS A, B, C, D & E,
A SUBDIVISION OF THE EAST 133 FEET OF LOT 1,
DEPOT ADDITION
WINTERSET, IOWA



FILED NO. 285
BOOK 1 PAGE 257
TOWN PLAT
1982 AUG 31 PM 2:23

MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA

For Dedication, Certificate & Affidavits see Town Deed Rec. 50-652

SCALE: 1"=40'
NOTE: DESCRIPTION ATTACHED

- ● FOUND ½" REBAR
- ■ FOUND 3/8" REBAR
- ▲ SET C.I.R. #8034 BTWN. FOUND ½" REBARS 0.2' APART
- O SET C.I.R. #8034
- R RECORD DIST.
- M MEASURED DIST.

REGISTERED LAND SURVEYOR
REGISTERED
8034
CLEO E. McCALL
IOWA

I hereby certify that this plat, map, survey or report was made by me or under my direct personal supervision and that I am a duly registered Land Surveyor under the laws of the State of Iowa.

Signed Cleo E. McCall — Date 4-22 19 82

CLEO E. McCALL, R.L.S. IOWA REG. NO. 8034

VANCE & HOCHSTETLER, P.C.
CONSULTING ENGINEERS
WINTERSET, IOWA