



Document 2017 604

Book 2017 Page 604 Type 06 044 Pages 24

Date 2/24/2017 Time 10:37:38AM

Rec Amt \$132.00 Aud Amt \$5.00

INDX
ANNO
SCAN

LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

CHEK

Kenoyer's Cherry Creek Estates Subdivision

Type of Document

PREPARER INFORMATION: (name, address, phone number)

Madison County Zoning Office

PO Box 152

Winterset, IA 50273

(515)462-2636

TAXPAYER INFORMATION: (name and mailing address)

N/A

☒ **RETURN DOCUMENT TO:** (name and mailing address)

Madison County Recorder

PO Box 152

Winterset, IA 50273

GRANTOR: (name)

Everett & Shari Kenoyer

Asa & Kacey Kenoyer

GRANTEE: (name)

Kenoyer's Cherry Creek Estates

LEGAL DESCRIPTION: (if applicable)

See page: 2

Document or instrument of associated documents previously recorded: N/A

(if applicable)

**PLAT AND CERTIFICATE
FOR KENOYER'S CHERRY CREEK ESTATES
MADISON COUNTY, IOWA**

I, C. J. Nicholl, 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 designed as Kenoyer's Cherry Creek Estates Subdivision, and that the real estate comprising said plat is as follows:


A PARCEL OF LAND IN THE S ½ SE ¼ OF SECTION 12, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE 5TH P.M., MADISON COUNTY, IOWA AND AMENDED PARCEL 'B' OF THE SE ¼ SE ¼ OF SAID SECTION 12, AN OFFICIAL PARCEL RECORDED IN BOOK 2013, PAGE 1479 AT THE MADISON COUNTY RECORDER'S OFFICE AND PARCEL 'E' OF THE SE ¼ SE ¼, AN OFFICIAL PARCEL RECORDED IN BOOK 2013, PAGE 1480 AT THE MADISON COUNTY RECORDER'S OFFICE INCLUDING THE ADDRESSES: 1183 WARREN AVE, 1191 WARREN AVE & 1193 WARREN AVE.

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. Attorney's Opinion;
2. Consent to Plat;
3. Lenders Consent to Plat;
4. Certificate from County Treasurer;
5. Resolution of the Board of Supervisors of Madison County, Iowa, approving said plat;
6. Ground Water Hazard Statement;
7. Resolution From City Within 2 Miles of Development;
8. Agreement With County Engineer Regarding Roads;
9. Consent of County Auditor to subdivision name; and
10. Affidavit concerning fences,

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

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



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

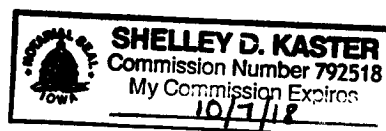
STATE OF IOWA, COUNTY OF MADISON:

This record was acknowledged before me on this 23rd day of February, 2017, by C. J. Nicholl.



Notary Public in and for the State of Iowa

5251729_1



CONSENT TO PLAT

Prepared by and return to: Jason Springer, Springer Law Firm, PLLC, 1200 Valley West Drive, Suite 208, West Des Moines, IA 50266 (515) 255-4500

RE: KENOYER'S CHERRY CREEK ESTATES

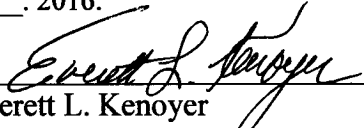
The undersigned, Everett L. Kenoyer and Shari Kenoyer, husband and wife, and Asa Kenoyer and Kacey Kenoyer, husband and wife, record fee titleholders to the property legally describes as:

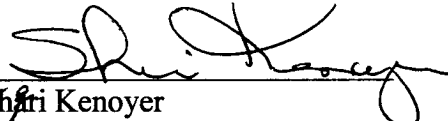
A parcel of land in the S1/2 SE1/4 of Section 12, Township 77 North, Range 26 West of the 5th P.M. Madison County, Iowa and Amended Parcel 'B' of the SE 1/4 SE 1/4 of said Section 12, an Official Parcel recorded in Book 2013, Page 1479 at the Madison County Recorder's Office and Parcel 'E' of the SE 1/4 SE 1/4, an Official Plat recorded in Book 2013, Page 1480 at the Madison County Recorder's Office that is all more particularly described as follows:

Beginning at the SE corner of said Section 12, thence S83°32'51"W, 1218.22 feet along the South line of said Section 12 to the SE corner of the Plat of Survey recorded in Book 2, Page 324 at the Madison County Recorder's Office; thence N00°26'29"E, 783.79 feet along the East line of said Plat of Survey to the NE corner of said Plat of Survey; thence S82°39'38"W, 167.97 feet along the North line of said Plat of Survey to the NW corner of said Plat of Survey, said point also being on the East line of the Plat of Survey recorded in Farm Book 2, Page 293; thence N00°25'42"E, 543.45 along the East line of said Plat of Survey to the NE corner of said Plat of Survey, said NE corner also being on the North line of the SW1/4 SE1/4 of said Section 12; thence S83°32'08"W, 57.23 feet along said North line to the NW corner of the SE1/4 SE1/4; thence N83°44'34"E, 860.17 feet along said North line to the NW corner of said Amended Parcel 'B'; thence continuing N83°44'34"E, 456.94 feet along the North line of said Amended Parcel 'B' and said SE1/4 SE1/4 to the NE corner of said SE1/4 SE1/4 to the NE corner of said SE1/4 SE1/4 and said Amended Parcel 'B'; thence S00°03'08"E, 571.97 feet along the East line of said SE1/4 SE1/4 to the SE corner of said Parcel 'E'; thence continuing S00°03'08"E, 749.79 feet to the point of beginning and containing 38.70 acres including 3.43 acres of public right-of-way.

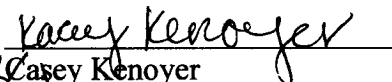
Is to be platted and Known as: **Kenoyer's Cherry Creek Estates**, hereby state that the platting of the property is done with our free consent and open desire, pursuant to the Code of Iowa and to the Ordinances of Madison County, Iowa.

Dated this 5th day of Oct, 2016.


Everett L. Kenoyer



Shari Kenoyer

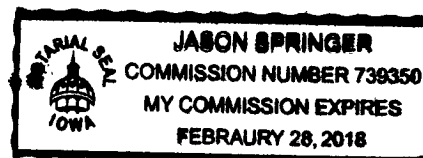

Asa Kenoyer


Kacey Kenoyer

STATE OF IOWA COUNTY OF MADISON

This instrument was acknowledged before me on
10/5/16 by Everett L. Kenoyer and Shari Kenoyer,
husband and wife, and Asa Kenoyer and Kacey Kenoyer, husband and wife.


_____, Notary public



CONSENT TO PLAT

Prepared by and return to: Jason Springer, Springer Law Firm, P.L.L.C, 1200 Valley West Drive, Suite 208, West Des Moines, IA, 50310 (515) 255-4500

RE: KENOYER'S CHERRY CREEK ESTATES

The undersigned, West Bank, whom holds a mortgage dated August 24, 2004 and recorded October 15, 2007 in Book 2007 and Page 3827 in the Madison County Recorder's Office from Everett L. Kenoyer and Sheri S. Kenoyer, husband and wife, to West Bank in the amount of \$82,770.00, as mortgagee to the property legally describes as:

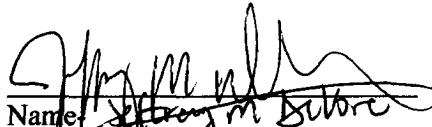
A parcel of land in the S1/2 SE1/4 of Section 12, Township 77 North, Range 26 West of the 5th P.M. Madison County, Iowa and Amended Parcel 'B' of the SE 1/4 SE 1/4 of said Section 12, an Official Parcel recorded in Book 2013, Page 1479 at the Madison County Recorder's Office and Parcel 'E' of the SE 1/4 SE 1/4, an Official Plat recorded in Book 2013, Page 1480 at the Madison County Recorder's Office that is all more particularly described as follows:

Beginning at the SE corner of said Section 12, thence S83°32'51"W, 1218.22 feet along the South line of said Section 12 to the SE corner of the Plat of Survey recorded in Book 2, Page 324 at the Madison County Recorder's Office; thence N00°26'29"E, 783.79 feet along the East line of said Plat of Survey to the NE corner of said Plat of Survey; thence S82°39'38"W, 167.97 feet along the North line of said Plat of Survey to the NW corner of said Plat of Survey, said point also being on the East line of the Plat of Survey recorded in Farm Book 2, Page 293; thence N00°25'42"E, 543.45 along the East line of said Plat of Survey to the NE corner of said Plat of Survey, said NE corner also being on the North line of the SW1/4 SE1/4 of said Section 12; thence N83°32'08"E, 57.23 feet along said North line to the NW

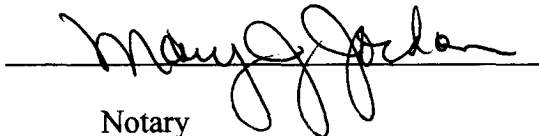
corner of the SE1/4 SE1/4; thence N83°44'34"E, 860.17 feet along said North line to the NW corner of said Amended Parcel 'B'; thence continuing N83°44'34"E, 456.94 feet along the North line of said Amended Parcel 'B' and said SE1/4 SE1/4 to the NE corner of said SE1/4 SE1/4 to the NE corner of said SE1/4 SE1/4 and said Amended Parcel 'B'; thence S00°03'08"E, 571.97 feet along the East line of said SE1/4 SE1/4 to the SE corner of said Parcel 'E'; thence continuing S00°03'08"E, 749.79 feet to the point of beginning and containing 38.70 acres including 3.43 acres of public right-of-way.

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 17th day of November, 2016.


Name: Jeffrey M. Delore
Title: 2nd VP

State of Iowa, County of Polk
On this 17th day of November, 2016, before the undersigned, a Notary Public in and for said State, personally appeared Jeffrey M. Delore to me personally known, who being by me duly sworn, did say that he is the 2nd VP of said corporation; that said instrument was signed on behalf of said corporation by authority of its Board of Directors, and that the 2nd VP as such officer, acknowledged the execution of said instrument to be voluntary act and deed of said corporation, by it and by his/her voluntarily executed.


Notary



October 5, 2016

Kenoyer's Cherry Creek Estates

RE: Attorney's Opinion for Final Plat of Kenoyer's Cherry Creek Estates

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:

A parcel of land in the S1/2 SE1/4 of Section 12, Township 77 North, Range 26 West of the 5th P.M. Madison County, Iowa and Amended Parcel 'B' of the SE ¼ SE ¼ of said Section 12, an Official Parcel recorded in Book 2013, Page 1479 at the Madison County Recorder's Office and Parcel 'E' of the SE ¼ SE ¼, an Official Plat recorded in Book 2013, Page 1480 at the Madison County Recorder's Office that is all more particularly described as follows:

Beginning at the SE corner of said Section 12, thence S83°32'51"W, 1218.22 feet along the South line of said Section 12 to the SE corner of the Plat of Survey recorded in Book 2, Page 324 at the Madison County Recorder's Office; thence N00°26'29"E, 783.79 feet along the East line of said Plat of Survey to the NE corner of said Plat of Survey; thence S82°39'38"W, 167.97 feet along the North line of said Plat of Survey to the NW corner of said Plat of Survey, said point also being on the East line of the Plat of Survey recorded in Farm Book 2, Page 293; thence N00°25'42"E, 543.45 along the East line of said Plat of Survey to the NE corner of said Plat of Survey, said NE corner also being on the North line of the SW1/4 SE1/4 of said Section 12; thence S83°32'08"W, 57.23 feet along said North line to the NW corner of the SE1/4 SE1/4; thence N83°44'34"E, 860.17 feet along said North line to the NW corner of said Amended Parcel 'B'; thence continuing N83°44'34"E, 456.94 feet along the North line of said Amended Parcel 'B' and said SE1/4 SE1/4 to the NE corner of said SE1/4 SE1/4 to the NE corner of said SE1/4 SE1/4 and said Amended Parcel 'B'; thence S00°03'08"E, 571.97 feet along the East line of said SE1/4 SE1/4 to the SE corner of said Parcel 'E'; thence continuing S00°03'08"E, 749.79 feet to the point of beginning and containing 38.70 acres including 3.43 acres of public right-of-way.

The Abstract shows Entries from Root of Title to September 27, 2016 at 7:00 A.M. prepared by the Title Services Corporation.

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

Asa Kenoyer and Everett L. Kenoyer

By virtue of a Quit Claim Deed dated July 11, 2006 and filed March 19, 2007 in Book 2007 and Page 1090 and by a Warranty Deed dated June 25, 2014 and filed June 27, 2014 in Book 2014 and Page 1532 in the Madison County Recorder's Office, subject to the following comments and objections:

1. **MORTGAGE:** The Abstract shows a Mortgage dated June 30, 2014 and filed July 3, 2014 in Book 2014 Page 1599 of the Madison County Recorder's Office, relative to the aforementioned legally described property, from Asa S. Kenoyer to Great Western Bank in the amount of \$50,150.00, **Such mortgage has not been satisfied and remains a paramount lien on the property in question.**

2. **MORTGAGE:** The Abstract shows a Mortgage dated October 16, 2013 and filed October 30, 2013 in Book 2013 Page 3307 of the Madison County Recorder's Office, relative to the aforementioned legally described property, from Everett L. Kenoyer and Sheri S. Kenoyer, husband and wife, to Bank of America, NA in the amount of \$82,770.00, **Such mortgage has not been satisfied and remains a paramount lien on the property in question.**

3. **MORTGAGE:** The Abstract shows a Mortgage dated August 24, 2004 and filed October 15, 2007 in Book 2007 Page 3827 of the Madison County Recorder's Office, relative to the aforementioned legally described property, from Everett L. Kenoyer and Sheri S. Kenoyer, husband and wife, to West Bank in the amount of \$120,000.00, **Such mortgage has not been satisfied and remains a paramount lien on the property in question.**

4. **LIEN SEARCHES:** The Abstract shows no liens were made against **Everett L. Kenoyer and Asa Kenoyer** for the past ten years to date hereof, unless otherwise indicated herein.

5. **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. You should contact the Madison County Planning and Zoning Office for the Classification to determine if the property in question is in compliance with proposed use.

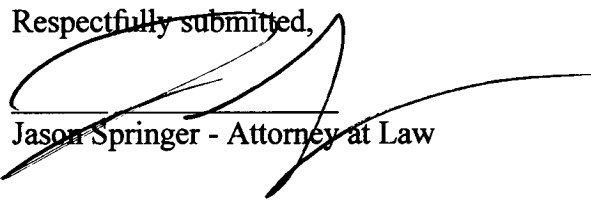
6. **EASEMENT:** The Abstract shows Easements in Book 2014 and Page 133, Book 132 and Page 121, and in Book 127 and Page 270 of the Madison County Recorder's Office relative to the aforementioned legally described property. You should review the Plat for boundary lines, easements, compliance, and usage.

For new construction Title Guaranty also requires mechanic lien waivers executed by all providers of labor and materials to the property, including the general contractor, all subcontractors, and material providers.

7. **TITLE OPINION LIMITATION:** 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,



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.

Prepared by: Jason A. Springer, 1200 Valley West Drive, Suite 208, West Des Moines, IA 50266 515-255-4500
Return to: Same

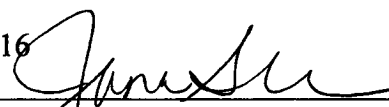
Certificate of the County Treasurer of Madison County, Iowa.

I, Jana Corkrean, 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:

A parcel of land in the S1/2 SE1/4 of Section 12, Township 77 North, Range 26 West of the 5th P.M. Madison County, Iowa and Amended Parcel 'B' of the SE ¼ SE ¼ of said Section 12, an Official Parcel recorded in Book 2013, Page 1479 at the Madison County Recorder's Office and Parcel 'E' of the SE ¼ SE ¼, an Official Plat recorded in Book 2013, Page 1480 at the Madison County Recorder's Office that is all more particularly described as follows:

Beginning at the SE corner of said Section 12, thence S83°32'51"W, 1218.22 feet along the South line of said Section 12 to the SE corner of the Plat of Survey recorded in Book 2, Page 324 at the Madison County Recorder's Office; thence N00°26'29"E, 783.79 feet along the East line of said Plat of Survey to the NE corner of said Plat of Survey; thence S82°39'38"W, 167.97 feet along the North line of said Plat of Survey to the NW corner of said Plat of Survey, said point also being on the East line of the Plat of Survey recorded in Farm Book 2, Page 293; thence N00°25'42"E, 543.45 along the East line of said Plat of Survey to the NE corner of said Plat of Survey, said NE corner also being on the North line of the SW1/4 SE1/4 of said Section 12; thence S83°32'08"W, 57.23 feet along said North line to the NW corner of the SE1/4 SE1/4; thence N83°44'34"E, 860.17 feet along said North line to the NW corner of said Amended Parcel 'B'; thence continuing N83°44'34"E, 456.94 feet along the North line of said Amended Parcel 'B' and said SE1/4 SE1/4 to the NE corner of said SE1/4 SE1/4 to the NE corner of said SE1/4 SE1/4 and said Amended Parcel 'B'; thence S00°03'08"E, 571.97 feet along the East line of said SE1/4 SE1/4 to the SE corner of said Parcel 'E'; thence continuing S00°03'08"E, 749.79 feet to the point of beginning and containing 38.70 acres including 3.43 acres of public right-of-way.

Dated this 7 day of Oct, 2016



Jana Corkrean, Treasurer of Madison
County, Iowa

CERTIFICATE OF AUDITOR

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

Kenoyer's Cherry Creek Estates

For property located at:

A PARCEL OF LAND IN THE S1/2 SE1/4 OF SECTION 12, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE 5TH P.M., MADISON COUNTY, IOWA AND AMENDED PARCEL 'B' OF THE SE1/4 SE1/4 OF SAID SECTION 12, AN OFFICIAL PARCEL RECORDED IN BOOK 2013, PAGE 1479 AT THE MADISON COUNTY RECORDER'S OFFICE AND PARCEL 'E' OF THE SE1/4 SE1/4, AN OFFICIAL PARCEL RECORDED IN BOOK 2013, PAGE 1480 AT THE MADISON COUNTY RECORDER'S OFFICE THAT IS ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

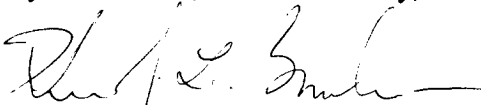
BEGINNING AT THE SE CORNER OF SAID SECTION 12; THENCE S83°32'51"W, 1218.22 FEET ALONG THE SOUTH LINE OF SAID SECTION 12 TO THE SE CORNER OF THE PLAT OF SURVEY RECORDED IN BOOK 2, PAGE 324 AT THE MADISON COUNTY RECORDER'S OFFICE; THENCE N00°26'29"E, 783.79 FEET ALONG THE EAST LINE OF SAID PLAT OF SURVEY TO THE NE CORNER OF SAID PLAT OF SURVEY; THENCE S82°39'38"W, 167.97 FEET ALONG THE NORTH LINE OF SAID PLAT OF SURVEY TO THE NW CORNER OF SAID PLAT OF SURVEY, SAID POINT ALSO BEING ON THE EAST LINE OF THE PLAT OF SURVEY RECORDED IN FARM BOOK 2, PAGE 293; THENCE N00°25'42"E, 543.45 FEET ALONG THE EAST LINE OF SAID PLAT OF SURVEY TO THE NE CORNER OF SAID PLAT OF SURVEY, SAID NE CORNER ALSO BEING ON THE NORTH LINE OF THE SW1/4 SE1/4 OF SAID SECTION 12; THENCE S83°32'08"W, 57.23 FEET ALONG SAID NORTH LINE TO THE NW CORNER OF THE SE1/4 SE1/4; THENCE N83°44'34"E, 860.17 FEET ALONG SAID NORTH LINE TO THE NW CORNER OF SAID AMENDED PARCEL 'B'; THENCE CONTINUING N83°44'34"E, 456.94 FEET ALONG THE NORTH LINE OF SAID AMENDED PARCEL 'B' AND SAID SE1/4 SE1/4 TO THE NE CORNER OF SAID SE1/4 SE1/4 AND SAID AMENDED PARCEL 'B'; THENCE S00°03'08"E, 571.97 FEET ALONG THE EAST LINE OF SAID SE1/4 SE1/4 TO THE SE CORNER OF SAID PARCEL 'E'; THENCE CONTINUING S00°03'08"E, 749.79 FEET TO THE POINT OF BEGINNING AND CONTAINING 38.70 ACRES INCLUDING 3.43 ACRES OF PUBLIC ROAD RIGHT-OF-WAY.

And owned by:

**EVERETT L. KENOYER and SHERI KENOYER, husband and wife; and
ASA KENOYER and KACEY KENOYER, husband and wife;
As Joint Tenants with Full Rights of Survivorship, and Not as Tenants in Common.**

Has been approved on the 13th day of October, 2016.

By the Auditor, Madison County, Iowa.


Heidi Burhans, Auditor



ZO-RESOLUTION- 022117
APPROVING FINAL PLAT OF
KENOYER'S CHERRY CREEK ESTATES
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 proposed subdivision known as Kenoyer's Cherry Creek Estates Subdivision; and

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

A PARCEL OF LAND IN THE S ½ SE ¼ OF SECTION 12, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE 5TH P.M., MADISON COUNTY, IOWA AND AMENDED PARCEL 'B' OF THE SE ¼ SE ¼ OF SAID SECTION 12, AN OFFICIAL PARCEL RECORDED IN BOOK 2013, PAGE 1479 AT THE MADISON COUNTY RECORDER'S OFFICE AND PARCEL 'E' OF THE SE ¼ SE ¼, AN OFFICIAL PARCEL RECORDED IN BOOK 2013, PAGE 1480 AT THE MADISON COUNTY RECORDER'S OFFICE THAT IS ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SE CORNER OF SAID SECTION 12; THENCE S83°32'51"W, 1218.22 FEET ALONG THE SOUTH LINE OF SAID SECTION 12 TO THE SE CORNER OF THE PLAT OF SURVEY RECORDED IN BOOK 2, PAGE 324 AT THE MADISON COUNTY RECORDER'S OFFICE; THENCE N00°02'29"E, 783.79 FEET ALONG THE EAST LINE OF SAID PLAT OF SURVEY TO THE NE CORNER OF SAID PLAT OF SURVEY; THENCE S82°39'38"W, 167.97 FEET ALONG THE NORTH LINE OF SAID PLAT OF SURVEY TO THE NW CORNER OF SAID PLAT OF SURVEY, SAID POINT ALSO BEING ON THE EAST LINE OF THE PLAT OF SURVEY RECORDED IN FARM BOOK 2, PAGE 293; THENCE N00°25'42"E, 543.45 FEET ALONG THE EAST LINE OF SAID PLAT OF SURVEY TO THE NE CORNER OF SAID PLAT OF SURVEY, SAID NE CORNER ALSO BEING ON THE NORTH LINE OF THE SW ¼ SE ¼ OF SAID SECTION 12; THENCE N83°32'08"E, 57.23 FEET ALONG SAID NORTH LINE TO THE NW CORNER OF THE SE ¼ SE ¼; THENCE N83°44'34"E, 860.17 FEET ALONG SAID NORTH LINE TO THE NW CORNER OF SAID AMENDED PARCEL 'B'; THENCE CONTINUING N83°44'34"E, 456.94 FEET ALONG THE NORTH LINE OF SAID AMENDED PARCEL 'B' AND SAID SE ¼ SE ¼ TO THE NE CORNER OF SAID SE ¼ SE ¼ AND SAID AMENDED PARCEL 'B'; THENCE S00°03'08"E, 571.97 FEET ALONG THE EAST LINE OF SAID SE ¼ SE ¼ TO THE SE CORNER OF SAID PARCEL 'E'; THENCE CONTINUING S00°03'08"E, 749.79 FEET TO THE POINT OF BEGINNING AND CONTAINING 38.70 ACRES INCLUDING 3.43 ACRES OF PUBLIC ROAD RIGHT-OF- WAY.

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, Everett L. Kenoyer, Sheri Kenoyer, Asa Kenoyer, and Kacey Kenoyer; and

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 certified statement from the Treasurer of Madison County, Iowa, that said platted land is free from taxes.

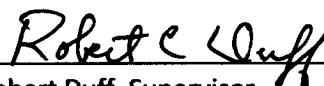
WHEREAS, the Board of Supervisors, Madison County, Iowa, finds that said plat conforms to the provisions of the Zoning Ordinance of Madison County, Iowa, and that the plat, papers and documents presented therewith should be approved by the Board of Supervisors, and that said plat, known as Kenoyer's Cherry Creek Estates should be approved by the Board of Supervisors, Madison County, Iowa.

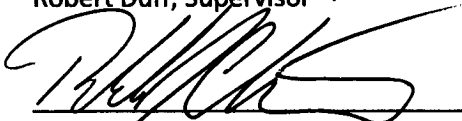
NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors,
Madison County, Iowa:

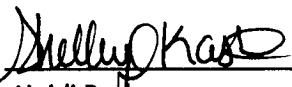
1. That said plat, known as Kenoyer's Cherry Creek Estates prepared in connection with said plat and subdivision is hereby approved.
2. The Zoning Administrator of Madison County, Iowa, is hereby directed to certify this resolution which shall be affixed to said plat to the County Recorder of Madison 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 21st day of February, 2017


Aaron Price, Chairman


Robert Duff, Supervisor


Phil Clifton, Supervisor

Attest: 
Heidi Buhans
Madison County Auditor

AGREEMENT

This Agreement, made and entered into, by and between the proprietors of KENOYER'S CHERRY CREEK ESTATES and Todd Hagan, Madison County Engineer.

NOW THEREFORE IT IS AGREED AS FOLLOWS:

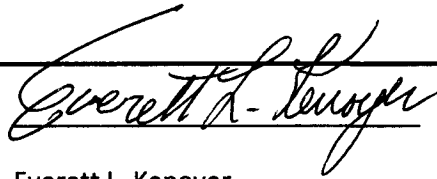
I. The proprietors of KENOYER'S CHERRY CREEK ESTATES, a Plat of the following described real estate:

A parcel of land in the S1/2 SE1/4 of Section 12, Township 77 North, Range 26 West of the 5th P.M. Madison County, Iowa and Amended Parcel 'B' of the SE ¼ SE ¼ of said Section 12, an Official Parcel recorded in Book 2013, Page 1479 at the Madison County Recorder's Office and Parcel 'E' of the SE ¼ SE ¼, an Official Plat recorded in Book 2013, Page 1480 at the Madison County Recorder's Office that is all more particularly described as follows:

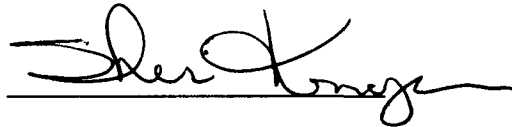
Beginning at the SE corner of said Section 12, thence S83°32'51"W, 1218.22 feet along the South line of said Section 12 to the SE corner of the Plat of Survey recorded in Book 2, Page 324 at the Madison County Recorder's Office; thence N00°26'29"E, 783.79 feet along the East line of said Plat of Survey to the NE corner of said Plat of Survey; thence S82°39'38"W, 167.97 feet along the North line of said Plat of Survey to the NW corner of said Plat of Survey, said point also being on the East line of the Plat of Survey recorded in Farm Book 2, Page 293; thence N00°25'42"E, 543.45 along the East line of said Plat of Survey to the NE corner of said Plat of Survey, said NE corner also being on the North line of the SW1/4 SE1/4 of said Section 12; thence S83°32'08"W, 57.23 feet along said North line to the NW corner of the SE1/4 SE1/4; thence N83°44'34"E, 860.17 feet along said North line to the NW corner of said Amended Parcel 'B'; thence continuing N83°44'34"E, 456.94 feet along the North line of said Amended Parcel 'B' and said SE1/4 SE1/4 to the NE corner of said SE1/4 SE1/4 to the NE corner of said SE1/4 SE1/4 and said Amended Parcel 'B'; thence S00°03'08"E, 571.97 feet along the East line of said SE1/4 SE1/4 to the SE corner of said Parcel 'E'; thence continuing S00°03'08"E, 749.79 feet to the point of beginning and containing 38.70 acres including 3.43 acres of public right-of-way.

hereby agree that all private roads located within KENOYER'S CHERRY CREEK ESTATES 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.

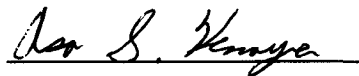
PROPRIETORS OF KENOYER'S CHERRY CREEK ESTATES



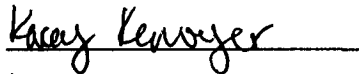
Everett L. Kenoyer



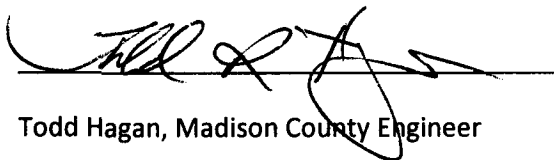
Sheri Kenoyer



Asa Kenoyer



^{KK}
Casey Kenoyer
C KK



Todd Hagan, Madison County Engineer

City of Cumming

649 N 44th St, PO Box 100
Cumming, Iowa 50061
515.981.9214 (t) 515.981.4981 (f)
cityclerk@cumming-iowa.com

October 6, 2016

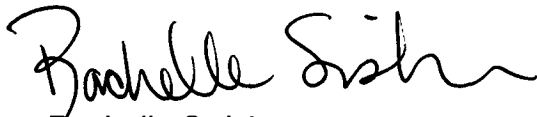
Everett Kenoyer
1183 Warren Ave
Cumming, IA 50061

Dear Mr. Kenoyer,

This letter is to notify you that the City Council of Cumming approved your Final Plat for Kenoyer's Cherry Creek Estates during the Regular City Council Meeting on September 26th, 2016.

This Licensed Land Survey was prepared by Jeffrey A. Gaddis, License number: 18381. This can now be recorded.

Sincerely,

A handwritten signature in black ink, appearing to read "Rachelle Swisher". The signature is fluid and cursive, with a long horizontal flourish at the end.

Rachelle Swisher
City Clerk/Treasurer

RESOLUTION 2016-28

City of Cumming

Resolution Approving the Final Plat of Kenoyer's Cherry Creek Estates in Madison County, Iowa

WHEREAS, there was filed in the Office of the City Clerk of the City of Cumming, Warren County, Iowa a registered land surveyor's plat of a proposed subdivision known as Kenoyer's Cherry Creek Estates; and

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

A PARCEL OF LAND IN THE S1/2 SE1/4 OF SECTION 12, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE 5TH P.M., MADISON COUNTY, IOWA AND AMENDED PARCEL 'B' OF THE SE1/4 SE1/4 OF SAID SECTION 12, AN OFFICIAL PARCEL RECORDED IN BOOK 2013, PAGE 1479 AT THE MADISON COUNTY RECORDER'S OFFICE AND PARCEL 'E' OF THE SE ¼ SE1/4, AN OFFICIAL PARCEL RECORDED IN BOOK 2013, PAGE 1480 AT THE MADISON COUNTY RECORDER'S OFFICE THAT IS ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SE CORNER OF SAID SECTION 12; THENCE 83°32'51"W, 1218.22 FEET ALONG THE SOUTH LINE OF SAID SECTION 12 TO THE SE CORNER OF THE PLAT OF SURVEY RECORDED IN BOOK 2, PAGE 324 AT THE MADISON COUNTY RECORDER'S OFFICE; THENCE N00°26'29"E, 783.79 FEET ALONG THE EAST LINE OF SAID PLAT OF SURVEY TO THE NE CORNER OF SAID PLAT OF SURVEY; THENCE S82°39'38"W, 167.97 FEET ALONG THE NORTH LINE OF SAID PLAT OF SURVEY TO THE NW CORNER OF THE PLAT OF SURVEY, SAID POINT ALSO BEING ON THE EAST LINE OF THE PLAT OF SURVEY RECORDED IN FARM BOOK 2, PAGE 293; THENCE N00°25'42"E, 543.45 FEET ALONG THE EAST LINE OF SAID PLAT OF SURVEY TO THE NE CORNER OF SAID PLAT OF SURVEY, SAID NE CORNER ALSO BEING ON THE NORTH LINE OF THE SW1/4 SE1/4; THENCE N83°44'34"E, 860.17 FEET ALONG SAID NORTH LINE TO THE NW CORNER OF SAID AMENDED PARCEL 'B'; THENCE CONTINUING N83°44'34"E, 456.94 FEET ALONG THE NORTH LINE OF SAID AMENDED PARCEL 'B' AND SAID SE1/4 SE1/4 TO THE NE CORNER OF SAID SE1/4 SE1/4 AND SAID AMENDED PARCEL 'B'; THENCE S00°03'08"E, 571.97 FEET ALONG THE EAST LINE OF SAID SE1/4 SE1/4 TO THE SE CORNER OF SAID PARCEL 'E'; HENCE CONTINUING S00°03'08"E, 749.79 FEET TO THE POINT OF BEGINNING AND CONTAINING 38.70 ACRES INCLUDING 3.43 ACRES OF PUBLIC RIGHT-OF-WAY.

Subject to easements of record.

WHEREAS, there was also filed with the 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, Everett L. Kenoyer and Asa Kenoyer; and

WHEREAS, said plat was accompanied by 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, except as noted therein and statement from the Treasurer of Madison County, Iowa, that said platted land is free from taxes; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cumming, Warren County, Iowa: Said plat known as Kenoyer's Cherry Creek Estates, prepared in connection with said plat and subdivision is hereby approved.

Passed and Approved, this 26th day of September, 2016


Tom Becker, Mayor

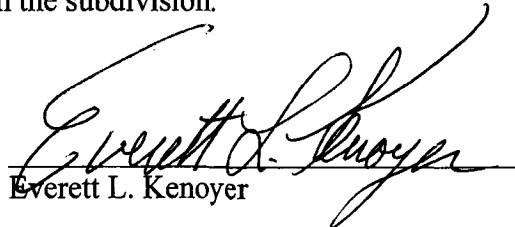
Attest:

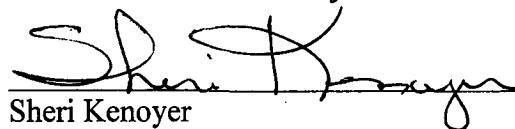

Rachelle Swisher, City Clerk/Treasurer

AFFIDAVIT

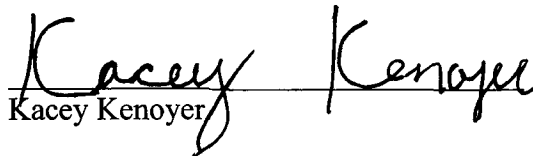
STATE OF IOWA :
: ss
MADISON COUNTY :

We, Everett L. Kenoyer and Sheri Kenoyer, husband and wife; and Asa Kenoyer and Kacey Kenoyer, husband and wife; first being duly sworn on oath state that this Affidavit concerns Kenoyer's Cherry Creek Estates, Madison County, Iowa. We further state that we know of our own personal knowledge that there is a lawful fence on all boundary lines of the property located within the subdivision.

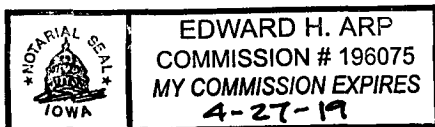

Everett L. Kenoyer

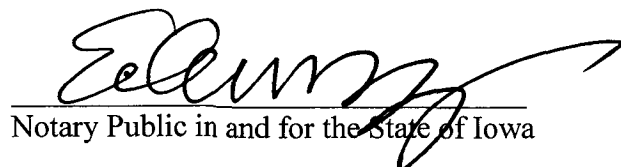

Sheri Kenoyer


Asa Kenoyer


Kacey Kenoyer

Subscribed and sworn to before me on this 23 day of NOVEMBER, 2016 by Everett L. Kenoyer and Sheri Kenoyer, husband and wife; and Asa Kenoyer and Kacey Kenoyer, husband and wife.




Notary Public in and for the State of Iowa

大
三
ノ
ク
三
ヲ
い
の
工
三
ヲ
ヲ
ク
の
ヲ
三
三
大
三
の
ト
ト
ト
三
の

INDX
ANNO
SCAN
CHEK

Book 2017 Page 604 Type 06 044 Pages 24
Date 2/24/2017 Time 10:37:38AM
Rec Amt \$132.00 Aud Amt \$5.00 IND

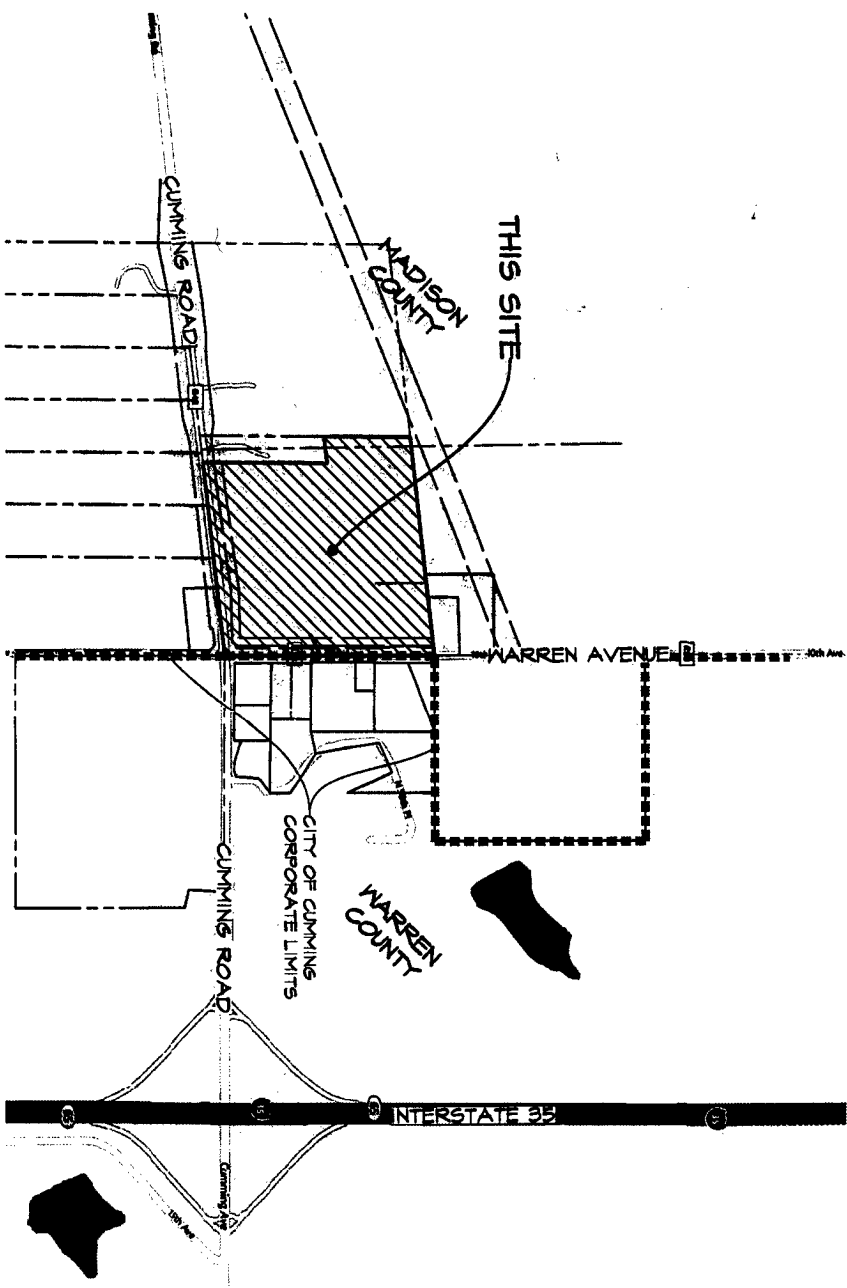
LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

INDEX LEGEND						
COUNTY, MADISON						
	SECTION	TOWNSHIP	RANGE	N. & S.	E. & W.	
ALLOT PACT.	12	77	26	50%	50%	
	12	77	26	50%	50%	
PACEL. (A).	12	77	26	50%	50%	
PACEL. B.	12	77	26	50%	50%	
CITY, CLARKING	12	77	26	50%	50%	
EVERETT L. KEMPTER						
PROPOSED BY: ADA KEMPTER						
REQUESTED BY: EVERETT L. KEMPTER						
CIVIL ENGINEERING CONSULTANTS, INC.						
RETURN TO: ATTN: EVERETT A. KEMPTER						
2400 56TH STREET, INDEPENDENCE, VA. 50022						

FOUND SECTION CORNERS
 FOUND CORNERS
 SET PROPERTY CORNER (A/P) I.E. WHILE CAMP
 HIGHER (ALICES OTHERWISE NOTED)
 ○
 PLAY BOUNDARY
 EXISTING PROPERTY LINES
 PROPOSED LOT LINES
 EXISTING LINES
 BUILDING SETBACK LINES (B.S.L.)
 CENTRALINE STREET
 D.
 P.
 H.
 I.R.
 I.P.
 BK. XXX, PG. XXX
 R.O.M.
 P.L.O.V.E.
 P.U.E.
 A.C.S.
 RIGHT-OF-WAY
 PUBLIC RIGHT-OF-WAY EASEMENT
 PUBLIC UTILITY EASEMENT
 ACRES
 MEASURED BEARING & DISTANCE
 BEARING & DISTANCE
 IRON ROD
 IRON PIPE
 COUNTY RECORDER'S INDEXING BOOK
 RIGHT-OF-WAY
 PUBLIC RIGHT-OF-WAY EASEMENT
 PUBLIC UTILITY EASEMENT
 ACRES

1-800-272-6669
ONE CALL
 IOWA
 1-800-272-6669

DRAWINGS INDEX
SHEET # SHEET TITLE
1 COVER
2 PRELIMINARY PLAT



SCALE: 1"=600'



0' 200' 400' 600' 1200'



1. A SUBDIVISION OF PROPERTY FOR RESIDENTIAL HOMES & FUTURE DEVELOPMENT

1. THIS PARCEL MAY BE SUBJECT TO THE FOLLOWING EASEMENTS OF RECORD. THE EXACT LOCATION OF THE EASEMENTS CAN NOT BE DETERMINED FROM THE RECORDED DOCUMENT.

- MADISON COUNTY SOIL CONSERVATION DISTRICT OF HUNTERSETT, IOWA RECORDED IN DEED RECORDED 55, PAGE 3505 FILED ON OCTOBER 3, 1966
- HYDROCARBON TRANSPORTATION INC. PIMBLE EASEMENT RECORDED IN DEED RECORDED 47, PAGE 344 FILED ON SEPTEMBER 2, 1966, THE PIMBLE WORKERS IN THE 5% OF 568, APPEARED TO PLACE THE EASEMENT TRANSPORTATION OF THIS PLAT
- NORTHERN GAS PRODUCTS COMPANY FIRST EASEMENT RECORDED IN DEED RECORDED 40, PAGE 346 FILED ON LINE 300, 1961, THE PIMBLE WORKERS IN THE 5% OF 568, APPEARED TO PLACE THE EASEMENT TRANSPORTATION OF THIS PLAT
- WAGNER HANLEY, INC. HUNTER LINE AND APPURTENANCES EASEMENT RECORDED IN BOOK 127, PAGE 100
- HODGSON-CLARK ENERGY COMPANY OVERHEAD ELECTRIC EASEMENT RECORDED IN BOOK 204, PAGE 1058

1. THIS PARCEL MAY BE SUBJECT TO EASEMENTS, LICENSES, OR AGREEMENTS OF RECORD. NO TITLE

1. THIS PARCEL MAY BE SUBJECT TO EASEMENTS, LIENS, OR AGREEMENTS OF RECORD, NO TITLE CURATIVE ACTION IS REQUIRED.
2. THE ALLOWABLE ERROR OF CLOSURE FOR THE BOUNDARY IS 1/10,000 AND THE ALLOWABLE ERROR OF CLOSURE FOR EACH LOT IS 1/5,000.
3. ALL EASEMENTS ARE BASED UPON THE SOUTH LINE OF THE SE1/4, SECTION 12-T17-26 IS ASSIGNED AS THE BOUNDARY LINE FOR THE NORTH LINE OF THE SECTION 12-T17-26. THE NORTHERN PORTION OF THE SECTION 12-T17-26 IS ASSIGNED AS THE BOUNDARY LINE FOR THE SOUTH LINE OF THE SECTION 12-T17-26.
4. ALL EASEMENTS SHOWN ARE EXISTING EASEMENTS OF RECORD IN THE LATEST AS "APPROVED" PLANS SUBMITTED TO THE CITY AND HAVE BEEN RECORDED IN THE CITY CLERK'S OFFICE.
5. EASEMENTS TO BE SET WITHIN ONE YEAR OF THE FINAL PLANS RECORDING DATE.
6. WHEN THE AREA IS ADDED INTO THE CITY OF CLAYMING IN THE FUTURE, THE EXISTING ROAD DEEDS TO THE CITY OF CLAYMING BY CURRENT OR FUTURE LAND OWNERS AT THE TIME OF ANNEXATION.

EVERETT L KENOTER
1103 WARREN AVE
CUMMINGS, IA 50061

EVERETT L KENoyer
1103 WARREN AVE
CUMMING, GA 30061

EVERETT L KENOTER
1103 WARREN AVE
CUMMINGS, IA 50061

EVERETT L KENOTER
1103 WARREN AVE
CUMMINGS, IA 50061

1141 WARDEN AVENUE
CUMMINGS, IA 50061AS

1141 WARDEN AVENUE
CUMMINGS, IA 50061AS

EXISTING & PROPOSED: AGRICULTURAL

RECORDED IN BOOK 305, PAGE 1480 AT THE MADISON COUNTY RECORDERS OFFICE THAT IS ALL. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

[illegible]

CERTIFICATION



I HEREBY CERTIFY THAT THIS LAND SURVEY AND
 PLAT WAS PREPARED AND THE PLATED AREA
 WAS RECORDED BY ME OR UNDER MY DIRECT
 SUPERVISION, AND THAT THE SAME IS TRUE
 AND CORRECT IN ALL RESPECTS.
 I, DAVID L. GRIFFIN, PLATTE COUNTY CLERK, DO
 HEREBY CERTIFY THAT THE PLAT OF
DAVID L. GRIFFIN, CLERK OF PLATTE COUNTY,
 HAS BEEN RECORDED IN BOOK 10, PAGE 10,
 OF THE PUBLIC RECORDS OF PLATTE COUNTY,
 NEBRASKA, THIS 26 DAY OF OCTOBER, 1909.
 WITNESSED MY HAND AND SEAL OF OFFICE
 AT LINCOLN, NEBRASKA, THIS 26 DAY OF
OCTOBER, 1909.
 DAVID L. GRIFFIN, CLERK OF PLATTE COUNTY.
 BY DAVID L. GRIFFIN, CLERK OF PLATTE COUNTY.
 I HEREBY CERTIFY THAT THE PLAT OF
DAVID L. GRIFFIN, CLERK OF PLATTE COUNTY,
 HAS BEEN RECORDED IN BOOK 10, PAGE 10,
 OF THE PUBLIC RECORDS OF PLATTE COUNTY,
 NEBRASKA, THIS 26 DAY OF OCTOBER, 1909.
 WITNESSED MY HAND AND SEAL OF OFFICE
 AT LINCOLN, NEBRASKA, THIS 26 DAY OF
OCTOBER, 1909.
 DAVID L. GRIFFIN, CLERK OF PLATTE COUNTY.
 BY DAVID L. GRIFFIN, CLERK OF PLATTE COUNTY.

KENOYER'S CHERRY CREEK ESTATES
MADISON COUNTY, IOWA

COVER

DATE:	Oct. 28, 2016	REVISIONS	COMMENTS
3rd SUBMITTAL	SEP. 20, 2016	1	
2nd SUBMITTAL	SEP. 14, 2016	2	
1st SUBMITTAL	AUG. 15, 2016	3	
DATE OF SURVEY: MAY 24, 2015			
DESIGNED BY:	ARP	5	
DRAWN BY:	JAG	6	



Civil Engineering Consultants, Inc.

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

SHEET
2
OF
2