

Recorded: 10/30/2023 at 8:05:19.0 AM  
County Recording Fee: \$37.00  
Iowa E-Filing Fee: \$3.00  
Combined Fee: \$40.00  
Revenue Tax:  
Delaware County, Iowa  
Daneen Schindler RECORDER  
BK: 2023 PG: 2679

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Preparer Information: Erin Learn  
208 East Main Street  
Manchester, IA 52057  
Phone: (563) 927-1113

Taxpayer Information: Jerome A. Krogmann and Rose Ann Krogmann, Co-Trustees  
Jerome A. Krogmann and Rose A. Krogmann Revocable Trust  
801 Stiles Street  
Manchester, IA 52057

Return Document To: City of Manchester, Iowa  
208 E. Main St.  
Manchester, IA 52057

Grantors: City of Manchester, Iowa  
Delaware County Auditor

Grantees: Jerome A. Krogmann and Rose Ann Krogmann, Co-Trustees

Legal description is located on page: 2

Document of instrument number of previously recorded documents: Book 4, Page 158,  
Instrument Number 313-2367

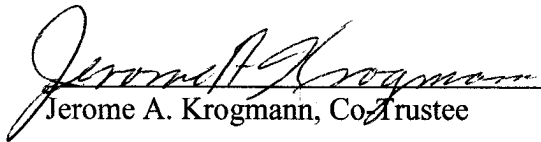
## PETITION TO VACATE

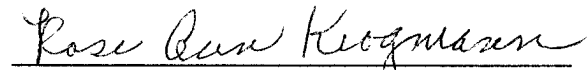
This petition is filed by Jerome A. Krogmann and Rose Ann Krogmann, Co-Trustees of the Jerome A. Krogmann and Rose A. Krogmann Revocable Trust. The Krogmanns are owners of real estate located in the City of Manchester, Delaware County, Iowa. The Krogmanns seek to vacate the Plat of Wilson's Manchester Commercial Park Subdivision recorded in Book 4, Page 158, Instrument Number 313-2367, Delaware County Recorder's Office. In support of this petition, the Krogmanns hereby state:

1. The Krogmanns are owners of the real estate affected by this Petition to Vacate. Specifically, the real estate is legally described as follows:  
Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20), Twenty One (21), Twenty Two (22), Twenty Three (23), Twenty Four (24), Twenty Five (25), Twenty Six (26), Twenty Seven (27), Twenty Eight (28), Twenty Nine (29), Thirty (30), Thirty One (31), Thirty Two (32), Thirty Three (33), Thirty Four (34), Thirty Five (35) and Thirty Six (36) of "Wilson's Manchester Commercial Park" At Manchester, Iowa, according to plat recorded in Book 4 Plats, Page 158;
2. The Plat of Wilson's Manchester Commercial Park Subdivision recorded in Book 4, Page 158, Instrument Number 313-2367, Delaware County Recorder's Office also sets out roads identified as Commercial Drive, Kennedy Drive, and Wilson Drive.
3. The lots in Wilson's Manchester Commercial Park Subdivision have never been developed and the roads identified as Commercial Drive, Kennedy Drive, and Wilson Drive have never been constructed.
4. The Krogmanns are the only owners or proprietors within the official plat. By signing the petition, the Krogmanns acknowledge the service of the petition upon them. There is no mortgage upon the property within the official plat, so notice need not be served upon any mortgagees. The official plat does not adjoin a river or state-owned lake, so notice need not be served upon the Iowa Department of Natural Resources.
5. No public highways will be affected by the vacation of the official plat.
6. The subdivision platted in 1981 is legally described as follows:  
Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20), Twenty One (21), Twenty Two (22), Twenty Three (23), Twenty Four (24), Twenty Five (25), Twenty Six (26), Twenty Seven (27), Twenty Eight (28), Twenty Nine (29), Thirty (30), Thirty One (31), Thirty Two (32), Thirty Three (33), Thirty Four (34), Thirty Five (35) and Thirty Six (36) of "Wilson's Manchester Commercial Park" At Manchester, Iowa, according to plat recorded in Book 4 Plats, Page 158.

Wherefore, the proprietors of the official plat at issue, Jerome A. Krogmann and Rose Ann Krogmann, have respectfully requested that the governing body issue a resolution approving the vacation and direct the Delaware County Auditor issue a certificate in compliance with Iowa Code § 354.22.

PROPRIETORS JEROME A. KROGMANN AND ROSE ANN KROGMANN, CO-TRUSTEES OF THE JEROME A. KROGMANN AND ROSE A. KROGMANN REVOCABLE TRUST.

  
Jerome A. Krogmann, Co-Trustee

  
Rose Ann Krogmann, Co-Trustee

RESOLUTION R-132-2022

RESOLUTION VACATING PLAT OF WILSON'S MANCHESTER COMMERCIAL PARK SUBDIVISION

WHEREAS, Jerome A. Krogmann and Rose A. Krogmann have filed a petition with the Manchester City Council pursuant to section 354.22 of the Code of Iowa seeking to vacate the plat of Wilson's Manchester Commercial Park Subdivision recorded in Book 4, Page 158, Instrument Number 313-2367, Delaware County Recorder's Office; and

WHEREAS, notice of the proposed vacation was published on October 5, 2022 and October 19, 2022 in *The Manchester Press* stating the day, time and place of the hearing on the proposed vacation; and


WHEREAS, a Public Hearing was held on October 24, 2022 at 5:00p p.m. before the Manchester City Council; and

WHEREAS, pursuant to section 354.22, an instrument has been signed, executed and acknowledged by all of the proprietors, within the area of the official plat to be vacated, declaring that the plat be vacated.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manchester, Iowa that the plat of Wilson's Manchester Commercial Park Subdivision, recorded in Book 4, Page 158, Instrument Number 313-2367, Delaware County Recorder's Office, is hereby vacated.

The Mayor and City Clerk are hereby directed to certify this approval as by law provided.

Passed this 24<sup>th</sup> day of October, 2022.

  
Connie Behnken, Mayor

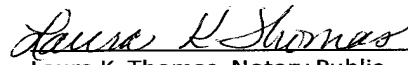
Attest:

  
Erin Learn, City Clerk



STATE OF IOWA                    )  
  ) SS.  
COUNTY OF DELAWARE        )

On this 25<sup>th</sup> day of October, 2022, before me, Laura K. Thomas, a Notary Public in and for the State of Iowa, personally appeared Connie Behnken and Erin Learn, to me personally known, and, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Manchester, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by the authority of its City Council, as contained in Resolution Number 132-2022 adopted by the City Council on the 24<sup>th</sup> day of October, 2022, and that Connie Behnken and Erin Learn acknowledge the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

  
Laura K. Thomas, Notary Public



STATE OF IOWA  
DUBUQUE COUNTY SS:

### CERTIFICATE OF PUBLICATION

I, Tiffany Lott, of Woodward Communications, Inc., an Iowa corporation, publisher of the Manchester Press, a newspaper of general circulation published in the City of Manchester, County of Delaware and State of Iowa; hereby certify that the attached notice was published in said newspaper on the following

dates 10-5 & 10-19, 2022  
and for which the charge is \$ 22.05.

Tiffany Lott

Subscribed to before me, a Notary Public in and for Delaware County, Iowa, this 19th day of Oct., 2022.



Kimberly Ronnebaum  
Notary Public in and for Delaware County, Iowa

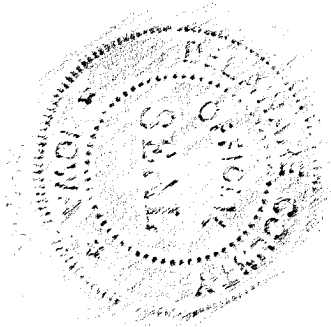
**PUBLIC HEARING NOTICE**  
The Manchester City Council will hold a Public Hearing on October 24, 2022 at 5:00pm at the City Council Chambers, 204 East Main Street, Manchester, Iowa, to consider a Petition to Vacate Plat filed by Jerome A. Krogmann and Rose A. Krogmann, owners of the property within the official plat identified as Wilson's Manchester Commercial Park in Manchester, Iowa. The file number of the plat to be vacated is 313-2367.

in Book 4, Page 158, in the records of the Delaware County Recorder's Office, Delaware County, Iowa. A copy of the petition is available for review at the City Clerk's Office, 208 East Main Street, Manchester, Iowa. Interested persons may attend this hearing or file written comments with the City Clerk prior to the Public Hearing.  
Erin Learn, City Clerk  
Publish Oct. 5 & 19, 2022



The West Eighteen (W 18) acres of that part of the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼) of Section Thirty-four (34), Township Eighty-nine (89) North, Range Five (5) West of the 5<sup>th</sup> P.M., lying North of the Illinois Central Railroad Company's right-of-way, and all that part of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of Section Thirty-three (33), Township Eighty-nine (89) North, Range Five (5) West of the 5<sup>th</sup> P.M., lying North of the Illinois Central Railroad right-of-way, except the West 125 feet of the North 233 feet of the Northeast quarter (NE ¼) of the Northeast quarter (NE ¼) of Section Thirty-three (33).

Dated this 6<sup>th</sup> day of October, 2023.



Carla K. Becker  
Delaware County Auditor

This record was acknowledged before me on this 6th day of October, 2023, by Carla K. Becker, to me personally known, as Auditor of Delaware County, Iowa.

Brittany Ries, Notary Public  
In and For the State of Iowa

