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LISA SMITH, COUNTY RECORDER  
MADISON COUNTY IOWA

Prepared By: Samuel H. Braland, P.O. Box 370, Earlham, Iowa 50072

Return To: Samuel H. Braland, P.O. Box 370, Earlham, Iowa 50072

Telephone (515) 758-2267

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

**KNOW ALL PERSONS BY THESE PRESENTS:**

Earlham Building Center, Inc., an Iowa corporation, and Arnburg Investments, L.C., an Iowa limited liability company, being the owners in fee simple of the following described real estate, to-wit:

An irregular shaped tract of land located in the Southeast Quarter (¼) of Section Six (6), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5th p.m., Earlham, Madison County, Iowa, all more particularly described as follows, to-wit: Beginning at the Southeast corner of McLaughlin Subdivision Plat 1, an official plat; thence S00°41'33"E along the West right of way line of Birch Avenue as it is presently established, a distance of 981.60 feet to the North right of way line of East 1st Street as it is presently established; thence S88°59'05"W along the North right of way line of said East 1st Street, a distance of 951.48 feet; thence N00°25'14"W, a distance of 331.42 feet; thence S89°34'08"W, a distance of 47.70 feet; thence N00°44'41"E, a distance of 19.97 feet to the Southwest corner of Lot 22, Clearview Estates Plat 2, an official plat; thence N89°34'08"E along the South line of said Lot 22, a distance of 125.00 feet to the Southeast corner of said Lot 22, said corner being on the West line of Outlot "A" in said Clearview Estates Plat 2; thence N00°44'41"W along the West line of said Outlot "A", a distance of 502.10 feet to the Northwest corner of said Outlot "A"; thence N88°53'44"E along the North line of said Outlot "A", a distance of 34.83 feet to the Northwest corner of Parcel "P"; thence S00°45'35"E along the West line of said Parcel "P", a distance of 71.49 feet to the Southwest corner of said Parcel "P"; thence N88°14'23"E along the South line of said Parcel "P", a distance of 70.08 feet to the Southeast corner of said Parcel "P"; thence N00°54'37"W along the East line of said Parcel "P", a distance of 71.56 feet to the Northeast corner of said Parcel "P"; thence N89°19'36"E along the North line of said Outlot "A", a distance of 70.11 feet to the Southeast corner of Lot 32 of said Clearview Estates Plat 2; thence N00°44'41"W along the East line of said Lot 32, a distance of 125.34 feet to the South right of way line of NE 4th Street as it is presently established; thence N89°18'26"E along the South right of way line of said NE 4th Street, a distance of 82.00 feet; thence N00°44'41"W along the east right of way line of Willow Avenue as it is presently established, a distance of 8.11 feet to the Southwest corner of Lot 11, McLaughlin Subdivision Plat 2, an official plat; thence N89°18'28"E along the South line of said McLaughlin Subdivision Plat 2 and McLaughlin Subdivision Plat 1, a distance of 615.84 feet to the point of beginning;

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:

Arnburg Estates, an Official Plat in the City of Earlham, Madison County, Iowa.

The owners and proprietors, Earlham Building Center, Inc., an Iowa corporation, and Arnburg Investments, L.C., an Iowa limited liability company, hereby acknowledge that the plat of said real estate is prepared with their free consent and in accordance with their desire.

The said owners and proprietors, Earlham Building Center, Inc., and Arnburg Investments, L.C., hereby dedicate and convey unto the City of Earlham, Iowa, and to the public, a perpetual easement and right-of-way under, over, on, through and across all lands within the plat that are designated for public utility easements. The easements shall be used for the purpose of constructing, reconstructing, repairing, replacing, enlarging, inspecting and maintaining public utilities therein together with all necessary structures and appurtenances thereto, under, over, on, through, across and within said easement areas.

The said owners and proprietors, Earlham Building Center, Inc., and Arnburg Investments, L.C., hereby dedicate and convey unto the City of Earlham, Iowa, and to the public, the following perpetual easements and rights-of-way under, over, on, through and across all lands within the plat that are designated for such easements as follows:

The following surface water flowage easements:

1. A 30.00 foot wide Surface Water Flowage easement being 15.00 feet on each side of the following described centerline:

Commencing at the Southeast corner of Lot 5, Arnburg Estate, an Official Plat, located in and forming a part of the City of Earlham, Madison County, Iowa; thence S89°34'08"W along the South line of said Lot 5 and the North line of Lot 6, a distance of 155.23 feet to the Point of Beginning; thence S66°15'45"E, a distance of 178.62 feet; thence S39°56'30"E, a distance of 264.24 feet to the point of termination of said centerline.

2. A 30.00 foot wide Surface Water Flowage easement being 15.00 feet on each side of the following described centerline:

Commencing at the Southwest corner of Lot 2, Arnburg Estate, an Official Plat, located and forming a part of the City of Earlham, Madison County, Iowa; thence N89°34'08"E along the South line of said Lot 2 and the North line of Lot 6 a distance of 45.00 feet to the Point of Beginning; thence S00°44'44"E, a distance of 119.11 feet to the point of termination of said centerline.

3. A 30.00 foot wide Surface Water Flowage easement being 15.00 feet on each side of the following described centerline:

Commencing at the Southwest corner of Lot 2, Arburg Estates, an Official Plat, located in and forming a part of the City of Earlham, Madison County, Iowa; thence N89°34'08"E along the South line of said Lot 2 and the North line of Lot 6 a distance of 45.00 feet to the Point of Beginning; thence N00°44'41"W parallel with and 45.00 feet east of the west line of said Lot 2, a distance of 483.64 feet to the point of termination of said centerline.

4. A 30.00 foot wide Surface Water Flowage easement being 15.00 feet on each side of the following described centerline:

Commencing at the Southwest corner of Lot 6, Arnburg Estates, an Official Plat, located in and forming a part of the City of Earlham, Madison County, Iowa; thence N88°55'08"E along the South line of said Lot 6 a distance of 374.42 feet to the Point of Beginning; thence N56°00'51"E, a distance of 106.45 feet; thence continuing N56°00'51"E, a distance of 142.95 feet; thence N62°46'53"E, a distance of 361.66 feet; thence N90°00'00"E, a distance of 35.00 feet to a point on the Line of Lot 17.

A 30.00 foot Public Water Main & Private Utility Easement on:

The West 30.00 feet of Lot 2, Arnburg Estates, an Official Plat located in and forming a part of the City of Earlham, Madison County, Iowa.

A 20.00 foot Public Utility & Private Sanitary Sewer Easement on:

The South 20.00 feet of Lots 2, 5, and 8, Arnburg Estates, an Official Plat located in and forming a part of the City of Earlham, Madison County, Iowa.

A 10.00 foot Private Sanitary Sewer Easement and Utility Easement on:


The West 10.00 feet of the East 15.00 feet of Lot 2, except the South 164.57 feet thereof, AND the South 10.00 feet of the North 15.00 feet of that portion of Lot 2 abutting Lot 3, all in Arnburg Estate, an Official Plat located in and forming a part of the City of Earlham, Madison County, Iowa.

Maintenance of all Surface Water Flowage Easements shall be the responsibility of the individual lot owner.

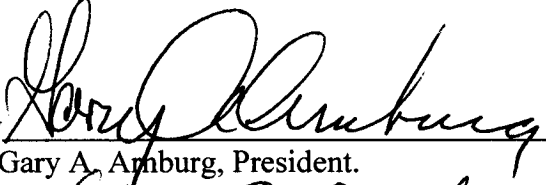
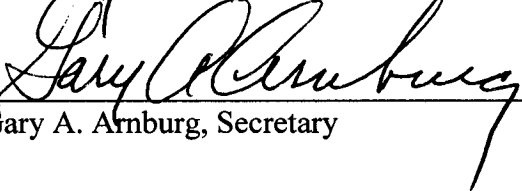
The owners and proprietors hereby dedicate and convey to the City of Earlham Lot "A" and Lot "B" for street right-of-way purposes as designated on the plat.

IN WITNESS WHEREOF, the said owners and proprietors have caused these presents to be executed this 21 day of November, 2017.

ARNBURG INVESTMENTS, L.C.  
an Iowa limited liability company.

By   
Andrew Arnburg, President &  
Secretary.

EARLHAM BUILDING CENTER, INC.  
an Iowa corporation.

By   
Gary A. Arnburg, President.  
By   
Gary A. Arnburg, Secretary

STATE OF IOWA :  
 : SS  
MADISON COUNTY :

This record was acknowledged before me on November 21, 2017, by Andrew Arnburg as President and Secretary of Arnburg Investments, L.C.



A handwritten signature in cursive script, appearing to read "Tami Rice", written over a horizontal line.

Notary Public in and for the State of Iowa.

STATE OF IOWA :  
 : SS  
MADISON COUNTY :

This record was acknowledged before me on November 15, 2017, by Gary A. Arnburg as President and Secretary of Earlham Building Center, Inc.



A handwritten signature in cursive script, appearing to read "Tami Rice", written over a horizontal line.

Notary Public in and for the State of Iowa.

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

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## **DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**

**ARNBURG ESTATES**  
an Official Plat in the City of Earlham,  
Madison County, Iowa.

**THIS DECLARATION**, is made this 21 day of November, 2017, by Earlham Building Center, Inc., an Iowa corporation, and Arnburg Investments, L.C., an Iowa limited liability company, hereinafter called the "Declarants".

### **WITNESSETH:**

**WHEREAS**, Declarants are the owners of real estate situated in the City of Earlham, Madison County, Iowa, which is legally described as follows, to-wit:

An irregular shaped tract of land located in the Southeast Quarter (¼) of Section Six (6), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5th p.m., Earlham, Madison County, Iowa, all more particularly described as follows, to-wit: Beginning at the Southeast corner of McLaughlin Subdivision Plat 1, an official plat; thence S00°41'33"E along the West right of way line of Birch Avenue as it is presently established, a distance of 981.60 feet to the North right of way line of East 1st Street as it is presently established; thence S88°59'05"W along the North right of way line of said East 1st Street, a distance of 951.48 feet; thence N00°25'14"W, a distance of 331.42 feet; thence S89°34'08"W, a distance of 47.70 feet; thence N00°44'41"E, a distance of 19.97 feet to the Southwest corner of Lot 22, Clearview Estates Plat 2, an official plat; thence N89°34'08"E along the South line of said Lot 22, a distance of 125.00 feet to the Southeast corner of said Lot 22, said corner being on the West line of Outlot "A" in said Clearview Estates Plat 2; thence N00°44'41"W along the West line of said Outlot "A", a distance of 502.10 feet to the Northwest corner of said Outlot "A"; thence N88°53'44"E along the North line of said Outlot "A", a distance of 34.83 feet to the Northwest corner of Parcel "P"; thence S00°45'35"E along the West line of said Parcel "P", a distance of 71.49 feet to the Southwest corner of said Parcel "P"; thence N88°14'23"E along the South line of said Parcel "P", a distance of 70.08 feet to the Southeast corner of said Parcel "P"; thence N00°54'37"W along the East line of said Parcel "P", a distance of 71.56 feet to the Northeast corner of said Parcel "P"; thence N89°19'36"E along the North line of said Outlot "A", a distance of 70.11 feet to the Southeast corner of Lot 32 of said Clearview Estates Plat 2; thence N00°44'41"W along the East line of said Lot 32, a distance of 125.34 feet to the South right of way line of NE 4th Street as it is presently established; thence N89°18'26"E along the South right of way line of said NE 4th Street, a distance of 82.00 feet; thence N00°44'41"W along the east right of way

line of Willow Avenue as it is presently established, a distance of 8.11 feet to the Southwest corner of Lot 11, McLaughlin Subdivision Plat 2, an official plat; thence N89°18'28"E along the South line of said McLaughlin Subdivision Plat 2 and McLaughlin Subdivision Plat 1, a distance of 615.84 feet to the point of beginning.

**WHEREAS**, said real estate has been subdivided and platted and the final subdivision plat thereof is known as Arnburg Estates, an Official Plat in the City of Earlham, Madison County, Iowa, (hereinafter called the "Property"), and Declarants are the proprietors of said plat.

**NOW, THEREFORE**, Declarants hereby publish and declare that the lots located within the Property shall be held, sold and conveyed subject to the following restrictions, covenants, conditions, uses, limitations, and obligations, all of which are for the purpose of protecting the value and desirability of the Property and all of which shall run with the land and shall be a burden and a benefit to, and shall be binding upon the Declarants, their successors and assigns, and all parties acquiring or owning any right, title or interest in any part of the Property, and their heirs, successors, assigns, grantees, executors, administrators, and devisees:

## **ARTICLE I DEFINITIONS**

1. "Declarants" shall mean Earlham Building Center, Inc., an Iowa corporation, and Arnburg Investments, L.C., an Iowa limited liability company, who have made and executed this Declaration, and their successors and assigns.

2. "Lot Owner" shall mean each person or entity who is a record owner of a fee or undivided fee interest in any lot located within the Property; provided, however, that in the event of the recording of a contract for the sale of a lot, the contract purchaser shall be deemed the lot owner; and provided further that in the event a fee interest of record is held merely for the security of the performance of an obligation, then the obligor in possession shall be deemed the lot owner.

3. "Property" shall mean the real estate above described constituting the subdivision known as Arnburg Estates, an Official Plat in the City of Earlham, Madison County, Iowa.

4. "Lot" shall mean those numerically designated lots shown on the final plat of Arnburg Estates.

## **ARTICLE II COVENANTS AND RESTRICTIONS ON USE OF LOTS**

In order to preserve the natural setting and beauty of the subdivision and to establish and preserve a harmonious and aesthetically pleasing design for the subdivision and to protect and promote the value of the Property, the lots and any and all improvements located therein, or thereon, shall be subject to the following covenants and restrictions. The Declarants for each lot owned within the Property hereby covenant, and each lot owner by acceptance of a deed or contract to any lot whether or not it shall be expressed in such deed or contract, is deemed to covenant and agree to the following restrictions, covenants and conditions which shall be applicable to each lot within the Property:

1. Prohibited Structures. A factory-built (modular) home and/or a mobile home (manufactured home) as defined in the Code of Iowa or in the City of Earlham Code of Ordinances, or as otherwise defined or known, is prohibited everywhere on the Property and shall not be placed or erected on any lot therein.

2. Permitted Structures. Only the following structures may be erected, placed, or are permitted on any lot in the Property:

- (a) One single-family private dwelling house for use only as a private residence; and
  - (b) Accessory structures such as garages and appropriate outbuildings.
3. Building Requirements.
- (a) Single-Story Residences. Single-story residences must have a ground floor finished area of not less than 1,400 square feet.
  - (b) One and One-Half Story Residences. One and one-half story residences must have 1,000 square feet of finished area on the ground floor. The total finished area of the ground floor and the second floor must be not less than 1,500 square feet.
  - (c) Two-Story Residences. Two-story residences must have 700 square feet of finished area on the ground floor, and the total finished area of the ground floor and the second floor must be not less than 1,500 square feet.
  - (d) Split-Level Residences and Split-Entry Residences. Split-Level and Split-Entry residences must have 1,200 square feet of finished area on the level or levels directly under the roof, and a total finished floor area of not less than 1,800 square feet.
  - (e) Exclusions. Garages, breezeways, porches, terraces, decks and patios shall not be deemed included in the finished area, irrespective of whether or not there may be living areas located above such non-living areas.
  - (f) Garages. All dwellings must have at a minimum a double attached garage containing a minimum of 400 square feet.
  - (g) Outbuildings. All unattached outbuildings other than a residential dwelling house shall be of the same construction and have the same exterior finish as the residential dwelling house.
  - (h) Fences. Fences are permitted on any lot in the Property, but must be chain link, wood, plastic, or vinyl, and must conform to the City of Earlham Code of Ordinances.

### **ARTICLE III ENFORCEMENT AND INTERPRETATION**

Any lot owner, lessee, agent or representative of a lot owner shall have the right and power to enforce the restrictions, covenants, and conditions contained herein, and to institute and prosecute any proceeding at law or in equity against any person or persons violating or threatening to violate any such restrictions, covenants, and conditions, and to recover any damages suffered from any violation thereof.

The waiver of any violation or failure to enforce any such covenant, condition or restriction shall not in any event operate as a waiver, impairment or abrogation of any covenant, restriction or condition, or the right to enforce the same in the event of any future or other breach of the same or any other covenant, restriction or condition by the same or any other person.

In all cases, the provisions set forth or provided for in this Declaration shall be construed together and given that interpretation or construction which will better effect the intent of the subdivision. The provisions herein shall be liberally interpreted, and, if necessary, they shall be so extended or enlarged by implication as to make them fully effective. The provisions of this Declaration shall be given full force and effect notwithstanding the existence of any zoning ordinance, building codes, or other regulations which are less restrictive.


The effective date of this Declaration shall be the date of its filing of record. This Declaration shall be construed under and in accordance with the laws of the State of Iowa.

If any covenant, condition or restriction or any portion thereof, is declared invalid or void, no other covenant, condition or restriction shall be affected thereby.

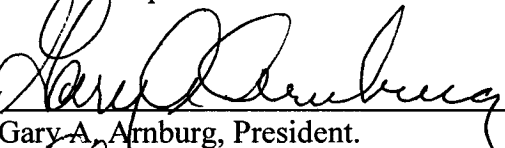
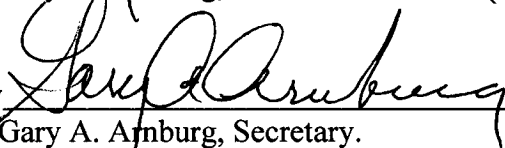
**ARTICLE IV  
DURATION OF DECLARATION; AMENDMENTS**

This Declaration and the covenants, conditions and restrictions contained herein shall run with the land above described, and be binding upon all persons as provided herein for a period of 20 years from the date of its filing for record, after which time this Declaration and the covenants, conditions and restrictions shall be automatically extended for successive periods of 10 years unless rescinded, in whole or in part, within 60 days after expiration of the initial or succeeding term by an instrument signed by not less than a majority of lot owners. This Declaration may be amended at any time by an instrument signed by not less than a majority of lot owners. For rescission and amendment purposes, a lot owner is entitled to one vote for each whole lot owned, but any whole lot under joint ownership shall be considered to have one lot owner and the joint owners shall determine who among themselves will cast the vote for that lot.

ARNBURG INVESTMENTS, L.C.  
an Iowa limited liability company.

By   
Andrew Arnburg, President &  
Secretary.


EARLHAM BUILDING CENTER, INC.  
an Iowa corporation.

By   
Gary A. Arnburg, President.  
By   
Gary A. Arnburg, Secretary.

STATE OF IOWA :  
: SS  
MADISON COUNTY :

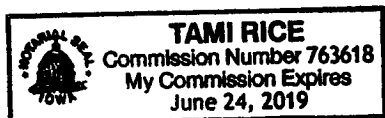
This record was acknowledged before me on November 21, 2017, by Andrew Arnburg as President and Secretary of Arnburg Investments, L.C.

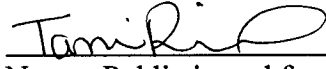


  
Notary Public in and for the State of Iowa.

STATE OF IOWA :  
: SS  
MADISON COUNTY :

This record was acknowledged before me on November 15, 2017, by Gary A. Arnburg as President and Secretary of Earlham Building Center, Inc.

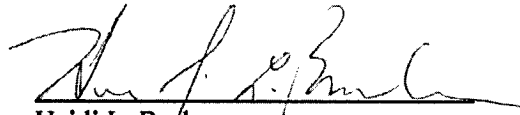


  
Notary Public in and for the State of Iowa.

**STATEMENT OF MADISON COUNTY AUDITOR  
APPROVING THE NAME OF SUBDIVISION PLAT**

Comes now Heidi L. Burhans, Auditor of Madison County, Iowa, and hereby approves the name of **Arnborg Estates, an Official Plat in the City of Earlham, Madison County, Iowa**, for the subdivision plat of the following described real estate, to-wit:

An irregular shaped tract of land located in the Southeast Quarter (¼) of Section Six (6), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5th p.m., Earlham, Madison County, Iowa, all more particularly described as follows, to-wit: Beginning at the Southeast corner of McLaughlin Subdivision Plat 1, an official plat; thence S00°41'33"E along the West right of way line of Birch Avenue as it is presently established, a distance of 981.60 feet to the North right of way line of East 1st Street as it is presently established; thence S88°59'05"W along the North right of way line of said East 1st Street, a distance of 951.48 feet; thence N00°25'14"W, a distance of 331.42 feet; thence S89°34'08"W, a distance of 47.70 feet; thence N00°44'41"E, a distance of 19.97 feet to the Southwest corner of Lot 22, Clearview Estates Plat 2, an official plat; thence N89°34'08"E along the South line of said Lot 22, a distance of 125.00 feet to the Southeast corner of said Lot 22, said corner being on the West line of Outlot "A" in said Clearview Estates Plat 2; thence N00°44'41"W along the West line of said Outlot "A", a distance of 502.10 feet to the Northwest corner of said Outlot "A"; thence N88°53'44"E along the North line of said Outlot "A", a distance of 34.83 feet to the Northwest corner of Parcel "P"; thence S00°45'35"E along the West line of said Parcel "P", a distance of 71.49 feet to the Southwest corner of said Parcel "P"; thence N88°14'23"E along the South line of said Parcel "P", a distance of 70.08 feet to the Southeast corner of said Parcel "P"; thence N00°54'37"W along the East line of said Parcel "P", a distance of 71.56 feet to the Northeast corner of said Parcel "P"; thence N89°19'36"E along the North line of said Outlot "A", a distance of 70.11 feet to the Southeast corner of Lot 32 of said Clearview Estates Plat 2; thence N00°44'41"W along the East line of said Lot 32, a distance of 125.34 feet to the South right of way line of NE 4th Street as it is presently established; thence N89°18'26"E along the South right of way line of said NE 4th Street, a distance of 82.00 feet; thence N00°44'41"W along the east right of way line of Willow Avenue as it is presently established, a distance of 8.11 feet to the Southwest corner of Lot 11, McLaughlin Subdivision Plat 2, an official plat; thence N89°18'28"E along the South line of said McLaughlin Subdivision Plat 2 and McLaughlin Subdivision Plat 1, a distance of 615.84 feet to the point of beginning.

A handwritten signature in black ink, appearing to read 'Heidi L. Burhans', written over a horizontal line.

Heidi L. Burhans  
Auditor of Madison County, Iowa

**STATEMENT BY MORTGAGE HOLDER**

KNOW ALL PERSONS BY THESE PRESENTS:

That Earlham Savings Bank of Earlham, Madison County, Iowa, is the holder of real estate mortgages on real estate that is being platted by Earlham Building Center, Inc., an Iowa corporation, and Arnburg Investments, L.C., an Iowa limited liability company, who are the proprietors of the plat. Said subdivision is to be known as Arnburg Estates, an Official Plat in the City of Earlham, Madison County, Iowa. The mortgages are recorded in Book 2001, Page 2823; Book 2007, Page 4258; Book 2007, Page 4259; and Book 2017, Page 1406, in the Office of the Recorder of Madison County, Iowa. Earlham Savings Bank of Earlham, Iowa hereby acknowledges that the plat of real estate in the City of Earlham, Madison County, Iowa, as contained in the subdivision plat to be recorded and hereafter known as Arnburg Estates, an Official Plat in the City of Earlham, Madison County, Iowa, is prepared with its free consent and in accordance with its desire.

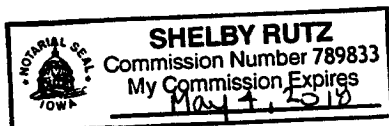
IN WITNESS WHEREOF, the said mortgage holder has caused this statement to be executed this 22nd day of November, 2017.

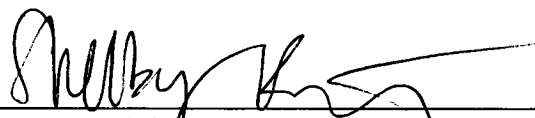
EARLHAM SAVINGS BANK

By   
Mike Scherer, Loan Officer

STATE OF IOWA            )  
                                      ) SS  
MADISON COUNTY        )

This record was acknowledged before me on November 22, 2017 by Mike Scherer as ~~Vice President~~ of Earlham Savings Bank  
Loan Officer



  
Notary Public in and for the State of Iowa.

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

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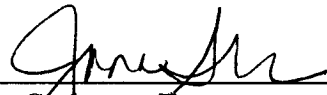
**CERTIFICATE OF TREASURER OF MADISON COUNTY, IOWA**

STATE OF IOWA :  
 : SS  
MADISON COUNTY :

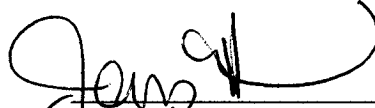
I, Jana Corkrean, state that I am Treasurer of Madison County, Iowa. I certify that I have examined the records in the Office of the Treasurer of Madison County, Iowa, as of the date set forth below, and in accordance with the provisions of Section 354.11(5) of the Code of Iowa, I certify that the following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

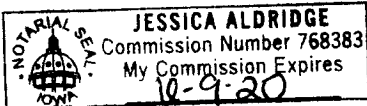
An irregular shaped tract of land located in the Southeast Quarter (¼) of Section Six (6), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5th p.m., Earlham, Madison County, Iowa, all more particularly described as follows, to-wit: Beginning at the Southeast corner of McLaughlin Subdivision Plat 1, an official plat; thence S00°41'33"E along the West right of way line of Birch Avenue as it is presently established, a distance of 981.60 feet to the North right of way line of East 1st Street as it is presently established; thence S88°59'05"W along the North right of way line of said East 1st Street, a distance of 951.48 feet; thence N00°25'14"W, a distance of 331.42 feet; thence S89°34'08"W, a distance of 47.70 feet; thence N00°44'41"E, a distance of 19.97 feet to the Southwest corner of Lot 22, Clearview Estates Plat 2, an official plat; thence N89°34'08"E along the South line of said Lot 22, a distance of 125.00 feet to the Southeast corner of said Lot 22, said corner being on the West line of Outlot "A" in said Clearview Estates Plat 2; thence N00°44'41"W along the West line of said Outlot "A", a distance of 502.10 feet to the Northwest corner of said Outlot "A"; thence N88°53'44"E along the North line of said Outlot "A", a distance of 34.83 feet to the Northwest corner of Parcel "P"; thence S00°45'35"E along the West line of said Parcel "P", a distance of 71.49 feet to the Southwest corner of said Parcel "P"; thence N88°14'23"E along the South line of said Parcel "P", a distance of 70.08 feet to the Southeast corner of said Parcel "P"; thence N00°54'37"W along the East line of said Parcel "P", a distance of 71.56 feet to the Northeast corner of said Parcel "P"; thence N89°19'36"E along the North line of said Outlot "A", a distance of 70.11 feet to the Southeast corner of Lot 32 of said Clearview Estates Plat 2; thence N00°44'41"W along the East line of said Lot 32, a distance of 125.34 feet to the South right of way line of NE 4th Street as it is presently established; thence N89°18'26"E along the South right of way line of said NE 4th Street, a distance of 82.00 feet; thence N00°44'41"W along the east right of way line of Willow Avenue as it is presently established, a distance of 8.11 feet to the Southwest corner of Lot 11, McLaughlin Subdivision Plat 2, an official plat; thence N89°18'28"E along the South line of said McLaughlin Subdivision Plat 2 and McLaughlin Subdivision Plat 1, a distance of 615.84 feet to the point of beginning.

Dated this 21 day of November, 2017.

  
\_\_\_\_\_  
Jana Corkrean, Treasurer  
Madison County, Iowa.

Subscribed and sworn to before me and in my presence by the said Jana Corkrean this  
21 day of November, 2017.

  
\_\_\_\_\_  
Notary Public in and for the State of Iowa.

  
JESSICA ALDRIDGE  
Commission Number 768383  
My Commission Expires 11-9-20

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

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RESOLUTION NO. 17-27

RESOLUTION APPROVING FINAL PLAT OF ARNBURG ESTATES, AN  
OFFICIAL PLAT IN THE CITY OF EARLHAM, MADISON COUNTY, IOWA.

The City Council of Earlham, Iowa met in special session in the Council Chambers, City Hall, Earlham, Iowa, at 7:00 o'clock P.M., on November 22, 2017. There were present Mayor, Jeff Lillie, in the chair, and the following named Council Members:

Brock Fredericksen, Adam Griswold,

Brant Payne, Scott Petersen

Absent Chris Swalla

Council Member Petersen introduced the following resolution entitled "RESOLUTION APPROVING FINAL PLAT OF ARNBURG ESTATES, AN OFFICIAL PLAT IN THE CITY OF EARLHAM, MADISON COUNTY, IOWA" and moved that the same be adopted. Council Member Griswold seconded the motion to adopt. The Council discussed the resolution. Thereupon the roll was called and the vote was,

Ayes: unanimous

Nays: 0 Abstain: 0

Whereupon the Mayor declared the following resolution duly adopted: "RESOLUTION APPROVING FINAL PLAT OF ARNBURG ESTATES IN THE CITY OF EARLHAM, MADISON COUNTY, IOWA".

WHEREAS, there has been submitted to the City Council of the City of Earlham, Iowa, a final plat of real estate hereafter described and designated as:

Arnburg Estates, an Official Plat in the City of Earlham, Madison County, Iowa.

WHEREAS, Earlham Building Center, Inc. and Arnburg Investments, L.C. are the owners of the platted real estate; and

WHEREAS, said subdivision plat conforms to the standards and conditions established by the City, and conforms to Chapter 354 of the 2017 Code of Iowa, and Chapter 175 of the City of Earlham Code of Ordinances with respect to the platting of said real estate; and

WHEREAS, the Earlham Planning & Zoning Commission has recommended Council approval of said plat; and

WHEREAS, it is the opinion of the City Council of the City of Earlham, Iowa that said plat should be approved; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EARLHAM, IOWA:

An irregular shaped tract of land located in the Southeast Quarter ( $\frac{1}{4}$ ) of Section Six (6), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5th p.m., Earlham, Madison County, Iowa, all more particularly described as follows, to-wit: Beginning at the Southeast corner of McLaughlin Subdivision Plat 1, an official plat; thence S00°41'33"E along the West right of way line of Birch Avenue as it is presently established, a distance of 981.60 feet to the North right of way line of East 1st Street as it is presently established; thence S88°59'05"W along the North right of way line of said East 1st Street, a distance of 951.48 feet; thence N00°25'14"W, a distance of 331.42 feet; thence S89°34'08"W, a distance of 47.70 feet; thence N00°44'41"E, a distance of 19.97 feet to the Southwest corner of Lot 22, Clearview Estates Plat 2, an official plat; thence N89°34'08"E along the South line of said Lot 22, a distance of 125.00 feet to the Southeast corner of said Lot 22, said corner being on the West line of Outlot "A" in said Clearview Estates Plat 2; thence N00°44'41"W along the West line of said Outlot "A", a distance of 502.10 feet to the Northwest corner of said Outlot "A"; thence N88°53'44"E along the North line of said Outlot "A", a distance of 34.83 feet to the Northwest corner of Parcel "P"; thence S00°45'35"E along the West line of said Parcel "P", a distance of 71.49 feet to the Southwest corner of said Parcel "P"; thence N88°14'23"E along the South line of said Parcel "P", a distance of 70.08 feet to the Southeast corner of said Parcel "P"; thence N00°54'37"W along the East line of said Parcel "P", a distance of 71.56 feet to the Northeast corner of said Parcel "P"; thence N89°19'36"E along the North line of said Outlot "A", a distance of 70.11 feet to the Southeast corner of Lot 32 of said Clearview Estates Plat 2; thence N00°44'41"W along the East line of said Lot 32, a distance of 125.34 feet to the South right of way line of NE 4th Street as it is presently established; thence N89°18'26"E along the South right of way line of said NE 4th Street, a distance of 82.00 feet; thence N00°44'41"W along the east right of way line of Willow Avenue as it is presently established, a distance of 8.11 feet to the Southwest corner of Lot 11, McLaughlin Subdivision Plat 2, an official plat; thence N89°18'28"E along the South line of said McLaughlin Subdivision Plat 2 and McLaughlin Subdivision Plat 1, a distance of 615.84 feet to the point of beginning,

designated and to be known as:

Arnborg Estates, an Official Plat in the City of Earlham, Madison County, Iowa,

be and the same is hereby accepted and approved, and the Mayor and City Clerk of the City of Earlham be and they are hereby authorized to certify this resolution which shall be recorded with the plat.

That the dedication of all public utility easements, surface water flowage easements, water main and private utility easements, and public utility and private sanitary sewer easements as designated on the plat is hereby approved and accepted.

That the Declaration of Covenants, Conditions and Restrictions as submitted by the proprietors be and the same are hereby accepted and approved.

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

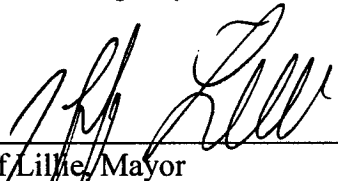
CERTIFICATION

STATE OF IOWA :  
: SS  
MADISON COUNTY :

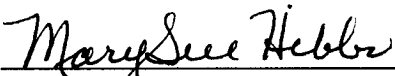
We, Mary Sue Hibbs, the City Clerk of Earlham, Iowa and Jeff Lillie, the Mayor of the City of Earlham, Iowa do hereby certify that attached is a true and complete copy of the portion of the corporate records of said Municipality showing proceedings of the City Council with respect to Resolution No. 17-27, RESOLUTION APPROVING FINAL PLAT OF ARNBURG ESTATES IN THE CITY OF EARLHAM, MADISON COUNTY, IOWA; that said resolution was passed and approved by the City Council of the City of Earlham, Iowa at a special meeting thereof on the 22<sup>nd</sup> day of November, 2017; that said meeting and all action on said resolution was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the City Council pursuant to the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four (24) hours prior to the commencement of the meeting as required by said law.

Dated this 22 day of November, 2017.

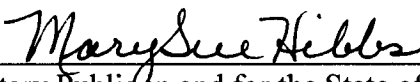
WITNESS our hands and the seal of said Municipality hereto affixed this 22 day of November, 2017.

  
\_\_\_\_\_  
Jeff Lillie, Mayor  
City of Earlham, Iowa.

ATTEST:

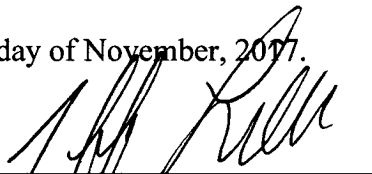
  
\_\_\_\_\_  
Mary Sue Hibbs, City Clerk  
City of Earlham, Iowa.

Subscribed and sworn to before me and in my presence by the said Jeff Lillie and Mary Sue Hibbs this 22 day of November, 2017.

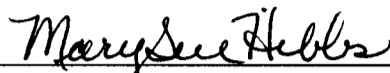
  
\_\_\_\_\_  
Notary Public in and for the State of Iowa.



PASSED AND APPROVED on the 22<sup>nd</sup> day of November, 2017.

  
\_\_\_\_\_  
Jeff Lillie, Mayor  
City of Earlham, Iowa.

ATTEST:

  
\_\_\_\_\_  
Mary Sue Hibbs, City Clerk  
City of Earlham, 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](mailto:shb@nyblaw.com)

November 13, 2017

## TITLE OPINION

City Council  
City of Earlham, Iowa  
140 S. Chestnut Avenue  
Earlham, Iowa 50072

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

An irregular shaped tract of land located in the Southeast Quarter ( $\frac{1}{4}$ ) of Section Six (6), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5th p.m., Earlham, Madison County, Iowa, all more particularly described as follows, to-wit: Beginning at the Southeast corner of McLaughlin Subdivision Plat 1, an official plat; thence S00°41'33"E along the West right of way line of Birch Avenue as it is presently established, a distance of 981.60 feet to the North right of way line of East 1st Street as it is presently established; thence S88°59'05"W along the North right of way line of said East 1st Street, a distance of 951.48 feet; thence N00°25'14"W, a distance of 331.42 feet; thence S89°34'08"W, a distance of 47.70 feet; thence N00°44'41"E, a distance of 19.97 feet to the Southwest corner of Lot 22, Clearview Estates Plat 2, an official plat; thence N89°34'08"E along the South line of said Lot 22, a distance of 125.00 feet to the Southeast corner of said Lot 22, said corner being on the West line of Outlot "A" in said Clearview Estates Plat 2; thence N00°44'41"W along the West line of said Outlot "A", a distance of 502.10 feet to the Northwest corner of said Outlot "A"; thence N88°53'44"E along the North line of said Outlot "A", a distance of 34.83 feet to the Northwest corner of Parcel "P"; thence S00°45'35"E along the West line of said Parcel "P", a distance of 71.49 feet to the Southwest corner of said Parcel "P"; thence N88°14'23"E along the South line of said Parcel "P", a

distance of 70.08 feet to the Southeast corner of said Parcel "P"; thence N00°54'37"W along the East line of said Parcel "P", a distance of 71.56 feet to the Northeast corner of said Parcel "P"; thence N89°19'36"E along the North line of said Outlot "A", a distance of 70.11 feet to the Southeast corner of Lot 32 of said Clearview Estates Plat 2; thence N00°44'41"W along the East line of said Lot 32, a distance of 125.34 feet to the South right of way line of NE 4th Street as it is presently established; thence N89°18'26"E along the South right of way line of said NE 4th Street, a distance of 82.00 feet; thence N00°44'41"W along the east right of way line of Willow Avenue as it is presently established, a distance of 8.11 feet to the Southwest corner of Lot 11, McLaughlin Subdivision Plat 2, an official plat; thence N89°18'28"E along the South line of said McLaughlin Subdivision Plat 2 and McLaughlin Subdivision Plat 1, a distance of 615.84 feet to the point of beginning,

from the date of government entry to the \_\_\_\_ day of November, 2017 at 8:00 A.M., as last continued by Madison County Abstract Company. I find good and merchantable title in fee simple to said real estate to be in the proprietors of the plat:

Arnburg Investments, L.C. and Earlham Building Center, Inc.,

The land described above is being platted. The plat is to be known as Arnburg Estates, an Official Plat in the City of Earlham, Madison County, Iowa.

Title to the real estate being platted is subject to the following:

1. **Mortgages.** The real estate is encumbered by the following real estate mortgages in favor of Earlham Savings Bank, Earlham, Iowa:

- a. Mortgage dated June 21, 2001 and recorded on July 6, 2001 in Book 2001, Page 2823, in the Office of the Recorder of Madison County, Iowa.
- b. Mortgage dated November 20, 2007 and recorded on November 28, 2007 in Book 2007, Page 4258, in the Office of the Recorder of Madison County, Iowa.
- c. Mortgage dated November 16, 2007 and recorded on November 28, 2007 in Book 2007, Page 4259, in the Office of the Recorder of Madison County, Iowa.
- d. Mortgage dated April 14, 2017 and recorded on May 5, 2017 in Book 2017, Page 1406, in the Office of the Recorder of Madison County, Iowa.

2. **Taxes.** All real estate taxes against the real estate being platted are paid in full.

3. **Special Assessments.** No special assessments have been levied against said real estate.

4. **Zoning.** The real estate is subject to the zoning and subdivision ordinances of the City of Earlham, Iowa which regulate and restrict the use of said real estate as well as any construction thereon.

5. **Easements.** The abstract shows an easement to the City of Earlham, Iowa for installation and maintenance of a storm sewer easement under and across a 30 foot by 120 foot strip of the real estate being platted. The easement was recorded on March 19, 1996 in Book 60, Page 784, in the Office of the Recorder of Madison County, Iowa. The abstract shows an easement to the City of Earlham, Iowa for surface water flowage over and across a strip of the real estate being platted. The easement was recorded on March 19, 1996 in Book 60, Page 787, in the Office of the Recorder of Madison County, Iowa.

This opinion is subject to the following matters which are not revealed by an abstract of title:

**A. Mechanic's Liens.** Within the last ninety (90) days someone may have completed a repair of improvements on the real estate, or provided materials for such repairs or improvements. If that person has not received payment for such labor or materials, that person will have a lien against the property.

**B. Parties in Possession.** This opinion is subject to the rights of any parties in possession of the property or any portion of the property that are not revealed by the abstract.

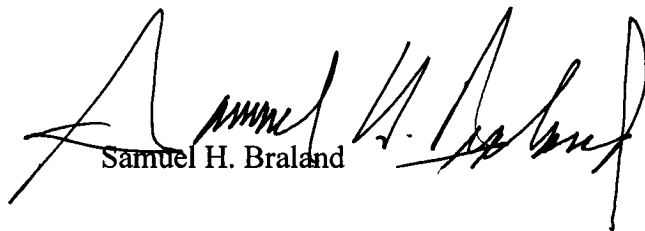
**C. Survey Matters.** This opinion is subject to any discrepancy in boundary line, encroachments, or other matters that might be revealed by a survey of the real estate.

**D. Bankruptcy.** If bankruptcy proceedings affecting the real estate have been commenced in any county other than the county in which the property is located, the abstractor will not have searched such proceedings.

**E. 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.

Respectfully submitted,

NELSON, YOUNG & BRALAND



Samuel H. Braland

