



Document 2015 2735

Book 2015 Page 2735 Type 06 044 Pages 12

Date 9/16/2015 Time 3:37:15PM

Rec Amt \$62.00 Aud Amt \$5.00

INDX ✓
ANNO ✓
SCAN
CHEK

LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

PLAT AND CERTIFICATE FOR JOHNSON 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 Johnson Acres, and that the real estate comprising said plat is described as follows:

See attached Exhibit

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 Johnson Acres;
2. Consent to Plat;
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 Plat;
7. Final Plat of Subdivision;
8. Ground Water Hazard Statement;

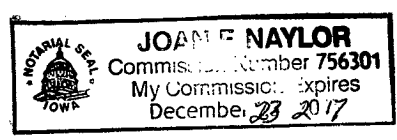
all of which are duly certified in accordance with the Madison County Zoning Ordinance.

Dated the 15th day of September 2015

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

STATE OF IOWA, COUNTY OF MADISON

This instrument was acknowledged before me on this 15 day of Sept 2015 by C.J. Nicholl

Notary Public in and for said State of Iowa

Prepared By: Samuel H. Braland, P.O. Box 370, Earlham, Iowa 50072 (515) 758-2267
Return To: Samuel H. Braland, P.O. Box 370, Earlham, Iowa 50072

**STATEMENT BY PROPRIETORS,
CONSENT TO PLAT, AND DEDICATION**

KNOW ALL PERSONS BY THESE PRESENTS:

Benjamin W. Johnson and Terri J. Johnson, husband and wife, being the owners in fee simple of the following described real estate, to-wit:

A parcel of land in the Northeast Fractional Quarter of the Northeast Quarter of Section 2, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa more particularly described as follows:

Commencing at the Northeast Corner of Section 2, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa; thence South 00°51'27" West 780.14 feet along the East line of the Northeast Fractional Quarter of the Northeast Quarter of said Section 2; thence North 89°47'05" West 560.00 feet along the South line of existing Parcel "A"; thence North 00°51'34" East 780.14 feet to the Northwest Corner of existing Parcel "A" on the North line of said Northeast Fractional Quarter of the Northeast Quarter; thence North 89°47'05" West 755.22 feet to the Northwest Corner of said Northeast Fractional Quarter of the Northeast Quarter; thence South 00°43'41" West 1233.84 feet to the Southwest Corner of said Northeast Fractional Quarter of the Northeast Quarter; thence South 88°28'48" West 842.66 feet; thence North 00°50'03" East 279.26 feet; thence South 88°33'44" East 469.87 feet to a point on the East line of said Northeast Fractional Quarter of the Northeast Quarter; thence North 00°51'27" East 203.68 feet to the Point of Beginning containing 24.62 acres including 0.17 acres of County Road right-of-way,

have caused a survey and subdivision of said real estate to be made, with lots marked and numbered as shown by a final subdivision plat thereof. The final subdivision plat will be recorded with this statement, consent and dedication and shall be designated and known as:

Johnson Acres, an Official Plat in the NE¹/₄ of the NE¹/₄ of Section 2, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa.

The owners and proprietors, Benjamin W. Johnson and Terri J. Johnson, husband and wife, hereby acknowledge that the plat of said real estate is prepared with their free consent and in accordance with their desires. The said owners and proprietors hereby dedicate to the public a right-of-way easement over and across all land within the plat that is designated as County Road right-of-way.

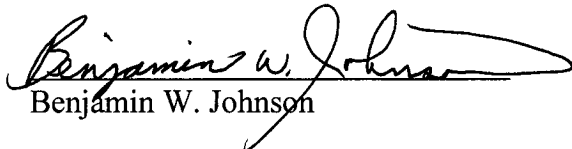
The said owners and proprietors hereby dedicate to the owners of Lot 1 and Lot 2 of the plat, and to the respective invitees of said owners a 30 foot wide ingress/egress easement over and across the land within the plat that is described as follows, to-wit:

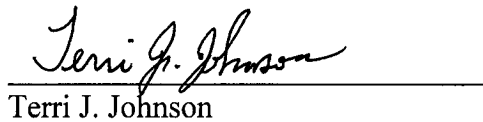
A 30.00 foot wide Ingress/Egress Easement being 15.00 feet either side of following described centerline:

Beginning at the point on the East line of the Northeast Fractional Quarter of the Northeast Quarter of Section 2, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa which is 38.38 feet North 00°51'27" East of the Southeast Corner of Lot 1, Johnson Acres; thence North 87°47'56" West 310.74 feet along the centerline of said 30.00 foot wide Easement; thence North 47°42'19" West 178.95 feet along said Easement centerline; thence North 89°27'03" West 868.50 feet along said Easement centerline to a point on the West line of Lot 2, Johnson Acres which is 424.18 feet North 00°43'41" East of the Southwest Corner thereof.

At such time the said owners and proprietors, Benjamin W. Johnson and Terri J. Johnson, cease to own any lot in the subdivision, their use and the use of their invitees and grantees of said 30 foot wide ingress/egress easement to their adjacent lands is hereby reserved and shall continue until same is released.

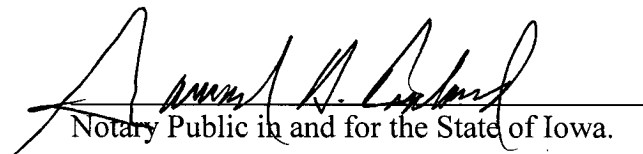
IN WITNESS WHEREOF, the said owners and proprietors, Benjamin W. Johnson and Terri J. Johnson, have caused these presents to be executed this 26th day of August, 2015.


Benjamin W. Johnson


Terri J. Johnson

STATE OF IOWA :
: SS
MADISON COUNTY :

This record was acknowledged before me on August 26, 2015, before me, by Benjamin W. Johnson and Terri J. Johnson.


Notary Public in and for the State of Iowa.



NELSON, YOUNG & BRALAND

ATTORNEYS AT LAW
115 E. FIRST STREET
P.O. BOX 370
EARLHAM, IOWA 50072

DEAN R. NELSON
BREANNA L. YOUNG
SAMUEL H. BRALAND

TELEPHONE: (515) 758-2267
TELEPHONE: (515) 993-4674
FACSIMILE: (515) 758-2268
shb@nyblaw.com

August 20, 2015

TITLE OPINION

Board of Supervisors
Madison County Courthouse
Winterset, Iowa 50273

I have examined the abstract of title to the following described real estate, to-wit:

A parcel of land in the Northeast Fractional Quarter of the Northeast Quarter of Section 2, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa more particularly described as follows:

Commencing at the Northeast Corner of Section 2, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa; thence South 00°51'27" West 780.14 feet along the East line of the Northeast Fractional Quarter of the Northeast Quarter of said Section 2; thence North 89°47'05" West 560.00 feet along the South line of existing Parcel "A"; thence North 00°51'34" East 780.14 feet to the Northwest Corner of existing Parcel "A" on the North line of said Northeast Fractional Quarter of the Northeast Quarter; thence North 89°47'05" West 755.22 feet to the Northwest Corner of said Northeast Fractional Quarter of the Northeast Quarter; thence South 00°43'41" West 1233.84 feet to the Southwest Corner of said Northeast Fractional Quarter of the Northeast Quarter; thence South 88°28'48" West 842.66 feet; thence North 00°50'03" East 279.26 feet; thence South 88°33'44" East 469.87 feet to a point on the East line of said Northeast Fractional Quarter of the Northeast Quarter; thence North 00°51'27" East 203.68 feet to the Point of Beginning containing 24.62 acres including 0.17 acres of County Road right-of-way,

from the date of government entry to the 5th day of August, 2015, at 8:00 A.M. as last continued by Madison County Abstract Co. I find good and merchantable title in fee simple to said real estate to be in:

Benjamin W. Johnson and Terri J. Johnson, husband and wife, as tenants in common,

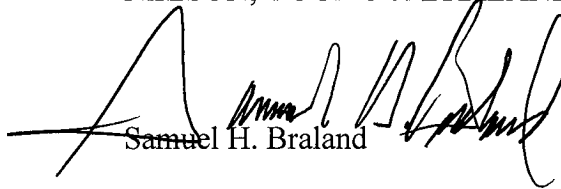
who are the proprietors of the plat. Title to said real estate is subject to the following:

1. Taxes. All real estate taxes against the property being platted are paid in full.
2. County Road Right-of-Way. The real estate being platted is encumbered by existing County Road right-of-way as shown on the plat.
3. Access Easement. The real estate being platted is encumbered by an access easement in favor of Randall S. Lewiston, his successors and assigns, for access to adjacent real estate. The easement was recorded on May 19, 1997 in Book 137, Page 538, in the Office of the Recorder of Madison County, Iowa.
4. Rural Water Easement. The real estate being platted is benefited by an easement in favor of Warren Water, Inc., its successors and assigns, for water pipeline purposes. The easement area is 32 feet in width, the centerline of which is the water pipeline. The easement was recorded on February 5, 1998 in Book 138, Page 471, in the Office of the Recorder of Madison County, Iowa.
5. Soil Conservation District Land Disturbing Activities Regulation Resolution. The real estate being platted is subject to a Madison County Soil Conservation District land disturbing activities resolution providing that erosion control plans must be filed by a land owner for certain projects where the land to be disturbed by the project is in excess of 25,000 square feet.
6. Zoning. The real estate being platted is subject to the zoning ordinance of Madison County, Iowa which regulates and restricts the use of the real estate as well as any construction thereon.
7. Environmental Caution. An abstract of title will not disclose the existence of hazardous wastes, underground storage tanks, drainage wells and other environmentally regulated activities. You are cautioned that federal, state and local legislation may, in the event there are environmental and/or public health violations, permit injunctive relief and require clean up such as removal and remedial actions. The costs of such clean up may be a lien against the property and a personal liability to the owner thereof. You may have liability even though you may not have disposed of hazardous wastes on the property or used an underground storage tank or wells.

8. Caution. You are bound to take notice of the rights of persons actually in possession of the real estate and the right of materialmen and laborers to file claims for mechanic's liens by reason of having furnished material or labor in the improvement of the premises. Such claim of lien must be filed by a principal contractor within ninety days and by a subcontractor within sixty days from the date on which the last of the material was furnished or the last of the labor was performed. None appear to have been filed except such as may be mentioned in this opinion. The correctness of lot, acreage, and boundary lines is not assured by this opinion. In order to ascertain the correctness of lot, acreage, and boundary lines, it is necessary to have the premises surveyed by a qualified engineer. You should also determine the fence lines with adjoining landowners together with the right of drainage.

Respectfully submitted,

NELSON, YOUNG & BRALAND



Samuel H. Braland

shb:tr

Prepared By: Samuel H. Braland, P.O. Box 370, Earlham, Iowa 50072 (515) 758-2267
Return To: Samuel H. Braland, P.O. Box 370, Earlham, Iowa 50072

CERTIFICATE OF TREASURER OF MADISON COUNTY, IOWA

STATE OF IOWA :
 : SS
MADISON COUNTY :

I, Jana Corkrean, state that I am Treasurer of Madison County, Iowa. I certify that I have examined the records in the Office of the Treasurer of Madison County, Iowa, as of the date set forth below, and in accordance with the provisions of Section 354.11(5) of the Code of Iowa, I certify that the following described real estate is free from certified taxes and certified special assessments, to-wit:

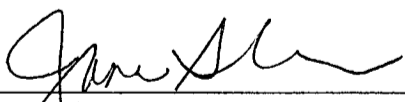
A parcel of land in the Northeast Fractional Quarter of the Northeast Quarter of Section 2, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa more particularly described as follows:

Commencing at the Northeast Corner of Section 2, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa; thence South 00°51'27" West 780.14 feet along the East line of the Northeast Fractional Quarter of the Northeast Quarter of said Section 2; thence North 89°47'05" West 560.00 feet along the South line of existing Parcel "A"; thence North 00°51'34" East 780.14 feet to the Northwest Corner of existing Parcel "A" on the North line of said Northeast Fractional Quarter of the Northeast Quarter; thence North 89°47'05" West 755.22 feet to the Northwest Corner of said Northeast Fractional Quarter of the Northeast Quarter; thence South 00°43'41" West 1233.84 feet to the Southwest Corner of said Northeast Fractional Quarter of the Northeast Quarter; thence South 88°28'48" West 842.66 feet; thence North 00°50'03" East 279.26 feet; thence South 88°33'44" East 469.87 feet to a point on the East line of said Northeast Fractional Quarter of the Northeast Quarter; thence North 00°51'27" East 203.68 feet to the Point of Beginning containing 24.62 acres including 0.17 acres of County Road right-of-way.

Dated this 27 day of August, 2015.

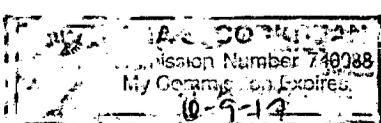


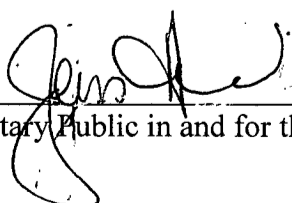
(JANA CORKREAN, COUNTY TREASURER)



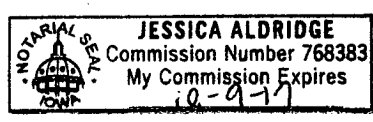
Jana Corkrean, Treasurer
Madison County, Iowa.

This record was acknowledged before me by Jana Corkrean on August 27, 2015.





Notary Public in and for the State of Iowa.



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


Date 28 August, 2015

The Madison County Auditor's Office has reviewed the final plat of

Johnson Acres, an Official Plat in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, Township 75 North,
Range 27 West of the 5th P.M., Madison County, Iowa.

Pursuant to Iowa Code §354.6(2) and §354.11(1)(e), we approve of the Subdivision
name and have no objections to this subdivision plat being recorded.

Signed


County Auditor of Madison County, Iowa



ZO-RESOLUTION- 091515
APPROVING FINAL PLAT OF
JOHNSON ACRES
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 Johnson Acres, prepared by a Licensed Professional land Surveyor; and

WHEREAS, the real estate comprising said plat is described and attached.

WHEREAS, there is also filed with said plat a dedication of 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 proprietors, Ben W. & Terri J. Johnson; and

WHEREAS, the dedicated access easement as shown on the plat to be privately maintained should be accepted; 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 Johnson 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 Johnson Acres prepared in connection with said plat and subdivision is hereby approved.

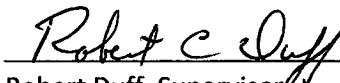
2. The dedicated access easement as shown on the plat, to be privately maintained, is accepted;

3. 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.

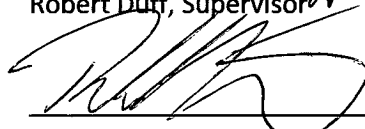
DATED at Winterset, Iowa, this 15 day of September, 2015



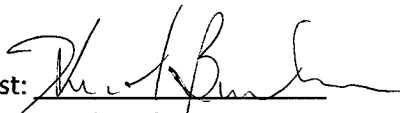
Aaron Price, Chairman



Robert Duff, Supervisor



Phillip Clifton, Supervisor

Attest: 

Heidi Burhans
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.



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Book 2015 Page 2735 Type 06 044 Pages 12

Date 9/16/2015 Time 3:37:15PM

Rec Amt \$62.00 Aud Amt \$5.00

INDX
ANNO
SCAN

LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

CHEK

LEGAL DESCRIPTION:

A parcel of land in the Northeast Fractional Quarter of the Northeast Quarter of Section 2, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa more particularly described as follows:

Commencing at the Northeast Corner of Section 2, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa; thence South 00°51'27" West 780.14 feet along the East line of the Northeast Fractional Quarter of the Northeast Quarter of said Section 2; thence North 89°47'05" West 560.00 feet along the South line of existing Parcel "A"; thence North 00°51'34" East 780.14 feet to the Northwest Corner of existing Parcel "A" on the North line of said Northeast Fractional Quarter of the Northeast Quarter; thence North 89°47'05" West 755.22 feet to the Northwest Corner of said Northeast Fractional Quarter of the Northeast Quarter; thence South 00°43'41" West 1233.84 feet to the Southwest Corner of said Northeast Fractional Quarter of the Northeast Quarter; thence South 88°28'48" West 842.66 feet; thence North 00°50'03" East 279.26 feet; thence South 88°33'44" East 469.87 feet to a point on the East line of said Northeast Fractional Quarter of the Northeast Quarter; thence North 00°51'27" East 203.68 feet to the Point of Beginning containing 24.62 acres including 0.17 acres of County Road right-of-way.

Said parcel to be divided into two lots and named Johnson Acres. The lots are dimensioned as shown and Lot 1 contains 3.12 acres including 0.17 acres of County Road right-of-way & Lot 2 contains 21.50 acres.

NOTES:

1. Building setback to be 50 feet front and rear yard and 25 feet side yards.
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 Entrances shall have a 24 foot minimum width.

FINAL PLAT

JOHNSON ACRES
OWNER/DEVELOPER: BENJAMIN W. & TERRI J. JOHNSON 2647 235TH STREET WINTERSET, IA 50273
LAND SURVEYOR: VANCE & HOCHSTETLER, P.C. 110 WEST GREEN ST. WINTERSET, IOWA 50273 (515) 462-3995

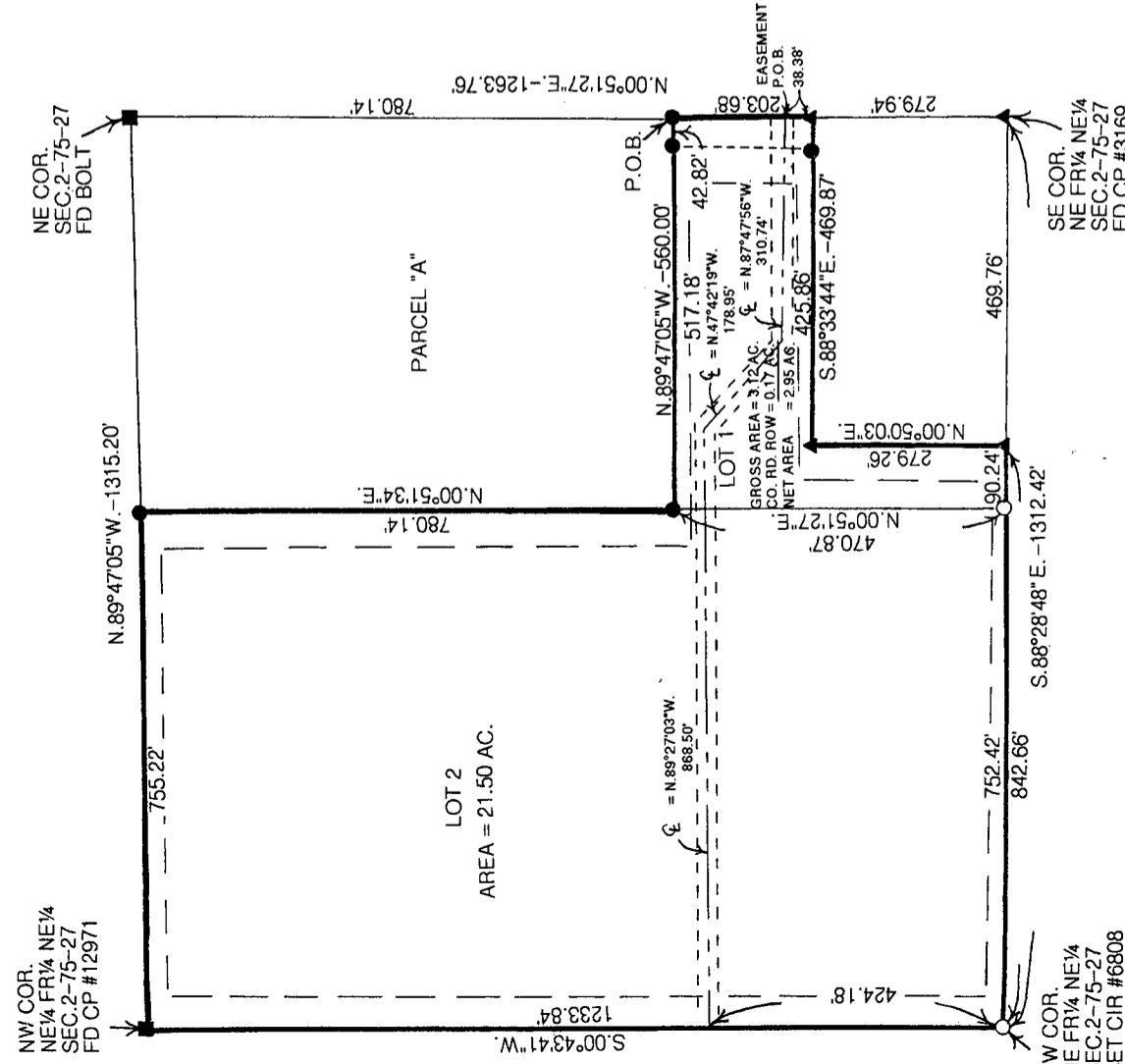


DATE OF SURVEY: 7-8-2015

- CAPPED IRON ROD (CIR) #6808 SET
- CIR #6808 FOUND
- ▲ CIR #3169 FOUND
- BOLT FOUND
- - - COUNTY ROAD ROW
- BUILDING SET BACK
- P.O.B. POINT OF BEGINNING

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 in accordance with the rules and regulations of the State of Iowa.

J.M. HOCHSTETLER
#6808
8/25/15
My license expires on 8/25/15
Pages or sheets covered by this seal: 1



LEGAL DESCRIPTION ACCESS EASEMENT:
A 30.00 foot wide Ingress/Egress Easement being 15.00 feet either side of following described centerline:
Beginning at the point on the East line of the Northeast Fractional Quarter of the Northeast Quarter of Section 2, Township 75 North, Range 27 West of the 5th P.M., Madison County, Iowa which is 38.38 feet North 00°51'27" East of the Southeast Corner of Lot 1, Johnson Acres; thence North 87°47'56" West 310.74 feet along the centerline of said 30.00 foot wide Easement; thence North 47°42'19" West 178.95 feet along said Easement centerline; thence North 89°27'03" West 868.50 feet along said Easement centerline to a point on the West line of Lot 2, Johnson Acres which is 424.18 feet North 00°43'41" East of the Southwest Corner thereof.