

Document 2017 1494

Book 2017 Page 1494 Type 06 044 Pages 17 Date 5/12/2017 Time 10:29:39AM Rec Amt \$87.00 Aud Amt \$5.00 INDX

INDX V **ANNO SCAN**

LISA SMITH, COUNTY RECORDER MADISON COUNTY IOWA

CHEK

Type of Document

SUBDIVISION

PREPARER INFORMATION: (name, address, phone number)

Zoning Office for J. Everett Decker developer 641-728-4457 - SAME AS TAX PAYEL Kathleen Law, developer's attorney 515-283-3116

TAXPAYER INFORMATION: (name and mailing address)

J. Everett Decker 2508 305th St Peru, Iowa 50222

RETURN DOCUMENT TO: (name and mailing address)

J. Everett Decker 2508 305th St Peru, Iowa 50222

GRANTOR: (name)

GRANTEE: (name)

LEGAL DESCRIPTION: (if applicable)

See page:

Document or instrument of associated documents previously recorded: (if applicable)

PLAT AND CERTIFICATE FOR EVERETT DECKER 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 designed as Everett Decker Subdivision, and that the real estate comprising said plat is as follows:

The Southwest Quarter (1/4) of the Southwest Quarter (1/4) of Section Fifteen (15), Township Seventy- four (74) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, **EXCEPT** that part of Parcel 'B" located therein, containing 10.20 acres, as shown in Plat of Survey filed in Book 3, Page 507 on November 2, 1999, in the Office of the Recorder of Madison County, Iowa; **AND EXCEPT** Parcel "C" located therein, containing 10.00 acres, as shown in Plat of Survey filed in Book 2002, Page 2845 on June 12, 2002, in the Office of the Recorder of Madison County, Iowa

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. Ground Water Statement;
- 6. Madison County Soil and Water Conservation District Land Disturbing Activity Affidavit;
- 7. Consent of County Auditor to subdivision name; and
- 8. Affidavit concerning fences,

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 record was acknowledged before me on this day of MAY, 2017, by C. J. Nicholl.

Notary Public in and for the State of Iowa

5251729_1



DEDICATION OF PLAT OF EVERETT DECKER SUBDIVISION

KNOW ALL MEN BY THESE PRESENTS:

That J. Everett Decker and Dixie Decker, husband and wife, do hereby certify that they are the owners and proprietors of the following-described real estate:

The Southwest Quarter (1/4) of the Southwest Quarter (1/4) of Section Fifteen (15), Township Seventy- four (74) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, **EXCEPT** that part of Parcel 'B" located therein, containing 10.20 acres, as shown in Plat of Survey filed in Book 3, Page 507 on November 2, 1999, in the Office of the Recorder of Madison County, Iowa; **AND EXCEPT** Parcel "C" located therein, containing 10.00 acres, as shown in Plat of Survey filed in Book 2002, Page 2845 on June 12, 2002, in the Office of the Recorder of Madison County, Iowa

That the subdivision of the above-described real estate as shown by the Final Plat of the Everett Decker Subdivision is with the free consent and in accordance with the owners' desire as owners of said real estate. The Final Plat is subject to the provision of the "notes" set forth in the Final Plat.

Dated this 3 day of February, 2017.

J. Europe Decker

Dixie L. Decker

STATE OF IOWA, COUNTY OF MADISON:

This record was acknowledged before me on this <u>3</u> day of <u>February</u>, 2017, by J. Everett Decker and Dixie L. Decker, husband and wife.

5251736_1



Notary Public in and for the State of Iowa

CERTIFICATE OF THE COUNTY TREASURER OF MADISON COUNTY, IOWA

I, Jana Corkrean, 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:

The Southwest Quarter (1/4) of the Southwest Quarter (1/4) of Section Fifteen (15), Township Seventy- four (74) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, **EXCEPT** that part of Parcel "B" located therein, containing 10.20 acres, as shown in Plat of Survey filed in Book 3, Page 507 on November 2, 1999, in the Office of the Recorder of Madison County, Iowa; **AND EXCEPT** Parcel "C" located therein, containing 10.00 acres, as shown in Plat of Survey filed in Book 2002, Page 2845 on June 12, 2002, in the Office of the Recorder of Madison County, Iowa

Dated at Winterset, Iowa, on this 3 day of MM CV, 2017.

Jana Corkrean, Treasurer of Madison County, Iowa

5251755_1

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

Everett Decker Subdivision

for property located at:

The Southwest Quarter (1/4) of the Southwest Quarter (1/4) of Section Fifteen (15), Township Seventy- four (74) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, **EXCEPT** that part of Parcel "B" located therein, containing 10.20 acres, as shown in Plat of Survey filed in Book 3, Page 507 on November 2, 1999, in the Office of the Recorder of Madison County, Iowa; **AND EXCEPT** Parcel "C" located therein, containing 10.00 acres, as shown in Plat of Survey filed in Book 2002, Page 2845 on June 12, 2002, in the Office of the Recorder of Madison County, Iowa,

and owned by:

J. Everett Decker and Dixie L. Decker, husband and wife,

has been approved on the 2nd day of March, 2017.

By the Auditor, Madison County, Iowa.

Heidi Burhans, Auditor of Madison County, Iowa

ZO-RESOLUTION-04-25-17-A RESOLUTION APPROVING FINAL PLAT EVERETT DECKER SUBDISION 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 Everett Decker Subdivision; and

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

The Southwest Quarter (1/4) of the Southwest Quarter (1/4) of Section Fifteen (15), Township Seventy- four (74) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, **EXCEPT** that part of Parcel "B" located therein, containing 10.20 acres, as shown in Plat of Survey filed in Book 3, Page 507 on November 2, 1999, in the Office of the Recorder of Madison County, Iowa; **AND EXCEPT** Parcel "C" located therein, containing 10.00 acres, as shown in Plat of Survey filed in Book 2002, Page 2845 on June 12, 2002, in the Office of the Recorder of Madison County, Iowa

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, J. Everett Decker & Dixie Decker; 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 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 Everett Decker Subdivision should be approved by the Board of Supervisors, Madison County, Iowa.

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

- 1. That said plat, known as Everett Decker 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 15 day of 1011, 2017

Naroh Price, Chairman

Phil Clifton, Supervisor

Robert Duff, Supervisor

Attest:

Heidi L. Burhans, Madison County Auditor

Nyemaster

NYEMASTER GOODE PC

Robert A. VanOrsdel Richard J. Sapp G R Neumann Gregory P. Page Bradford L. Austin Hayward L. Draper Michael W. Thrall Mark C. Dickinson Gregory B. Wilcox John F. Lorentzen Rod Kubat Frank B. Harty James C. Wine Bruce W. Baker Anthony A. Longnecker Kevin H. Collins Joseph A. Quinn Wade H. Schut Mark D. Aljets G. Thomas Sullivan Thomas H. Walton

Willard L. Boyd III Jeffrey W. Courter Hallie F Still-Caris David W. Renson Brian J. Humke Paula S. Dierenfeld Coreen K. Sweeney Angel A. West Mary E. Funk Randall D. Armentrout Thomas M. Cunningham Robert D. Andeweg Debra L. Hulett Mark A. Schultheis Neal K. Westin Stephanie L. Marett Stephanie G. Techau Brad C. Epperly Angela C. Brick Benjamin P. Roach

Victoria A. Feilmever

Jason L. Giles K. Dwayne Vande Krol Kathleen K. Law Mitchell R. Kunert Michael I Dayton Matthew R. Eslick Kristina M. Stanger David T. Bower Stacey L. Cormican Christian P. Walk Ryan G. Koopmans Frances M. Haas Jess W. Vilsack Jay P. Syverson Michael C. Joyce Neal A. Coleman Katie L. Graham Jonathan H.P. Foley Keith P. Duffy Dustin J. Miller Paige M. Thorson

Rebecca A. Moore Colleen R. MacRae Michael D. Currie Ryan J. Stefani Leslie C. Behaunek Spencer S. Cady Eric N. Fischer Shyam M. Goswami

REGISTERED PATENT ATTORNEYS Glenn Johnson Robert W. Hoke Jeffrey D. Harty Wendy K. Marsh Todd A. Van Thomme Ryan N. Carter Sarah J. Gayer Daniel M. Blakeslee Stuart S. Levy OF COUNSEL James B. West Edgar F. Hansell Steven J. Roy Jay Eaton R. Craig Shives Terry C. Hancock Steven H. Lytle Jill M. Stevenson Sara J. Sersland John W. Blyth

February 27, 2017

VIA U.S. MAIL AND EMAIL (inicholl@madisoncoia.us)

Madison County Board of Supervisors Attn: Jeff Nicholl 112 N. 1st Street Winterset, IA 50273

KATHLEEN K. LAW

RE: The Southwest Quarter (1/4) of the Southwest Quarter (1/4) of Section Fifteen (15), Township Seventy- four (74) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, **EXCEPT** that part of Parcel "B" located therein, containing 10.20 acres, as shown in Plat of Survey filed in Book 3, Page 507 on November 2, 1999, in the Office of the Recorder of Madison County, Iowa; **AND EXCEPT** Parcel "C" located therein, containing 10.00 acres, as shown in Plat of Survey filed in Book 2002, Page 2845 on June 12, 2002, in the Office of the Recorder of Madison County, Iowa

To be platted and known as Everett Decker Subdivision

We have examined the abstract of title to the above-described real property last continued by Madison County Abstract Co. as Abstract No. 15742725 down to February 7, 2017 at 8:00 A.M. We find prevailing record title to said property is shown by said abstract to be in

J. Everett Decker and Dixie L. Decker, as joint tenants with full right of ownership in the survivor, and not as tenants in common

subject to the Special Exceptions and Standard Exceptions noted on the attached schedules. This opinion is given for platting purposes pursuant to the requirements of Iowa Code Section 354.11(c).

Nyemaster Goode, P.C.

By: Kathleen K. Law

Iowa Title Guaranty No. 3847

KKL/jab cc: Frederick C. James (via email only; fritzj@lbsbind.com)

SPECIAL EXCEPTIONS

1. Real estate taxes for fiscal year 2014/2015 and all prior years show paid in full. Real estate taxes for fiscal year 2016/2017 show as follows:

Parcel No. 741151566003000

1st Installment \$577.00 Paid 2nd Installment \$577.00 Unpaid

- 2. Searches for personal liens are shown against the current record titleholders and Frederick C. James and show clear.
- 3. At Entry No. 14 appears a Limited Easement from the current record titleholders to Southern Iowa Rural Water Association dated July 24, 2000, filed October 5, 2000, and recorded in Book 144, Page 239 of the Madison County Records. This easement is for water pipeline and necessary appurtenances thereto and includes rights of ingress and egress. This easement affects the SW1/4 SW1/4 of Section 15, T74N, R27W, except the South 336.58'. The precise location of the water line is not shown, but the scope of the easement was automatically reduced to a 30' wide strip, the centerline of which is the water pipeline. For further particulars, you should review the recorded document.
- 4. At Entry No. 19 appears a Notice to Landowners from Madison County dated April 21, 1981, filed April 21, 1981, and recorded in Misc. Record 33, Page 488 of the Madison County Records. This notice states Madison County real estate may be subject to a cost-sharing agreement for the maintenance of permanent soil conservation practices under Section 467A.7(16) of the Iowa Code. An amended and substituted notice dated August 12, 1981 was filed on August 14, 1981, and recorded in Misc. Record 33, Page 665 of the Madison County Records. A Notice dated August 4, 1992, filed August 5, 1992, and recorded in Misc. Record 41, Page 68, states the district has adopted a soil and water resource conservation plan that was approved by the State Soil Conservation Committee. The current status of the district must be determined by reference to the records of the administrator.
- 5. At Entry No. 20 appears a Land Disturbing Activities Regulation Resolution from the Madison County Soil Conservation District, dated February 23, 1981, filed August 23, 2004, and recorded in Book 2004, page 3908 of the Madison County Records. The resolution provides that erosion control plans are required for certain projects that involve land-disturbing activities. For further particulars, you should review the recorded document or consult with the appropriate officials with Madison County, Iowa.
 - 6. The following plats of survey are shown in the Abstract:
 - a. At Entry No. 12 appears the Plat of Survey of Parcel "B" (an exception from the caption legal description) filed November 2, 1999, and recorded in Book 3, Page 507 of the Madison County Records.
 - b. At Entry No. 15 appears the Plat of Survey of Parcel "C" (an exception from the caption legal description) filed June 12, 2002 and recorded in Book 2002, Page 2845 of the Madison County Records.

You are bound to take notice of any easements, setbacks, restrictive covenants, notes and the like and the boundaries of the property under examination shown on the documents.

7. The property under examination is located in Madison County, Iowa. Proper classification thereunder may be determined by contacting the appropriate officials with Madison County.

STANDARD EXCEPTIONS

Parties in possession, if other than the titleholder(s), may have rights of which you must take notice not appearing in the abstract.

Easements, or claims of easements, may exist which are not shown of record and do not appear in the abstract.

Liens may exist for labor and materials furnished in the improvement of the property for a period of ninety days after the furnishing thereof without being placed of record so as to show in the abstract.

Special assessments may subsequently be filed of record against the property: i) for municipal services rendered prior to closing, and ii) by virtue of a resolution of necessity having been adopted by the taxing authority where the property is located but not certified to the County Treasurer.

No survey has been furnished. An accurate survey may show encroachments, overlappings or shortages not shown in the abstract. You must satisfy yourself as to the boundaries of the property and as to the location of any improvements thereon.

The abstract of title does not disclose the existence of environmental deficiencies such as underground storage tanks, wells, solid waste, hazardous wastes, asbestos or radon gas. Liability for removal and remediation may be imposed by virtue of ownership of the property even though one may not have been responsible for deficiency.

You are advised that if the real estate uses a sewage disposal system or a well system, or both, you may be subject to State Department of Natural Resources and County Board of Health rules. The state law, section 455b.172 of the Iowa Code requires all such systems be inspected for compliance upon a transfer of ownership by a DNR certified inspector, and that a copy of the certified inspector's report be presented to the county recorder with any conveyance document. State law and DNR rules do not specifically place this burden on either seller or buyer. You should determine for yourself if the proposed real estate transfer is subject to these requirements. If so, you should be certain they are met, since failure to meet them may prevent the recording of the deed or contract.

This title opinion is directed to the addressee. No other person or entity is entitled to rely thereon without our express written consent.

Resolution Everett Decker Subdivision City of Peru

Resolution Approving Final Plat of Everett Decker Subdivision Madison County, Iowa

WHEREAS, there was filed in the Office of the City Clerk of the City of Peru, Madison County, Iowa, a registered land surveyor's plat of a proposed subdivision known as Everett Decker Subdivision; and

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

The Southwest Quarter (1/4) of the Southwest Quarter (1/4) of Section Fifteen (15), Township Seventy- four (74) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, **EXCEPT** that part of Parcel 'B" located therein, containing 10.20 acres, as shown in Plat of Survey filed in Book 3, Page 507 on November 2, 1999, in the Office of the Recorder of Madison County, Iowa; **AND EXCEPT** Parcel "C" located therein, containing 10.00 acres, as shown in Plat of Survey filed in Book 2002, Page 2845 on June 12, 2002, in the Office of the Recorder of Madison County, Iowa; and

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, J. Everett Decker and Dixie Decker, husband and wife; 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, except as noted therein, and a 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 Peru, Madison County, Iowa, finds that said plat conforms to the provisions of the Ordinances of the City of Peru, Madison County, Iowa, and that the plat, papers and documents presented therewith should be approved by the City Council of the City of Peru, Madison County, Iowa.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Peru, Madison County, Iowa;

- 1. Said plat, known as Everett Decker Subdivision, prepared in connection with said plat and subdivision, is hereby approved.
- 2. The requirement of the Subdivision Ordinance of the City of Peru, Madison County, Iowa, that certain improvements be constructed in connection with said plat is hereby waived.

| 3. The City of Peru, Madison County, Iowa, is hereby directed to | certify this Resolution, |
|---|--------------------------|
| which shall be affixed to said plat to the County documents, which should | l be filed and recorded |
| in connection therewith. | |
| ith Alach | |

Passed and approved, this <u>with</u> day of <u>March</u>, 2017.

Dan Luke, Mayor

TorijaPorter

Attest:

Jennifer Porter, City Clerk

LAND DISTURBING ACTIVITIES **AFFIDAVIT**

STATE OF IOWA

:ss

MADISON COUNTY:

Pursuant to Section 161A.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 made herein, we, J. Everett Decker and Dixie L. Decker, husband and wife, being first duly sworn on oath, do solemnly swear to affirm that:

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

The Southwest Quarter (1/4) of the Southwest Quarter (1/4) of Section Fifteen (15), Township Seventy- four (74) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, EXCEPT that part of Parcel "B" located therein, containing 10.20 acres, as shown in Plat of Survey filed in Book 3, Page 507 on November 2, 1999, in the Office of the Recorder of Madison County, Iowa; AND EXCEPT Parcel "C" located therein, containing 10.00 acres, as shown in Plat of Survey filed in Book 2002, Page 2845 on June 12, 2002, in the Office of the Recorder of Madison County, Iowa.

As owners or occupants of the land described above, we are aware that we 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.

We are aware that loss limit regulations prohibit sediment from leaving the site in excess of five (5) tons per acre per year. The land disturbing activities described above will be conducted in a manner that will ensure compliance with the soil loss limit regulations.

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

We are the owners of the land, and have full authority to enter into this agreement.

J. E was Debu

J. Everett Decker

Dixie L. Decker

STATE OF IOWA, COUNTY OF MADISON:

This record was acknowledged before me on this 3 day of February, 2017, by J. Everett Decker and Dixie L. Decker, husband and wife.

Commission Number 749778 My Commission Expires November 6, 2019

Notary Public in and for the State of Iowa

AFFIDAVIT

STATE OF IOWA, COUNTY OF MADISON, ss:

We, J. Everett Decker and Dixie L. Decker, husband and wife, first being duly sworn on oath, state that this Affidavit concerns Everett Decker Subdivision, Madison County, Iowa. We further state that we know of our own personal knowledge that there is a lawful fence on the east boundary line of Lot 2 located within the subdivision.

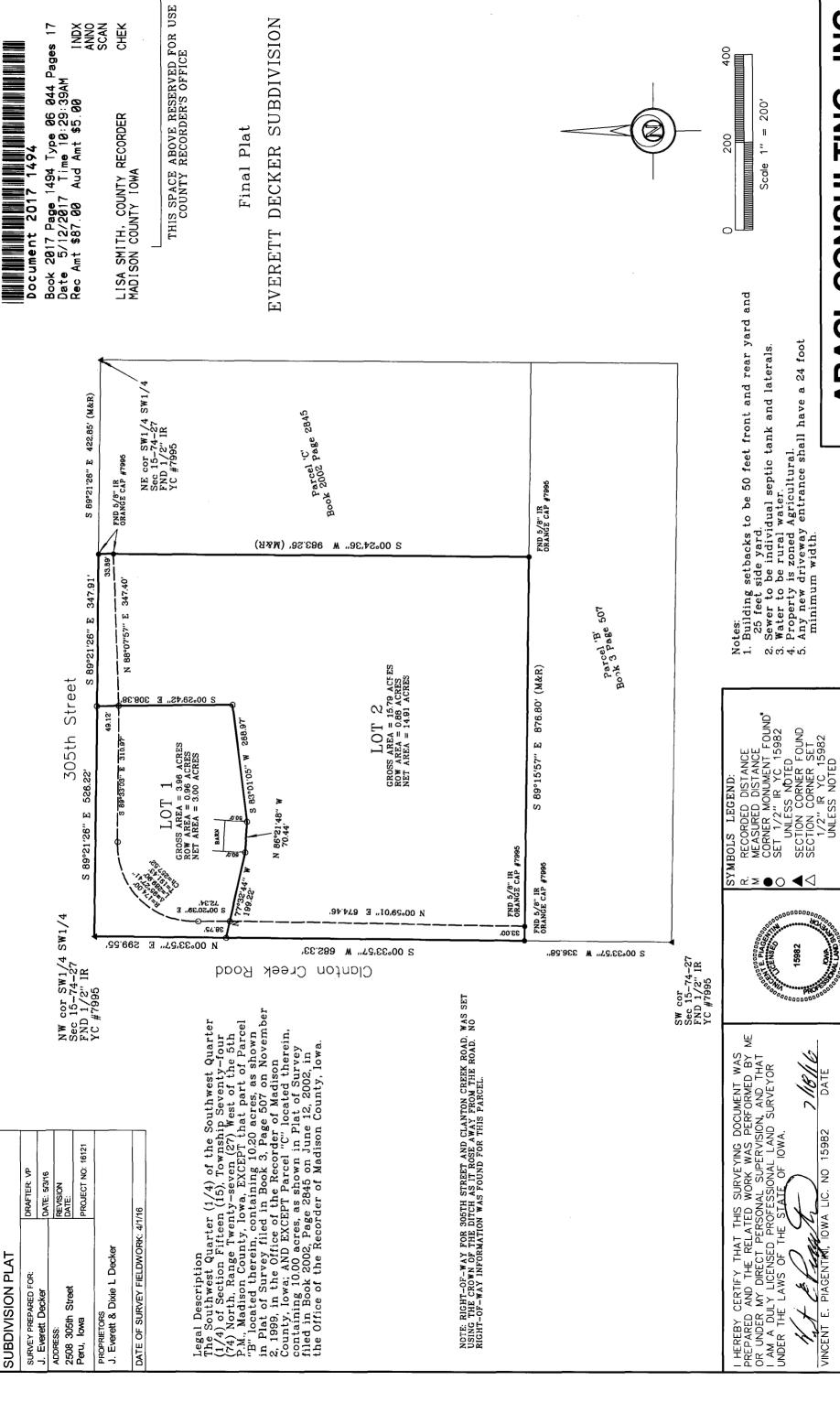
J. Everett Decker

Dixie L. Decker

Subscribed and sworn to before me on this <u>3</u> day of <u>February</u>, 2017, by J. Everett Decker and Dixie L. Decker, husband and wife.



Notary Public in and for the State of Iowa



OF

INDX ANNO SCAN

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CIVIL ENGINEERING - LAND SURVEYING 101 NE CIRCLE DR., GRIMES, IOWA 50111, PH. (515)986-5048

ALL CAPS ARE YELLOW PLASTIC UNLESS OTHERWISE INDICATED.

ADDITIONAL PAGES CERTIFIED (NONE UNLESS INDICATED MY LICENSE RENEWAL DATE IS DECEMBER 31, 2016.

HERE)