

Document 2018 3276

Book 2018 Page 3276 Type 06 044 Pages 25 Date 10/10/2018 Time 9:16:03AM

X QN I

Rec Amt \$127.00 Aud Amt \$5.00

**ANNO SCAN** CHEK

LISA SMITH, COUNTY RECORDER

MADISON COUNTY IOWA

Type of Document

### **SUBDIVISION**

### PREPARER INFORMATION:

Zoning Office for Byrle & Beverly Algo Mark Smith Attorney 515-462-3731

### TAXPAYER INFORMATION:

Algoe, Byrle D. & Beverly J. 2590 Oriole Ave Peru, IA 50222

### **RETURN DOCUMENT TO:**

Algoe, Byrle D. & Beverly J. 2590 Oriole Ave Peru, IA 50222

### **GRANTOR:**

### **GRANTEE:**

### **LEGAL DESCRIPTION:**

A tract of land located in the East Half (1/2) of the Northeast Quarter (1/4) of Section Twenty-eight (28), Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, more particularly described as follows, to-wit: Beginning at on iron pin found at the Southwest corner of Parcel "A" as recorded in Book 2003, Page 3119; thence North 89°46'31" West a distance of 902.38 feet to a found iron pin at the Southwest corner of said East Half (1/2) of the Northeast Quarter (1/4); thence North 00°36'06" East, along the West line thereof, a distance of 598.87 feet to a found iron pin; thence South 89°46'31" East a distance of 897.69 feet to a found iron pin; thence South 00°09'10" West, along the West line of said Parcel "A", a distance of 598.86 feet to the point of beginning, and containing 12.374 acres.

Document or instrument of associated documents previously recorded:

Prepared By: Mark L. Smith, POB 230, Winterset, IA 50273
Return To: Mark L. Smith, POB 230, Winterset, IA 50273

### PLAT AND CERTIFICATE FOR ALLEN SUBDIVISION, MADISON COUNTY, IOWA

Telephone: 515/462-3731

Telephone: 515/462-3731

I, C. J. Nicholl, Zoning Administrator of Madison County, Iowa, do hereby certify that the plat to which this certificate is attached is a plat of a subdivision known and designated as Allen Subdivision, and that the real estate comprising said plat is described as follows:

### See Description Attached.

I do further certify that attached hereto are true and correct copies of the following documents which have been submitted in connection with said plat:

- 1. Dedication of Plat;
- 2. Attorney's Opinion;
- 3. Consent of Tru Bank (f/k/a Community State Bank and Community Bank);
- 4. Certificate from County Treasurer;
- 5. Resolution of the Board of Supervisors of Madison County, Iowa, approving said plat;
- 6. Agreement with County Engineer;
- 7. Ground Water Statement;

- 8. Madison County Soil and Water Conservation District Land Disturbing Activity
  Affidavit; and
- 9. Consent of County Auditor to subdivision name; all of which are duly certified in accordance with the Madison County Zoning Ordinance.

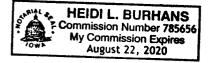
C. J. Nicholl, Zoring Administrator of Madison County, Iowa

STATE OF IOWA, COUNTY OF MADISON

This instrument was acknowledged before me on this 2018, by C.J. Nicholl.

10 110 0

Notary Public in and for said State of Iowa



A tract of land located in the East Half (½) of the Northeast Quarter (¼) of Section Twenty-eight (28), Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5<sup>th</sup> P.M., Madison County, Iowa, more particularly described as follows, to-wit: Beginning at on iron pin found at the Southwest corner of Parcel "A" as recorded in Book 2003, Page 3119; thence North 89°46'31" West a distance of 902.38 feet to a found iron pin at the Southwest corner of said East Half (½) of the Northeast Quarter (¼); thence North 00°36'06" East, along the West line thereof, a distance of 598.87 feet to a found iron pin; thence South 89°46'31" East a distance of 897.69 feet to a found iron pin; thence South 00°09'10" West, along the West line of said Parcel "A", a distance of 598.86 feet to the point of beginning, and containing 12.374 acres.

# DEDICATION OF PLAT OF ALLEN SUBDIVISION

### KNOW ALL MEN BY THESE PRESENTS:

Dated this 10th day of Aug.

That we, Byrle D. Algoe and Beverly J. Algoe, Husband and Wife, as Joint Tenants with full rights of survivorship and not as Tenants in Common, do hereby certify that we are the owners and proprietors of the following-described real estate:

### See Description Attached.

That the Subdivision of the above-described real estate, as shown by the Final Plat of Allen Subdivision, is with the free consent and in accordance with the owners' desires as owners of said real estate.

Dated tills 162 day of 1100	, 2016.
Byrle D. Algor	Beverly J. Algoe  Beverly J. Algoe
STATE OF IOWA, COUNTY OF MADISO	ON: ss
This instrument was acknowledged on this /6 day of // , 2018.	before me by Byrle D. Algoe and Beverly J. Algoe,
ROBERT C. DUFF Commission Number 157831	Notary Public in for the State of Iowa

A tract of land located in the East Half (½) of the Northeast Quarter (¼) of Section Twenty-eight (28), Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5<sup>th</sup> P.M., Madison County, Iowa, more particularly described as follows, to-wit: Beginning at on iron pin found at the Southwest corner of Parcel "A" as recorded in Book 2003, Page 3119; thence North 89°46'31" West a distance of 902.38 feet to a found iron pin at the Southwest corner of said East Half (½) of the Northeast Quarter (¼); thence North 00°36'06" East, along the West line thereof, a distance of 598.87 feet to a found iron pin; thence South 89°46'31" East a distance of 897.69 feet to a found iron pin; thence South 00°09'10" West, along the West line of said Parcel "A", a distance of 598.86 feet to the point of beginning, and containing 12.374 acres.

### **CONSENT TO PLATTING** TRU-BANK (F/K/A Community State Bank and Community Bank)

Tru-Bank, f/k/a Community State Bank and Community Bank, does consent to the platting and subdivision of the following-described real estate:

### See Description Attached,

in accordance with the ordinances of Madison County, Iowa and the laws of the State of Iowa. The undersigned holds the following Deeds of Trust on the above real estate:

- A. A Deed of Trust from Byrle D. Algoe and Beverly J. Algoe, a/k/a Beverly Algoe, Husband and Wife, to Community State Bank dated June 23, 2006, and filed June 26, 2006, in Book 2006, Page 2585 of the Recorder's Office of Madison County, Iowa; and,
- В. A Deed of Trust from Byrle Algoe and Beverly Algoe, Husband and Wife, to Community Bank dated April 24, 2009, and filed April 24, 2009, in Book 2009, Page 1218 of the Recorder's Office of Madison County, Iowa.

Dated this 28th day of August, 2018.

TRU-BANK

(F/k/a Community State Bank and

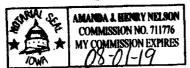
f/k/a Community Bank

STATE OF IOWA, COUNTY OF WARREN: ss

This instrument was acknowledged before me on this 28 that day of August ,2018, by Skever D. Warrington as Vice Rossident of Tru Bank.

UM OUNCE JULY // Son

Notary Public in and for said State



A tract of land located in the East Half (½) of the Northeast Quarter (½) of Section Twenty-eight (28), Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5<sup>th</sup> P.M., Madison County, Iowa, more particularly described as follows, to-wit: Beginning at on iron pin found at the Southwest corner of Parcel "A" as recorded in Book 2003, Page 3119; thence North 89°46'31" West a distance of 902.38 feet to a found iron pin at the Southwest corner of said East Half (½) of the Northeast Quarter (½); thence North 00°36'06" East, along the West line thereof, a distance of 598.87 feet to a found iron pin; thence South 89°46'31" East a distance of 897.69 feet to a found iron pin; thence South 00°09'10" West, along the West line of said Parcel "A", a distance of 598.86 feet to the point of beginning, and containing 12.374 acres.

### ATTORNEY'S OPINION FOR FINAL PLAT, ALLEN SUBDIVISION

I, Mark L. Smith, an attorney at law licensed to practice under the laws of the State of Iowa, have examined the abstract of title in one (1) part, last certified to July 24, 2018, at 8:00 A.M., by Madison County Abstract Co., purporting to show the chain of title to the following described real estate, which is the real property contained in Final Plat of Allen Subdivision, Madison County, Iowa:

### SEE LEGAL DESCIPTION ATTACHED

In my opinion, merchantable title to the above described property is in the names of Byrle D. Algoe and Beverly J. Algoe, Husband and Wife, as Joint Tenants with Full Rights of Survivorship and Not as Tenants in Common, free and clear of all liens and encumbrances, except the following:

- 1. Entry No 8. of the abstract shows a Deed of Trust from Bryle D. Algoe and Beverly J. Algoe, a.k.a. Beverly Algoe, Husband and Wife, to Community State Bank dated June 23, 2006, and filed June 26, 2006, in Book 2006, Page 2585 of the Recorder's Office of Madison County, Iowa.
- 2. Entry No. 9 of the abstract shows a Deed of Trust from Bryle Algoe and Beverly Algoe, Husband and Wife, to Community Bank dated and filed April 24, 2009, in Book 2009, Page 1218 of the Recorder's Office of Madison County, Iowa.
  - 3. The Abstract shows the following Easement:
    - A. Entry No. 4 of Abstract No. 28752726 shows an Easement granted to

Madison County, Iowa for road purposes and for uses of public highway dated and filed January 13, 1941, in Deed Record 78, Page 77 of the Recorder's Office of Madison County, Iowa.

Respectfully submitted,

JORDAN, OLIVER & WALTERS, & SMITH, P.C.

Mark L. Smith

Farmers & Merchants Bank Bldg.

Man 1. Ante

P.O. Box 230

Winterset, Iowa 50273

Telephone: (515) 462-3731

ATTORNEY FOR

BRAD AND JILL ALLEN

A tract of land located in the East Half (½) of the Northeast Quarter (¼) of Section Twenty-eight (28), Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5<sup>th</sup> P.M., Madison County, Iowa, more particularly described as follows, to-wit: Beginning at on iron pin found at the Southwest corner of Parcel "A" as recorded in Book 2003, Page 3119; thence North 89°46'31" West a distance of 902.38 feet to a found iron pin at the Southwest corner of said East Half (½) of the Northeast Quarter (¼); thence North 00°36'06" East, along the West line thereof, a distance of 598.87 feet to a found iron pin; thence South 89°46'31" East a distance of 897.69 feet to a found iron pin; thence South 00°09'10" West, along the West line of said Parcel "A", a distance of 598.86 feet to the point of beginning, and containing 12.374 acres.

# 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:

See Legal Description Attached.

DATED at Winterset, Iowa, this 9 day of August, 2018.

Jana Corkrean, Treasurer of Madison County, Iowa

A tract of land located in the East Half (½) of the Northeast Quarter (½) of Section Twenty-eight (28), Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5<sup>th</sup> P.M., Madison County, Iowa, more particularly described as follows, to-wit: Beginning at on iron pin found at the Southwest corner of Parcel "A" as recorded in Book 2003, Page 3119; thence North 89°46'31" West a distance of 902.38 feet to a found iron pin at the Southwest corner of said East Half (½) of the Northeast Quarter (½); thence North 00°36'06" East, along the West line thereof, a distance of 598.87 feet to a found iron pin; thence South 89°46'31" East a distance of 897.69 feet to a found iron pin; thence South 00°09'10" West, along the West line of said Parcel "A", a distance of 598.86 feet to the point of beginning, and containing 12.374 acres.

### **CERTIFICATE OF AUDITOR**

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

### Allen Subdivision, Madison County, Iowa,

For property located at:

### See Description Attached;

and owned by: Byrle D. Algoe and Beverly J. Algoe, Husband and Wife, as Joint Tenants with full rights of survivorship and not as Tenants in Common.

Has been approved on the  $\frac{9^{4}}{}$  day of  $\frac{1}{4}$  day of  $\frac{1}{4}$ , 2018.

By the Auditor, Madison County, Iowa.

Heidi Burhans, Auditor

A tract of land located in the East Half (½) of the Northeast Quarter (½) of Section Twenty-eight (28), Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5<sup>th</sup> P.M., Madison County, Iowa, more particularly described as follows, to-wit: Beginning at on iron pin found at the Southwest corner of Parcel "A" as recorded in Book 2003, Page 3119; thence North 89°46'31" West a distance of 902.38 feet to a found iron pin at the Southwest corner of said East Half (½) of the Northeast Quarter (½); thence North 00°36'06" East, along the West line thereof, a distance of 598.87 feet to a found iron pin; thence South 89°46'31" East a distance of 897.69 feet to a found iron pin; thence South 00°09'10" West, along the West line of said Parcel "A", a distance of 598.86 feet to the point of beginning, and containing 12.374 acres.

### **AGREEMENT**

This Agreement, made and entered into, by and between, the proprietors of Allen Subdivision, and the Madison County Engineer.

### NOW THEREFORE IT IS AGREED AS FOLLOWS:

1. The proprietors of Allen Subdivision, a Plat of the following described real estate:

### See Description Attached,

hereby agree that all private roads located within Allen Subdivision are private roads and are not being dedicated to Madison County, Iowa. Said proprietors consent and agree that such roads shall not be maintained in any manner by Madison County, Iowa, or the Madison County Engineer's Department.

PROPRIETORS OF ALLEN SUBDIVISION

Bysle D. Algoe

Bysle D. Algoe

Beverly). Algoe

Beverly). Algoe

Todd Hagan, Madison County Engineer

A tract of land located in the East Half (½) of the Northeast Quarter (¼) of Section Twenty-eight (28), Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5<sup>th</sup> P.M., Madison County, Iowa, more particularly described as follows, to-wit: Beginning at on iron pin found at the Southwest corner of Parcel "A" as recorded in Book 2003, Page 3119; thence North 89°46'31" West a distance of 902.38 feet to a found iron pin at the Southwest corner of said East Half (½) of the Northeast Quarter (¼); thence North 00°36'06" East, along the West line thereof, a distance of 598.87 feet to a found iron pin; thence South 89°46'31" East a distance of 897.69 feet to a found iron pin; thence South 00°09'10" West, along the West line of said Parcel "A", a distance of 598.86 feet to the point of beginning, and containing 12.374 acres.

LAND DISTURBING ACTIVITIES

AFFIDAVIT

STATE OF IOWA

MADISON COUNTY

: : ss

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 we make herein, we, Byrle D. Algoe and Beverly J. Algoe, 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:

### See Description Attached.

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 5 tons per acre per year. The land disturbing activities described above will be conducted in a manner that will insure 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 activity described above.

Dated this 10 day of Aug  By le # algoe  Byrle D. Algoe	, 201 <b>6</b> .  Beverly J, Olgve  Beverly J Algoe
STATE OF IOWA, COUNTY OF MADIS	SON:
this day of Aug , 2018.  ROBERT C. DUFF Commission Number 157831 My Commission Expires	Notary Public in for the State of Iowa

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

A tract of land located in the East Half (½) of the Northeast Quarter (½) of Section Twenty-eight (28), Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5<sup>th</sup> P.M., Madison County, Iowa, more particularly described as follows, to-wit: Beginning at on iron pin found at the Southwest corner of Parcel "A" as recorded in Book 2003, Page 3119; thence North 89°46'31" West a distance of 902.38 feet to a found iron pin at the Southwest corner of said East Half (½) of the Northeast Quarter (½); thence North 00°36'06" East, along the West line thereof, a distance of 598.87 feet to a found iron pin; thence South 89°46'31" East a distance of 897.69 feet to a found iron pin; thence South 00°09'10" West, along the West line of said Parcel "A", a distance of 598.86 feet to the point of beginning, and containing 12.374 acres.

## ZO-RESOLUTION-100918B APPROVING FINAL PLAT ALLEN 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 Allen Subdivision; and

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

### See Description Attached.

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, Byrle D. Algoe and Beverly 1. Algoe, Husband and Wife, as Joint Tenants with full rights of survivorship and not as Tenants in Common; 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, except as noted therein, and a Certified 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 Allen 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 Allen 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.

Phillip Clifton, Chairman

Robert Duff. Supervisor

Aaron Price, Supervisor

Heidi Burhans

Madison County Auditor

### ALLEN SUBDIVISION LEGAL DESCRIPTION

A tract of land located in the East Half (1/2) of the Northeast Quarter (1/4) of Section Twenty-eight (28), Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5<sup>th</sup> P.M., Madison County, Iowa, more particularly described as follows, to-wit: Beginning at on iron pin found at the Southwest corner of Parcel "A" as recorded in Book 2003, Page 3119; thence North 89°46'31" West a distance of 902.38 feet to a found iron pin at the Southwest corner of said East Half (1/2) of the Northeast Quarter (1/4); thence North 00°36'06" East, along the West line thereof, a distance of 598.87 feet to a found iron pin; thence South 89°46'31" East a distance of 897.69 feet to a found iron pin; thence South 00°09'10" West, along the West line of said Parcel "A", a distance of 598.86 feet to the point of beginning, and containing 12.374 acres.

# FINAL PLAT OF ALLEN SUBDIVISION

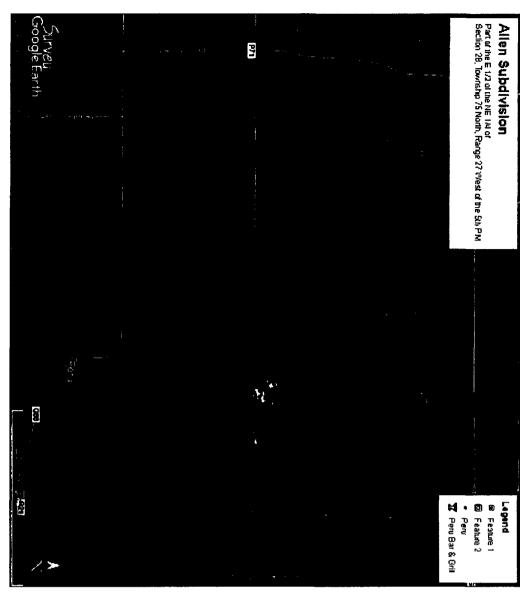
Document 2018

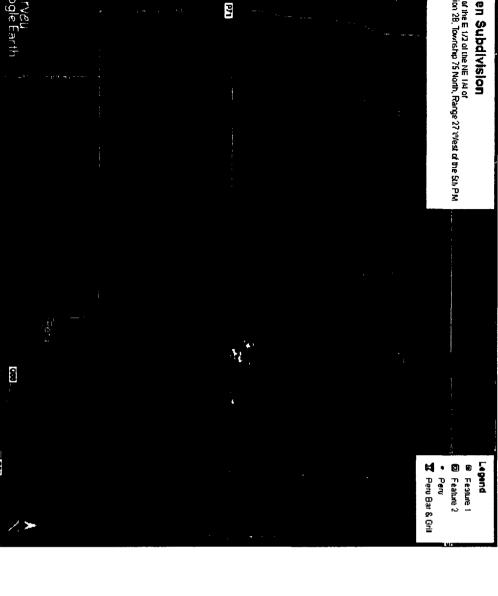
Book 2018 Page 3276 Type 06 044 Pages 25 Date 10/10/2018 Time 9:16:03AM Rec Amt \$127.00 Aud Amt \$5.00 INDX

SCAN SCAN

윘

MADISON COUNTY RECORDER





. EGEZD

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct supervision and that I am a duly licensed Land Surveyor under the laws of the State of the state of the state of the state.

Name Craig S. Boldman P.L.S No. 13427

Pages or sheets covered by this seal Renewal date is December 31, 2018 Signature 1

Date\_

These standard symbols will

Legal Description— Allen Subdivision

Madison County, A tract of land being part of the East 1/2 of the Northeast 1/4 (E 1/2 NE 1/4) of Section 28, Township 75 North, Range 27 West of the 5th P.M., lowa, described as follows:

a found iron pin at the Southwest corner of said E 1/2 NE 1/4; thence N 00°36′06″ E, along the West line thereof, a distance of 598.87′ to a found iron pin; thence S 89°46′31″ E a distance of 897.69′ to a found iron pin; thence S 00°09′10″ W, along the West line of said parcel "A", a distance of 598.86′ to the corner of Parcel "A' as recorded in Book 2003 Page 3119; thence N 89.46'31" W a distance of 902.38' to point of beginning. Beginning at an iron pin found at the Southwest ō

county road right of way easement. Containing 12.374 acres including 0.683 acres of

# Owner:

2590 Oriole Avenue Peru, IA 50222 515-468-0315 Byrle and Beverly Algoe

Survey Company:

boldland@mchsi.com Boldman Surveying Consultants LLC 521 West Green Street Winterset, IA 515-462-9242 521 West Green

Zoning— A Agrilculture

Flood Zone

Portions of this tract are within the Special Flood Hazard Zone A according to NFHL Map 19121C0275D Effective Date June 21, 2017

be found in the drawing.

FENCE × - × -

SET 5/8" IRON ROD (IR) W ORANGE CAP #13427 FOUND 1/2"IR W YELLOW CAP #6808

FOUND 1/2" IR ROD W YELLOW CAP #7995

(100') RECORD DISTANCE FOUND LAND CORNER AS DESCRIBED

