



Document 2019 849

Book 2019 Page 849 Type 06 044 Pages 16

Date 3/20/2019 Time 2:58:07PM

Rec Amt \$82.00 Aud Amt \$10.00

INDX
ANNO
SCAN

LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

CHEK

Type of Document

SUBDIVISION

PREPARER INFORMATION:

Zoning Office for Timothy & Carmen Strain

Contact: Mark Smith, attorney for developer
515-462-3731

TAXPAYER INFORMATION:

Strain, Timothy R & Carmen R
1511 Hogback Bridge Rd
Earlham, IA 50072

RETURN DOCUMENT TO:

Strain, Timothy R & Carmen R
1511 Hogback Bridge Rd
Earlham, IA 50072

GRANTOR:

GRANTEE:

LEGAL DESCRIPTION:

Parcel "D" located in the North Half (1/2) of the Northeast Quarter (1/4) of Section Thirty-four (34) and the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Twenty-seven (27); all in Township Seventy-seven (77) North, Range Twenty-Eight (28) West of the 5th P.M., Madison County, Iowa, containing 34.434 acres, as shown in Plat of Survey filed in Book 2004, Page 2088 on May 7, 2004, in the Office of the Recorder of Madison County, Iowa.

Prepared by and return to: Mark L. Smith, P.O. Box 230, Winterset, Iowa 50273, 515-462-3731
Return Document To: Mark L. Smith, POB 230, Winterset, IA 50273, 515-462-3731

**PLAT AND CERTIFICATE
FOR STRAIN SUBDIVISION,
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 designated as Strain Subdivision, and that the real estate comprising said plat is described as follows:

Parcel "D" located in the North Half (1/2) of the Northeast Quarter (1/4) of Section Thirty-four (34) and the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Twenty-seven (27); all in Township Seventy-seven (77) North, Range Twenty-Eight (28) West of the 5th P.M., Madison County, Iowa, containing 34.434 acres, as shown in Plat of Survey filed in Book 2004, Page 2088 on May 7, 2004, 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 which have been submitted in connection with said plat:

1. Dedication of Plat;
2. Attorney Opinion;
3. Consent of Earlham Saving Bank
4. Certificate from County Treasurer;
5. Resolution of the Board of Supervisors of Madison County, Iowa, approving said

plat;

6. Agreement with County Engineer;
7. Ground Water Statement;
8. Madison County Soil and Water Conservation District Land Disturbing Activity

Affidavit;

9. Consent of County Auditor to subdivision name;

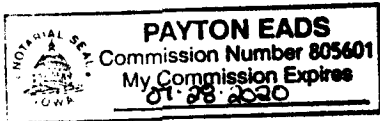
all of which are duly certified in accordance with the Madison County Zoning Ordinance.



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

STATE OF IOWA, COUNTY OF MADISON

This instrument was acknowledged before me on this 19 day of March,
2019, by C.J. Nicholl.



Payton Eads

Notary Public in and for said State of Iowa

**DEDICATION OF PLAT
OF
STRAIN SUBDIVISION**

KNOW ALL MEN BY THESE PRESENTS:

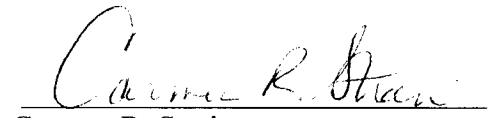
That we, Timothy R. Strain and Carmen R. Strain, Husband and Wife, do hereby certify that they are the sole owners and proprietors of the following-described real state:

Parcel "D" located in the North Half (1/2) of the Northeast Quarter (1/4) of Section Thirty-four (34) and the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Twenty-seven (27); all in Township Seventy-seven (77) North, Range Twenty-Eight (28) West of the 5th P.M., Madison County, Iowa, containing 34.434 acres, as shown in Plat of Survey filed in Book 2004, Page 2088 on May 7, 2004, 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 Strain Subdivision is with the free consent and in accordance with the owners' desire as owners of said real estate.


DATED this 13th day of February, 2019.

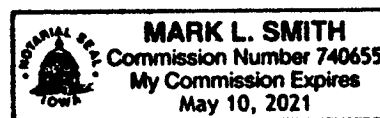

Timothy R. Strain


Carmen R. Strain

STATE OF IOWA, COUNTY OF MADISON

This instrument was acknowledged before me on this 13th day of February, 2019, by Timothy R. Strain and Carmen R. Strain.


Notary Public in and for said State of Iowa



**CONSENT TO PLATTING
BY EARLHAM SAVINGS BANK**

Earlham Savings Bank does consent to the platting and subdivision of the following-described real estate:

Parcel "D" located in the North Half (1/2) of the Northeast Quarter (1/4) of Section Thirty-four (34) and the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Twenty-seven (27); all in Township Seventy-seven (77) North, Range Twenty-Eight (28) West of the 5th P.M., Madison County, Iowa, containing 34.434 acres, as shown in Plat of Survey filed in Book 2004, Page 2088 on May 7, 2004, in the Office of the Recorder of Madison County, Iowa.

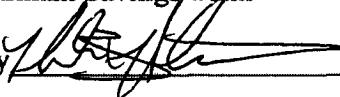
in accordance with the ordinances of Madison County, Iowa, and the laws of the State of Iowa.

The undersigned holds the following Purchase Money Mortgage on the above real estate:

Purchase Money Mortgage from Timothy R. Strain and Carmen R. Strain, husband and wife, to Earlham Savings Bank dated and filed July 27, 2018, in Book 2018, Page 2434 of the Recorder's Office of Madison County, Iowa.

Dated this 13th day of February, 2019.

Earlham Savings Bank

By 

Noah B. Hunter
Title: Sr. Vice-President

STATE OF IOWA, COUNTY OF Madison

This instrument was acknowledged before me on this 13 day of February 2019 by Noah B. Hunter as S.V.P. of Earlham Savings Bank.



Emily E. Blake
Notary Public in and for said State

LAW OFFICES

JORDAN, OLIVER, WALTERS & SMITH, P.C.

FARMERS & MERCHANTS STATE BANK BUILDING
POST OFFICE BOX 230
WINTERSET, IOWA 50273-0230

TELEPHONE (515)462-3731

FAX (515)462-3734

MARK L. SMITH

JERROLD B. OLIVER
OF COUNSEL

G.STEPHEN WALTERS
OF COUNSEL

LEWIS H. JORDAN
DECEASED

January 18, 2019
18-1-191L

**ATTORNEY'S OPINION FOR FINAL PLAT
STRAIN 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 21, 2019 at 8:00 A.M., by Madison County Abstract Company; purporting to show the chain of title to the following-described property, which is the real property contained in Strain Subdivision, Madison County, Iowa;

Parcel "D" located in the North Half (1/2) of the Northeast Quarter (1/4) of Section Thirty-four (34) and the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Twenty-seven (27); all in Township Seventy-seven (77) North, Range Twenty-Eight (28) West of the 5th P.M., Madison County, Iowa, containing 34.434 acres, as shown in Plat of Survey filed in Book 2004, Page 2088 on May 7, 2004, 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 proprietors:

**TIMOTHY R. STRAIN AND CARMEN R. STRAIN,
as Joint Tenants with Full Rights of Survivorship and Not as Tenants in Common,**

subject to the following:

1. Entry No. 76 shows a Purchase Money Mortgage from Timothy R. Strain and Carmen R. Strain, husband and wife, to Earlham Savings Bank dated and filed July 27, 2018, in Book 2018, Page 2434 of the Recorder's Office of Madison County, Iowa to secure credit in the amount of \$313,000.00. This Mortgage is a first lien against the real estate under examination.

2. Entry No. 15 shows an Order of Fence Viewers dated March 23, 1988, and filed April 20, 1988, in Fence Record 2, Page 70 of the Recorder's Office of Madison County, Iowa. Within this proceeding a written decision is issued in regard to which property owner must create and maintain a legal boundary fence. You should familiarize yourself with this decision as it is binding upon successors in interest.

3. The following Easements are shown of record:

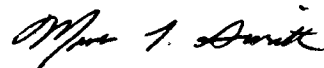
A. Entry No. 9 shows a Pipeline Easement granted to Northern Gas Products Company dated May 17, 1961, and filed May 25, 1961, in Deed Record 90, Page 358 of the Recorder's Office of Madison County, Iowa. Entry No. 11 shows a Pipeline Easement granted to Hydrocarbon Transportation, Inc. dated April 18, 1968, and filed June 17, 1968, in Deed Record 97, Page 236 of the Recorder's Office of Madison County, Iowa. Entry No. 12 shows a Pipeline Easement granted to Hydrocarbon Transportation, Inc. dated May 8, 1968, and filed June 17, 1968, in Deed Record 97, Page 237 of the Recorder's Office of Madison County, Iowa. Each of these Easements has been assigned and the current owner of these Easements is Oneok North System, L.L.C.

B. Entry No. 37 shows an Easement granted to Warren Water, Inc. dated July 7, 2003, and filed August 13, 2003, in Book 2003, Page 4782 of the Recorder's Office of Madison County, Iowa for a waterline and all necessary appurtenances thereto.

You should familiarize yourself with the location of these Easements and their terms as they may to some extent limit the use of the real estate under examination.

Respectfully submitted,

JORDAN, OLIVER & WALTERS, P.C.



Mark L. Smith, Title Guaranty No. 10074

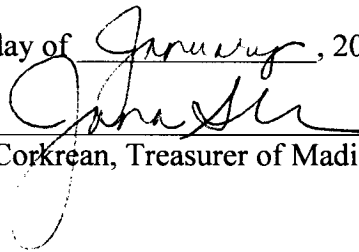
kb

**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, to-wit:

Parcel "D" located in the North Half (1/2) of the Northeast Quarter (1/4) of Section Thirty-four (34) and the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Twenty-seven (27); all in Township Seventy-seven (77) North, Range Twenty-Eight (28) West of the 5th P.M., Madison County, Iowa, containing 34.434 acres, as shown in Plat of Survey filed in Book 2004, Page 2088 on May 7, 2004, in the Office of the Recorder of Madison County, Iowa.

DATED at Winterset, Iowa, this 29 day of January, 2019



Jana Corkrean, Treasurer of Madison County, Iowa

CERTIFICATE OF AUDITOR

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

Strain Subdivision, Madison County, Iowa,

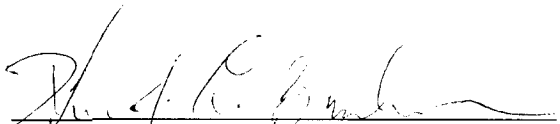
For property located at:

Parcel "D" located in the North Half (1/2) of the Northeast Quarter (1/4) of Section Thirty-four (34) and the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Twenty-seven (27); all in Township Seventy-seven (77) North, Range Twenty-Eight (28) West of the 5th P.M., Madison County, Iowa, containing 34.434 acres, as shown in Plat of Survey filed in Book 2004, Page 2088 on May 7, 2004, in the Office of the Recorder of Madison County, Iowa.

And owned by: TIMOTHY R. STRAIN AND CARMEN R. STRAIN, as Joint Tenants
with Full Rights of Survivorship and Not as Tenants in Common,

Has been approved on the 29th day of January, 2019

By the Auditor, Madison County, Iowa.


Heidi Burhans, Auditor

AGREEMENT

This Agreement made and entered into, by and between, the proprietors of Strain Subdivision and Todd Hagan, Madison County Engineer.

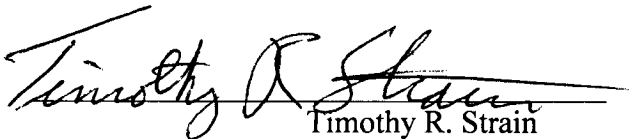
NOW THEREFORE IT IS AGREED AS FOLLOWS:

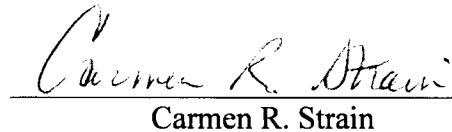
1. The proprietors of Strain Subdivision, a Plat of the following described real estate:

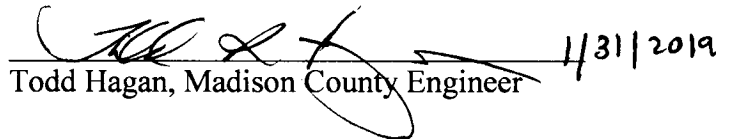
Parcel "D" located in the North Half (1/2) of the Northeast Quarter (1/4) of Section Thirty-four (34) and the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Twenty-seven (27); all in Township Seventy-seven (77) North, Range Twenty-Eight (28) West of the 5th P.M., Madison County, Iowa, containing 34.434 acres, as shown in Plat of Survey filed in Book 2004, Page 2088 on May 7, 2004, in the Office of the Recorder of Madison County, Iowa.

hereby agree that all private roads located within Strain 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.

PROPRIETORS OF STRAIN SUBDIVISION


Timothy R. Strain


Carmen R. Strain


Todd Hagan, Madison County Engineer 1/31/2019

**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, Timothy R. Strain and Carmen R. Strain, Husband and Wife, 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:

Parcel "D" located in the North Half (1/2) of the Northeast Quarter (1/4) of Section Thirty-four (34) and the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Twenty-seven (27); all in Township Seventy-seven (77) North, Range Twenty-Eight (28) West of the 5th P.M., Madison County, Iowa, containing 34.434 acres, as shown in Plat of Survey filed in Book 2004, Page 2088 on May 7, 2004, 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.

ated this 13th day of February, 2019.


Timothy R. Strain


Carmen R. Strain

STATE OF IOWA, COUNTY OF MADISON:

This instrument was acknowledged before me by Timothy R. Strain and Carmen R. Strain
on this 13th day of February, 2019.

Mark L. Smith

Notary Public in and for the State of Iowa



ZO-RESOLUTION-031919
RESOLUTION APPROVING FINAL PLAT OF
STRAIN 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 Strain Subdivision; and

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

Parcel "D" located in the North Half (1/2) of the Northeast Quarter (1/4) of Section Thirty-four (34) and the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Twenty-seven (27); all in Township Seventy-seven (77) North, Range Twenty-Eight (28) West of the 5th P.M., Madison County, Iowa, containing 34.434 acres, as shown in Plat of Survey filed in Book 2004, Page 2088 on May 7, 2004, 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, Timothy R. Strain and Carmen R. Strain as Joint Tenants with full rights of survivorship and not as Tenants in Common; 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, except a mortgage to Earlham Savings Bank who consents to the subdivision, and a Certified statement from the Treasurer of Madison County, Iowa, that said platted land is free from taxes.

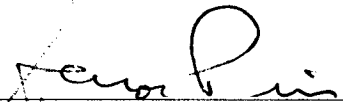
WHEREAS, the Board of Supervisors, Madison County, Iowa, finds that said plat conforms to the provisions of the Zoning Ordinance of Madison County, Iowa, and that the plat, papers and documents presented therewith should be approved by the Board of Supervisors, and that said plat, known as Strain Subdivision should be approved by the Board of Supervisors, Madison County, Iowa.

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

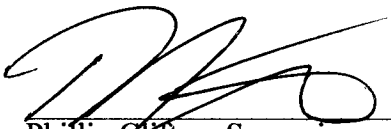
1. That said plat, known as Strain Subdivision prepared in connection with said plat and subdivision is hereby approved.

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.

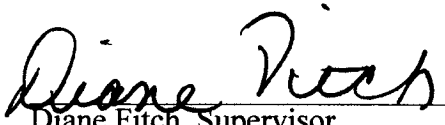
DATED at Winterset, Iowa, this 19th day of March, 2019.



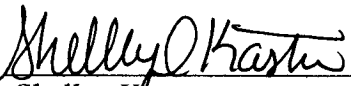
Aaron Price, Chairman Aye Nay



Phillip Clifton, Supervisor Aye Nay



Diane Fitch, Supervisor Aye Nay

Attest: 

Shelley Kaster
Madison County Auditor



Document 2019 849

Book 2019 Page 849 Type 06 044 Pages 16

Date 3/20/2019 Time 2:58:07PM

Rec Amt \$82.00 Aud Amt \$10.00

INDX
ANNO
SCAN
CHEK

LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

FINAL PLAT STRAIN SUBDIVISION

INDEX LEGEND

LOCATION: PARCEL D OF SE 1/4 OF SEC. 27 & NE 1/4 OF SEC. 34
T 77N, R 28W, MADISON COUNTY, IOWA

OWNER: TIMOTHY R & CARMEN R STRAIN
1511 HOGBACK BRIDGE RD., EARLHAM IA 50072

SURVEY FOR: TIMOTHY R & CARMEN R STRAIN
1511 HOGBACK BRIDGE RD., EARLHAM IA 50072

PREPARED BY CHAD A. DANIELS
DANIELS LAND SURVEYING, 22598 18TH AVE, NEW VIRGINIA IA 50210
RETURN TO: 515-577-2583

SURVEY LEGEND

- () - Recorded Distance/Bearing
- 33' Road Easement
- - - Section line
- * * * Fence line

Monuments

- ▲ - Found section corner
- - Set 1/2" red plastic capped rebar, #17532
- - Found 1/2" YCR #6808
- - Found 1/2" OCR #13427
- - Found 1/2" Rebar
- ⊠ - Proposed Entrance

BASIS OF BEARINGS IS IA RCS ZONE 8

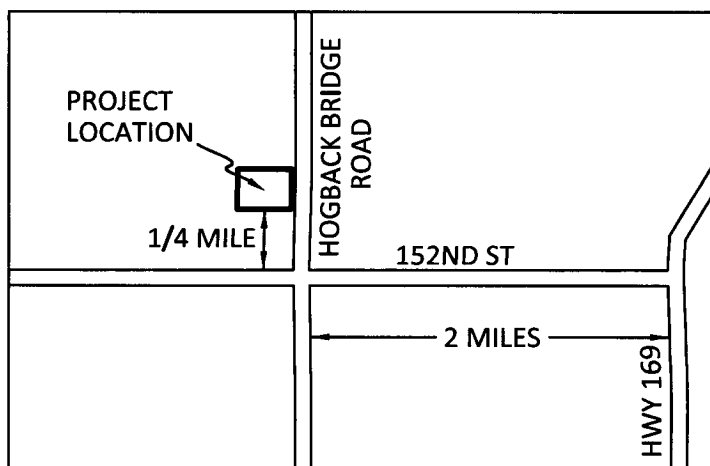
DESCRIPTION OF SUBDIVISION:

Parcel "D" located in the North Half (N 1/2) of the Northeast Quarter (NE 1/4) of Section Thirty-four (34) and the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section Twenty-seven (27); all in Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, containing 34.434 acres, as shown in Plat of Survey filed in Book 2004 Page 2088 on May 7, 2004, in the Office of the Recorder of Madison County, Iowa.

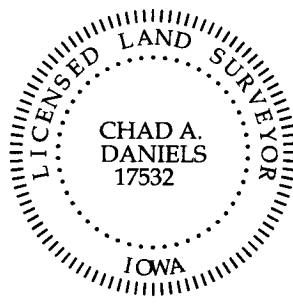
DESCRIPTION - WELL EASEMENT:

A 40 feet wide utility easement beginning at the existing well which is located N 28°22' W, 103 feet from the Northeast corner of Lot One; thence following the existing water line, wherever it may be, Southerly to the North line of said Lot One.

SEPTIC SYSTEMS - PRIVATE SYSTEMS
WATER - RURAL WATER
ZONING CLASSIFICATION - A



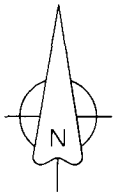
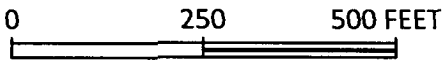
AREA LOT ONE:			
TRACT:	NET (AC):	R.O.W. (AC):	TOTAL (AC):
NE NE 34	10.36	0.22	10.58
NW NE 34	1.40	0.00	1.40
TOTAL	11.76	0.22	11.98
AREA LOT TWO:			
TRACT:	NET (AC):	R.O.W. (AC):	TOTAL (AC):
SE SE 27	0.07	0.00	0.07
NE NE 34	18.14	0.25	18.39
NW NE 34	3.99	0.00	3.99
TOTAL	22.20	0.25	22.45



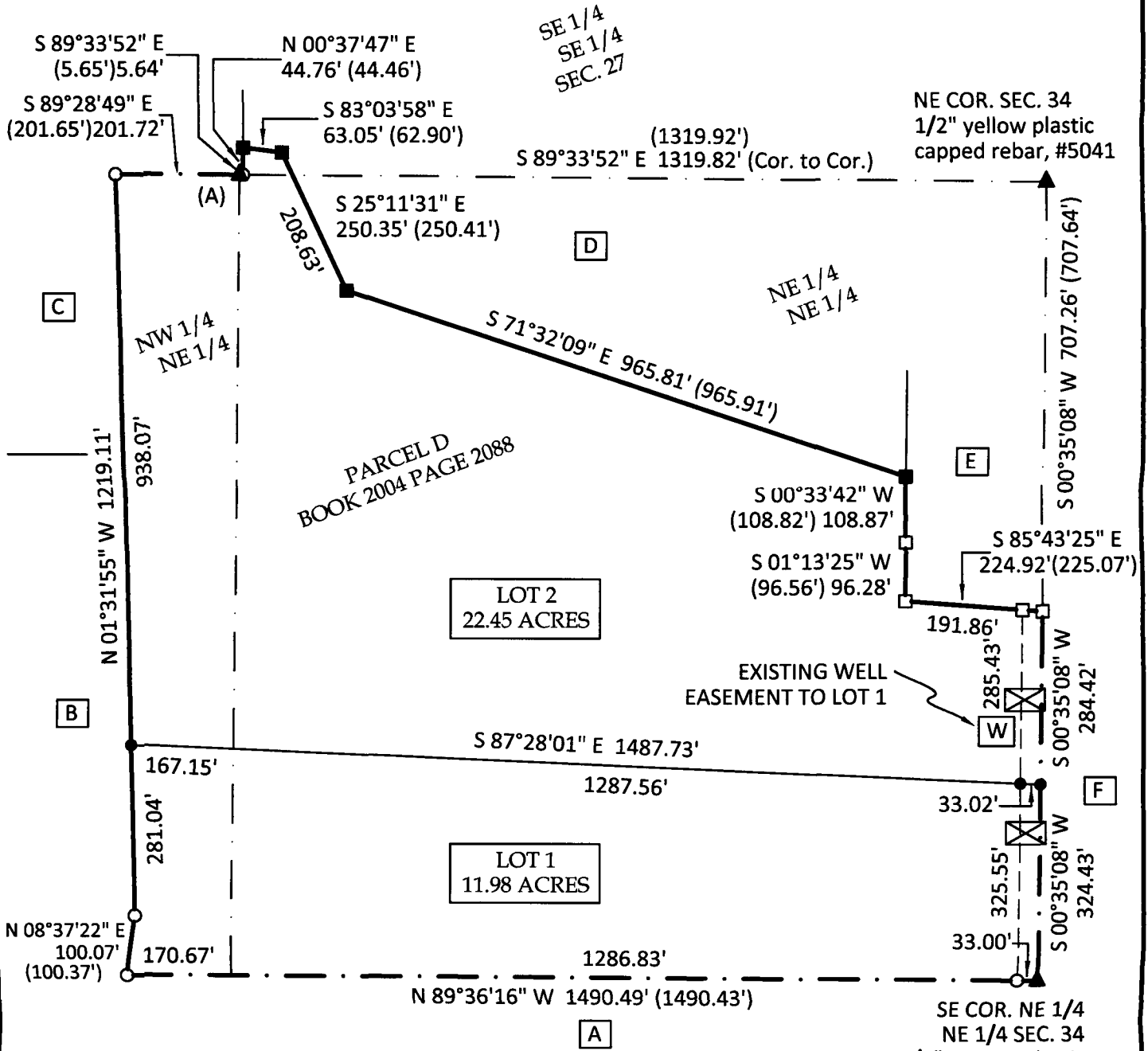
I hereby certify that this surveying document was prepared by me and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

Signed *Chad A. Daniels* 2/26/19
Chad A. Daniels Date

Iowa License No. 17532
My license renewal date is 12-31-2020
Page No.'s covered by this seal: 1 and 2



(A) - NW COR. NE 1/4
NE 1/4 SEC. 34
1/2" yellow plastic
capped rebar, #6808



ADJACENT LAND OWNERS:

- A - HAZEL STANLEY TRUST
515 W FREMONT ST., WINTERSET IA 50273
- B - FN'J FARMS LLC
32474 G TRAIL, EARLHAM IA 50072
- C - DIANN L PADGETT, ETAL
105 SE HART AVE., DES MOINES IA 50315
- D - BRADLEY & CHYLA MABRY
1489 HOGBACK BRIDGE RD., EARLHAM IA 50072
- E - LEROY & CHARLENE GILLMAN
1495 HOGBACK BRIDGE RD., EARLHAM IA 50072
- F - JOHN & NICOLE WILLIAMS
1492 HOGBACK BRIDGE RD., EARLHAM IA 50072

SE COR. NE 1/4
NE 1/4 SEC. 34
1/2" orange plastic
capped rebar, #13427