



Document 2023 2045

Book 2023 Page 2045 Type 06 044 Pages 14

Date 8/28/2023 Time 11:22:25AM

Rec Amt \$72.00 Aud Amt \$5.00

INDX

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BRANDY MACUMBER, COUNTY RECORDER
MADISON COUNTY IOWA

CHEK

Type of Document

North Branch Estates Subdivision

PREPARER INFORMATION:

Zoning Office for BK North Branch Land, LLC, Matt Bengtson, 515-210-5854

Contact: Mark Smith, attorney for BK North Branch Land, LLC, 515-462-3731

TAXPAYER INFORMATION:

BK North Branch Land, LLC

7009 NW 84th Ave

Johnston, IA 50131

RETURN DOCUMENT TO:

BK North Branch Land, LLC

7009 NW 84th Ave

Johnston, IA 50131

Or

Jordan, Oliver, Walter & Smith, P.C.

C/O Mark Smith

101 ½ W. Jefferson St.

Winterset, IA 50273

GRANTOR:

GRANTEE:

**PLAT AND CERTIFICATE
FOR
NORTH BRANCH ESTATES SUBDIVISION**

I, Ryan Hobart, 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 North Branch Estates Subdivision; and, that the real estate comprising said plat is described as follows:

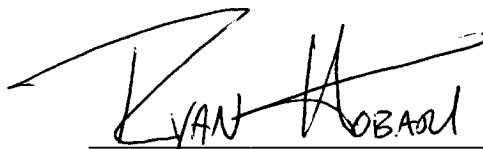
The Southeast Quarter (¼) of the Northeast Quarter (¼) of Section Twenty-four (24), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, EXCEPT Parcel "C" located therein, containing 24.00 acres, as shown in Corrected Plat of Survey filed in Book 2023, Page 1116 on May 22, 2023, in the Office of the Recorder of Madison County, Iowa.

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

- 1) Dedication of Plat of North Branch Estates Subdivision;
- 2) Attorney's Opinion;
- 3) Certificate of Treasurer;
- 4) Auditor's Approval;
- 5) Ground Water Statement;
- 6) Agreement with County Engineer;
- 7) Land Disturbing Activity;
- 8) Resolution of Board of Supervisors;
- 9) Fence Affidavit;

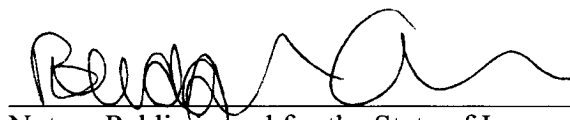
all of which are duly certified in accordance with the Madison County Subdivision Ordinances.

Dated this 24 day of JULY, 2023.


Ryan Hobart, Zoning Administrator

STATE OF IOWA, MADISON COUNTY, ss:

On this 24 day of JULY, 2023, before me, the undersigned, a Notary Public in and for the said State, personally appeared, Ryan Hobart, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.


Notary Public in and for the State of Iowa



**DEDICATION OF PLAT
OF
NORTH BRANCH ESTATES SUBDIVISION**

KNOW ALL MEN BY THESE PRESENT:

That BK North Branch Land, LLC, does hereby certify that it is the sole owner and proprietor of the following-described real estate:

The Southeast Quarter (¼) of the Northeast Quarter (¼) of Section Twenty-four (24), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, EXCEPT Parcel "C" located therein, containing 24.00 acres, as shown in Corrected Plat of Survey filed in Book 2023, Page 1116 on May 22, 2023, in the Office of the Recorder of Madison County, Iowa.

That the subdivision of the above described real estate, as shown by the Final Plat of North Branch Estates Subdivision is with the free consent and in accordance with the owner's desire as owner of said real estate.

Dated this 20th day of June, 2023.

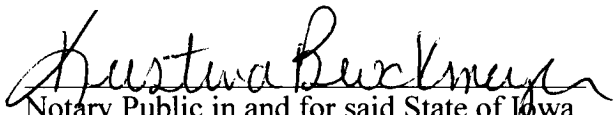
BK NORTH BRANCH LAND

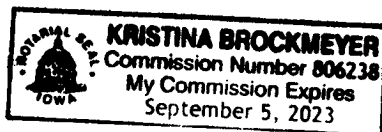
By


Matt Bengtson

STATE OF IOWA, COUNTY OF MADISON

This instrument was acknowledged before me on this 20th day of June, 2023, by Matt Bengtson.


Notary Public in and for said State of Iowa



**ATTORNEY'S OPINION FOR FINAL PLAT
NORTH BRANCH ESTATES SUBDIVISION
MADISON COUNTY, IOWA**

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 May 23, 2023, 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, North Branch Estates Subdivision, Madison County, Iowa.

The Southeast Quarter (¼) of the Northeast Quarter (¼) of Section Twenty-four (24), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, EXCEPT Parcel "C" located therein, containing 24.00 acres, as shown in Corrected Plat of Survey filed in Book 2023, Page 1116 on May 22, 2023, in the Office of the Recorder of Madison County, Iowa.

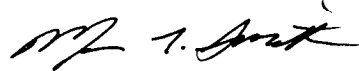
In my opinion, merchantable title to the above-described property is in the name of the BK North Branch Lanch, LLC, free and clear of all liens and encumbrances, except:

1. The following Easements are shown of record:
 - a. Entry No. 4 shows an Easement granted to the State of Iowa for road purposes and for use of a public highway dated January 7, 1942, and filed January 9, 1942, in Deed Record 78, Page 191 of the Recorder's Office of Madison County, Iowa.
 - b. Entry No. 5 shows an Easement granted to the State of Iowa for road purposes and for use of a public highway dated February 28, 1944, and filed March 4, 1944, in Deed Record 80, Page 222 of the Recorder's Office of Madison County, Iowa.
 - c. Entry No. 12 shows an Easement granted to Warren Water, Inc., its successors and assigns for waterline and all necessary appurtenances thereto,

dated March 14, 2001, and filed March 22, 2001, in Book 2001, Page 1133 of the
Recorder's Office of Madison County, Iowa.

Respectfully submitted,

JORDAN, OLIVER & WALTERS, P.C.

A handwritten signature in black ink, appearing to read "M. L. Smith", written in a cursive style.

Mark L. Smith, Title Guaranty No. 10074

CERTIFICATE OF THE COUNTY TREASURER OF MADISON COUNTY, IOWA

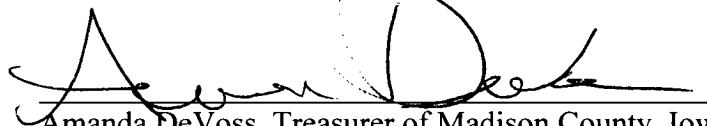
I, Amanda DeVoss, do hereby certify that I am the duly elected and acting Treasurer of Madison County, Iowa; that I have examined the records in my office, and that there are no unpaid taxes forming a lien against the following-described real estate, to-wit:

NORTH BRANCH ESTATES SUBDIVISION

The Southeast Quarter (¼) of the Northeast Quarter (¼) of Section Twenty-four (24), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, EXCEPT Parcel "C" located therein, containing 24.00 acres, as shown in Corrected Plat of Survey filed in Book 2023, Page 1116 on May 22, 2023, in the Office of the Recorder of Madison County, Iowa.

Owned by: BK North Branch Land, LLC

DATED at Winterset, Iowa, this 21 day of JUNE, 2023.


Amanda DeVoss, Treasurer of Madison County, Iowa

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

NORTH BRANCH ESTATES SUBDIVISION

For property located at:

The Southeast Quarter (¼) of the Northeast Quarter (¼) of Section Twenty-four (24), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, EXCEPT Parcel "C" located therein, containing 24.00 acres, as shown in Corrected Plat of Survey filed in Book 2023, Page 1116 on May 22, 2023, in the Office of the Recorder of Madison County, Iowa.

And owned by: BK North Branch Land, LLC

Has been approved on the 21st day of June, 2023.

Auditor, Madison County, Iowa.

By Shelley D. Kaster
Shelley D. Kaster, Auditor

AGREEMENT

This Agreement made and entered into, by and between, the proprietor of North Branch Estates Subdivision and Mike Hackett, Madison County Engineer.

NOW THEREFORE IT IS AGREED AS FOLLOWS:

1. The proprietor of North Branch Estates Subdivision, a Plat of the following described real estate:

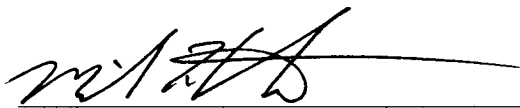
The Southeast Quarter (¼) of the Northeast Quarter (¼) of Section Twenty-four (24), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, EXCEPT Parcel "C" located therein, containing 24.00 acres, as shown in Corrected Plat of Survey filed in Book 2023, Page 1116 on May 22, 2023, in the Office of the Recorder of Madison County, Iowa,

hereby agree that all private roads located within North Branch Estates Subdivision are private roads and are not being dedicated to Madison County, Iowa. Said proprietor consents and agrees that such roads shall not be maintained in any manner by Madison County, Iowa, or the Madison County Engineer's Department.

Date: JUNE 21, 202³.

PROPRIETORS OF NORTH BRANCH ESTATES


Matt Bengtson


Mike Hackett, Madison County Engineer

**LAND DISTURBING ACTIVITIES
AFFIDAVIT**

STATE OF IOWA :
 :
 :
MADISON COUNTY :

Pursuant to section 161 A.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 I make herein, I, Matt Bengtson, being first duly sworn on oath, do solemnly swear to affirm that:

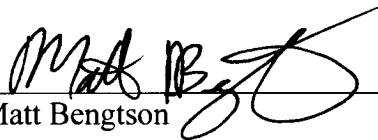
I do not plan to engage in land disturbing activities upon the following described real estate:
The Southeast Quarter (¼) of the Northeast Quarter (¼) of Section Twenty-four (24), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, EXCEPT Parcel "C" located therein, containing 24.00 acres, as shown in Corrected Plat of Survey filed in Book 2023, Page 1116 on May 22, 2023, in the Office of the Recorder of Madison County, Iowa.

As owner or occupant of the land described above, I am aware that I 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.

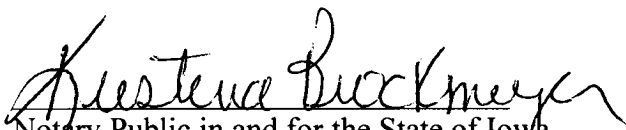
I am aware that loss limit regulations prohibit sediment from leaving the site in excess of 5 tons per acre per year. The land disturbing activities described above will be conducted in a manner that will insure compliance with the soil loss limit regulations.

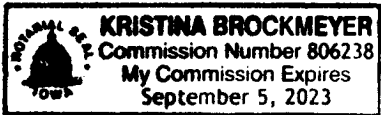
I assume responsibility for all land disturbing activities conducted on this property by us or other people entities we represent. This authority covers only the land and land disturbing activity described above.

I am the owner of the land, and have full authority to enter into this agreement.


Matt Bengtson

Subscribed and sworn to before me by Matt Bengston on this 20th day of June, 2023.


Notary Public in and for the State of Iowa



ZO – Resolution 08-22-23B
RESOLUTION APPROVING FINAL PLAT
OF NORTH BRANCH 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 North Branch Estates Subdivision; and

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

The Southeast Quarter (¼) of the Northeast Quarter (¼) of Section Twenty-four (24), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, EXCEPT Parcel "C" located therein, containing 24.00 acres, as shown in Corrected Plat of Survey filed in Book 2023, Page 1116 on May 22, 2023, in the Office of the Recorder of 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, BK North Branch Land, LLC.

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 proprietor 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 North Branch 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 North Branch Estates Subdivision, prepared in connection with said plat and subdivision is hereby approved.

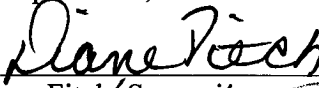
2. The Zoning Administrator of Madison County, Iowa, is hereby directed to certify this resolution which shall be affixed to said plat to the County Recorder of Madison County, Iowa, and attend to the filing and recording of the plat, papers and documents which should be filed and recorded in connection therewith.

DATED at Winterset, Iowa, this 22nd day of August, 2023.

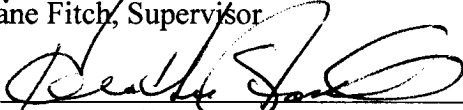
MADISON COUNTY BOARD OF SUPERVISORS

By 
Phillip Clifton, Chairman

☒ Aye ☐ Nay

By 
Diane Fitch, Supervisor

☐ Aye ☒ Nay

By 
Heather Stancil, Supervisor

☒ Aye ☐ Nay

ATTEST:


Shelley D. Kaster, Madison County Auditor

Prepared by: Mark L. Smith, PO BOX 230, Winterset, IA 50273 515/462-3731
Return to: Mark L. Smith, PO BOX 230, Winterset, IA 50273 515/462-3731

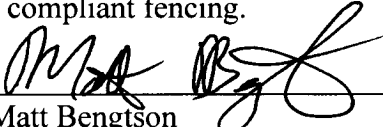
AFFIDAVIT

STATE OF IOWA :
: ss
MADISON COUNTY :

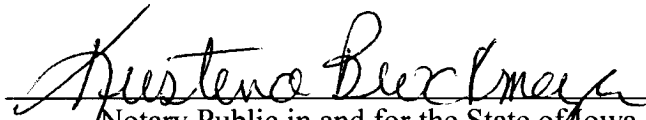
I, Matt Bengtson, first being duly sworn on oath state that this Affidavit concerns the chain of title to the following described real estate:

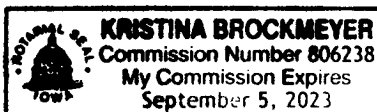
The Southeast Quarter (1/4) of the Northeast Quarter (1/4) of Section Twenty-four (24), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, EXCEPT Parcel "C" located therein, containing 24.00 acres, as shown in Corrected Plat of Survey filed in Book 2023, Page 1116 on May 22, 2023, in the Office of the Recorder of Madison County, Iowa.

I further state that the my property has compliant fencing.


Matt Bengtson

Subscribed and sworn to before me on this 20th day of June,
2023.


Notary Public in and for the State of Iowa



INDEX LEGEND MINOR SUBDIVISION

COUNTY: MADISON

DESIGNATION: NORTH BRANCH ESTATES

LOCATION: SE1/4 NE1/4 SECTION 24, T77N, R28W

SITE ADDRESS: N/A

OWNER: BK NORTH BRANCH LAND, LLC

SURVEY REQUESTED BY: MATT BENGTSON

SURVEYOR: JACOB C. CASE



Document 2023 2045

Book 2023 Page 2045 Type 06 044 Pages 14

Date 8/28/2023 Time 11:22:25AM

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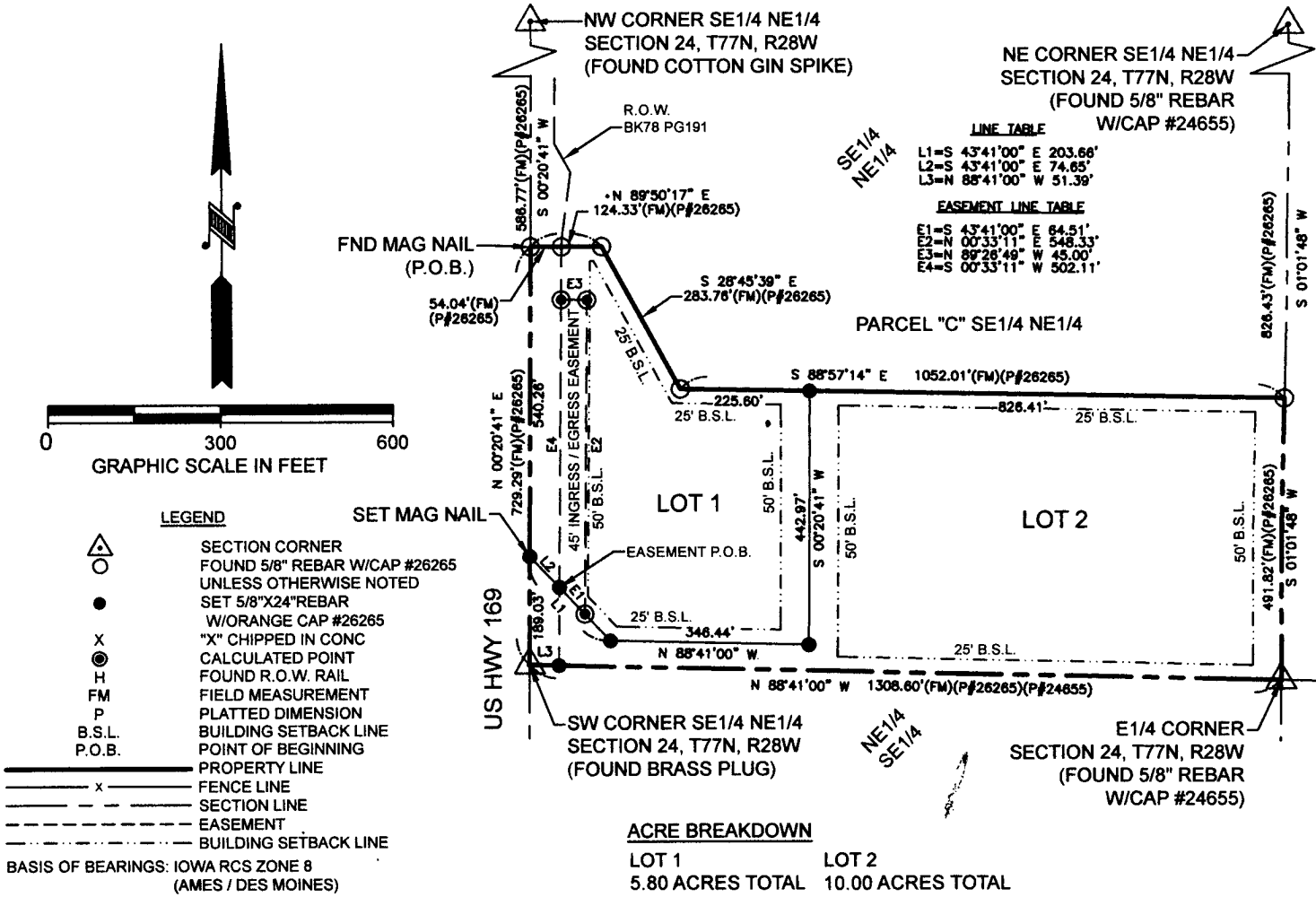
SCAN

CHEK

BRANDY MACUMBER. COUNTY RECORDER

MADISON COUNTY IOWA

PREPARED BY AND RETURN TO: JACOB C. CASE CENTRAL IOWA SURVEYING, LLC P.O. BOX 67 JEFFERSON, IOWA 50129 (712)438-1442



FIELD NOTES:

NORTH BRANCH ESTATES SUBDIVISION:

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, T77N, R28W OF THE 5TH P.M., MADISON COUNTY, IOWA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

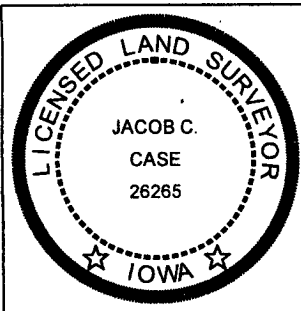
BEGINNING AT THE SOUTHWEST CORNER OF PARCEL "C" OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE N89°50'17"E ON THE SOUTH LINE OF SAID PARCEL "C", A DISTANCE OF 124.33 FEET; THENCE S28°45'39"E ON SAID SOUTH LINE, A DISTANCE OF 283.76 FEET; THENCE S88°57'14"E ON SAID SOUTH LINE, A DISTANCE OF 1052.01 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL "C" ALSO BEING A POINT ON THE EAST LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE S01°01'48"W ON SAID EAST LINE, A DISTANCE OF 491.82 FEET TO THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE N88°41'00"W ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, A DISTANCE OF 1308.60 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE N00°20'41"E ON THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, A DISTANCE OF 729.29 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 15.80 ACRES AND IS SUBJECT TO 0.88 ACRES FOR ROAD EASEMENT AND IS SUBJECT TO 0.54 ACRES FOR AN INGRESS / EGRESS EASEMENT AND IS SUBJECT TO ANY AND ALL EASEMENTS APPARENT OR OF RECORD.

45' INGRESS / EGRESS EASEMENT:

A 45.00 FOOT WIDE INGRESS / EGRESS EASEMENT LOCATED IN LOT 1 OF NORTH BRANCH ESTATES SUBDIVISION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, T77N, R28W OF THE 5TH P.M., MADISON COUNTY, IOWA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF OF SAID LOT 1; THENCE S43°41'00"E ON THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 74.65 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF HIGHWAY 169 ALSO BEING THE POINT OF BEGINNING; THENCE S43°41'00"E ON SAID SOUTH LINE, A DISTANCE OF 64.51 FEET; THENCE N00°33'11"E PARALLEL WITH SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 548.33 FEET; THENCE N89°26'49"W, A DISTANCE OF 45.00 FEET TO A POINT ON SAID EAST RIGHT OF WAY LINE; THENCE S00°33'11"W ON SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 502.11 FEET TO THE POINT OF BEGINNING. CONTAINING 0.54 ACRES AND IS SUBJECT TO ANY AND ALL EASEMENTS APPARENT OR OF RECORD.



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

Signature

Jacob C. Case

Date

6/30/2023

License number #26265

My license renewal date is Dec, 31, 2023

Pages or sheets covered by this seal: