

RESOLUTION 2022-23

A RESOLUTION APPROVING A FINAL PLAT (WITH CONDITIONS) FOR THE  
SARA PARK SUBDIVISION

WHEREAS, a final plat described as A PORTION OF AUDITOR'S PARCEL "B", LOCATED IN THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION 32, TOWNSHIP 80 NORTH, RANGE 4 WEST OF THE 5TH PRINCIPAL MERIDIAN, CEDAR COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SECTION 32, TOWNSHIP 80 NORTH, RANGE 4 WEST OF THE 5TH PRINCIPAL MERIDIAN, CEDAR COUNTY, IOWA; THENCE N88°53'13"E, ALONG THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 32, A DISTANCE OF 1121.66 FEET TO THE POINT OF BEGINNING; THENCE N02°43'11"W, 351.72 FEET; THENCE N88°00'08"E, 464.14 FEET TO THE NORTHWEST CORNER OF LOT 1, ALBAUGH ACRES, CEDAR COUNTY, IOWA, ACCORDING TO THE PLAT RECORDED IN BOOK 770, PAGES 1-13 IN THE RECORDS OF THE CEDAR COUNTY RECORDER'S OFFICE; THENCE S02°15'11"E, ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 358.82 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1, SAID POINT BEING ON THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 32; THENCE S88°53'13"W, ALONG SAID SOUTH LINE, 461.36 FEET TO THE POINT OF BEGINNING, CONTAINING 3.77 ACRES AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD; and

WHEREAS, the intent of this final plat (Exhibit A) is for a one lot subdivision to conduct a farmstead split; and

WHEREAS, this final plat falls within two miles of the corporate limits of West Branch and falls under West Branch Code of Ordinances, Chapter 166.03; and

WHEREAS, the City may, by resolution, waive its right to review any subdivision outside its City limits or waive the requirements of any of its standards or conditions of approval, and if such resolution is made, shall certify the resolution, which shall be recorded with the plat: and

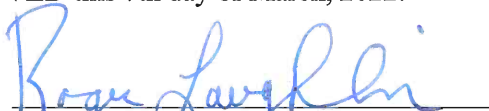
WHEREAS, the City Engineer and Planning & Zoning Commission reviewed the final plat and is recommending the following conditions (see Exhibit B):

WHEREAS, this Plat application is currently undergoing a full formal review by the Cedar County Planning and Zoning Department; and

WHEREAS, it is now necessary to for the City Council to accept and approve this resolution; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of West Branch, Iowa hereby is accepting the final plat with conditions in Exhibit B and that the Mayor and City Clerk are hereby authorized and directed to certify this resolution and affix the same to said plat as provided by law.

**PASSED AND APPROVED** this 7th day of March, 2022.

  
\_\_\_\_\_  
Roger Laughlin, Mayor

ATTEST:

  
\_\_\_\_\_  
Leslie Brick, City Clerk

# FINAL PLAT SARA PARK SUBDIVISION CEDAR COUNTY, IOWA

DESCRIPTION

A PORTION OF AUDITOR'S PARCEL "B", LOCATED IN THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION 32, TOWNSHIP 80 NORTH, RANGE 4 WEST OF THE 5TH PRINCIPAL MERIDIAN, CEDAR COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 32, TOWNSHIP 80 NORTH, RANGE 4 WEST OF THE 5TH PRINCIPAL MERIDIAN, CEDAR COUNTY, IOWA; THENCE N88°53'13"E, ALONG THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 32, A DISTANCE OF 1121.66 FEET TO THE POINT OF BEGINNING; THENCE N02°43'11"W, 351.72 FEET, THENCE N88°00'08"E, 464.14 FEET TO THE NORTHWEST CORNER OF LOT 1, ALBAUGH ACRES, CEDAR COUNTY, IOWA, ACCORDING TO THE PLAT RECORDED IN BOOK 770, PAGES 1-13 IN THE RECORDS OF THE CEDAR COUNTY RECORDERS OFFICE. THENCE S02°15'11"W, ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 358.82 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1, SAID POINT BEING ON THE SOUTH LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 32, THENCE S88°53'13"W, ALONG SAID SOUTH LINE 461.36 FEET TO THE POINT OF BEGINNING, CONTAINING 3.77 ACRES, AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

OWNERS' ATTORNEY:  
CHRIS SURLS  
DENDINGER LAW FIRM, PLLC  
409 CEDAR STREET  
TIPTON, IOWA 52772

PLAT APPROVED BY:  
CEDAR COUNTY BOARD OF SUPERVISORS:

CHAIRPERSON	DATE
FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP NO. 14675	

RAYMOND P. SLACH &  
NANCY A. SLACH

PLAT OF SURVEY AUDITOR'S PARCEL "B" CEDAR COUNTY, IOWA AS RECORDED IN BOOK F PAGE 135% IN THE RECORDS OF THE CEDAR COUNTY RECORDERS OFFICE

FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP NO. 14675

1003.96'(M) 1003.88'(R)

N01°32'03"W

464.14'

342.02'(M) 342.23'(R)

FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP NO. 14675

122.12'

N88°00'08"E

358.82'(M) 358.68'(R)

SE 1/4 SW 1/4

3.30 ACRES W/O ROW

LOT 1

AREA = 3.77 ACRES

SE 1/4 SW 1/4 SEC. 32-T80N-R4W

EXISTING DRIVEWAY

481.73'

280TH STREET

461.36'

2645.17'(M) 2645.04'(R)

NE 1/4 NW 1/4 SEC. 5-T79N-R4W

POINT OF BEGINNING

1121.66'

N88°53'13"E

588'53'13"W

NW 1/4 NW 1/4 SEC. 5-T79N-R4W

WEST BRANCH VILLAGE LLC

SEC. 5-T79N-R4W

PETHANY N. SIMON

LOCATION: A PORTION OF AUDITOR'S PARCEL "B" LOCATED IN THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION 32-T80N-R4W OF THE 5TH P.M., CEDAR COUNTY, IOWA

LAND SURVEYOR, INCLUDING FIRM OR ORGANIZATION: MARK A. STEIN, P.L.S. MMS CONSULTANTS, INC. 1917 S. GILBERT ST. IOWA CITY, IOWA 52240 PHONE: 319-351-8282

SURVEY REQUESTED BY: WILLIAM E. STARR AND ANITA D. STARR

PROPRIETORS OR OWNERS: WILLIAM E. STARR AND ANITA D. STARR

DATE OF SURVEY: DECEMBER 15, 2021

DOCUMENT RETURN INFORMATION: LAND SURVEYOR

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct supervision under the laws of the State of Iowa.

MARK A. STEIN  
P.L.S. Iowa Lic. No. 14675  
My license renewal date is December 31, 20 \_\_\_\_\_

Pages or sheets covered by this seal: \_\_\_\_\_



Signed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public, in and for the State of Iowa.

AREA SUMMARY

TOTAL ACRES	2.11
WITHOUT ROW	1.84
ROW	0.27
SE 1/4 SW 1/4	0.20
SW 1/4 SW 1/4	0.47
TOTAL	3.77

FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP NO. 14675

SE 1/4 SW 1/4

358.82'(M) 358.68'(R)

318.91'

502'15"11"E

FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP NO. 14675

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ALBAUGH ACRES CEDAR COUNTY, IOWA AS RECORDED IN BOOK 770 PAGES 1-13 IN THE RECORDS OF THE CEDAR COUNTY RECORDERS OFFICE

LOT 1

ALBAUGH ACRES CEDAR COUNTY, IOWA AS RECORDED IN BOOK 770 PAGES 1-13 IN THE RECORDS OF THE CEDAR COUNTY RECORDERS OFFICE

SE 1/4 SW 1/4 SEC. 32-T80N-R4W

EXISTING DRIVEWAY

SW CORNER SEC. 32-T80N-R4W FOUND MAG NAIL WITH METAL WASHER BOOK 1353, PAGE 177

1121.66'

N88°53'13"E

588'53'13"W

NW 1/4 NW 1/4 SEC. 5-T79N-R4W

WEST BRANCH VILLAGE LLC

SEC. 5-T79N-R4W

PETHANY N. SIMON

SW CORNER SEC. 32-T80N-R4W FOUND MAG NAIL WITH METAL WASHER BOOK 1353, PAGE 177

1121.66'

N88°53'13"E

588'53'13"W

NW 1/4 NW 1/4 SEC. 5-T79N-R4W

WEST BRANCH VILLAGE LLC

SEC. 5-T79N-R4W

PETHANY N. SIMON

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N88°53'13"E

588'53'13"W

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WEST BRANCH VILLAGE LLC

SEC. 5-T79N-R4W

PETHANY N. SIMON

SW CORNER SEC. 32-T80N-R4W FOUND MAG NAIL WITH METAL WASHER BOOK 1353, PAGE 177

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PETHANY N. SIMON

LOCATION: A PORTION OF AUDITOR'S PARCEL "B" LOCATED IN THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION 32-T80N-R4W OF THE 5TH P.M., CEDAR COUNTY, IOWA

LAND SURVEYOR, INCLUDING FIRM OR ORGANIZATION: MARK A. STEIN, P.L.S. MMS CONSULTANTS, INC. 1917 S. GILBERT ST. IOWA CITY, IOWA 52240 PHONE: 319-351-8282

SURVEY REQUESTED BY: WILLIAM E. STARR AND ANITA D. STARR

PROPRIETORS OR OWNERS: WILLIAM E. STARR AND ANITA D. STARR

DATE OF SURVEY: DECEMBER 15, 2021

DOCUMENT RETURN INFORMATION: LAND SURVEYOR

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct supervision under the laws of the State of Iowa.

MARK A. STEIN  
P.L.S. Iowa Lic. No. 14675  
My license renewal date is December 31, 20 \_\_\_\_\_

Pages or sheets covered by this seal: \_\_\_\_\_

Signed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public, in and for the State of Iowa.

LEGEND AND NOTES

- CONGRESSIONAL CORNER, FOUND
- CONGRESSIONAL CORNER, REESTABLISHED
- PROPERTY CORNERS, FOUND (See notes)
- PROPERTY CORNERS, SET (5/8" Iron Pin w/ yellow, plate LS Cap depending on "MMS")
- OUT "X"
- PROPERTY &/or BOUNDARY LINES
- RIGHT-OF-WAY LINES
- CENTER LINES
- UT LINES, PLATTED OR BY DEED
- LOT LINES, PLATTED OR BY DEED
- EASEMENT LINES, WIDTH & PURPOSE NOTED
- EXISTING EASEMENT LINES, WIDTH & PURPOSE NOTED
- MEASURED DIMENSIONS
- CURVE SEGMENT NUMBER

UNLESS NOTED OTHERWISE, ALL DIMENSIONS ARE IN FEET AND HUNDRETHS

DATE

REVISION

FINAL PLAT

SARA PARK SUBDIVISION

A PORTION OF AUDITOR'S PARCEL "B", LOCATED IN THE SW 1/4 OF SEC. 32 T80N-R4W OF THE 5TH P.M., CEDAR COUNTY, IOWA

MMS CONSULTANTS, INC.

Date: 12/20/2021

Surveyed by: JRD

Field Book No: 1325

Drawn by: MAS

Scale: 1" = 100'

Checked by: GDM

Sheet No: 1

Project No: 6168-002

of: 1

Exhibit B

**Prepared by and Return to:** Christopher L. Surls, P.O. Box 390, Tipton, IA 52772; (563) 886-6113

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WILLIAM E. STARR and	)	
ANITA D. STARR,	)	RESTRICTIVE COVENANT
	)	FOR
TO	)	SARA PARK SUBDIVISION
	)	
WHOM IT MAY CONCERN.	)	

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THE UNDERSIGNED, being all of the owners of the real property contained within Sara Park Subdivision, hereby adopts the following Restrictive Covenant for Sara Park Subdivision:

1. No structures of any kind may be constructed in the following portion of the Subdivision, being a future North 4th Street extension:

*The northerly extension of North 4<sup>th</sup> Street from the north right of way line of 280<sup>th</sup> street to the North line of Auditor's Parcel "B" Cedar County, Iowa as recorded in Book F, Page 106 in the records of the Cedar County Recorder's Office.*

2. In the event that North 4<sup>th</sup> Street is extended through Sara Park Subdivision in the future, the developer or the City of West Branch would need to pay the then owner of Sara Park Subdivision fair market value for the property taken for the road extension.
3. This shall be a Covenant running with the land and shall be binding upon the parties hereto, their heirs, successors, assigns, lessees, administrators, personal representatives, and any other party or parties taking therefrom; provided, however, that this Covenant may be released at any time by appropriate agreement for that purpose entered into between the owners of Sara Park Subdivision and the City of West Branch, Iowa, duly executed and acknowledged and filed for record in the office of the Recorder of Cedar County, Iowa.

IN WITNESS WHEREOF, the parties hereto have set their hands on the dates appearing below.

Dated: \_\_\_\_\_

\_\_\_\_\_  
William E. Starr

\_\_\_\_\_  
Anita D. Starr

**STATE OF IOWA, COUNTY OF CEDAR**

This record was acknowledged before me on \_\_\_\_\_, by William E. Starr and Anita D. Starr, husband and wife.

\_\_\_\_\_  
Signature of Notary Public

Dated: \_\_\_\_\_

**CITY OF WEST BRANCH, IOWA**

By: \_\_\_\_\_

**STATE OF IOWA, COUNTY OF CEDAR**

This record was acknowledged before me on \_\_\_\_\_, by  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Notary Public