



Document 2014 2780

DEDICATION OF PLAT OF BENSHOOF ACRES

LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

INDX ✓
ANNO
SCAN
CHEK

KNOW ALL MEN BY THESE PRESENTS:

Book 2014 Page 2780 Type 06 044 Pages 21
Date 11/04/2014 Time 3:22 PM -
Rec Amt \$107.00 Aud Amt \$5.00

That Benshoof Family Farms, L.L.C., do hereby certify that they are the sole owners and proprietors of the following-described real state:

See Attached

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

DATED this 15 day of October, 2014.

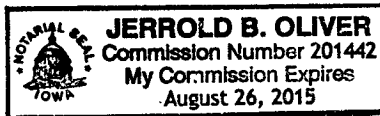
BENSHOOF FAMILY FARMS, L.L.C.

By Ted Benshoof Manager
Ted Benshoof, Manager

STATE OF IOWA, COUNTY OF MADISON

This instrument was acknowledged before me on this 15 day of Oct, 2014, by Ted Benshoof as Manager of Benshoof Family Farms, L.L.C.

Jerrold B. Oliver
Notary Public in and for said State of Iowa



LEGAL DESCRIPTION:

All that part of the Northwest Quarter of the Southeast Quarter of Section 26, Township 76 North, Range 27 West of the 5th P.M., Madison County, Iowa, lying South of a County Road through the Northwest Quarter of the Southeast Quarter of said Section 26 except a tract lying South of said road more particularly described as follows:

Beginning at the Southwest Corner of the Northwest Quarter of the Southeast Quarter of Section 26, Township 76 North, Range 27 West of the 5th P.M., Madison County, Iowa thence North 00°06'35" West 641.66 feet to a point at the centerline of a County Road along the North line of the South Half of the Northwest Quarter of the Southeast Quarter of said Section 26; thence North 89°37'23" East 296.00 feet along the centerline of said County Road; thence South 00°06'36" East 205.00 feet; thence South 89°33'34" East 267.00 feet; thence North 02°05'10" East 209.00 feet to a point on the centerline of said County Road; thence North 89°37'23" East 740.29 feet along said centerline to a point on the East line of the Northwest Quarter of the Southeast Quarter of said Section 26; thence South 00°46'33" East 647.06 feet to the Southeast Corner of the Northwest Quarter of the Southeast Quarter of said Section 26; thence North 89°51'26" West 1318.66 feet to the Point of Beginning containing 18.16 acres including 1.34 acres of County Road right-of-way.

Said parcel to be titled Benshoof Acres and divided into two Lots. Lot 1 to contain 3.01 acres including 0.31 acres of County Road right-of-way and Lot 2 to contain 15.15 acres including 1.03 acres of County Road right-of-way.

**CONSENT TO PLATTING
BY FARMERS & MERCHANTS STATE BANK**

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

See attached Exhibit "A"

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

The undersigned holds a mortgage against said real estate dated March 4, 2014
2014.

Dated this 17 day of October, 2014

FARMERS & MERCHANTS STATE BANK

By [Signature]

STATE OF IOWA, COUNTY OF MADISON:

This instrument was acknowledged before me on this 17th day of October, 2014
by Shane K. Parker as President of Farmers & Merchants State Bank.



[Signature]
Notary Public in and for said State

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ATTORNEY'S OPINION FOR FINAL PLAT, BENSHOOF ACRES

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 October 1, 2014, 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, Benshoof Acres, Madison County, Iowa:

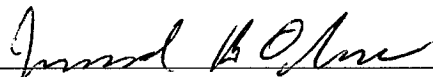
See attached Exhibit "A".

In my opinion, merchantable title to the above described property is in the name of Benshoof Family Farms, LLC, free and clear of all liens and encumbrances.

The abstract does show the following:

- a. Entry No. 135 shows an Open-End Mortgage (With Future Advance Clause) from Benshoof Family Farms, LLC, by Ted Benshoof, Member-Manager, to Farmers & Merchants State Bank, dated March 4, 2014, and filed March 13, 2014, in Book 2014, Page 588 of the Recorder's Office of Madison County, Iowa, to secure indebtedness in the amount of \$210,000.00. This Mortgage is a first lien against the real estate under examination.
- b. Entry No. 93 shows an Easement to Warren Water District dated May 12, 1998, and filed May 21, 1998, in Deed Record 140, Page 53 of the Recorder's Office of Madison County, Iowa, granting an Easement for water pipeline purposes.
- c. Entry No. 139 shows an Easement to Warren Water District dated April 11, 2014, and filed July 17, 2014, in Book 2014, Page 1702 of the Recorder's Office of Madison County, Iowa, granting an Easement for water pipeline purposes.

JORDAN, OLIVER & WALTERS, P.C.

By 

Jerrold B. Oliver

Farmers & Merchants Bank Bldg.

P.O. Box 230

Winterset, Iowa 50273

Telephone: (515) 462-3731

BENSHOOF FAMILY FARMS

Exhibit "A"

LEGAL DESCRIPTION:

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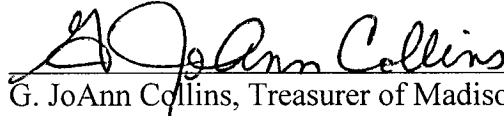
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**CERTIFICATE OF THE COUNTY TREASURER
OF MADISON COUNTY, IOWA**

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:

See Attached

DATED at Winterset, Iowa, this 15th day of October, 2014.



G. JoAnn Collins, Treasurer of Madison County,
Iowa



LEGAL DESCRIPTION:

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**RESOLUTION APPROVING FINAL PLAT
OF BENSHOOF ACRES
MADISON COUNTY, IOWA**

WHEREAS, there was filed in the Office of the Zoning Administrator of Madison County, Iowa, a registered land surveyor's plat of a proposed subdivision known as Benshoof Acres; and

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

See Attached

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, Benshoof Family Farms, L.L.C.; 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, and Certified statement from the Treasurer of Madison County, Iowa, that said platted land is free from taxes.

WHEREAS, the Board of Supervisors, Madison County, Iowa, finds that said plat conforms to the provisions of the Zoning Ordinance of Madison County, Iowa, and that the plat, papers and documents presented therewith should be approved by the Board of Supervisors, and that said plat, known as Benshoof Acres should be approved by the Board of Supervisors, Madison County, Iowa.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, Madison County, Iowa:

1. That said plat, known as Benshoof Acres prepared in connection with said plat and subdivision is hereby approved.

2. The Zoning Administrator of Madison County, 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, Iowa, this 4 day of November, 2014.

Aaron Stein Vice Chairman
Kirk Macumber, Chairman, Board of Supervisors,
Madison County, Iowa

ATTEST:

[Signature]
Madison County Auditor

LEGAL DESCRIPTION:

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AGREEMENT

This Agreement, made and entered into, by and between, the proprietors of Benshoof Acres and Todd Hagan, Madison County Engineer.

NOW THEREFORE IT IS AGREED AS FOLLOWS:

1. The proprietors of Benshoof Acres, a Plat of the following described real estate:

See Attached Legal Description

hereby agree that all private roads located within Benshoof Acres are private roads and are not being dedicated to Madison County, Iowa. Said proprietors consent and agree that such roads shall not be maintained in any manner by Madison County, Iowa, or the Madison County Engineer's Department.

PROPRIETOR OF BENSHOOF ACRES

By Ted Benshoof Manager
Ted Benshoof, Manager

Todd Hagan 10/13/14
Todd Hagan, Madison County Engineer

LEGAL DESCRIPTION:

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LAND DISTURBING ACTIVITIES
AFFIDAVIT

STATE OF IOWA :
 : SS
MADISON COUNTY :

Pursuant to section 161 A.64, Code of Iowa in consideration for permission to engage in a land disturbing activity as defined in that statute, and recognizing that the agency authorized by that statute to receive and file this affidavit will rely on the statements I make herein, I, Ted Benshoof, as Manager of Benshoof Family Farms, L.L.C, being first duly sworn on oath, do solemnly swear to affirm that:

I do not plan to engage in land disturbing activities upon the following described real estate:

See Legal Description Attached

As owner or occupant of the land described above, I am aware that I must establish and maintain soil conservation practices as necessary to meet the soil loss limits established by the Madison County Soil and Water Conservation District, pursuant to sections 161A.43, and 161A.44, Code of Iowa.

I am aware that loss limit regulations prohibit sediment from leaving the site in excess of 5 tons per acre per year. The land disturbing activities described above will be conducted in a manner that will insure compliance with the soil loss limit regulations.

I assume responsibility for all land disturbing activities conducted on this property by me or other people entities I represent. This authority covers only the land and land disturbing activity described above.

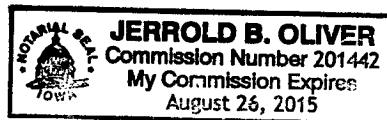
I am the owner of the land, and have full authority to enter into this agreement.

BENSHOOF FAMILY FARMS, L.L.C.

By *Ted Benshoof Manager*
Ted Benshoof, Manager

Subscribed and sworn to before me on this 15 day of Oct, 2014.

Jerrold B. Oliver
Notary Public in and for the State of Iowa



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**PLAT AND CERTIFICATE
FOR BENSHOOF ACRES,
MADISON COUNTY, IOWA**

I, C. J. Nicholl, Zoning Administrator of Madison County, Iowa, do hereby certify that the plat to which this certificate is attached is a plat of a subdivision known and designated as Benshoof Acres, and that the real estate comprising said plat is described as follows:

SEE ATTACHED

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. Attorney's Opinion;
2. Consent to Plat;
3. Certificate from County Treasurer;
4. Resolution of the Board of Supervisors of Madison County, Iowa, approving said plat;
5. Agreement with County Engineer; and
6. Ground Water Statement;
7. Madison County Soil and Water Conservation District Land Disturbing Activity Affidavit;
8. Consent of County Auditor to subdivision name;
9. Consent to Platting by Farmers & Merchants State Bank.

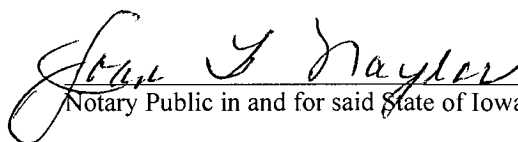
all of which are duly certified in accordance with the Madison County Zoning Ordinance.



C. J. Nicholl, Zoning Administrator of Madison
County, Iowa

STATE OF IOWA, COUNTY OF MADISON

This instrument was acknowledged before me on this 14 day of MAY, 2014, by C.J. Nicholl.



Joan F. Naylor
Notary Public in and for said State of Iowa

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All that part of the Northwest Quarter of the Southeast Quarter of Section 26, Township 76 North, Range 27 West of the 5th P.M., Madison County, Iowa, lying South of a County Road through the Northwest Quarter of the Southeast Quarter of said Section 26 except a tract lying South of said road more particularly described as follows:

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Pursuant to Iowa Code requirements, the following proposed subdivision name:

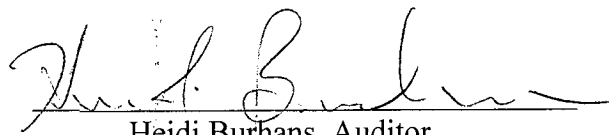
Benshoof Acres

For property located at: See Legal Attached

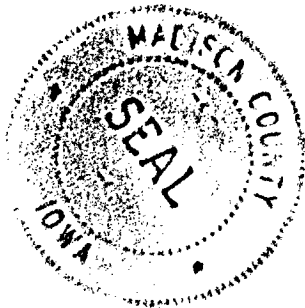
And owned by: Benshoof Family Farms, L.L.C.

Has been approved on the 15th day of October, 2014.

By the Auditor, Madison County, Iowa.



Heidi Burhans, Auditor



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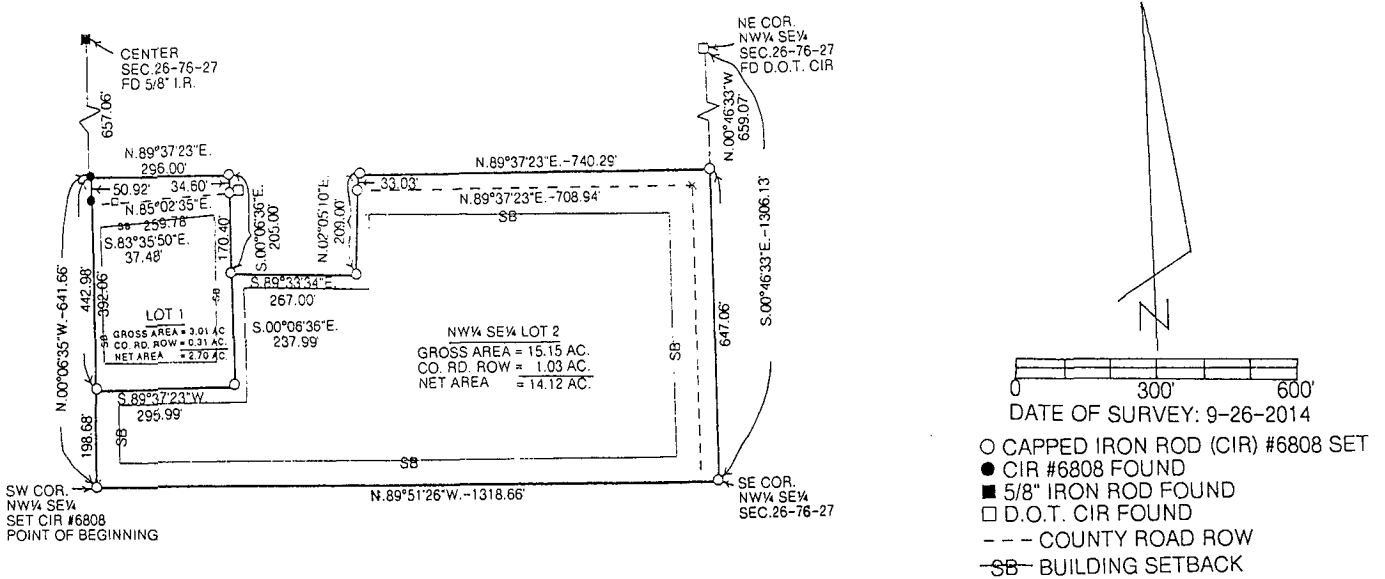
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INDX
ANNO
SCAN
CHEK

LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

VANCE & HOCHSTETLER, P.C. • CONSULTING ENGINEERS • WINTERSET, IOWA 50273

CHARLES T. VANCE • 110 WEST GREEN ST., WINTERSET, IOWA • (515) 462-3995
JAMES M. HOCHSTETLER • 110 WEST GREEN ST., WINTERSET, IOWA • FAX: (515) 462-9845



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NOTES:

1. Building Setback to be 50 feet Front & Rear Yard and 25 feet Side Yard.
2. Sewer to be Individual Septic Tank and Laterals.
3. Water to be Warren Rural Water.
4. Power to be Mid American Energy.
5. Area Zoned Agricultural.
6. Any New Driveway shall have a 24 foot Minimum Width.

FINAL PLAT

BENSHOOF ACRES

OWNER/DEVELOPER:
BENSHOOF FAMILY FARMS, L.L.C.
1931 QUAIL RIDGE AVE.
WINTERSET, IA 50273

LAND SURVEYOR:
VANCE & HOCHSTETLER, P.C.
110 WEST GREEN ST.
WINTERSET, IOWA 50273
(515) 462-3995

