



LISA SMITH, COUNTY RECORDER  
MADISON COUNTY IOWA

Document 2015 38

Book 2015 Page 38 Type 06 044 Pages 22  
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**PLAT AND CERTIFICATE  
FOR SANBURG SUBDIVISION  
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 Sanburg Subdivision, and that the real estate comprising said plat is described as follows:

See Attached Legal Description.

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:

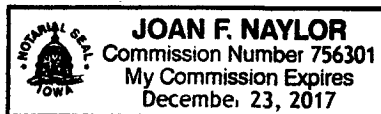
1. Dedication of Plat;
2. Attorney's Opinion;
3. Certificate from County Treasurer;
4. Resolution of the Board of Supervisors of Madison County, Iowa, approving said plat;
5. Agreement with County Engineer; and
6. Ground Water Statement;
7. Resolution of City of Winterset approving said Plat;
8. Madison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

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 6 day of Jan, 2015, by C.J. Nicholl.

  
Notary Public in and for said State of Iowa

#### LEGAL DESCRIPTION:

A tract of land in the Southeast Quarter of the Northwest Quarter of Section 8, Township 75 North, Range 27 West of the 5<sup>th</sup> P.M., Madison County, Iowa originally described as Parcel "A" and shown on a Plat of Survey filed on March 7, 2000 in Book 3, Page 551 and subject to an Ingress/Egress Easement and Public Utility Easement shown on a Plat of Survey filed December 12, 2007 in Book 2007, Page 4389. A retracement description of Existing Parcel "A" Survey with a minor adjustment of the County Road right-of-way is as follows:

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#### INGRESS/EGRESS EASEMENT ON LOT 2, SANBURG SUBDIVISION:

A portion of a 33.00 wide Ingress/Egress Easement for the benefit of the property directly South of Lot 2 passes through Lot 2 and part of the East Half of the Southwest Quarter of the Northwest Quarter all in Section 8, Township 75 North, Range 27 West of the 5<sup>th</sup> P.M., Madison County, Iowa the centerline of which is described as follows:

Beginning at the Southwest Corner of Lot 2 of Sanburg Subdivision thence South 89°54'11" East 67.27 feet along the South line thereof to the easement centerline Point of Beginning; thence North 18°55'46" West 228.01 feet to a point that is in said East Half of the Southwest Quarter of the Northwest Quarter; thence North 13°18'54" West 49.34 feet; thence North 01°01'37" West 68.51 feet; thence North 05°33'51" East 135.66 feet; thence North 08°06'26" East 147.70 feet back into Lot 2 to a point on the centerline of a County Road at a point 14.19 feet Easterly of the Northwest Corner of said Lot 2. This easement is to be used as access to said Lot 2.

**DEDICATION OF PLAT  
OF  
SANBURG SUBDIVISION**


KNOW ALL MEN BY THESE PRESENTS:

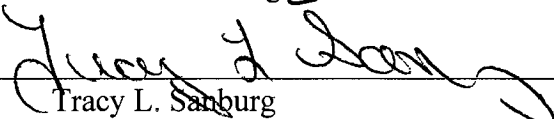
That Mark W. Sanburg and Tracy L. Sanburg do hereby certify that they are the owners and proprietors of the following-described real estate:

See Attached Legal Description.

That the Subdivision of the above-described real estate, as shown by the Final Plat of Sanburg Subdivision, is with the free consent and in accordance with the owners' desires as owners of said real estate:

Dated this 13TH day of OCTOBER, 2014.

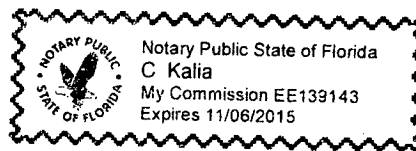
  
\_\_\_\_\_  
Mark W. Sanburg

  
\_\_\_\_\_  
Tracy L. Sanburg

STATE OF FLORIDA; COUNTY OF LEE :ss

This instrument was acknowledged before me on this 13TH day of OCTOBER, 2014, by Mark W. Sanburg and Tracy L. Sanburg.

  
\_\_\_\_\_  
Notary Public in for the State of Florida



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**ATTORNEY'S OPINION FOR FINAL PLAT,  
SANBURG SUBDIVISION**

I, Mark L. Smith, 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 September 22, 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 of Sanburg Subdivision, Madison County, Iowa: (See Legal Attached)

In my opinion, merchantable title to the above described property is in the name of Mark W. Sanburg and Tracy L. Sanburg, As Joint Tenants with full rights of survivorship and not as Tenants in Common, free and clear of all liens and encumbrances.

The abstract shows the following Easements and Restrictions of record:

A. Entry No. 66 shows Declaration of Covenants, Conditions and Restrictions for certain real estate including real estate under examination of which declarations are not dated but are acknowledged December 31, 2001 and filed March 5, 2003 in Book 2003, Page 1224, of the Recorders Office of Madison County, Iowa. These declarations provide for restrictive covenants of upon the real estate under examination which may to some extent limit the use of real estate under the examination. These declarations also provide for the formation of a homeowners association and a provision for assessment of dues and special assessments for capital improvement. Entry No. 100 shows an Amendment to the Declaration of Covenants, Condition and Restrictions.

B. Entries No. 44 and 59 show an easement to Warren Water District, granting a perpetual easement with the right to erect, construct, install, lay and thereafter use, operate, inspect, repair, maintain, replace and remove water lines and appurtenances over and across the real estate under examination. The easement shown at Entry No. 44 is dated October 25, 1999, and filed December 27, 1999, in Deed Record 140, Page 783 of the Recorder's office of Madison County, Iowa. The easement shown at Entry No. 59 is dated August 23, 2000, and filed September 18, 2000, in Deed Record 144, Page 4 of the Recorder's office of Madison County, Iowa.

C. Entry No. 69 shows an easement for a roadway to Bruce S. Tyree and Nancy G. Tyree dated and filed March 20, 2003 in Book 2003, Page 1578 of the Recorder's Office of Madison County, Iowa; granting a perpetual easement for road purposes and for use as a private road including the responsibility to maintain, repair and replace the private road on the real estate together with the right of ingress and egress.

Respectfully submitted,

JORDAN, OLIVER, WALTERS & SMITH, P.C.

By  \_\_\_\_\_

Mark L. Smith  
101 ½ West Jefferson  
P.O. Box 230  
Winterset, Iowa 50273  
Telephone: (515) 462-3731

ATTORNEYS FOR SANBURG SUBDIVISION

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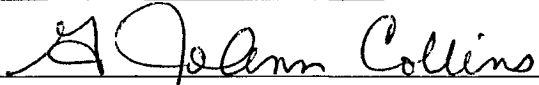
**CERTIFICATE OF THE COUNTY TREASURER  
OF MADISON COUNTY, IOWA**

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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:

See Attached Legal

DATED at Winterset, Iowa, this 22<sup>nd</sup> day of December, 2014.



G. JoAnn Collins, Treasurer of Madison County,  
Iowa



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


Date: 10/07/2014

**Sanburg Subdivision**

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Pursuant to State of Iowa Code Chapter 3454.6(2) and 354.11(6), we approve of the subdivision name or title and have no objections to this subdivision plat being recorded.

Signed:

  
\_\_\_\_\_  
Heidi Burhans, MADISON COUNTY AUDITOR

**RESOLUTION APPROVING FINAL PLAT  
OF SANBURG SUBDIVISION  
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 Sanburg Subdivision ; and

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

See Attached Legal Description.

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, Mark W. Sanburg and Tracy L. Sanburg; 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 a 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 Sanburg Subdivision 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 Sanburg Subdivision 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 6<sup>th</sup> day of January, 2015.

Aaron Price  
~~Kirk Macomber~~ Chairman, Board of Supervisors,  
Madison County, Iowa

ATTEST:

Frank J. Napier  
Madison County Auditor

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**AGREEMENT**

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

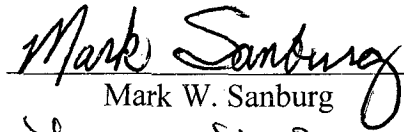
NOW THEREFORE IT IS AGREED AS FOLLOWS:

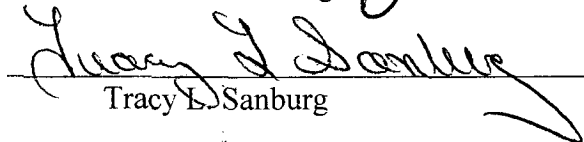
1. The proprietors of Sanburg Subdivision, a Plat of the following described real estate:

See Attached Legal Description

hereby agree that all private roads located within Sanburg Subdivision 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.

PROPRIETORS OF SANBURG SUBDIVISION

  
Mark W. Sanburg

  
Tracy L. Sanburg

  
Todd Hagan, Madison County Engineer 12/4/2014

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RESOLUTION 2014-158

RESOLUTION APPROVING  
FINAL PLAT OF  
SANBURG SUBDIVISION  
MADISON COUNTY, IOWA

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

A tract of land in the Southeast Quarter of the Northwest Quarter of Section 8, Township 75 North, Range 27 West of the 5<sup>th</sup> P.M., Madison County, Iowa originally described as Parcel "A" and shown on a Plat of Survey filed on March 7, 2000 in Book 3, Page 551 and subject to an Ingress/Egress Easement and Public Utility Easement shown on a Plat of Survey filed December 12, 2007 in Book 2007, Page 4389. A retracement description of Existing Parcel "A" Survey with a minor adjustment of the County Road right-of-way is as follows:

Commencing at the Southwest Corner of the Southeast Quarter of the Northwest Quarter of Section 8, Township 75 North, Range 27 West of the 5<sup>th</sup> P.M., Madison County, Iowa, thence North 00°03'38" East 520.11 feet along the West line of said Southeast Quarter of the Northwest Quarter to the Point of Beginning; thence continuing North 00°03'38" East 615.38 feet along said West line to a point on the centerline of a County Road; thence Easterly 407.31 feet along a 2864.79 foot radius curve concave Northerly with a 406.96 foot chord bearing South 85°36'21" East; thence South 89°40'44" East 6.09 feet along the centerline of a County Road; thence South 00°24'44" East 75.00 feet; thence South 38°44'54" East 144.03 feet; thence South 31°32'46" East 154.13 feet; thence South 59°28'37" East 282.31 feet, thence South 50°10'25" East 193.23 feet; thence North 89°54'11" West 975.42 feet to the Point of Beginning containing 8.49 acres including 0.73 acres of County Road right-of-way. This existing Parcel "A" is being divided into Lot 1 which contains 4.04 acres and Lot 2 which contains 4.45 acres and shall be called Sanburg Subdivision. The Northeast line of Lot 1 is the centerline of a 66 foot wide Ingress/Egress and Public Utility Easement for the benefit of Lot 1 and Parcel "B" to the East.

**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, Mark W. Sanburg and Tracy L. Sanburg; and,

**WHEREAS**, said plat was accompanied by 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 a certified statement from the Treasurer of Madison County, Iowa, that said platted land is free from taxes; and,

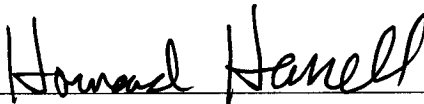


WHEREAS, the City Council of the City of Winterset, Madison County, Iowa, finds that said plat conforms to the provisions of the Ordinances of the City of Winterset, Madison County, Iowa, and that the plat, papers and documents presented therewith should be approved by the City Council of the City of Winterset, Madison County, Iowa.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Winterset, Madison County, Iowa:

1. Said plat, known as Sanburg Subdivision, prepared in connection with this plat and subdivision is hereby approved.
2. The requirement of the Subdivision Ordinance of the City of Winterset, that certain improvements be constructed in connection with said plat is hereby waived.
3. 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.

Passed and approved this 15th day of December, 2014.

  
Howard Harrell, Mayor Pro Tem

ATTEST:

  
Mark Nitchals, City Administrator

#### LEGAL DESCRIPTION:

A tract of land in the Southeast Quarter of the Northwest Quarter of Section 8, Township 75 North, Range 27 West of the 5<sup>th</sup> P.M., Madison County, Iowa originally described as Parcel "A" and shown on a Plat of Survey filed on March 7, 2000 in Book 3, Page 551 and subject to an Ingress/Egress Easement and Public Utility Easement shown on a Plat of Survey filed December 12, 2007 in Book 2007, Page 4389. A retracement description of Existing Parcel "A" Survey with a minor adjustment of the County Road right-of-way is as follows:

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#### INGRESS/EGRESS EASEMENT ON LOT 2, SANBURG SUBDIVISION:

A portion of a 33.00 wide Ingress/Egress Easement for the benefit of the property directly South of Lot 2 passes through Lot 2 and part of the East Half of the Southwest Quarter of the Northwest Quarter all in Section 8, Township 75 North, Range 27 West of the 5<sup>th</sup> P.M., Madison County, Iowa the centerline of which is described as follows:

Beginning at the Southwest Corner of Lot 2 of Sanburg Subdivision thence South 89°54'11" East 67.27 feet along the South line thereof to the easement centerline Point of Beginning; thence North 18°55'46" West 228.01 feet to a point that is in said East Half of the Southwest Quarter of the Northwest Quarter; thence North 13°18'54" West 49.34 feet; thence North 01°01'37" West 68.51 feet; thence North 05°33'51" East 135.66 feet; thence North 08°06'26" East 147.70 feet back into Lot 2 to a point on the centerline of a County Road at a point 14.19 feet Easterly of the Northwest Corner of said Lot 2. This easement is to be used as access to said Lot 2.



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Date 1/07/2015 Time 10:56 AM

Rec Amt \$112.00 Aud Amt \$5.00

INDX

ANNO

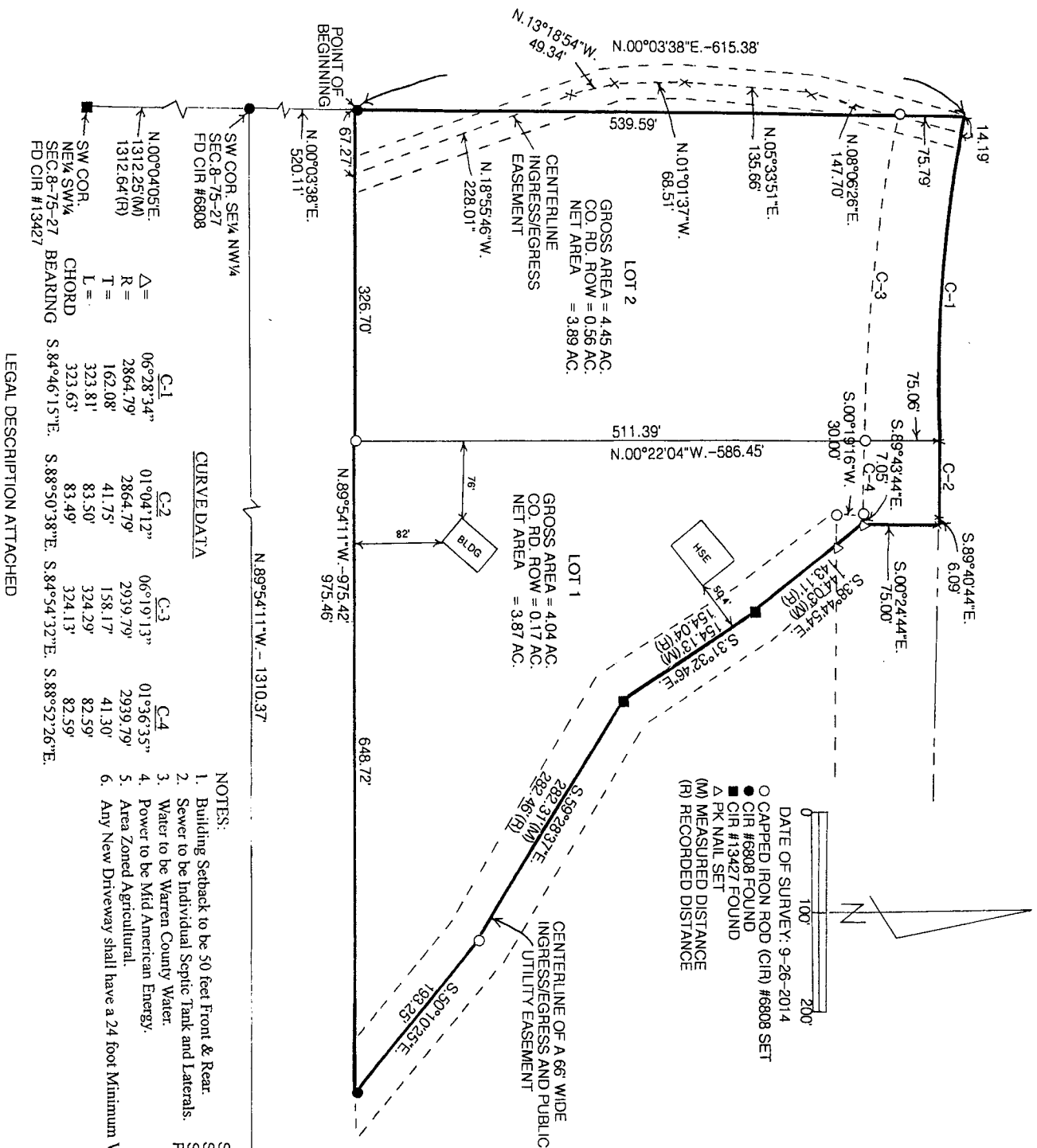
SCAN

LISA SMITH, COUNTY RECORDER  
MADISON COUNTY IOWA

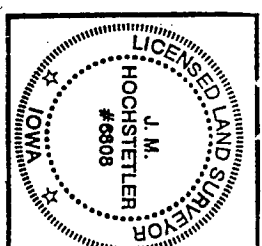
CHEK

# 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



LEGAL DESCRIPTION ATTACHED



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

*J.M. Hochstetler*  
 J.M. HOCHSTETLER  
 License number 6808 Date 12/18/14  
 My license renewal date is December 31, 2015  
 Pages or sheets covered by this seal: 2

## FINAL PLAT

**SANBURG SUBDIVISION**

**OWNER/DEVELOPER:**  
 MARK W. & TRACY L. SANBURG  
 2342 ST. CHARLES ROAD  
 WINTERSET, IA 50273

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

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