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BRANDY MACUMBER, COUNTY RECORDER
MADISON COUNTY IOWA

CHEK

Type of Document

Terrace Pines Subdivision

PREPARER INFORMATION:

Zoning Office for Terrace Pines Subdivision, Todd Montgomery (515) 240-1685
Contact: Kyle A. Weber, attorney for Terrace Pines Subdivision (515) 462- 3731

TAXPAYER INFORMATION:

Todd & Renae Montgomery
1271 Old Portland Rd
Van Meter, IA 50261

RETURN DOCUMENT TO:

Todd & Renae Montgomery
1271 Old Portland Rd
Van Meter, IA 50261

Or

Jordan, Oliver, Walters & Smith P.C.
c/o Kyle A. Weber
101 ½ W. Jefferson St.
Winterset, IA 50273

GRANTOR:

GRANTEE:

**PLAT AND CERTIFICATE
FOR
TERRACE PINES SUBDIVISION**

I, Ryan Hobart, Zoning Administrator of the 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 Terrace Pines Subdivision; and, that the real estate comprising said plat is described as follows:

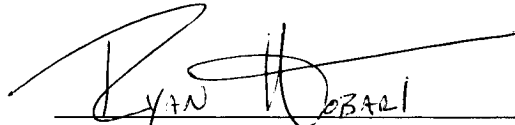
Parcel "A", located in the Southeast Quarter (¼) of Section Seventeen (17), Township Seventy-seven (77) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, as shown in Plat of Survey filed in Book 2002, Page 3961 on August 13, 2002, in the Office of the Recorder of Madison County, Iowa, INCLUDING Parcel "E", a part of the existing Parcel "A", located therein, containing 4.72 acres, as shown in Plat of Survey filed in Book 2006, Page 4983 on December 1, 2006, in the Office of the Recorder of Madison County, Iowa, EXCEPT Parcel "B", which is a part of said Parcel A, as shown in Plat of Survey filed in Book 2003, Page 1406 on March 13, 2003, and corrected by Affidavit filed in Book 2003, Page 3470 on June 16, 2003, 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 Terrace Pines 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 Zoning Ordinance.

Dated this 2nd day of May, 2024.



Ryan Hobart, Zoning Administrator

STATE OF IOWA, MADISON COUNTY, ss:

On this 2nd day of May, 2024, 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
TERRACE PINES SUBDIVISION**


KNOW ALL MEN BY THESE PRESENT:

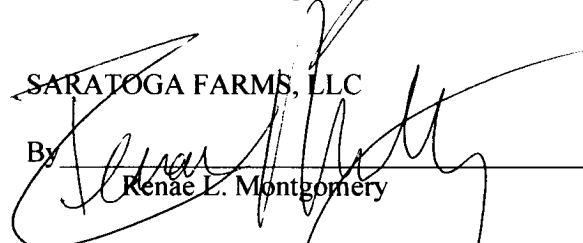
That Todd R. Montgomery and Renae L. Montgomery, do hereby certify that they are the sole owners and proprietors of the following-described real estate:

Parcel "A", located in the Southeast Quarter (¼) of Section Seventeen (17), Township Seventy-seven (77) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, as shown in Plat of Survey filed in Book 2002, Page 3961 on August 13, 2002, in the Office of the Recorder of Madison County, Iowa, INCLUDING Parcel "E", a part of the existing Parcel "A", located therein, containing 4.72 acres, as shown in Plat of Survey filed in Book 2006, Page 4983 on December 1, 2006, in the Office of the Recorder of Madison County, Iowa, EXCEPT Parcel "B", which is a part of said Parcel A, as shown in Plat of Survey filed in Book 2003, Page 1406 on March 13, 2003, and corrected by Affidavit filed in Book 2003, Page 3470 on June 16, 2003, 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 Terrace Pines Subdivision is with the free consent and in accordance with the owners' desire as owners of said real estate.

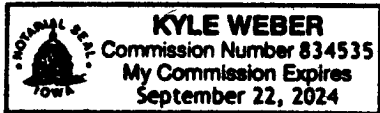
Dated this 15 day of April, 2024.

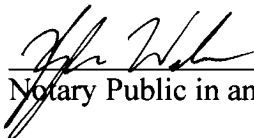
By 
Todd R. Montgomery

SARATOGA FARMS, LLC
By 
Renae L. Montgomery

STATE OF IOWA, COUNTY OF Madison

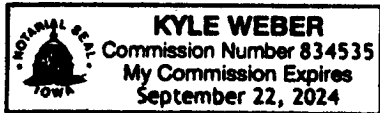
This instrument was acknowledged before me on this 15 day of April, 2024, by Todd R. Montgomery.

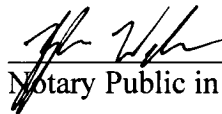



Notary Public in and for said State of Iowa

STATE OF IOWA, COUNTY OF Madison

This instrument was acknowledged before me on this 15 day of April, 2024, by Renae L. Montgomery.




Notary Public in and for said State of Iowa

**ATTORNEY'S OPINION FOR PRELIMINARY PLAT
TERRACE PINES SUBDIVISION
MADISON COUNTY, IOWA**

I, Kyle A. Weber, 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 March 26, 2024, at 8:00 A.M., by Madison County Abstract Company purporting to show the chain of title to the following described real estate, which is the real property contained in Preliminary Plat, Terrace Pines Subdivision, Madison County, Iowa.

Parcel "A", located in the Southeast Quarter (¼) of Section Seventeen (17), Township Seventy-seven (77) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, as shown in Plat of Survey filed in Book 2002, Page 3961 on August 13, 2002, in the Office of the Recorder of Madison County, Iowa, INCLUDING Parcel "E", a part of the existing Parcel "A", located therein, containing 4.72 acres, as shown in Plat of Survey filed in Book 2006, Page 4983 on December 1, 2006, in the Office of the Recorder of Madison County, Iowa, EXCEPT Parcel "B", which is a part of said Parcel A, as shown in Plat of Survey filed in Book 2003, Page 1406 on March 13, 2003, and corrected by Affidavit filed in Book 2003, Page 3470 on June 16, 2003, in the Office of the Recorder of Madison County, Iowa.

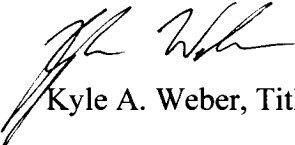
In my opinion, merchantable title to the above-described property is in the name of the Todd R. Montgomery and Renae L. Montgomery, Husband and Wife as Joint Tenants with Full Rights of Survivorship and Not as Tenants in Common, free and clear of all liens and encumbrances, except:

1. Entry No. 142 shows an Easement in favor of Warren Water, Inc, its successors and assigns, dated January 4, 2001, filed January 31, 2001, in Book 2001, Page 334, in the Recorder's Office of Madison County, Iowa, for the purposes of constructing, operating, and maintaining waterlines and appurtenances thereto.

2. Entry No. 185 shows an Underground Electric Line Easement in favor of MidAmerican Energy Company, its successors or assigns, dated June 10, 2004, filed June 18, 2004, in Book 2004, Page 2835, in the Recorder's Office of Madison County, Iowa.

Respectfully submitted,

JORDAN, OLIVER & WALTERS, P.C.

A handwritten signature in black ink, appearing to read 'K. A. Weber', with a stylized flourish at the end.

Kyle A. Weber, Title Guaranty No. 10987

CERTIFICATE OF THE COUNTY TREASURER OF MADISON COUNTY, IOWA

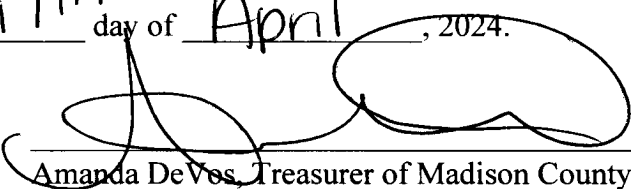
I, Amanda DeVos, do hereby certify that I am the duly elected and acting Treasurer of Madison County, Iowa; that I have examined the records in my office, and that there are no unpaid taxes forming a lien against the following-described real estate, to-wit:

IRONWOOD ACRES SUBDIVISION

Parcel "A", located in the Southeast Quarter (¼) of Section Seventeen (17), Township Seventy-seven (77) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, as shown in Plat of Survey filed in Book 2002, Page 3961 on August 13, 2002, in the Office of the Recorder of Madison County, Iowa, INCLUDING Parcel "E", a part of the existing Parcel "A", located therein, containing 4.72 acres, as shown in Plat of Survey filed in Book 2006, Page 4983 on December 1, 2006, in the Office of the Recorder of Madison County, Iowa, EXCEPT Parcel "B", which is a part of said Parcel A, as shown in Plat of Survey filed in Book 2003, Page 1406 on March 13, 2003, and corrected by Affidavit filed in Book 2003, Page 3470 on June 16, 2003, in the Office of the Recorder of Madison County, Iowa.

Owned by: Todd R. Montgomery and Renae L. Montgomery

DATED at Winterset, Iowa, this 17th day of April, 2024.



Amanda DeVos, Treasurer of Madison County,
Iowa

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

TERRACE PINES SUBDIVISION

For property located at:

Parcel "A", located in the Southeast Quarter (¼) of Section Seventeen (17), Township Seventy-seven (77) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, as shown in Plat of Survey filed in Book 2002, Page 3961 on August 13, 2002, in the Office of the Recorder of Madison County, Iowa, INCLUDING Parcel "E", a part of the existing Parcel "A", located therein, containing 4.72 acres, as shown in Plat of Survey filed in Book 2006, Page 4983 on December 1, 2006, in the Office of the Recorder of Madison County, Iowa, EXCEPT Parcel "B", which is a part of said Parcel A, as shown in Plat of Survey filed in Book 2003, Page 1406 on March 13, 2003, and corrected by Affidavit filed in Book 2003, Page 3470 on June 16, 2003, in the Office of the Recorder of Madison County, Iowa.

And owned by: Todd R. Montgomery and Renae L. Montgomery

Has been approved on the 17th day of April, 2024.

Auditor, Madison County, Iowa.

By 
Shelley D. Kastek Auditor

AGREEMENT

This Agreement made and entered into, by and between, the proprietors of Terrace Pines Subdivision and Mike Hackett, Madison County Engineer.

NOW THEREFORE IT IS AGREED AS FOLLOWS:

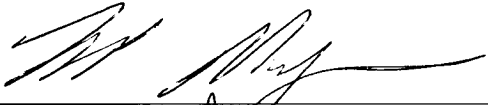
The proprietors of Terrace Pines Subdivision, a Plat of the following described real estate:

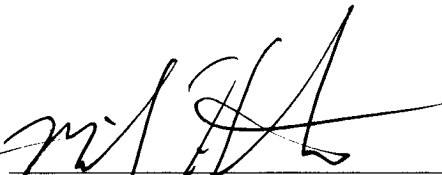
Parcel "A", located in the Southeast Quarter (1/4) of Section Seventeen (17), Township Seventy-seven (77) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, as shown in Plat of Survey filed in Book 2002, Page 3961 on August 13, 2002, in the Office of the Recorder of Madison County, Iowa, INCLUDING Parcel "E", a part of the existing Parcel "A", located therein, containing 4.72 acres, as shown in Plat of Survey filed in Book 2006, Page 4983 on December 1, 2006, in the Office of the Recorder of Madison County, Iowa, EXCEPT Parcel "B", which is a part of said Parcel A, as shown in Plat of Survey filed in Book 2003, Page 1406 on March 13, 2003, and corrected by Affidavit filed in Book 2003, Page 3470 on June 16, 2003, in the Office of the Recorder of Madison County, Iowa.

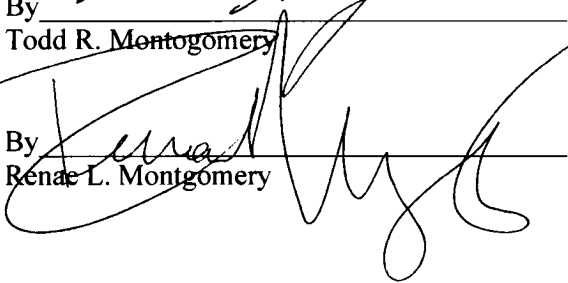
hereby agree that all private roads located within Terrace Pines Subdivision are private roads and are not being dedicated to Madison County, Iowa. Said proprietors consent and agree that such roads shall not be maintained in any manner by Madison County, Iowa, or the Madison County Engineer's Department.

Date: April 15, 2024.

PROPRIETORS OF TERRACE PINES

By 
Todd R. Montgomery


Mike Hackett, Madison County Engineer

By 
Renae L. Montgomery

**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 we make herein, We, Todd R. Montgomery and Renae L. Montgomery, 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:


Parcel "A", located in the Southeast Quarter (¼) of Section Seventeen (17), Township Seventy-seven (77) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, as shown in Plat of Survey filed in Book 2002, Page 3961 on August 13, 2002, in the Office of the Recorder of Madison County, Iowa, INCLUDING Parcel "E", a part of the existing Parcel "A", located therein, containing 4.72 acres, as shown in Plat of Survey filed in Book 2006, Page 4983 on December 1, 2006, in the Office of the Recorder of Madison County, Iowa, EXCEPT Parcel "B", which is a part of said Parcel A, as shown in Plat of Survey filed in Book 2003, Page 1406 on March 13, 2003, and corrected by Affidavit filed in Book 2003, Page 3470 on June 16, 2003, in the Office of the Recorder of Madison County, Iowa.

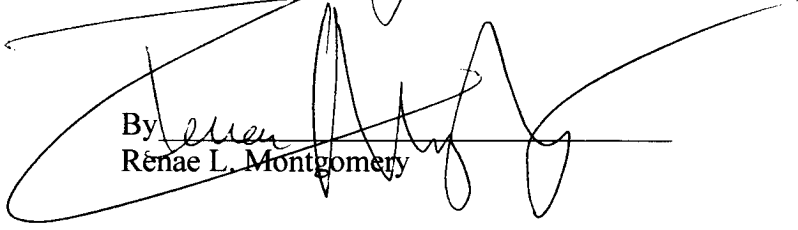
As owners or occupants of the land described above, we are aware that we must establish and maintain soil conservation practices as necessary to meet the soil loss limits established by the Madison County Soil and Water Conservation District, pursuant to sections 161A.43, and 161A.44, Code of Iowa.

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.

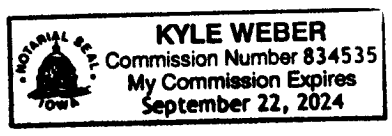
We assume responsibility for all land disturbing activities conducted on this property by us or other people entities we represent. This authority covers only the land and land disturbing activity described above.

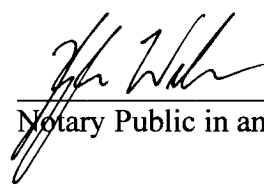
We are the owners of the land, and have full authority to enter into this agreement.

By 
Todd R. Montgomery

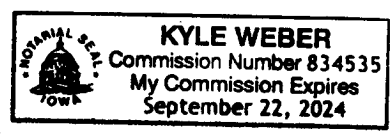
By 
Renae L. Montgomery

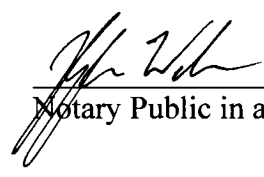
Subscribed and sworn to before me by Todd R. Montgomery, on this 15 day of April, 2024.




Notary Public in and for the State of Iowa

Subscribed and sworn to before me by Renae L. Montgomery, on this 15 day of April, 2024.




Notary Public in and for the State of Iowa

ZO – Resolution – 05-14-2024 B
RESOLUTION APPROVING FINAL PLAT
OF TERRACE PINES 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 Terrace Pines Subdivision; and

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

Parcel "A", located in the Southeast Quarter (¼) of Section Seventeen (17), Township Seventy-seven (77) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, as shown in Plat of Survey filed in Book 2002, Page 3961 on August 13, 2002, in the Office of the Recorder of Madison County, Iowa, INCLUDING Parcel "E", a part of the existing Parcel "A", located therein, containing 4.72 acres, as shown in Plat of Survey filed in Book 2006, Page 4983 on December 1, 2006, in the Office of the Recorder of Madison County, Iowa, EXCEPT Parcel "B", which is a part of said Parcel A, as shown in Plat of Survey filed in Book 2003, Page 1406 on March 13, 2003, and corrected by Affidavit filed in Book 2003, Page 3470 on June 16, 2003, 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 proprietors, Todd R. Montgomery and Renae L. Montgomery.

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 Terrace Pines 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 Terrace Pines 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 14th day of May, 2024.

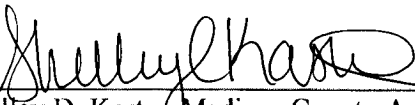
MADISON COUNTY BOARD OF SUPERVISORS

By  Aye Nay
Phil Clifton, Chairman

By  Aye Nay
Diane Fitch, Supervisor

By  Aye Nay
Heather Stancil, Supervisor

ATTEST:


Shelley D. Kaster, Madison County Auditor

Prepared by: Kyle A. Weber, PO Box 230, Winterset, IA 50273 515/462-3731
Return to: Kyle A. Weber, PO Box 230, Winterset, IA 50273 515/462-3731


AFFIDAVIT

STATE OF IOWA :
: ss
MADISON COUNTY :

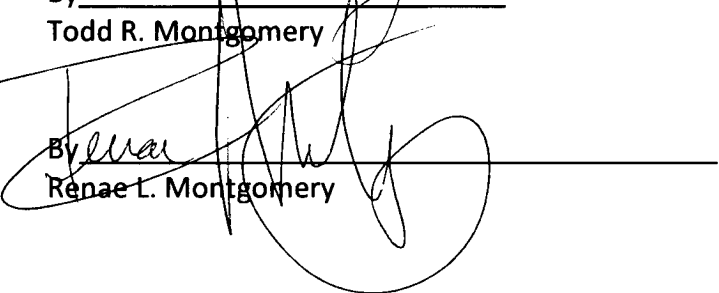
We, Todd R. Montgomery and Renae L. Montgomery, first being duly sworn on oath state that this Affidavit concerns the chain of title to the following described real estate:

Parcel "A", located in the Southeast Quarter (¼) of Section Seventeen (17), Township Seventy-seven (77) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, as shown in Plat of Survey filed in Book 2002, Page 3961 on August 13, 2002, in the Office of the Recorder of Madison County, Iowa, INCLUDING Parcel "E", a part of the existing Parcel "A", located therein, containing 4.72 acres, as shown in Plat of Survey filed in Book 2006, Page 4983 on December 1, 2006, in the Office of the Recorder of Madison County, Iowa, EXCEPT Parcel "B", which is a part of said Parcel A, as shown in Plat of Survey filed in Book 2003, Page 1406 on March 13, 2003, and corrected by Affidavit filed in Book 2003, Page 3470 on June 16, 2003, in the Office of the Recorder of Madison County, Iowa.

We further state that there is a lawful fence surrounding the boundary lines of the above described real estate.

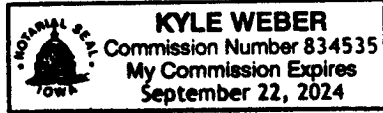
By 

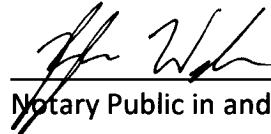
Todd R. Montgomery

By 

Renae L. Montgomery

Subscribed and sworn to before me on this 15 day of April, 2024, by
Todd R. Montgomery.

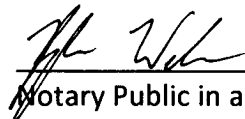




Notary Public in and for the State of Iowa

Subscribed and sworn to before me on this 15 day of April, 2024,
by Renae L. Montgomery.





Notary Public in and for the State of Iowa

