



Document 2024 1432

Book 2024 Page 1432 Type 06 044 Pages 18
Date 6/21/2024 Time 9:34:05AM
Rec Amt \$92.00 Aud Amt \$5.00

INDX
ANNO
SCAN

BRANDY MACUMBER, COUNTY RECORDER
MADISON COUNTY IOWA

CHEK

Type of Document

Phillips Acres Subdivision

PREPARER INFORMATION:

Zoning Office for Phillips Acres Subdivision, Dennis Phillips, (515) 745-3411
Contact: Mark Smith, attorney for Phillips Acres Subdivision, Dennis Phillips (515) 462- 3731

TAXPAYER INFORMATION:

Dennis & Peggy Phillips
2843 Peru Rd
Peru, IA 50222

RETURN DOCUMENT TO:

Dennis & Peggy Phillips
2843 Peru Rd
Peru, IA 50222

Or

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

GRANTOR:

GRANTEE:

**PLAT AND CERTIFICATE
FOR PHILLIPS ACRES SUBDIVISION,
MADISON COUNTY, IOWA**

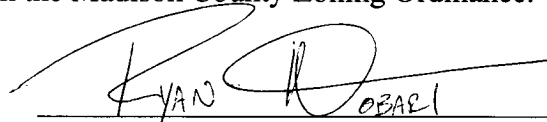
I, Ryan Hobart, Zoning Administrator of Madison County, Iowa, do hereby certify that the plat to which this certificate is attached is a plat of a subdivision known and designated as Phillips Acres Subdivision, and that the real estate comprising said plat is described as follows:

A tract of land located in the South Half (½) of the Southeast Quarter (¼) of the Southeast Quarter (¼) of Section Twelve (12), Township Seventy-four (74) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, more particularly described as follows, to-wit: Beginning at the Southwest corner of the Southeast Quarter (¼) of the Southeast Quarter (¼) of said Section Twelve (12), thence North 0°28'02" East along the section line, 659.82 feet; thence South 89°47'07" East, 1313.43' feet to a point on the East section line of said Section Twelve (12); thence South 0°23'21" West, along said East line 658.20 feet to the Southeast corner of said Section Twelve (12), thence North 89°51'21" West, 1314.34 feet to the point of beginning, containing 865,855 square feet (19.88 acres), more or less.

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. Fence Affidavit;
4. Certificate from County Treasurer;
5. Consent of County Auditor to subdivision name;
6. Agreement with County Engineer;
7. Madison County Soil and Water Conservation District Land Disturbing Activity Affidavit;
8. Ground Water Hazard Statement;
9. Resolution of the City of Peru, approving said plat;
10. Resolution of the Board of Supervisors of Madison County, Iowa, approving said plat; all of

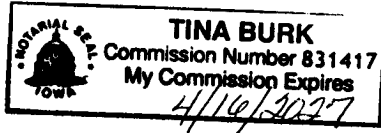
which are duly certified in accordance with the Madison County Zoning Ordinance.

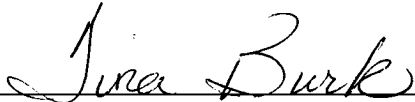


Ryan Hobart

STATE OF IOWA, COUNTY OF MADISON

This instrument was acknowledged before me on this 29th day of March, 2024, by Ryan Hobart.





Notary Public in and for said State of Iowa

**DEDICATION OF PLAT
OF
PHILLIPS ACRES SUBDIVISION
MADISON COUNTY, IOWA**

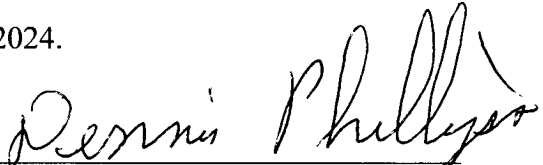
KNOW ALL MEN BY THESE PRESENTS:

That, we do hereby certify that we are the sole owners and proprietors of the following-described real state:

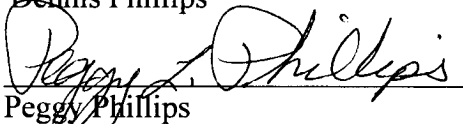
A tract of land located in the South Half (1/2) of the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Twelve (12), Township Seventy-four (74) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, more particularly described as follows, to-wit: Beginning at the Southwest corner of the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of said Section Twelve (12), thence North 0°28'02" East along the section line, 659.82 feet; thence South 89°47'07" East, 1313.43' feet to a point on the East section line of said Section Twelve (12); thence South 0°23'21" West, along said East line 658.20 feet to the Southeast corner of said Section Twelve (12), thence North 89°51'21" West, 1314.34 feet to the point of beginning, containing 865,855 square feet (19.88 acres), more or less.

That the subdivision of the above-described real estate as shown by the final plat of Subdivision is with the free consent and in accordance with the owners' desire as owners of said real estate.

DATED this 17 day of January, 2024.



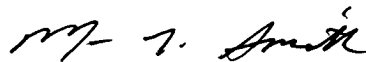
Dennis Phillips



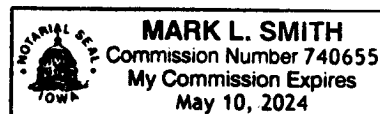
Peggy Phillips

STATE OF IOWA, COUNTY OF MADISON

This instrument was acknowledged before me on this 17th day of January, 2024, by Dennis Phillips and Peggy Phillips.



Notary Public in and for said State of Iowa



**ATTORNEY'S OPINION FOR FINAL PLAT
PHILLIPS ACRES 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 January 4, 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 Final Plat, Phillips Acres Subdivision, Madison County, Iowa.

A tract of land located in the South Half (½) of the Southeast Quarter (¼) of the Southeast Quarter (¼) of Section Twelve (12), Township Seventy-four (74) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, more particularly described as follows, to-wit: Beginning at the Southwest corner of the Southeast Quarter (¼) of the Southeast Quarter (¼) of said Section Twelve (12), thence North 0°28'02" East along the section line, 659.82 feet; thence South 89°47'07" East, 1313.43' feet to a point on the East section line of said Section Twelve (12); thence South 0°23'21" West, along said East line 658.20 feet to the Southeast corner of said Section Twelve (12), thence North 89°51'21" West, 1314.34 feet to the point of beginning, containing 865,855 square feet (19.88 acres), more or less.

In my opinion, merchantable title to the above-described property is in the name of:

Dennis Phillips and Peggy Phillips, as Joint Tenants with Full Rights of Survivorship and Not as Tenants in Common, free and clear of all liens and encumbrances, except:

1. An Easement is shown dated July 7, 1930, and recorded August 13, 1930, in Deed Record 70, Page 31 of the Recorder's Office of Madison County, Iowa, granted to Continental Construction Corporation for a right of way to construct, reconstruct, renew, operate, maintain, inspect, alter, repair and remove a pipeline or pipelines for the transportation of gas, oil, petroleum or any of its products, water or other

substances, and all necessary appurtenances thereto.

An Easement is shown and granted to Natural Gas Pipeline Company of America (formerly Continental Construction Corporation) dated June 25, 1943, and recorded July 8, 1943, in Deed Record 80, Page 91 of the Recorder's Office of Madison County, Iowa, for a pipeline for the transportation of natural gas. The legal description used in both pipeline easements is too broad to determine if it crosses the real estate under examination.

Respectfully submitted,

JORDAN, OLIVER & WALTERS, P.C.

By 

Mark L. Smith
101 ½ W Jefferson, POB 230
Winterset, Iowa 50273
Telephone: (515) 462-3731
Fax: (515) 462-3734
msmith@jowlaw.com

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

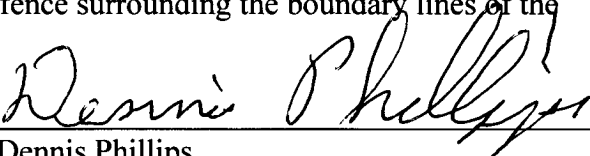
AFFIDAVIT

STATE OF IOWA :
: ss
MADISON COUNTY :

We, Dennis Phillips and Peggy Phillips, first being duly sworn on oath state that this Affidavit concerns the chain of title to the following described real estate:

A tract of land located in the South Half (1/2) of the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Twelve (12), Township Seventy-four (74) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, more particularly described as follows, to-wit: Beginning at the Southwest corner of the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of said Section Twelve (12), thence North 0°28'02" East along the section line, 659.82 feet; thence South 89°47'07" East, 1313.43' feet to a point on the East section line of said Section Twelve (12); thence South 0°23'21" West, along said East line 658.20 feet to the Southeast corner of said Section Twelve (12), thence North 89°51'21" West, 1314.34 feet to the point of beginning, containing 865,855 square feet (19.88 acres), more or less.

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



Dennis Phillips

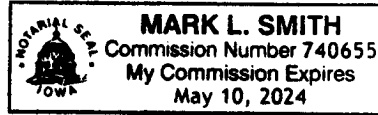


Peggy Phillips

Subscribed and sworn to before me on this 17th day of January, 2024.



Notary Public in and for the State of Iowa



**CERTIFICATE OF THE COUNTY TREASURER
OF MADISON COUNTY, IOWA**

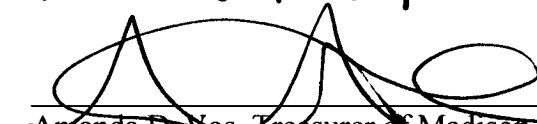
I, Amanda DeVos, do hereby certify that I am the duly elected and acting Treasurer of Madison County, Iowa; that I have examined the records in my office, and that there are no unpaid taxes forming a lien against the following-described real estate, to-wit:

A tract of land located in the South Half (½) of the Southeast Quarter (¼) of the Southeast Quarter (¼) of Section Twelve (12), Township Seventy-four (74) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, more particularly described as follows, to-wit: Beginning at the Southwest corner of the Southeast Quarter (¼) of the Southeast Quarter (¼) of said Section Twelve (12), thence North 0°28'02" East along the section line, 659.82 feet; thence South 89°47'07" East, 1313.43' feet to a point on the East section line of said Section Twelve (12); thence South 0°23'21" West, along said East line 658.20 feet to the Southeast corner of said Section Twelve (12), thence North 89°51'21" West, 1314.34 feet to the point of beginning, containing 865,855 square feet (19.88 acres), more or less.

Subdivision Name: Phillips Acres Subdivision

Owned by: Dennis Phillips and Peggy Phillips

DATED at Winterset, Iowa, this 19 day of January, 2024.



Amanda DeVos, Treasurer of Madison County,
Iowa

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

PHILLIPS ACRES SUBDIVISION

For property located at:

A tract of land located in the South Half ($\frac{1}{2}$) of the Southeast Quarter ($\frac{1}{4}$) of the Southeast Quarter ($\frac{1}{4}$) of Section Twelve (12), Township Seventy-four (74) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, more particularly described as follows, to-wit: Beginning at the Southwest corner of the Southeast Quarter ($\frac{1}{4}$) of the Southeast Quarter ($\frac{1}{4}$) of said Section Twelve (12), thence North $0^{\circ}28'02''$ East along the section line, 659.82 feet; thence South $89^{\circ}47'07''$ East, 1313.43' feet to a point on the East section line of said Section Twelve (12); thence South $0^{\circ}23'21''$ West, along said East line 658.20 feet to the Southeast corner of said Section Twelve (12), thence North $89^{\circ}51'21''$ West, 1314.34 feet to the point of beginning, containing 865,855 square feet (19.88 acres), more or less.

And owned by: Dennis Phillips and Peggy Phillips

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

Auditor, Madison County, Iowa.

By Shelley D. Kaster
Shelley D. Kaster, Auditor

AGREEMENT

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

NOW THEREFORE IT IS AGREED AS FOLLOWS:


The proprietors of Phillips Acres Subdivision, a Plat of the following described real estate:

A tract of land located in the South Half (½) of the Southeast Quarter (¼) of the Southeast Quarter (¼) of Section Twelve (12), Township Seventy-four (74) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, more particularly described as follows, to-wit: Beginning at the Southwest corner of the Southeast Quarter (¼) of the Southeast Quarter (¼) of said Section Twelve (12), thence North 0°28'02" East along the section line, 659.82 feet; thence South 89°47'07" East, 1313.43' feet to a point on the East section line of said Section Twelve (12); thence South 0°23'21" West, along said East line 658.20 feet to the Southeast corner of said Section Twelve (12), thence North 89°51'21" West, 1314.34 feet to the point of beginning, containing 865,855 square feet (19.88 acres), more or less,


hereby agree that all private roads located within Phillips Acres 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: 3-8-24, 2024.

PROPRIETORS OF PHILLIPS ACRES


Dennis Phillips


Peggy Phillips


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 we make herein, we, Dennis Phillips and Peggy Phillips, 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:

A tract of land located in the South Half (1/2) of the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Twelve (12), Township Seventy-four (74) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, more particularly described as follows, to-wit: Beginning at the Southwest corner of the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of said Section Twelve (12), thence North 0°28'02" East along the section line, 659.82 feet; thence South 89°47'07" East, 1313.43' feet to a point on the East section line of said Section Twelve (12); thence South 0°23'21" West, along said East line 658.20 feet to the Southeast corner of said Section Twelve (12), thence North 89°51'21" West, 1314.34 feet to the point of beginning, containing 865,855 square feet (19.88 acres), more or less.

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.

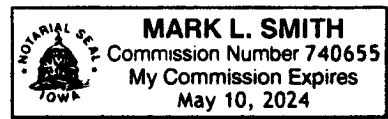
We are the owners of the land, and have full authority to enter into this agreement.

Dennis Phillips
Dennis Phillips

Peggy L. Phillips
Peggy Phillips

Subscribed to and sworn before me on this 17th day of January, 2024.

Mark L. Smith
Notary Public in and for the State of Iowa



#219

**RESOLUTION APPROVING FINAL PLAT
OF PHILLIPS ACRES SUBDIVISION
MADISON COUNTY, IOWA**

WHEREAS, there was filed in the Office of the City Clerk of the City of Peru, Madison County, Iowa, a registered land surveyor's plat of a proposed subdivision known as Phillips Acres Subdivision; and

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

A tract of land located in the South Half (½) of the Southeast Quarter (¼) of the Southeast Quarter (¼) of Section Twelve (12), Township Seventy-four (74) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, more particularly described as follows, to-wit: Beginning at the Southwest corner of the Southeast Quarter (¼) of the Southeast Quarter (¼) of said Section Twelve (12), thence North 0°28'02" East along the section line, 659.82 feet; thence South 89°47'07" East, 1313.43' feet to a point on the East section line of said Section Twelve (12); thence South 0°23'21" West, along said East line 658.20 feet to the Southeast corner of said Section Twelve (12), thence North 89°51'21" West, 1314.34 feet to the point of beginning, containing 865,855 square feet (19.88 acres), more or less.

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, Dennis Phillips and Peggy Phillips.

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 City Council of the City of Peru, Madison County, Iowa, finds that said plat conforms to the provisions of the Ordinances of the City of Peru, Madison County, Iowa, and that the plat, papers and documents presented therewith should be approved by the City of Council of the City of Peru, Madison County, Iowa.

NOW, THEREFORE, BE IT RESOLVED by the City of Council of the City of Peru, Madison County, Iowa:

1. That said plat, known as Phillips Acres Subdivision, prepared in connection with said plat and subdivision is hereby approved.

DATED at Peru, Iowa, this 5th day of February, 2024.

CITY OF PERU, IOWA

By CITY OF EAST PERU, IA
[Signature], Mayor

ATTEST:

[Signature]
City Clerk

ZO – Resolution - 0423-24A
RESOLUTION APPROVING FINAL PLAT
OF PHILLIPS ACRES 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 Phillips Acres Subdivision; and

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

A tract of land located in the South Half (½) of the Southeast Quarter (¼) of the Southeast Quarter (¼) of Section Twelve (12), Township Seventy-four (74) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, more particularly described as follows, to-wit: Beginning at the Southwest corner of the Southeast Quarter (¼) of the Southeast Quarter (¼) of said Section Twelve (12), thence North 0°28'02" East along the section line, 659.82 feet; thence South 89°47'07" East, 1313.43' feet to a point on the East section line of said Section Twelve (12); thence South 0°23'21" West, along said East line 658.20 feet to the Southeast corner of said Section Twelve (12), thence North 89°51'21" West, 1314.34 feet to the point of beginning, containing 865,855 square feet (19.88 acres), more or less.

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, Dennis Phillips and Peggy Phillips.

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 Phillips Acres 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 Phillips Acres 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 23rd day of April, 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

INDEX LEGEND

COUNTY: MADISON
 SEC: 12 TWP: 74N RANGE: 27W
 ALIQUOT PART: S 1/2 SE 1/4 SE 1/4
 CITY: EAST PERU
 PROPRIETOR: PHILLIPS, DENNIS AND PEGGY
 REQUESTED BY: DENNIS AND PEGGY PHILLIPS
 SURVEYOR NAME: MERLIN L. DAVIS

PHILLIPS ACRES
 MINOR SUBDIVISION
 MADISON COUNTY, IOWA



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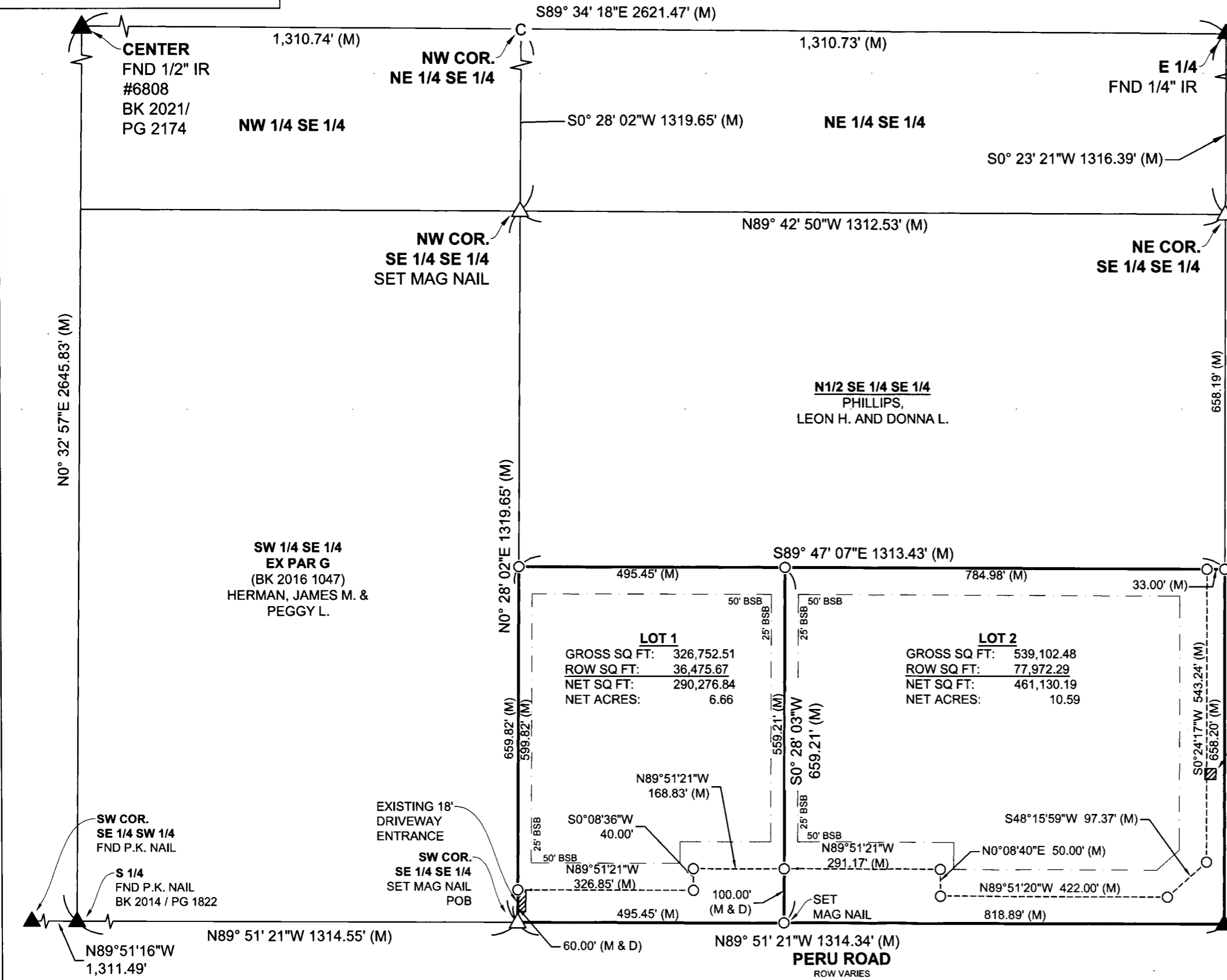
Book 2024 Page 1432 Type 06 044 Pages 18
 Date 6/21/2024 Time 9:34:05AM
 Rec Amt \$92.00 Aud Amt \$5.00

INDX
 ANNO
 SCAN

BRANDY MACUMBER, COUNTY RECORDER
 MADISON COUNTY IOWA

CHEK

PROJECT NO.	#23232
DATE	03/25/2024
REVISION DESCRIPTION	ADDED REFERENCE TO PIPELINE EASEMENT
DRAWING FILE NO.	
DESIGNED/REVIEWED BY:	MLD
DRAWN BY:	MS
PLOT DATE:	12/29/2023

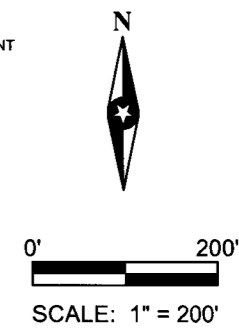


NOTES
 1) LOT 1 AND LOT 2 SUBJECT TO GAS PIPELINE BLANKET EASEMENT RECORDED IN BOOK 70 / PAGE 29 IN THE OFFICE OF THE RECORDER FOR MADISON COUNTY.
 2) LOT 2 DRIVEWAY IS PERMIT NO. 24-028 AND W.O. 16218 FOR MADISON COUNTY SECONDARY ROADS DEPARTMENT.

LEGAL DESCRIPTION: PHILLIPS ACRES
 THE SOUTH HALF (S 1/2) OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 12, TOWNSHIP 74 NORTH, RANGE 27 WEST OF THE 5TH P.M., MADISON COUNTY IOWA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 12, THENCE NORTH 0°28'02" EAST, ALONG THE SECTION LINE, 659.82' FEET; THENCE SOUTH 89°47'07" EAST, 1313.43' FEET TO A POINT ON THE EAST SECTION LINE OF SAID SECTION 12; THENCE SOUTH 0°23'21" WEST, ALONG SAID EAST LINE, 658.20' FEET TO THE SOUTHWEST CORNER OF SAID SECTION 12, THENCE NORTH 89°51'21" WEST, 1314.34' FEET TO THE POINT OF BEGINNING. CONTAINING 865,855 SQUARE FEET (19.88 ACRES) MORE OR LESS.
 PROPERTY IS SUBJECT TO ANY EASEMENTS, COVENANTS, AND RESTRICTION RECORDED OR UNRECORDED.

LEGEND OF SYMBOLS & ABBREVIATIONS

- R RECORDED DISTANCE
- M MEASURED DISTANCE
- C CALCULATED DISTANCE
- FOUND 1/2" IR YC 6808 UNLESS NOTED
- SET 1/2" IR OC 19440 UNLESS NOTED
- ▲ SECTION CORNER FOUND
- △ SECTION CORNER SET
- OC 19440 UNLESS NOTED
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- YC YELLOW CAP
- OC ORANGE CAP
- RC RED CAP
- IP IRON PIPE
- IR IRON ROD
- RIGHT OF WAY



PROPOSED 24' WIDE DRIVEWAY ENTRANCE

SE COR FND PK NAIL BK 2016 / PG 1084

I HEREBY CERTIFY THAT THIS SURVEYING DOCUMENT WAS PREPARED AND THE RELATED WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.
 SIGNATURE: *Merlin L. Davis* DATE: 5/6/2024
 MERLIN L. DAVIS
 IOWA LIC. NO. 19440
 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2024
 THIS SHEET ONLY



PHILLIPS ACRES
 MADISON COUNTY, IOWA