



Document 2018 2803

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Date 8/28/2018 Time 3:34:45PM  
Rec Amt \$87.00 Aud Amt \$5.00

INDX  
ANNO  
SCAN  
CHEK

LISA SMITH, COUNTY RECORDER  
MADISON COUNTY IOWA

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Type of Document

SUBDIVISION

**PREPARER INFORMATION:**

Zoning Office for Elaine Rosencrants.  
Patrick Burk Attorney for Rosencrants 515-274-1450

**TAXPAYER INFORMATION:**

ROSENCRANTS, ELAINE L.  
PO BOX 71661  
CLIVE, IA 50325

**RETURN DOCUMENT TO:**

ROSENCRANTS, ELAINE L.  
PO BOX 71661  
CLIVE, IA 50325

**GRANTOR:**

**GRANTEE:**

**LEGAL DESCRIPTION:**

See page:

**Document or instrument of associated documents previously recorded:**

**PLAT AND CERTIFICATE  
FOR DAVID T. CLARK ESTATES  
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 David T. Clark Estates, and that the real estate comprising said plat is as follows:

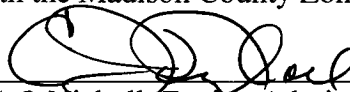
All that part of the following description, the West 49.33 acres of the West Fractional Half (1/2) of the Northwest Quarter (1/4) of Section Thirty-one (31) in Township Seventy-seven (77) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, EXCEPT the North 1140.5 feet thereof, AND EXCEPT that part thereof lying North and West of the public highway which runs across the Northwest part thereof and being known as Highway No. 169, said parcel being more particularly described as follows:

Commencing at the W 1/4 corner of said Section 31, thence South 89°32'17" East, along the South line of the Northwest Quarter (NW1/4) of said Section 31, a distance of 22.27 feet, to the Point of Beginning; thence North 01°57'31" West, along the East Right of Way line of US Highway 169, a distance of 32.54 feet; thence North 00°09'05" West, along the East Right of Way line of US Highway 169, a distance of 145.54 feet; thence North 00°35'16" East, along the East Right of Way line of US Highway 169, a distance of 339.95 feet; thence South 88°39'16" East, a distance of 269.91 feet, thence South 00°29'47" West, a distance of 513.83 feet, to a point on the South line of the NW1/4 of said Section 31; thence North 89°32'17" West, along the South line of the NW1/4 of said Section 31, a distance of 267.39 feet to the Point of Beginning, and containing 3.20 acres of land, more or less, including 0.20 acres of road easement.

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

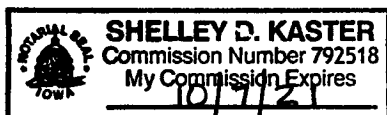
all of which are duly certified in accordance with the Madison County Zoning Ordinance.



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

STATE OF IOWA, COUNTY OF MADISON:

This record was acknowledged before me on this 28<sup>th</sup> day of August, 2018, by C. J. Nicholl as Zoning Administrator of Madison County, Iowa.



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

Prepared by/Return to: Patrick T. Burk, 6701 Westown Pkwy, Ste 100, West Des Moines, IA 50266 515-274-1450

**OWNER'S CONSENT**

STATE OF IOWA            )  
  )  
COUNTY OF Madison    )

**KNOW ALL PERSONS BY THESE PRESENTS:** That Elaine L. Rosencrants, a single person, the property owner, caused the real estate described on the attached Exhibit "A", now included in and forming a part of the City of Winterset, Madison County, Iowa, together with and subject to all easements, covenants and restrictions of record, to be subdivided and platted as "David T. Clark Estates". Elaine, further acknowledge and certify that the subdivision of said David T. Clark Estates is with its consent and in accordance with their desires.

Dated this 20 day of July, 2018.

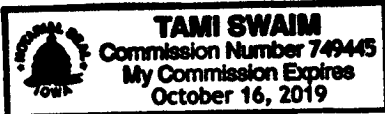
**Elaine L. Rosencrants**

By: *Elaine L. Rosencrants*  
Elaine L. Rosencrants

STATE OF IOWA            )  
  )ss:  
COUNTY OF Dallas

Subscribed and sworn to before me by the said Elaine L. Rosencrants, a single person,  
this 20 day of July, 2018.

*Tami Swaim*  
Notary Public in and for the State of Iowa



#### Exhibit A

All that part of the following description, the West 49.33 acres of the West Fractional Half (1/2) of the Northwest Quarter (1/4) of Section Thirty-one (31) in Township Seventy-seven (77) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, EXCEPT the North 1140.5 feet thereof, AND EXCEPT that part thereof lying North and West of the public highway which runs across the Northwest part thereof and being known as Highway No. 169, said parcel being more particularly described as follows:

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July 11, 2018

**ATTORNEY'S TITLE OPINION PREPARED PURSUANT TO  
CHAPTER 354.11(1) OF THE CODE OF IOWA**

Madison County Board of Supervisors  
Madison County Courthouse – 1st Floor  
112 N John Wayne Dr.  
Winterset, Iowa 50273

Re: Real Property to be Platted as David T. Clark Estates, an Official Plat,  
to be included in and form a part of Madison County, Iowa; See  
Exhibit “A” for Legal Description

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Pursuant to Iowa Code Section 354.11(1), the undersigned has made an examination of the Abstract of Title for the land being platted as “David T. Clark Estates, an Official Plat, Madison County, Iowa.” Said land is legally described as set forth in Exhibit “A” attached hereto and incorporated herein by this reference, which property shall be referred to as the “Property”. As of the 19<sup>th</sup> day of June, 2018 at 8:00 a.m., which is the date and time of the last continuation of the Abstract of Title to the Property prepared from original entry and root of title and Addendum to the Abstract dated July 9<sup>th</sup>, 2018 at 8:00 a.m. by Madison County Abstract as Abstract No. 31772753, the proprietors and record fee title owners of the Property are as follows:

**Elaine L. Rosencrants**

subject to the Special Exceptions and Standard Exceptions noted on the attached Schedules.

This opinion is prepared pursuant to Iowa Code Section 354.11(1) and certain items which may affect the Property, but which are not required to be noted for platting purposes have been omitted from this Opinion. This is a limited Opinion and is given solely for the purposes set forth in Iowa Code Section 354.11(1) and no Opinion is expressed herein with respect to those matters that affect the Property which are not required to be noted pursuant Iowa Code Section 354.11(1).

BRICK GENTRY, P.C.

By:   
Patrick T. Burk

**SCHEDULE A**  
**SPECIAL EXCEPTIONS**

1. Real Estate Taxes. Real Estate taxes for the Fiscal Year 2015-2016 and all prior years paid.

Parcel No.: 150023140010000

2017                      1<sup>st</sup> half \$956.00 Paid.  
                                 2<sup>nd</sup> half \$956.00 Paid.

2. Zoning. This property is subject to the zoning restrictions of Madison County, Iowa.

This Report is being provided to accompany the final plat of David T. Clark Estates, to become a part of, Madison County, Iowa.

**SCHEDULE B**  
**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 opinion is expressed herein with respect to the accuracy of surveys or the relationship of the legal descriptions by metes and bounds contained in the abstract to lot lines in plats or section lines. An accurate survey may show encroachments, overlappings or shortages not shown in the abstract. A physical inspection of the Property should be conducted to confirm that the boundaries are not in dispute, are free of encroachments, and that the description contained in the Abstract corresponds to the Property to 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 the deficiency.

## Exhibit "A"

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### TREASURER'S CERTIFICATE

STATE OF IOWA, MADISON COUNTY, ss:

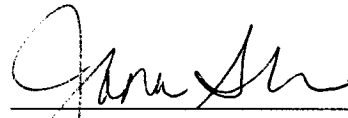
I, Jana Corkrean, being duly sworn, state:

1. That I am the duly elected Treasurer of Madison County, Iowa.
2. That this Treasurer's Certificate is to accompany the platting documents for **David T. Clark Estates, an Official Plat to be included in and forming a part of Madison County, Iowa**, which is owned by **Elaine L. Rosencrants, PO Box 71661, Clive, IA 50325**, and legally described as follows:

**See Exhibit A.**

3. I certify that this property is free from encumbrances and Madison County property taxes.

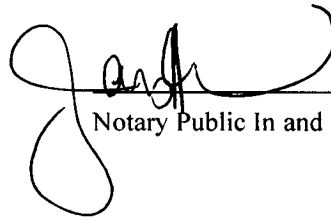
Dated this 2 day of July, 2018.

  
By: Jana Corkrean  
Madison County Treasurer

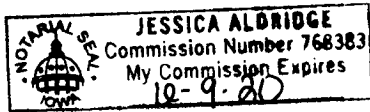
STATE OF IOWA)

MADISON COUNTY) ss:

Subscribed and sworn to before me, a Notary Public in and for the State of Iowa, by Jana Corkrean on this  
2 day of July, 2018.



Notary Public In and For the State of Iowa



(SEAL)

## Exhibit A

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Prepared by/Return to: Patrick T. Burk, 6701 Westown Pkwy, Ste 100, West Des Moines, IA 50266 515-274-1450

**CERTIFICATE OF AUDITOR OF MADISON COUNTY, IOWA**

STATE OF IOWA            )  
  )  
COUNTY OF Madison        )

I, Heidi Burhans, Auditor of Madison County, Iowa, having examined the records of my office, in accordance with the provisions of §354.11 of the Code of Iowa, pertaining to the real property described as:

SEE ATTACHED EXHIBIT A

to be known and platted as:

**David T. Clark Estates**, an Official Plat, Madison County, Iowa;

do hereby certify that the name **David T. Clark Estates** is available in Madison County, Iowa and that “the David T. Clark Estates” is hereby approved by the Auditor’s Office of Madison County, Iowa.

I further certify that Elaine L. Rosencrants is the record titleholder of said real estate to be converted to **David T. Clark Estates**.

Dated this 28<sup>th</sup> day of August, 2018.



Heidi Burhans, Madison County Auditor

Heidi L. Burhans

This record was acknowledged before me on August 28<sup>th</sup>, 2018, by Heidi Burhans as Auditor of Madison County, Iowa.

Payton Eads  
Signature of Notary Public

## Exhibit "A"

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**ZO-RESOLUTION-08-21-18A**  
**RESOLUTION APPROVING FINAL PLAT**  
**DAVID T. CLARK ESTATES SUBDIVISION**  
**MADISON COUNTY, IOWA**

**WHEREAS**, there was filed in the Office of the Zoning Administrator of Madison County, Iowa, a registered land surveyor's plat of a proposed subdivision known as DAVID T. CLARK ESTATES Subdivision; and

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

*All that part of the following description, the West 49.33 acres of the West Fractional Half (1/2) of the Northwest Quarter (1/4) of Section Thirty-one (31) in Township Seventy-seven (77) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, EXCEPT the North 1140.5 feet thereof, AND EXCEPT that part thereof lying North and West of the public highway which runs across the Northwest part thereof and being known as Highway No. 169, said parcel being more particularly described as follows:*

*Commencing at the W 1/4 corner of said Section 31, thence South 89°32'17" East, along the South line of the Northwest Quarter (NW1/4) of said Section 31, a distance of 22.27 feet, to the Point of Beginning; thence North 01°57'31" West, along the East Right of Way line of US Highway 169, a distance of 32.54 feet; thence North 00°09'05" West, along the East Right of Way line of US Highway 169, a distance of 145.54 feet; thence North 00°35'16" East, along the East Right of Way line of US Highway 169, a distance of 339.95 feet; thence South 88°39'16" East, a distance of 269.91 feet, thence South 00°29'47" West, a distance of 513.83 feet, to a point on the South line of the NW1/4 of said Section 31; thence North 89°32'17" West, along the South line of the NW1/4 of said Section 31, a distance of 267.39 feet to the Point of Beginning, and containing 3.20 acres of land, more or less, including 0.20 acres of road easement.*

**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, Rosencrants, Elaine L..

**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 David T. Clark Estates Subdivision should be approved by the Board of Supervisors, Madison County, Iowa.

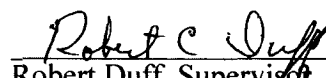
**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors, Madison County, Iowa:

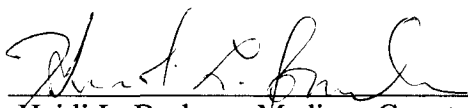
1. That said plat, known as David T. Clark Estates Subdivision prepared in connection with said plat and subdivision is hereby approved.
2. The Zoning Administrator of Madison County, Iowa, is hereby directed to certify this resolution which shall be affixed to said plat to the County Recorder of Madison 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 21st day of August, 2018.

  
Phillip Clifton, Chairman

  
Aaron Price, Supervisor

  
Robert Duff, Supervisor

Attest:   
Heidi L. Burhans, Madison County Auditor

**WAIVER OF FENCING REQUIREMENT  
FOR MINOR SUBDIVISION**

The undersigned Grantors, Aaron and Jacci Taylor, state that they are the owners of the property legally described as:

Lot 2 of Crase Subdivision located in the West Fractional Half (1/2) of the Northwest Quarter (NW ¼) of Section Thirty-one (31), Township Seventy-seven (77) North, Range Twenty-seven (27) West of the 5<sup>th</sup> P.M., Madison County, Iowa.

Grantors property adjoins property for which an application for a minor subdivision has been submitted. The property sought to be subdivided is legally described as:

The West 49.33 acres of the West Fractional Half (1/2) of the Northwest Quarter (1/4) of Section Thirty-one (31) in Township Seventy-seven (77) North, Range Twenty-seven (27) West of the 5<sup>th</sup> P.M., Madison County, Iowa, EXCEPT the North 1140.5 feet thereof, AND EXCEPT that part thereof lying North and West of the public highway which runs across the Northwest part thereof and being known as Highway No. 169.

Grantors hereby waive any requirement for construction of a fence around any development areas that adjoin their property.

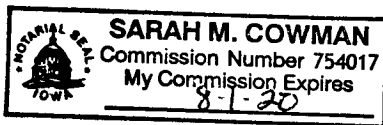
Dated this 18 day of July, 2018.

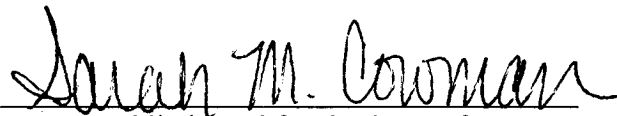
  
\_\_\_\_\_  
Aaron Taylor

  
\_\_\_\_\_  
Jacci Taylor

STATE OF IOWA            )  
  ) ss  
COUNTY OF MADISON    )

Subscribed and sworn to before me by Aaron Taylor and Jacci Taylor, husband and wife, as Grantors, this 18 day of July, 2018.



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



**INDEX LEGEND**

COUNTY: Madison  
 SITE ADDRESS: 2209 152nd Street  
 CITY: Winterset, Iowa  
 SECTION: 31 TOWNSHIP: 77 RANGE: 27  
 ALIQUOT PART: SW Fr 1/4 NW 1/4  
 SUBDIVISION NAME: David T. Clark Estates  
 LOT(S): 1 - 3  
 PROPRIETOR: Elaine L. Rosencrantz &  
 Norman Edward Clark  
 REQUESTED BY: Elaine Rosencrantz  
 SURVEYOR NAME: Vincent E. Piagentini

**OWNER / DEVELOPER**

Elaine L. Rosencrantz &  
 Norman Edward Clark  
 PO Box 71661  
 Clive, Iowa 50325

- Notes**
1. Building setbacks to be 50 feet front and rear yard and 25 feet side yard.
  2. Sewer to be individual septic tank and laterals.
  3. Water to be rural water.
  4. Power to be Midamerican Energy.
  5. Property is zoned residential.
  6. Any new driveway entrances shall have a 24 foot minimum width.

**FINAL PLAT**  
**David T. Clark Estates**

Document 2018 2803  
 Book 2018 Page 2803 Type 06 044 Pages 17  
 Date 8/28/2018 Time 3:34:45PM  
 Rec Amt \$87.00 Aud Amt \$5.00  
 INDX  
 ANNO  
 SCAN  
 CHEK

LISA SMITH, COUNTY RECORDER  
 MADISON COUNTY IOWA

SPACE ABOVE FOR USE BY RECORDER OFFICE

1/2" IR  
 YC 6808

NW Corner  
 Sec 31-77-27  
 6" Conc Monument

ROW Rail

N 00°35'16" E 2639.17'  
 N 00°35'16" E 115.50'  
 S 88°39'16" E 269.91'

N 00°35'16" E 339.95'  
 N 00°09'05" W 145.54'

**Lot 1**  
 3.20 acres NET  
 0.20 acres ROW  
 3.00 acres Gross

ROW Rail

N 01°57'31" W 32.54'  
 W 1/4 Corner  
 Sec. 31-77-27  
 1/2" IR  
 POB

1/2" IR  
 YC 6808

N 89°32'02" W 1514.64'  
 1/2" IR  
 YC 6808

152nd Street  
 66' Right of way

532.00'

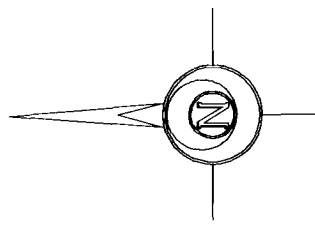
32.71'

267.39'

22.27'

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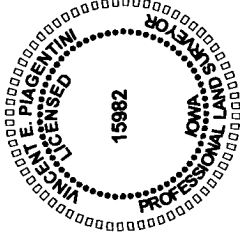
Grass Subdivision  
 BK 2018 Pg 2803



Scale 1" = 100'

**SYMBOLS LEGEND:**

- R RECORDED DISTANCE
- M MEASURED DISTANCE
- C CALCULATED DISTANCE
- CORNER MONUMENT FOUND
- SET 1/2" IR YC 15982
- ▲ UNLESS NOTED SECTION CORNER FOUND
- △ UNLESS NOTED SECTION CORNER SET 1/2" IR YC 15982
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- YC YELLOW CAP



DATE OF SURVEY FIELDWORK: 4/3/18 DRAWING DATE: 5/29/18 DRAFTER: VP PROJECT NO: 18122PP1

I HEREBY CERTIFY THAT THIS SURVEYING DOCUMENT WAS PREPARED AND THE RELATED WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION, AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

*Vincent E. Piagentini*  
 VINCENT E. PIAGENTINI, IOWA LIC. NO 15982 DATE 7/27/18

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2018.  
 ADDITIONAL PAGES CERTIFIED (NONE UNLESS INDICATED HERE)

IR IRON ROD  
 IP IRON PIPE

**ABACI CONSULTING, INC.**  
**CIVIL ENGINEERING - LAND SURVEYING**  
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