



Document 2019 1643

Book 2019 Page 1643 Type 06 044 Pages 17 Date 6/04/2019 Time 2:52:26PM Rec Amt \$87.00 Aud Amt \$5.00

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LISA SMITH, COUNTY RECORDER MADISON COUNTY IOWA

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Type of Document

# **SUBDIVISION**

# PREPARER INFORMATION:

Zoning Office for Everett & Sheri Kenoyer

**Contact:** 

**Everett Kenoyer 515-490-5714** 

Jason Springer, attorney for developer 515-419-1471

# TAXPAYER INFORMATION:

Kenoyer, Everett L. 1193 Warren Ave. Cumming, Iowa 50061

# **RETURN DOCUMENT TO:**

Kenoyer, Everett L. 1193 Warren Ave. Cumming, Iowa 50061

**GRANTOR:** 

**GRANTEE:** 

# **LEGAL DESCRIPTION:**

The North Half (1/2) of the North Half (1/2) of the Southeast Quarter (1/4) in Section Sixteen (16), Township Seventy-seven (77) North, Range Twenty-six (26) West of the 5<sup>th</sup> P.M., Madison County, Iowa.

# PLAT AND CERTIFICATE FOR KENOYERS UPLAND PLAT 1, MADISON COUNTY, IOWA

I, C.J. Nicholl, Zoning Administrator of Madison County, Iowa, do herby certify that the plat to which this certificate is attached is a plat of a subdivision known and designed as Valyria Plats, and that the real estate comprising said plat is as follows:

The North Half (1/2) of the North Half (1/2) of the Southeast Quarter (1/4) in Section Sixteen (16), Township Seventy-seven (77) North, Range Twenty-six (26) West of the 5<sup>th</sup> P.M., Madison County, Iowa.

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

- 1. Consent to Plat;
- 2. Attorney's Opinion;
- 3. Certificate from County Treasurer;
- 4. Certificate from Auditor approving subdivision name;
- 5. Resolution of the Board of Supervisors of Madison County, Iowa, approving said plat;
- 6. Groundwater Hazard Statement;
- 7. Agreement with the Engineer of Madison County, lowa, regarding roads and driveways; and
- 8. 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.

r rich EADS

Commission Number 805601

My Commission Expires

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

STATE OF IOWA, COUNTY OF MADISON

This record was acknowledged before me on the 29 day of 2019, by C.J. Nicholl.

Signature of Notary Public

# **CONSENT TO PLAT**

Prepared by and return to: Jason Springer, Springer Law Firm, PLLC, 148 W. 2<sup>nd</sup> Street, Suite 4, Madrid, IA 50156 (515) 419-1471

# **RE: KENOYER'S UPLAND PLAT 1**

The undersigned, Everett L. Kenoyer and Sheri Kenoyer, husband and wife, record fee titleholder and spouse to the property legally describes as:

The North Half (1/2) of the North Half (1/2) of the Southeast Quarter (1/4) in Section Sixteen (16), Township Seventy-seven (77) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa.

Is to be platted and Known as: Kenoyer's Upland Plat 1, hereby state that the platting of the property is done with our free consent and open desire, pursuant to the Code of Iowa and to the Ordinances of Madison County, Iowa.

Dated this 31st day of May

Sheri Kenoyer

**COUNTY OF MADISON** STATE OF IOWA

This instrument was acknowledged before me on

husband and wife. by Everett L. Kenoyer and Sheri Kenoyer,



Prepared By/Return to: Jason Springer, 148 W. 2<sup>nd</sup> Street, Suite 4, Madrid, IA 50156 (515) 419-1471

# **April 12, 2019**

# ATTORNEY'S TITLE OPINION PURSUANT TO CHAPTER 354, CODE OF IOWA

To Whom It May Concern:

I have examined, this day, the Abstract of Title to the following legally described real property located in Madison County, Iowa, to-wit:

The North Half (1/2) of the North Half (1/2) of the Southeast Quarter (1/4) in Section Sixteen (16), Township Seventy-seven (77) North, Range Twenty-six (26) West of the 5<sup>th</sup> P.M., Madison County, Iowa.

The Abstract shows Entries from Root of Title to April 4, 2019 at 8:00 A.M. prepared by the Madison County Abstract Company.

On the latter date I find good and merchantable title is held by:

# Everett L. Kenover

by virtue of a Quit Claim Deed dated July 11, 2006 and filed July 13, 2006 in Book 2006 and Page 2893 subject to the following comments and objections:

1. **REAL ESTATE TAXES:** The Abstract shows the following with respect to real Estate Taxes, relative to the aforementioned legally described property:

All Real Estate Taxes have been paid in full for the Fiscal Year beginning July 1, 2017 and all prior years. For the Fiscal beginning July 1, 2018 assessed in: Parcel No. 031011682001000:

	1 <sup>st</sup> Installment	\$172.00 Paid
	2 <sup>nd</sup> Installment	\$172.00 Paid
Parcel No. 031011684001200	00	
	1 <sup>st</sup> Installment	\$474.00 Paid
	2 <sup>nd</sup> Installment	\$474.00 Paid
Parcel No.031011684003000		
	1 <sup>st</sup> Installment	\$115.00 Paid
	2 <sup>nd</sup> Installment	\$115.00 Paid

- 2. <u>LIEN SEARCHES:</u> The Abstract shows no liens were made against Sheri S. Kenoyer and Everett L. Kenoyer for the past ten years to date hereof, unless otherwise indicated herein.
- 3. **CORNER CERTIFICATES:** The property under examination is subject to the to the following Corner Certificates:
  - a. Dated January 10, 2006 and filed January 12, 2006 in Book 2006, Page 183.
  - b. Dated August 18, 2004 and filed August 19, 2004 in Book 2004, Page 3872.
- 4. **ZONING:** The property under examination is subject to the Zoning Ordinance for Madison County, Iowa. The Abstract does not designate the present Zone and Classification.
- 5. **EASEMENT:** The Abstract shows the following Easements that may affect the Property:
- a. Easement to Midamerican Energy Company dated September 26, 2006 and filed October 3, 2006 in Book 2006 and Page 4093.
- b. Easement to Warren Water District dated September 5, 2001 and filed September 11, 2001 in Book 2001 and Page 4068.
- c. Easement to Warren Water, Inc. dated November 27, 2000 and filed December 19, 2001 in Deed Record 144 and Page 568.
- 6. <u>WATERSHED SUBDISTRICT:</u> A Declaration of Establishment of Badger Creek Watershed Soil Conservation Subdistrict adopted by the Madison, Dallas, and Warren County Soil Conservation Districts, and filed July 1, 1960 in Miscellaneous Record 26 at Page 549 organized, established and created the Badger Creek Watershed Subdistrict, which includes Section 16-77-26.
- 7. <u>TITLE OPINION LIMITATION:</u> Attached hereto and made of part hereof, are certain Title Opinion Limitations, labeled "Attachment A".

I appreciate the opportunity to be of service to you in rendering this Title Opinion. If you desire further assistance in clearing objections set forth in this Opinion, I would be happy to provide this additional service.

Respectfully submitted,

/S/ Jason Springer Jason Springer - Attorney at Law

### ATTACHMENT A

## TITLE OPINION LIMITATIONS

1. This Opinion does not cover the following items, which do not appear in the Abstract of Title and require a physical inspection of the property:

Location of boundary lines; Rights of parties in possession; Easements existing by virtue of prescription and or usage; and Compliance with local zoning ordinances.

2. You should ascertain that full payment has been made for any material or labor devoted to the improvement of the subject property within the last ninety (90) days in that any claim related to such may be prior to any rights gained in the purchase of this property.

Please note that the Abstract of Title makes no report of Special Assessments unless such are certified to the County Treasurer's Office. It is possible that a Special Assessment has been levied but not yet certified to the Treasurer. It is recommended that you request information as to whether any improvements have been made which may result in a Special Assessment.

- 4. Liens, judgments, mortgages and other documents or proceedings which might affect the title to the property, filed or recorded after the time of the last certification of the abstract, would not be shown.
- 5. Bankruptcy proceedings commenced within ninety (90) days of any transfer of the interest in the above-described property may give rise to the property being included in a bankruptcy estate, which may adversely affect the title.
- 6. This Opinion does not warrant against toxic or hazardous waste problems that may affect the property under examination. The Abstract does not cover such items. You should assure yourself that no violations of any statute or ordinance exist with respect to the subject property.
- 7. This Opinion is directed solely to the addressee herein and solely for the addressee's use and purposes. No other parties are entitled to rely thereon.
- 8. Ascertain whether Chapter 409 of the Iowa Code, relating to platting procedures, is applicable and if so, whether there has been compliance therewith.

Certificate of the County Treasurer of Madison County, Iowa.	
STATE OF IOWA	)
COUNTY OF MADISON	)ss )
of Madison County, Iowa; th with the provisions of Sectio described real estate:	nereby certify that I am the duly elected and acting Treasurer at I have examined the records in my office in accordance in 354.11 of the Code of Iowa pertaining to the following of the North Half (1/2) of the Southeast Quarter (1/4) in
Section Sixteen (16),	Township Seventy-seven (77) North, Range Twenty-six
to be hereinafter designated a is free from certified taxes, sp	P.M., Madison County, Iowa. as Kenoyers Upland Plat 1, do hereby certify that the same pecial assessments and special rates and charges. Taxes for the 2018-2019, are paid through this date.
Dated this $18$ day of	:_ april_, 2019. Jun S Co
	Jana Corkrean, Treasurer of Madison County, Igwa
	Y OF MADISON owledged before me on ADIII , 2019, by the Madison County Treasurer.
JESSICA ALDRIDGE Commission Number 768383 My Commission Expires	Signature of Notary Public

STATE OF IOWA	) )ss
COUNTY OF MADISON	)
records of my office, in according to the follow The North Half (1/2 Section Sixteen (16)	Auditor of Madison County, Iowa, having examined the ordance with the provisions of Section 354.11 of the Code of wing described real estate:  2) of the North Half (1/2) of the Southeast Quarter (1/4) in D., Township Seventy-seven (77) North, Range Twenty-six P.M., Madison County, Iowa.
do hereby certify that the na lowa and that <b>Kenoyers Up</b> Madison County, Iowa.	Plat 1, an Official Plat, Madison County, Iowa; ame Kenoyers Upland Plat 1 is available in Madison County, pland Plat 1 is hereby approved by the Auditor's Office of Everett L. Kenoyer is the record titleholder of said real noyers Upland Plat 1.
Dated this 313 day o	of <u>May</u> , 2019.
PAYTON E Commission Number My Commission	per 805601 // 0 // 14 ( ) / 0 // 14 ( )
STATE OF IOWA, COUNT This record was ack	ΓΥ OF MADISON  nowledged before me on May 31, 2019, by
	r of Madison County, Iowa.

Certificate of the County Auditor of Madison County, Iowa.

# AGREEMENT RE: ROADS AND DRIVEWAYS

This Agreement dated 5.30, 2019, by and between Everett L. Kenoyer, the proprietor of KENOYERS UPLAND PLAT 1, and Todd Hagan, Madison County Engineer.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

Everett L. Kenoyer, the proprietor of KENOYERS UPLAND PLAT 1, a Plat of the following described real estate:

The North Half (1/2) of the North Half (1/2) of the Southeast Quarter (1/4) in Section Sixteen (16), Township Seventy-seven (77) North, Range Twenty-six (26) West of the 5<sup>th</sup> P.M., Madison County, Iowa.

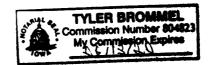
hereby agrees that all private roads located within KENOYERS UPLAND PLAT 1 are private roads and are not being dedicated to Madison County, Iowa. Everett L. Kenoyer consents and agrees that such roads shall not be maintained in any manner by Madison County, Iowa or the Madison County Engineer's Department.

Dated this 27 day of April, 2019.

EVERETT L. KENOYER

STATE OF IOWA, COUNTY OF Polite

This record was acknowledged before Everett L. Kenoyer.	me on $\frac{4}{2}$ , 2019, by
S	Signature of Notary Public
Dated this 2 day of April , 2019.	
STATE OF IOWA, COUNTY OF Ma	Todd Hagan, Madison County Engineer
This record was acknowledged before Todd Hagan, the Engineer for Madison Count	me on May 30, 2019, by
F. Commission Number 811076 My Commission Expires June 14, 2021	Signature of Notary Public
	State of
	This instrument was acknowledged before me on 4/27/19
	by Everett Kengyer.
	Name(s) of Person(s) Signature of Notary Public
	MRA



(Seal or Stamp)

Title

# LAND DISTRUBING ACTIVITIES AFFIDAVIT

STATE OF IOWA	)
	)ss
COUNTY OF MADISON	)

Pursuant to Iowa Code Section 161A.64, 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 statements made herein, Everett L. Kenoyer, being first duly sworn on oath does solemnly swear to affirm that:

Everett L. Kenoyer does not plan to engage in land disturbing activities upon the the following described real estate:

The North Half (1/2) of the North Half (1/2) of the Southeast Quarter (1/4) in Section Sixteen (16), Township Seventy-seven (77) North, Range Twenty-six (26) West of the 5<sup>th</sup> P.M., Madison County, Iowa.

As owners or occupants of the land described above, Everett L. Kenoyer is aware that it 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 161 A.43 and 161A.44, Code of Iowa.

Everett L. Kenoyer is aware that loss limit regulations prohibits 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.

Everett L. Kenoyer assumes responsibility for all land disturbing activities

conducted on this property by it or other people or entities it represents. This authority covers only the land and land disturbing activity described above.

Everett L. Kenoyer is the owner of the land and has full authority to enter into this agreement

Dated this 27 day of April	Everett L. Kenoyer	Lenoys
STATE OF IOWA, COUNTY OF This record was acknowledged Everett L. Kenoyer.	before me on 4/27	, 2019, by
	Signature of Notary Publ	ommel ic
	State of	d before me
	TYLER BROMMEL Commission Number 804823	

# ZO-RESOLUTION-052819A APPROVING FINAL PLAT KENOYERS UPLAND PLAT 1, 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 Kenoyers Upland Plat 1; and

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

The North Half (1/2) of the North Half (1/2) of the Southeast Quarter (1/4) in Section Sixteen (16), Township Seventy-seven (77) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa

WHEREAS, there was also filed with said plat a dedication of said plat containing a statement to the effect that the subdivision as it appears on the plat is with the free consent and in accordance with the desire of the proprietor, Everett Kenoyer,

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 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 Kenoyers Upland Plat 1 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 Kenoyers Upland Plat 1 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 28th of	lay of May	, 2019
Aaron Price, Chairman	_ <b>/2</b> t:Aye	□ Nay
Phillip Ofifton, Supervisor	_ Aye	□ Nay
Diane Fitch, Supervisor	_	□ Nay
Attest: Mully Karbo		

Madison County Auditor

# FINAL PLAT

NI/2 NI/2 SEI/4, SEC. 16-77-26 MADISON COUNTY, IONA

EVERETT L KENOYER, 1256 UPLAND LANE, VAN METER, IA

DRAWING INDEX

SHEET TITLE COVER FINAL PLAT

Book 2019 Page 1643 Type 06 044 Pages 17 Date 6/04/2019 Time 2:52:26PM INDX Rec Amt \$87.00 Aud Amt \$5.00 INDX

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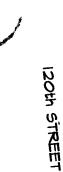
MADISON COUNTY RECORDER

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SCAN SCAN

PROFESSIONAL LEFFREY A. GADDIS, PLS. ALIGNOT PART.

ACCURRETOR (5), EVERETT L KENOTER
REGUESTED BY, EVERETT L KENOTER COMPANY, CIVIL ENGINEERING CONSULTANTS, INC RETURN TO 2400 86TH STREET, SHITE 12, URBANDALE, IA SECTION TOWNSHIP



Tii nber

120th STREET

Upland Ln

EASEMENT NOTES

1. THIS PARKEL MAY BE SUBJECT TO THE FOLLOWING EASEMENTS OF RECORD. THE EXACT LOCATION OF THE EXACHED CAN NOT BE DEFERNINGD FROM THE RECORDED DOCUMENT.

HADISON CANTY SOIL CONSERVATION DISTRICT OF WINTERSET, IOWA RECORDED IN DEED RECORDE 26, PAGE SAF FILED ON 11.1" (, 1960)

WARREN HATTER DISTRICT HATTER LINE AND APPARTEMANCES EASEMENT RECORDED IN BOOK ADOLL PAGE 4060 AT THE HADISON COUNTY RECORDERS OFFICE.

WARREN WATER LINE AND APPARTEMANCES EASEMENT RECORDED IN BOOK 144, PAGE 360 AT THE HADISON COUNTY RECORDERS OFFICE.

EGEND

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BILK REGULAL TICHES

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3. IN HANDLY PERMITED WAS DEPTHY DIFFELLINGS AND OTHER PERMITED USES - PIFTY (20) FEET IN LESS OTHERWASS SPECIFIED.

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LOT NOTES

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\*\* FEMA FLOOD INSURANCE RATE MAPS ARE SUBJECT TO CHANGE \*\*
(SEE FEMA FLOOD MAPS SERVICE CENTER FOR CURRENT MAPS)

EXISTING & PROPOSED: AGRICULTURAL

ECORDER'S INDEXING BOOK

SET SECTION CORNER FOUND PROPERTY CORNER COUND SECTION CORNER DILIDING SETBACK LINES (BIST.)

UPLAND LANE

SUMMING ROAD



EVERETT L KENDTER INS MARRIEN AVENUE CLIMMING, IA 50061

PROPERTY OFNER.
EVERETI L KENOTER
1193 MARREN AVENUE
CUMMING, IA 50061

LEGAL DESCRI THE WEST DOISS F RANGE 26 WEST O ACRES INCLUDING LEGG. PURPOSE OF SURVEY.

HIS TINUL PLAT IS DEING PREPARED TO CREATE FOUR (4) ESTATE LOTS AND ONE (1)

OTHER TINUL PLAT IS DEING PREPARED TO CREATE FOUR (4) ESTATE LOTS AND ONE (1) Land Area 93.31 Acres - Gross 03.0 Acres - Reilk Right-Of-May Easement 12.61 Acres - Net EPTION

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FRET OF THE M, M, 5% OF SECTION IS, TOWNSHIP TI NORTH,
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FOR THE STH PM, NADISON COUNTY, DOWN AND CONTAINING 18-31

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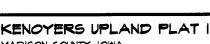
LOSURE FOR THE BOUNDARY IS 1:10,000 AND THE RE FOR EACH LOT IS 1:5,000. TO EASEMENTS OF RECORD, NO TITLE WORK WA NO THILE WORK WAS

3.04 0.23 2.86 3000









MADISON COUNTY, IONA

COVER

MAY 01, 2019 DATE JAN. 16, 2019 JAN. 16, 2019 DATE OF SURVEY DESIGNED BY DRAWN BY:



Civil Engineering Consultants, Inc. 2400 86th Street . Unit 12 . Des Moines, Iowa 50322 515.276.4884 . Fax: 515.276.7084 . mail@ceclac.com

