

Story County Planning and Development

900 6th Street, Nevada, Iowa 50201

(515) 382-7245 — pzweb@storycountyiowa.gov — www.storycountyiowa.gov

SUBDIVISIONS



1. Property Owner*

(Last Name) Cain

(First Name) Chuck

(Address) 62128 315th St

(City) Maxwell (State) IA (Zip) 50167

(Phone) 815-387-1469 (Email) _____

2. Applicant (if different than owner)

(Last Name) _____

(First Name) _____

(Address) _____

(City) _____ (State) _____ (Zip) _____

(Phone) _____ (Email) _____

RECEIVED

JUL 29 2019

STORY CO. PLANNING & DEVELOPMENT

3. Property Address _____ **Parcel ID Number(s)** 15-19-300-105

4. Certification and Signature

I/we certify that the information and exhibits submitted are true and correct to the best of my knowledge and that in filing this application I am acting with the knowledge, consent and authority of the owners of the property. Pursuant to said authority, I hereby permit County officials to enter upon the property for the purpose of inspection.

***Acknowledgement of property owner is required and may occur via email or by signature of this application.**

Property Owner Signature Charles W. Cain Date 7-29-19 Applicant Signature _____ Date _____

Subdivision

Proposed Name: _____

Filing Fee/Type (required prior to processing):

- Residential Parcel Plat (\$175)
- Agricultural Plat (\$175)
- Minor Plat (\$275)**
- Major Plat—Preliminary (\$275)**
- Major Plat— Final (\$175)**

** Conceptual Review required

Submittal Requirements:

- Attend conceptual review meeting
- Legal description that will be used on all required legal documents (submit as Word document)
- Proposed subdivision plat (submit as PDF)
- All required submittal requirements as outlined in Chapter 87 of the Story County Code of Ordinances (87.06(3) for Residential Parcel, 87.07(3) for Agricultural, 87.08(3) for Minor, 87.09(3) for Major-Preliminary and 87.09(5) for Major-Final)
- All required documents for subdivision plats as outlined in Iowa Code Chapter 354.11

Vacation

Type: Right-of-way Plat

Submittal Requirements:

- Filing Fee (required prior to processing): \$175
- Legal description that will be used on all required legal documents (submit as Word document)
- Written description of requested items to be vacated
- See Chapter 87.10 for the vacation process

Receipt No. 570065
 Receipt Amount \$175

**Approval of C & S CAIRNS SUBDIVISION, STORY COUNTY, IOWA
by Story County Auditor**

July ____, 2019

The Story County Auditor's Office has reviewed the final plat of:

C & S CAIRNS SUBDIVISION, STORY COUNTY, IOWA

Pursuant to Iowa Code §354.6(2) and §354.11(6), the above-described subdivision name is approved and there is no objections to this subdivision plat being recorded.

Lucy Martin
County Auditor of Story County, Iowa

Prepared by: Daniel E. Bappe P.O. Box 127 Nevada, IA 50201 Phone No. (515) 382-3578

CERTIFICATE OF TREASURER
STORY COUNTY, IOWA

Re: Parcel No.: *15-19-300-105*

I, Ted Rasmussen, Treasurer of Story County, Iowa, certify that the real estate to be known as C & S Cairns Subdivision, Story County, Iowa, and described as follows, to-wit:

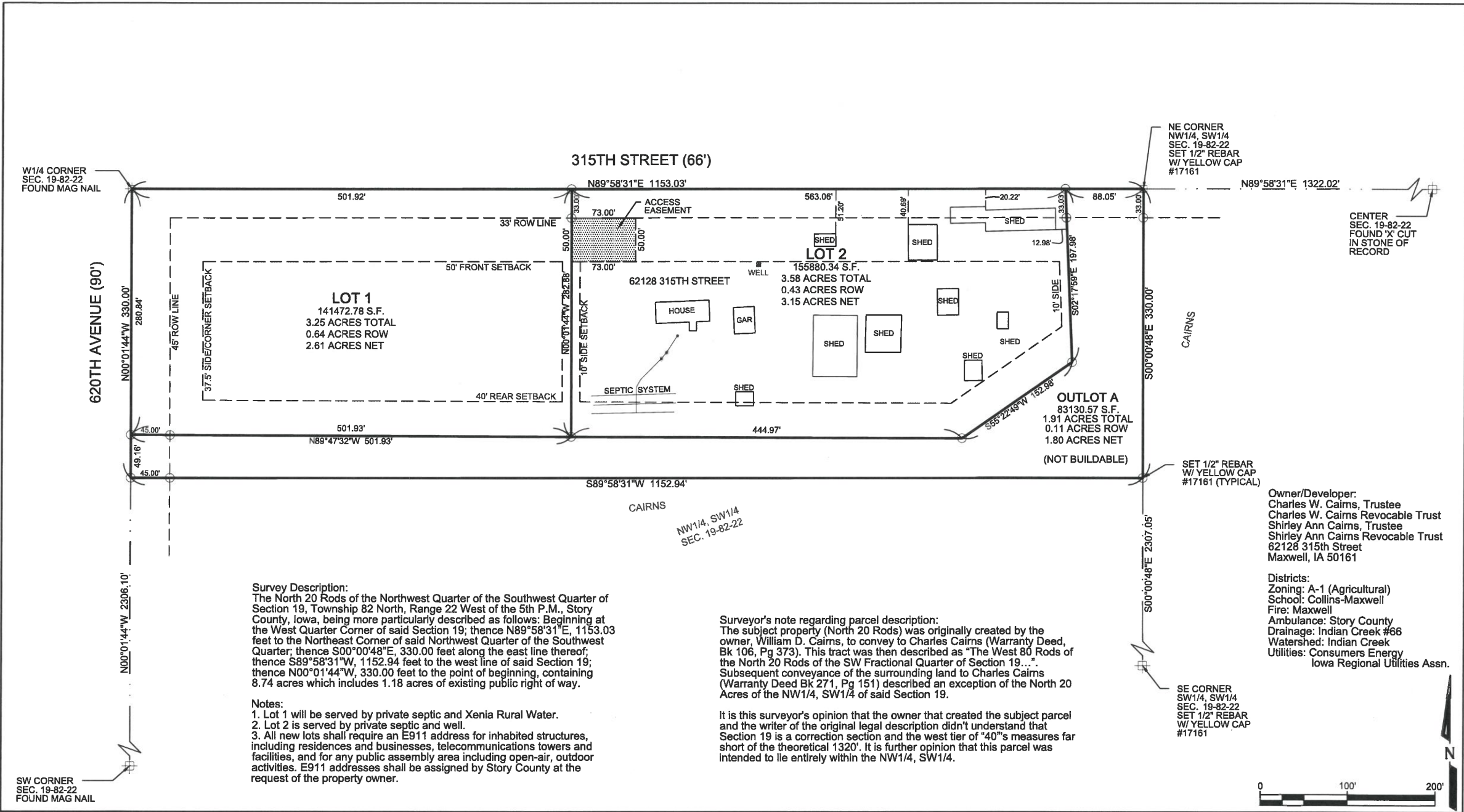
The North 20 Rods of the Northwest Quarter of the Southwest Quarter of Section 19, Township 82 North, Range 22 West of the 5th P.M., Story County, Iowa, being more particularly described as follows: Beginning at the West Quarter Corner of said Section 19; thence N89°58'31"E, 1153.03 feet to the Northeast Corner of said Northwest Quarter of the Southwest Quarter; thence S00°00'48"E, 330.00 feet along the east line thereof; thence S89°58'31"W, 1152.94 feet to the west line of said Section 19; thence N00°01'44"W, 330.00 feet to the point of beginning, containing 8.74 acres which includes 1.18 acres of existing public right of way.

Now known as C & S CAIRNS SUBDIVISION, Story County, Iowa, is free from taxes and special assessments as of this date.

Dated this *29th* day of July, 2019

Ted Rasmussen
Ted Rasmussen
Treasurer, Story County, Iowa
by Ardis H. Baldwin, Deputy





Survey Description:
 The North 20 Rods of the Northwest Quarter of the Southwest Quarter of Section 19, Township 82 North, Range 22 West of the 5th P.M., Story County, Iowa, being more particularly described as follows: Beginning at the West Quarter Corner of said Section 19; thence N89°58'31"E, 1153.03 feet to the Northeast Corner of said Northwest Quarter of the Southwest Quarter; thence S00°00'48"E, 330.00 feet along the east line thereof; thence S89°58'31"W, 1152.94 feet to the west line of said Section 19; thence N00°01'44"W, 330.00 feet to the point of beginning, containing 8.74 acres which includes 1.18 acres of existing public right of way.

Notes:
 1. Lot 1 will be served by private septic and Xenia Rural Water.
 2. Lot 2 is served by private septic and well.
 3. All new lots shall require an E911 address for inhabited structures, including residences and businesses, telecommunications towers and facilities, and for any public assembly area including open-air, outdoor activities. E911 addresses shall be assigned by Story County at the request of the property owner.

Surveyor's note regarding parcel description:
 The subject property (North 20 Rods) was originally created by the owner, William D. Cairns, to convey to Charles Cairns (Warranty Deed, Bk 106, Pg 373). This tract was then described as "The West 80 Rods of the North 20 Rods of the SW Fractional Quarter of Section 19...". Subsequent conveyance of the surrounding land to Charles Cairns (Warranty Deed Bk 271, Pg 151) described an exception of the North 20 Acres of the NW1/4, SW1/4 of said Section 19.

It is this surveyor's opinion that the owner that created the subject parcel and the writer of the original legal description didn't understand that Section 19 is a correction section and the west tier of "40"'s measures far short of the theoretical 1320'. It is further opinion that this parcel was intended to lie entirely within the NW1/4, SW1/4.

Owner/Developer:
 Charles W. Cairns, Trustee
 Charles W. Cairns Revocable Trust
 Shirley Ann Cairns, Trustee
 Shirley Ann Cairns Revocable Trust
 62128 315th Street
 Maxwell, IA 50161

Districts:
 Zoning: A-1 (Agricultural)
 School: Collins-Maxwell
 Fire: Maxwell
 Ambulance: Story County
 Drainage: Indian Creek #66
 Watershed: Indian Creek
 Utilities: Consumers Energy
 Iowa Regional Utilities Assn.



SW CORNER
 SEC. 19-82-22
 FOUND MAG NAIL

W1/4 CORNER
 SEC. 19-82-22
 FOUND MAG NAIL

NE CORNER
 NW1/4, SW1/4
 SEC. 19-82-22
 SET 1/2" REBAR
 W/ YELLOW CAP
 #17161

CENTER
 SEC. 19-82-22
 FOUND 'X' CUT
 IN STONE OF
 RECORD

SET 1/2" REBAR
 W/ YELLOW CAP
 #17161 (TYPICAL)

NW1/4, SW1/4
 SEC. 19-82-22

FOX Engineering Associates, Inc.
 414 South 17th Street, Suite 107
 Ames, Iowa 50010
 Phone: (515) 233-0000
 FAX: (515) 233-0103

FINAL PLAT
C & S CAIRNS SUBDIVISION
 A RESIDENTIAL PARCEL SUBDIVISION OF THE NORTH 20 RODS OF THE NW1/4, SW1/4,
 SEC. 19-82-22, STORY COUNTY, IOWA
 JOB# 14074-19A DATE: 9/02/19 PAGE 1 OF 1

I hereby certify that this land surveying document was prepared 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.

R. Bradley Stumbo
 R. BRADLEY STUMBO, PLS
 License number 17161
 My license renewal date is December 31, 2019.

9/02/19
 DATE



Prepared by/Return to: Daniel E. Bappe P.O. Box 127 Nevada Phone No. (515) 382-3578

CONSENT AND DEDICATION

KNOW ALL PERSONS BY THIS INSTRUMENT:

That Charles W. Cairns, as Trustee of the Charles W. Cairns Revocable Trust dated December 11, 2017, and Shirley Ann Cairns, as Trustee of the Shirley Ann Cairns Revocable Trust dated December 11, 2017, do hereby covenant that they are the lawful owners of real estate described as:

The North 20 Rods of the Northwest Quarter of the Southwest Quarter of Section 19, Township 82 North, Range 22 West of the 5th P.M., Story County, Iowa, being more particularly described as follows: Beginning at the West Quarter Corner of said Section 19; thence N89°58'31"E, 1153.03 feet to the Northeast Corner of said Northwest Quarter of the Southwest Quarter; thence S00°00'48"E, 330.00 feet along the east line thereof; thence S89°58'31"W, 1152.94 feet to the west line of said Section 19; thence N00°01'44"W, 330.00 feet to the point of beginning, containing 8.74 acres which includes 1.18 acres of existing public right of way.

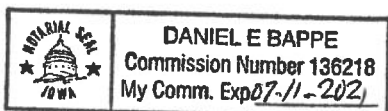
They hereby certify, acknowledge and declare that the platting of this real estate to be known as C & S CAIRNS SUBDIVISION, STORY COUNTY, IOWA, is with their free consent and in accordance with their desires as proprietors.

Charles W. Cairns Trustee
Charles W. Cairns, Trustee
of the Charles W. Cairns Revocable Trust
dated December 11, 2017

Shirley Ann Cairns Trustee
Shirley Ann Cairns, Trustee
of the Shirley A. Cairns Revocable Trust
dated December 11, 2017

STATE OF IOWA, STORY COUNTY,
This instrument was acknowledged before me on the 28th day of July, 2019, by Charles W. Cairns, Trustee of the Charles W. Cairns Revocable Trust dated December 11, 2017, and Shirley Ann Cairns, Trustee of the Shirley Ann Cairns Revocable Trust dated December 11, 2017.

Daniel E. Bappe
Notary Public in and for said State



Prepared by/Return to: Daniel E. Bappe P.O. Box 127 Nevada Phone No. (515) 382-3578

ATTORNEY'S OPINION

I, Daniel E. Bappe, hereby state that I am an Attorney at Law, duly admitted to the practice of law in the State of Iowa, with offices at 511 J Avenue, Nevada, Iowa 50201. I further state that I have examined the Abstract of Title to the following described real estate:

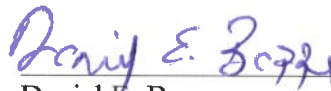
The North 20 Rods of the Northwest Quarter of the Southwest Quarter of Section 19, Township 82 North, Range 22 West of the 5th P.M., Story County, Iowa, being more particularly described as follows: Beginning at the West Quarter Corner of said Section 19; thence N89°58'31"E, 1153.03 feet to the Northeast Corner of said Northwest Quarter of the Southwest Quarter; thence S00°00'48"E, 330.00 feet along the east line thereof; thence S89°58'31"W, 1152.94 feet to the west line of said Section 19; thence N00°01'44"W, 330.00 feet to the point of beginning, containing 8.74 acres which includes 1.18 acres of existing public right of way.

from the date of the root of title thereof, down to and including Entry No. 51 as of July 22, 2019, at 8:00 A.M., last certified by Abstract and Title Services of Story County. The real estate is now known as C & S CAIRNS SUBDIVISION, STORY COUNTY, IOWA.

Based upon information within the Abstract of Title, it is my opinion that title to said real estate is as follows: an undivided one-half (1/2) interest in Charles W. Cairns, as Trustee of the Charles W. Cairns Revocable Trust dated December 11, 2017, and an undivided one-half (1/2) interest in Shirley Ann Cairns, as Trustee of the Shirley Ann Cairns Revocable Trust dated December 11, 2017, as Tenants in Common.

Based upon information within the Abstract of Title, it is my opinion that the real estate is further subject to easements and restrictions of record and the Zoning and Land Use Ordinances of Story County, Iowa.

Dated this 29th day of July, 2019



Daniel E. Bappe
511 J Ave.
Nevada, IA 50201

Prepared by: Daniel E. Bappe P.O. Box 127 Nevada, IA 50201 515-382-3578
Return to: Charles W. Cairns 62128 315th St. Maxwell, IA 50161

RESTRICTIVE COVENANTS FOR C & S CAIRNS SUBDIVISION,
STORY COUNTY, IOWA

Whereas: Charles W. Cairns, Trustee of the Charles W. Cairns Revocable Trust dated December 11, 2017, and Shirley Ann Cairns, Trustee of the Shirley Ann Cairns Revocable Trust dated December 11, 2017 (“**Cairns**”), desire to establish restrictive covenants for C & S CAIRNS SUBDIVISION, STORY COUNTY, Iowa.

The following restrictions and reservations are made a part of the survey plat known as C & S CAIRNS SUBDIVISION, Story County, Iowa

1. All lots described herein shall be known, described and used solely as residential lots, and no structures shall be erected or placed on any residential building lot except a family dwelling not to exceed two stories in height and a private attached garage for not more than four motor vehicles.
2. No residential lots shall be re-subdivided.
3. There will be no more than four (4) buildings on Lot One (1).
4. No trailers, tent trailers, unlicensed vehicles, mobile homes, motor homes, recreational vehicles, boats and/or boat trailers shall be used as a residence, temporary or permanent, nor shall the owners or residents of any lots park, or permit anyone to park, any aforementioned vehicles on any lots, nor shall a business of any kind be conducted on Lot One (1) without the written consent of the titleholder(s) of Lot Two (2). Nothing herein shall prevent an owner from storing, housing or maintaining one or more of the above items on the property for less than three days per month, such time being for routine maintenance or preparation for a trip or a vacation. Nothing herein shall prevent an owner from permanently storing or housing one or more of the above mentioned items, provided that such item is completely enclosed from view in their garage.
5. No building shall be erected on any lot unless the design and location is in harmony with existing structures and locations. Plans for proposed houses, including structure(s), paving, fencing, walls or other improvements, and their locations on the site, shall be submitted to **Cairns** for their written approval before commencement of

construction. This restriction is to apply to all present and future home owners in this area. In any case, no dwelling shall be permitted on any lot described herein, having a ground floor square foot living area of less than 1500 square feet in the case of a one-story single family structure, nor less than 1200 square feet in the case of a one and one-half or two story structure. Garage and breezeway square footage shall not be considered with the living areas above. No hedges, trees or other shrubbery shall be planted on any lot at a height which will interfere with clear and safe visibility for traffic on the roadway in said area.

6. All lots will be for single family residences only.

7. Lot owners of each lot, vacant or improved, shall keep the lot or lots free of weeds and debris, and agree to take all steps necessary to control erosion on the lot or lots.

8. No obnoxious or offensive trade shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood. No lot shall be used or maintained as a dumping ground for rubbish.

9. Construction of any residence shall be completed within one year of the date said construction is begun, and excess dirt from the excavation shall be hauled away or used only as part of a graded landscape plan.

10. No fences shall be erected on any lot without the consent of **Cairns**. Chain link fences for small pets will be considered, but must first be approved in writing by the **Cairns**.

11. All residential structures will comply with the provisions of the Story County ordinances as they apply to set-backs from the front, back and sides of the lots. Lot owners shall be responsible for their own septic system, which will comply with Story County sanitation regulations. Proper permits must be obtained by the lot owners for any construction.

12. Lot owners and residents agree to restrain, and keep from running at large, all dogs and cats, and no dogs or other pets shall be bred or maintained for commercial purposes.

13. No hogs or cattle shall be raised on Lot One (1).

14. If lot owners or residents install satellite dishes, they will be constructed so they are not noticeable to other lot owners.

15. The owner of Lot One (1) will hook up to the public water supply, provided by Xenia Rural Water, which will be made available to such lot. Lot Two (2) is served by a private well.

16. Lot owners shall be responsible for any costs in connection with the carrying of natural gas, rural water, telephone and electrical service from their lots to their residences. Lot owners agree to continue such service underground into their residences at their own expense. Lot owners shall be responsible for implementing appropriate erosion control measures, before, during and after construction. These measures may include temporary sedimentation areas, silt fences, and ground cover planting and seeding to cover all exposed areas and prevent erosion. Lot owners are also responsible for erosion control measures within the drainage way on their lot.

17. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until 2040, at which time such covenants shall be automatically extended for successive periods of ten years, unless by a vote of the majority of the then lot owners, it is agreed to change the said covenants in whole or in part.

18. If the parties hereto, or any of their heirs or assigns shall violate or attempt to violate any of the covenants or restrictions herein before 2040, it shall be lawful for any other person or persons owning any other lots in said development to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenants or restrictions, and either prevent, or attempt to prevent him from doing so, or to recover damages or other dues for such violations.

19. Invalidation of any one of these covenants by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

20. No variance will be allowed that would reduce the front, back and side yard setbacks, as set forth by county zoning standards.

21. All plans for residences will be approved by the **Cairns** before construction begins.

22. If any desirable trees are cut they must be replaced according to the requirements of Story County as set forth in the Subdivision Regulations. Those regulations currently call for removal of no more than 15% of naturally occurring tree canopy without replacement. For purposes of determining the percentage of canopy tree removal, each lot owner must submit a proposed landscape plan that identifies which trees, if any, are proposed to be removed with any application for zoning permit.

The above and foregoing restrictive covenants and restrictions are for the mutual benefit of all persons who shall acquire any lots in Subdivision and are imposed by the undersigned **Cairns**.

IN WITNESS WHEREOF, Charles W. Cairns and Shirley Ann Cairns, Trustees, have caused this instrument to be executed in Story County, Iowa this 11th day of December, 2019.

Charles W. Cairns

Charles W. Cairns, Trustee
of the Charles W. Cairns Revocable
Trust, dated December 11, 2017

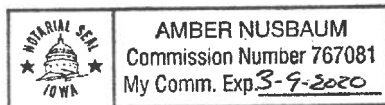
Shirley Ann Cairns

Shirley Ann Cairns, Trustee
of the Shirley Ann Cairns Revocable
Trust, dated December 11, 2017

STATE OF IOWA, STORY COUNTY,

This instrument was acknowledged before me on the 11th day of December, 2019, by Charles W. Cairns Revocable Trust dated December 11, 2017, and Shirley Ann Cairns, Trustee of the Shirley Ann Cairns Revocable Trust dated December 11, 2017.

Amber Nusbaum
Notary Public



Prepared by: Daniel E. Bappe P.O. Box 127 Nevada, IA 50201 (515) 382-3578
Return to: Charles W. Cairns 62128 315th St. Maxwell, IA 50161

EASEMENT

WHEREAS:

Charles W. Cairns, as Trustee of the Charles W. Cairns Revocable Trust dated December 11, 2017, and Shirley Ann Cairns, as Trustee of the Shirley Ann Cairns Revocable Trust dated December 11, 2017 (“Grantors”) are titleholders to the following-described real estate:

C & S Cairns Subdivision, Story County, Iowa.

GRANT OF EASEMENT:

1. Grantors hereby conveys to the owner of Lot One (1), C & S Cairns Subdivision, Story County, Iowa, (“Grantee”) an easement for ingress and egress over, across and through the South 50.00 feet of the North 83.00 feet of the West 73.00 feet of Lot 2 in C & S Cairns Subdivision, Story County, Iowa.
2. Such easement is for purposes access to Grantees’ real estate described above in Paragraph No. 1.
3. Grantees shall indemnify Cairns against any loss or damage which may be caused by the exercise of Grantees’ rights under this agreement.
4. Grantors and Grantees shall share equally in the maintenance of such easement.
5. Such easement shall run with the land and be binding on the parties’ heirs, successors and assigns.

DATED THIS 7th DAY OF NOVEMBER, 2019.

Charles W. Cairns

Charles W. Cairns,
Trustee of the above-described Trust

Shirley Ann Cairns

Shirley Ann Cairns,
Trustee of the above-described Trust

STATE OF IOWA, STORY COUNTY,

This instrument was acknowledged before me on the 7th day of November, 2019, by Charles W. Cairns, as Trustee of the Charles W. Cairns Revocable Trust dated December 11, 2017, and Shirley Ann Cairns, as Trustee of the Shirley Ann Cairns Revocable Trust dated December 11, 2017.

Amber Nusbaum

Notary Public

