



Document 2015 2618

Book 2015 Page 2618 Type 06 044 Pages 21

Date 9/04/2015 Time 3:13:50PM

Rec Amt \$107.00 Aud Amt \$5.00

INDX  
ANNO  
SCAN

LISA SMITH, COUNTY RECORDER  
MADISON COUNTY IOWA

CHEK

# PLAT AND CERTIFICATE FOR LINDSEY FARM PLAT ONE 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 Lindsey Farm Plat One, and that the real estate comprising said plat is described as follows:

See attached Exhibit A

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 Lindsey Farm Plat One;
2. Consent to Plat by Mortgagee;
3. Attorney's opinion;
4. Certificate of County Treasurer of Madison County, Iowa;
5. Auditor Approval of Name;
6. Resolution of the Board of Supervisors of Madison County, Iowa, approving said
7. Plat;
8. Final Plat of Subdivision;
9. Agreement between developer and County Engineer;
10. Resolution from City of West Des Moines;
11. Ground Water Hazard Statement;

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

Dated the 4<sup>th</sup> day of August 2015

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

Prepared by: Clifford S. Swartz, 6701 Westown Pkwy., Ste. 100, West Des Moines, IA 50266 (515) 274-1450  
Return to: Clifford S. Swartz, 6701 Westown Parkway, Ste. 100, West Des Moines, IA 50266

---

### **CONSENT OF RECORD TITLEHOLDER**

The undersigned, Frank Lindsey and Stephanie Lindsey, first duly sworn, depose and state that we are the legal fee titleholder to that property hereinafter legally described in Exhibit "A", attached hereto, and by this reference incorporated and made a part hereof, to be a part of the preliminary and final plat entitled "Lindsey Farm Plat One", to become, subsequent to recording of the same, an Official Plat included in and forming a part of the City of West Des Moines, Madison County, Iowa.

The undersigned voluntarily executed this consent to platting, to be received, filed, and made a part of the permanent record pursuant to the subdivision and zoning ordinances of the City of West Des Moines, Iowa, as well as records of Madison County, Iowa, to evidence the undersigneds' consent to the preliminary and final plat of Lindsey Farm Plat One, an Official Plat, now included in and forming a part of the City of West Des Moines, Dallas County, Iowa.

The undersigned owners state that this Plat has been prepared with their free consent and in accordance with their desire.

The undersigned acknowledge the execution of this Consent to Plat this \_\_\_\_ day of June, 2015.

Frank Lindsey  
Frank Lindsey

Stephanie Lindsey  
Stephanie Lindsey

STATE OF IOWA            )  
                                          ) ss:  
COUNTY OF Dallas        )

Signed and sworn to (or affirmed) before me on the 26 day of June, 2015, by Frank Lindsey and Stephanie Lindsey.

Clifford Swartz  
Notary Public in and for the State of Iowa

My Commission Expires: 1-15-18



EXHIBIT A  
LEGAL DESCRIPTION

Parcel "A" located in the Northwest Quarter (1/4) of the Northwest Fractional Quarter (1/4) of Section Five (5), Township Seventy-seven (77) North, Range Twenty-six (26) West of the 5<sup>th</sup> P.M., Madison County, Iowa, containing 29.13 acres, as shown in Plat of Survey filed in Book 2001, Page 1965 on May 14, 2001, in the Office of the Recorder of Madison County, Iowa.

Prepared by: Clifford S. Swartz, 6701 Westown Pkwy, Ste. 100, West Des Moines, IA 50266(515) 274-1450  
Return to: Clifford S. Swartz, 6701 Westown Pkwy, Ste. 100, West Des Moines, IA 50266

---

### **CONSENT TO PLAT BY MORTGAGEE**

As legal holder and owner of all the notes and other evidence of indebtedness secured by a mortgage recorded on March 12, 2015 in Book 2015 Page 628 in the records of the office of the Madison County Recorder, Madison County, Iowa, the undersigned, Luana Savings Bank and by its duly authorized officers, hereby consents to the preliminary and final plat to be entitled as Lindsey Farm Plat One, to become an Official Plat, included in and forming a part of the City of West Des Moines, Iowa, said plat being more particularly described in Exhibit "A" attached hereto and by this reference incorporated and made a part hereof.

The undersigned Mortgagee consents to the preliminary and final platting procedure of said property in Exhibit "A", pursuant to the subdivision and zoning ordinance of the City of West Des Moines and Madison County, Iowa, and requests that this Consent to Plat, as to the said Exhibit "A", be received, filed, and made a part of the permanent records of the City of West Des Moines and Madison County, Iowa, as to any and all present and/or subsequent plats, now or hereafter filed, as to said property more fully and legally described in Exhibit "A".

The undersigned Mortgagee states that this Plat has been prepared with its full consent and in accordance with its desire.

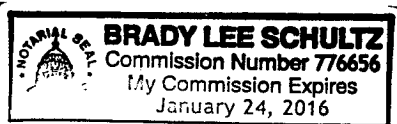
DATED this 12 day of June, 2015, in the City of Clive,  
Dallas County, State of Iowa.

MORTGAGEE  
Luana Savings Bank

By [Signature] - SUP Blake Scholtz  
Its Senior Vice President

STATE OF IOWA, Dallas COUNTY, ss:

On this 12 day of June, 2015, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Blake Scholtz to me personally known, who being by me duly sworn, did say that he/she is the Senior Vice President of Luana Savings Bank; that said instrument was signed on behalf of the corporation by authority of its Board of Directors; and that Blake Scholtz as such officer acknowledged the executive of the foregoing instrument to be the voluntary act and deed of the corporation, by it and by him/her voluntarily executed.



[Signature]  
Notary Public in and for the State of Iowa



**BRICK GENTRY P.C.**

ATTORNEYS & COUNSELORS at LAW

CLIFFORD S. SWARTZ  
ATTORNEY

T: 515-274-1450  
F: 515-274-1488  
cliff.swartz@brickgentrylaw.com

May 21, 2015

Madison County Board of Supervisors  
Madison County Courthouse – First Floor  
112 N. John Wayne Drive  
Winterset, IA 50273

RE: Lindsey Farm Plat One  
Abstract # 05772630 by Madison County Abstract Company

Dear Sir or Madam:

This will certify that on this date, I have examined the Abstract of Title for the following described real property:

Parcel "A" located in the Northwest Quarter (1/4) of the Northwest Fractional Quarter (1/4) of Section Five (5), Township Seventy-seven (77) North, Range Twenty-six (26) West of the 5<sup>th</sup> P.M., Madison County, Iowa, containing 29.13 acres, as shown in Plat of Survey filed in Book 2001, Page 1965 on May 14, 2001, in the Office of the Recorder of Madison County, Iowa.

This opinion is prepared for use in connection with the platting of property described above, said property to be known as Lindsey Farm Plat One, an Official Plat, Madison County, Iowa. Said opinion may be relied upon by all parties intending to benefit from this opinion, as prescribed in Iowa Code Chapter 354 (2014).

For purposes of rendering this opinion, we have examined the Abstract of Title for the real estate described above as prepared by Iowa Title Company from October 17, 2013, at 8:00 a.m. to the date of May 13, 2015, at 8:00 a.m. Our opinion covers only matters applying herein to that date based on the Iowa Title Standards and the laws of the State of Iowa.

Based on our examination of the Abstract of Title and the records of Dallas County, we find good and merchantable title to be vested of record in **Frank Lindsey and Stephanie Lindsey, a Married Couple, as joint tenants with full rights of survivorship and not as tenants in common**, subject, however, to the following comments and objections:

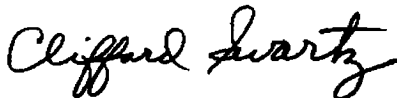
1. **MORTGAGE**. At Entry No. 36 of Abstract No. 05772630 appears a Mortgage dated **March 10, 2015**, and filed **March 12, 2015**, in Book 2015, Page 628, in the Madison County Recorder's Office from **Frank Lindsey and Stephanie Lindsey, husband and wife, to Luana Savings Bank** in the original amount of **\$150,000.00**. This Mortgage remains unsatisfied of record and constitutes a first and paramount lien on the property under examination.

Page 2

2. You are advised that the real estate taxes are paid in full up to and including the 2013/2014 fiscal year as to Parcel No. 040010544011000 are shown as paid.
3. You are advised that the abstractor has conducted all necessary searches against the titleholder and all prior titleholders to the date of the latest continuation of the Abstract and finds nothing except as otherwise shown in this opinion.
4. The property is under examination is subject to the zoning ordinances of the City of West Des Moines and Madison County, Iowa. You should contact the Planning and Zoning Office of that city to determine the exact specification for zoning purposes and to determine whether or not your proposed use is in compliance with said zoning ordinances.
5. An examination of the index in the Madison County Recorder's Office for federal tax liens, income tax liens, retail sales liens, and unemployment contribution liens reveals that there are no such liens affecting the above-described real estate.
6. You are advised that an examination of the personal property tax files in the Madison County Recorder's Office have revealed that there are no personal property tax liens affecting the property under examination.
7. We hereby certify that the property described herein is free from encumbrances, other than set forth in this opinion and that this opinion may be relied upon by the City of West Des Moines, Iowa and other governmental agencies, such as Madison County, for purposes of submittal of Lindsey Farm Plat One, an Official Plat, Madison County, Iowa.

Respectfully Submitted,

Brick, Gentry, Bowers,  
Swartz, & Levis, P.C.



Clifford S. Swartz



Prepared by: Clifford S. Swartz, 6701 Westown Parkway, Ste. 100, West Des Moines, IA 50266 (515) 274-1450  
Return to: Clifford S. Swartz, 6701 Westown Parkway, Ste. 100, West Des Moines, IA 50266

---

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

STATE OF IOWA            )  
                                          ) ss:  
COUNTY OF MADISON    )

I, Jana Corkrean, Treasurer of Madison County, having examined the records of my office, in accordance with the provision of Section 354 I.C.A., 2000, pertaining to real properties as specifically set forth in Exhibit "A" attached hereto and made a part hereof, which is to be known as Lindsey Farm Plat One do hereby certify that same is free from real estate taxes;

Nor are there any personal taxes due and payable against Frank Lindsey or Stephanie Lindsey, the record titleholders of said real estate, and that the above real estate is free from all taxes and special assessments so far as the records of the Madison County Treasurer, Madison County, Iowa so reveal.

DATED this 30 day of June, 2015.

TREASURER, MADISON COUNTY

By Jana Corkrean  
Deputy Treasurer

Subscribed and sworn to before me this 30 day of June, 2015.



Brandy Macumber  
Notary Public in and for the State of Iowa

EXHIBIT A  
LEGAL DESCRIPTION

Parcel "A" located in the Northwest Quarter (1/4) of the Northwest Fractional Quarter (1/4) of Section Five (5), Township Seventy-seven (77) North, Range Twenty-six (26) West of the 5<sup>th</sup> P.M., Madison County, Iowa, containing 29.13 acres, as shown in Plat of Survey filed in Book 2001, Page 1965 on May 14, 2001, in the Office of the Recorder of Madison County, Iowa.

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


Date: 08/04/2015

**Lindsey Farm Plat One**

---

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

ZO-RESOLUTION-08-04-15  
APPROVING FINAL PLAT OF  
LINDSEY FARM PLAT ONE  
MADISON COUNTY IOWA

WHEREAS, there was filed in the Office of the Zoning Administrator of Madison County, Iowa, a Final Plat of the proposed Subdivision known as Lindsey Farm Plat One, prepared by a Licensed Professional land Surveyor; and

WHEREAS, the real estate comprising said plat is described on Exhibit 'A' attached.

WHEREAS, there is also filed with said plat a dedication o said plat containing a statement to the effect the subdivision as it appears on the plat is with free consent and in accordance with the desire of the proprietor, Frank Lindsey; and

WHEREAS, said plat was accompanied by an opinion from an attorney at law showing that title is in fee simple in said proprietor and that the platted land is free from encumbrance, and a Certified statement from the Treasure 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 the plat, known as Lindsey Farm Plat One should be approved by the Board Of Supervisors, Madison County, Iowa.

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

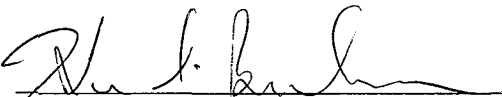
1. That said plat, known as Lindsey Farm Plat One prepared in connection with said plat and subdivision is hereby approved.

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<sup>th</sup> day of August, 2015

  
\_\_\_\_\_  
Aaron Price, Chairman, Board of Supervisors  
Madison County, Iowa

ATTEST:

  
\_\_\_\_\_  
Madison County Auditor

## EXHIBIT 'A

### PROPERTY DESCRIPTION:

#### PARCEL "A":

THAT PART OF THE NW 1/4 OF THE NW FRACTIONAL 1/4 OF SECTION 5, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE 5th P.M., MADISON COUNTY, IOWA, LYING WEST OF THE CENTERLINE OF THE EXISTING COUNTY ROAD MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NW CORNER OF SECTION 5, T77N, R26W, THENCE N82° 54'25"E ALONG THE NORTH LINE OF THE NW FR 1/4 OF SAID SECTION 5 FOR 1116.53 FEET TO THE CENTERLINE OF THE EXISTING COUNTY ROAD: THENCE S1°41' 48"W ALONG SAID CENTERLINE FOR 650.00 FEET: THENCE S89°44'35"W FOR 185.00 FEET: THENCE S34°27'31"W FOR 280.00 FEET: THENCE S8°42'35"E FOR 222.00 FEET: THENCE S79°18' 45"E FOR 300.00 FEET TO THE SAID CENTERLINE OF EXISTING ROAD: THENCE S1°41'48"W ALONG SAID CENTERLINE FOR 138.97 FEET TO THE SOUTH LINE OF THE NW 1/4 OF THE NW FR 1/4: THENCE S82°54'25"W ALONG SAID LINE FOR 1080.58 FEET TO THE SW CORNER OF SAID NW 1/4 OF THE FR NW 1/4: THENCE N0°07' 11" E ALONG THE WEST LINE OF SAID NW FR 1/4 FOR 1290.97 FEET TO THE POINT OF BEGINNING. THIS PARCEL CONTAINS 29.13 ACRES INCLUDING 0.60 ACRES FOR ROADWAY EASEMENT AND IS SUBJECT TO EASEMENTS OF RECORD.

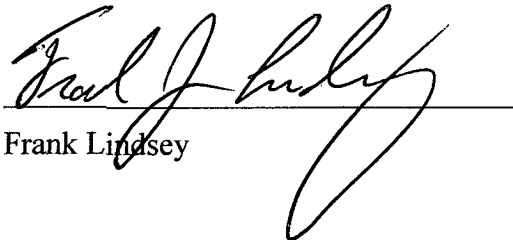
## AGREEMENT


This Agreement, made and entered into, by and between, the proprietors of Lindsey Farm Plat One and Todd Hagan, Madison County Engineer.

NOW THEREFORE IT IS AGREED AS FOLLOWS:

1. The proprietor of Lindsey Farm Plat One, a Plat of the real estate as shown on Exhibit 'A' attached, hereby agree that all private roads within said Lindsey Farm Plat One are nor being dedicated to Madison County, Iowa. Said proprietor's 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 LINDSEY FARM PLAT ONE

  
Frank Lindsey

  
Todd Hagan, Madison County Engineer 7-10-15

## EXHIBIT 'A

### PROPERTY DESCRIPTION:

#### PARCEL "A":

THAT PART OF THE NW 1/4 OF THE NW FRACTIONAL 1/4 OF SECTION 5, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE 5th P.M., MADISON COUNTY, IOWA, LYING WEST OF THE CENTERLINE OF THE EXISTING COUNTY ROAD MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NW CORNER OF SECTION 5, T77N, R26W, THENCE N82°54'25"E ALONG THE NORTH LINE OF THE NW FR 1/4 OF SAID SECTION 5 FOR 1116.53 FEET TO THE CENTERLINE OF THE EXISTING COUNTY ROAD; THENCE S1°41'48"W ALONG SAID CENTERLINE FOR 650.00 FEET; THENCE S89°44'35"W FOR 185.00 FEET; THENCE S34°27'31"W FOR 280.00 FEET; THENCE S8°42'35"E FOR 222.00 FEET; THENCE S79°18'45"E FOR 300.00 FEET TO THE SAID CENTERLINE OF EXISTING ROAD; THENCE S1°41'48"W ALONG SAID CENTERLINE FOR 138.97 FEET TO THE SOUTH LINE OF THE NW 1/4 OF THE NW FR 1/4; THENCE S82°54'25"W ALONG SAID LINE FOR 1080.58 FEET TO THE SW CORNER OF SAID NW 1/4 OF THE FR NW 1/4; THENCE N0°07'11"E ALONG THE WEST LINE OF SAID NW FR 1/4 FOR 1290.97 FEET TO THE POINT OF BEGINNING. THIS PARCEL CONTAINS 29.13 ACRES INCLUDING 0.60 ACRES FOR ROADWAY EASEMENT AND IS SUBJECT TO EASEMENTS OF RECORD.



Prepared by: KTragesser, City of West Des Moines Development Services, P.O. Box 65320, West Des Moines, IA 50265-0320, 515-222-3620  
When Recorded, Return to: City Clerk, City of West Des Moines, P. O. Box 65320, West Des Moines, IA 50265-0320

**RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, APPROVING AND RELEASING THE FINAL PLAT, LINDSEY FARM PLAT 1 (FP-002739-2015) FOR THE PURPOSE OF PLATTING PROPERTY INTO THREE LOTS FOR SINGLE FAMILY DEVELOPMENT**

**WHEREAS**, pursuant to the provisions of Title 10, Subdivision Regulations and Title 9, Zoning Chapter 1 et seq, of the West Des Moines Municipal Code, Frank Lindsey, has requested approval for a Final Plat (FP-002739-2015) for that 29.12 acres located at 1001 Timber Brook Avenue for the purpose of subdividing the property into three lots for single family development;

**Legal Description**

**See Exhibit B**

**WHEREAS**, studies and investigations were made, and staff reports and recommendations were submitted which are made a part of this record and herein incorporated by reference;

**WHEREAS**, the West Des Moines Plan and Zoning Commission has reviewed the Preliminary Plat for Lindsey Farm Plat 1 and recommended approval on April 27, 2015;

**WHEREAS**, the Final Plat that was submitted for review was determined to be generally consistent with the Preliminary Plat for Lindsey Farm Plat 1 that was reviewed and approved by the City Council on May 4, 2015;

**WHEREAS**, on June 29, 2015, this City Council held a duly-noticed meeting to consider the application for Lindsey Farm Plat 1 Final Plat;

15-06-29-44

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:**

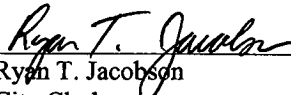
**SECTION 1.** The findings of consistency with the Comprehensive Plan as stated in the staff report, or as amended orally at the City Council meeting, are adopted.

**SECTION 2.** Final Plat, Lindsey Farm Plat 1 is approved, subject to compliance with all the conditions in the staff report, including conditions added at the meeting, if any, and attached hereto as Exhibit "A". Violation of any such conditions shall be grounds for revocation of the entitlement, as well as any other remedy which is available to the City.

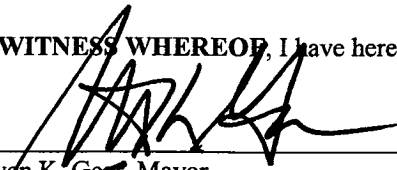
**SECTION 3.** This resolution does release the Lindsey Farm Plat 1 Final Plat for recordation. The City Council of West Des Moines directs the City Clerk to release said plat for recordation in accordance with said City Council approval of the final plat on June 29, 2015 and Roll Call No. 15-272.

**CERTIFICATE**

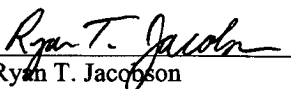
I, Ryan T. Jacobson, City Clerk for said City, hereby certify that at a meeting of the City Council of said City of West Des Moines, held on June 29, 2015, among other proceedings, Roll Call No. 15-272 approved said plat on June 29, 2015, and released said Final Plat for recordation.

  
 Ryan T. Jacobson  
 City Clerk

IN WITNESS WHEREOF, I have hereunto set my hand this 29<sup>th</sup> day of June ~~2015~~ <sup>2015</sup>.

  
 Steven K. Gear, Mayor

ATTEST:  


  
 Ryan T. Jacobson  
 City Clerk

COUNCIL ACTION	YEAS	NAYS	ABST.	ABSENT
TREVILLYAN	✓			
MICKELSON	✓			
TRIMBLE	✓			
MESSERSCHMIDT	✓			
SANDAGER	✓			

MOTION BY Sandager  
 SECOND BY: Trimble  
 ROLL CALL # 15-272

**EXHIBIT A**  
Conditions of Approval

1. That the City Council waive the requirement for an agreement and waiver for public improvements including but not limited to the reconstruction of Timberbrook Avenue, the installation of public sidewalks, and the installation of street lights along public streets adjacent to this development.
2. That the west roadway be allowed which exceeds the City's maximum dead end length until such time that the roadway can be extended to connect to a secondary roadway as shown on the City's Ultimate Streets Plan. In the interim, access roads should be 20 feet in width, constructed and surfaced with materials that will withstand 75,000 pounds of gross vehicle weight, and maintain a vertical clearance of 14 feet.
3. That the City Council waive the requirement for the installation of dry sewers.

PROPERTY DESCRIPTION:

PARCEL "A":

THAT PART OF THE NW 1/4 OF THE NW FRACTIONAL 1/4 OF SECTION 5, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE 5th P.M., MADISON COUNTY, IOWA, LYING WEST OF THE CENTERLINE OF THE EXISTING COUNTY ROAD MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE NW CORNER OF SECTION 5, T77N, R26W, THENCE N82°54'25"E ALONG THE NORTH LINE OF THE NW FR 1/4 OF SAID SECTION 5 FOR 1116.53 FEET TO THE CENTERLINE OF THE EXISTING COUNTY ROAD;  
THENCE S1°41'48"W ALONG SAID CENTERLINE FOR 650.00 FEET; THENCE S89°44'35"W FOR 185.00 FEET; THENCE S34°27'31"W FOR 280.00 FEET; THENCE S8°42'35"E FOR 222.00 FEET; THENCE S79°18'45"E FOR 300.00 FEET TO THE SAID CENTERLINE OF EXISTING ROAD; THENCE S1°41'48"W ALONG SAID CENTERLINE FOR 138.97 FEET TO THE SOUTH LINE OF THE NW 1/4 OF THE NW FR 1/4; THENCE S82°54'25"W ALONG SAID LINE FOR 1080.58 FEET TO THE SW CORNER OF SAID NW 1/4 OF THE FR NW 1/4; THENCE N0°07'11"E ALONG THE WEST LINE OF SAID NW FR 1/4 FOR 1290.97 FEET TO THE POINT OF BEGINNING. THIS PARCEL CONTAINS 29.13 ACRES INCLUDING 0.60 ACRES FOR ROADWAY EASEMENT AND IS SUBJECT TO EASEMENTS OF RECORD.

