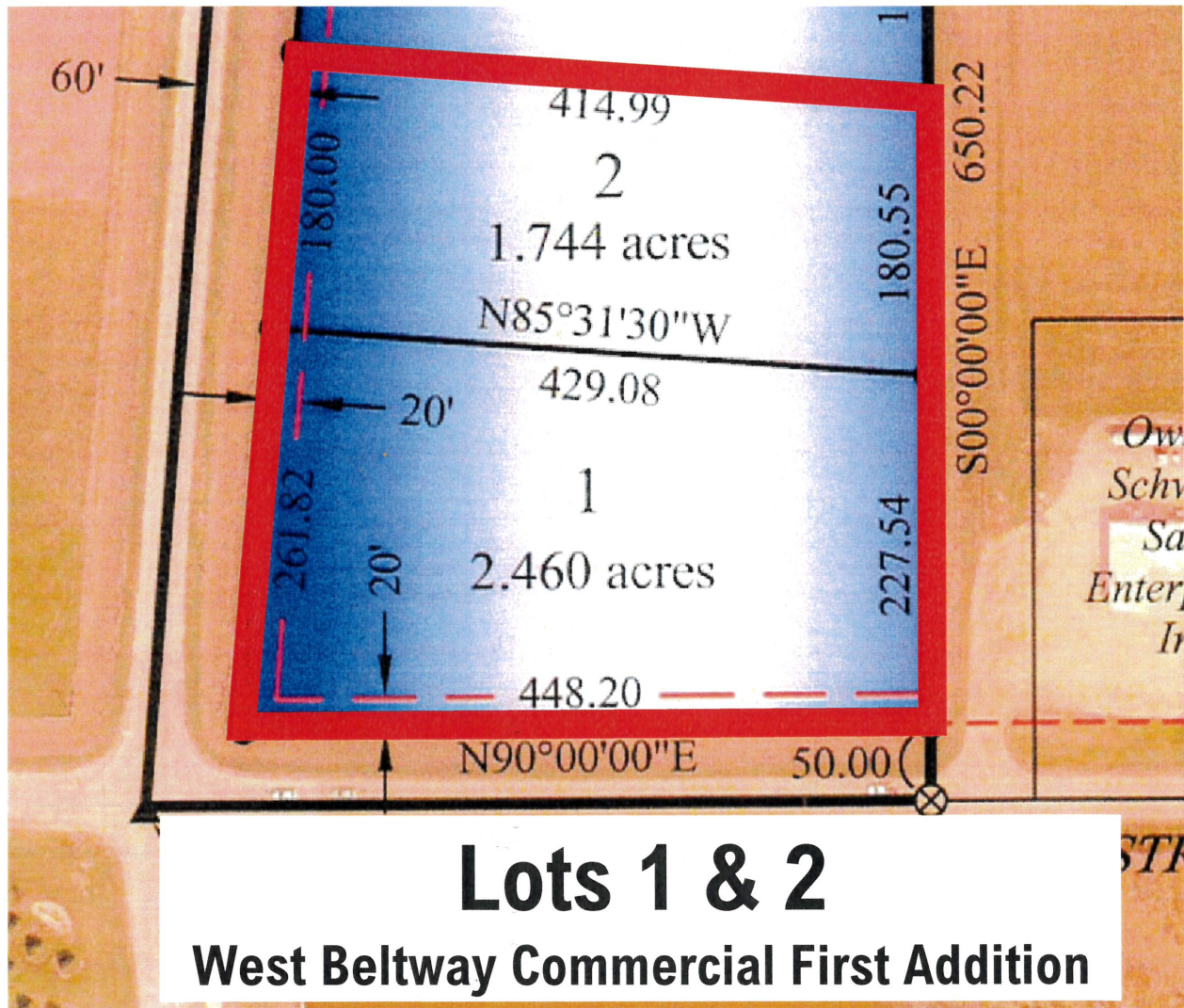


4.2 ACRES FOR SALE

Spencer, Iowa

West Beltway & West 18th Street



Price: \$185,000

Jon Hjelm ALC, Broker/Owner 712-240-3529

The ACRE Company 712-262-3529

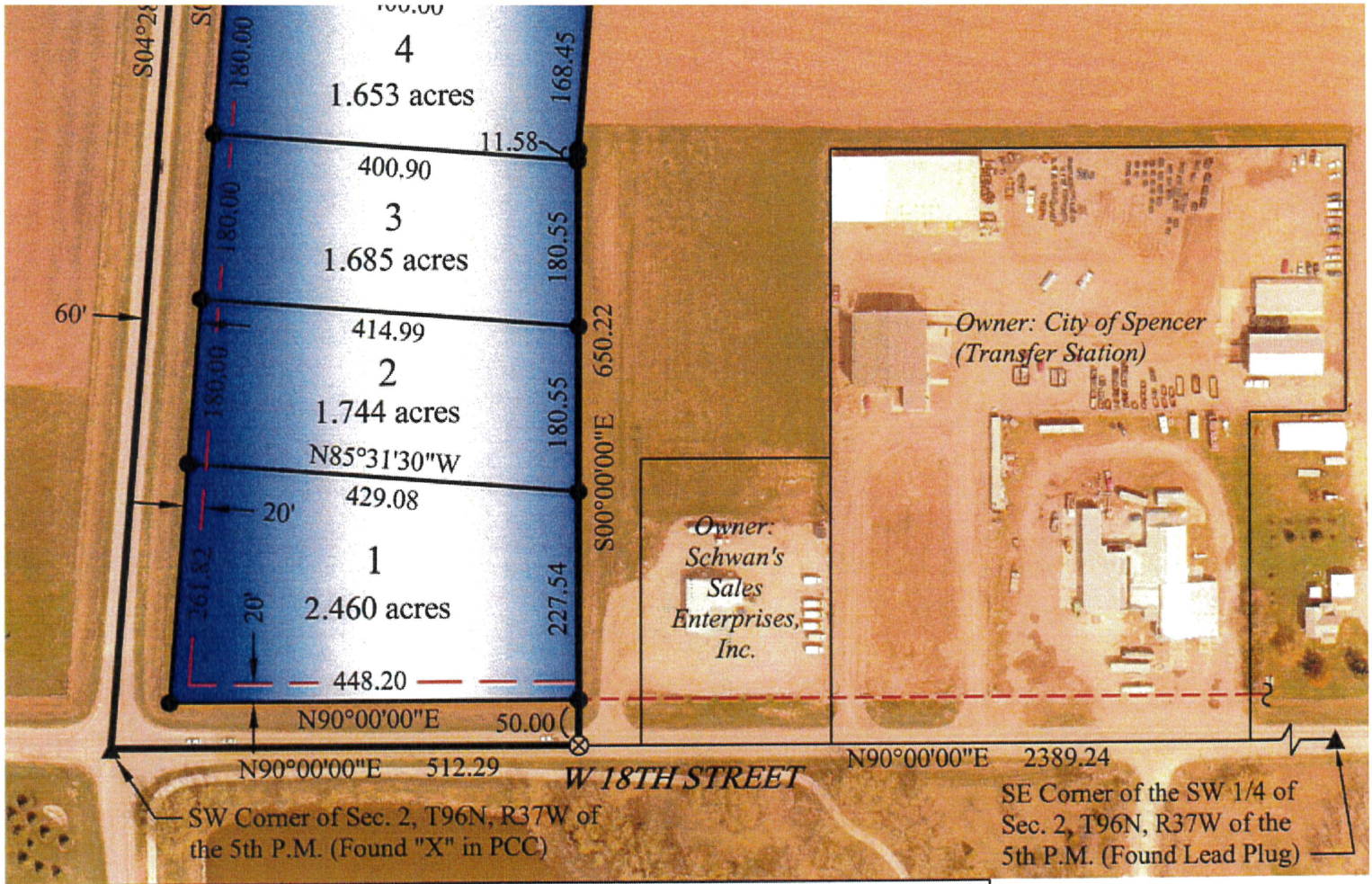
This property is owned by Jon Hjelm, a licensed Real Estate Broker in Iowa





FOR SALE







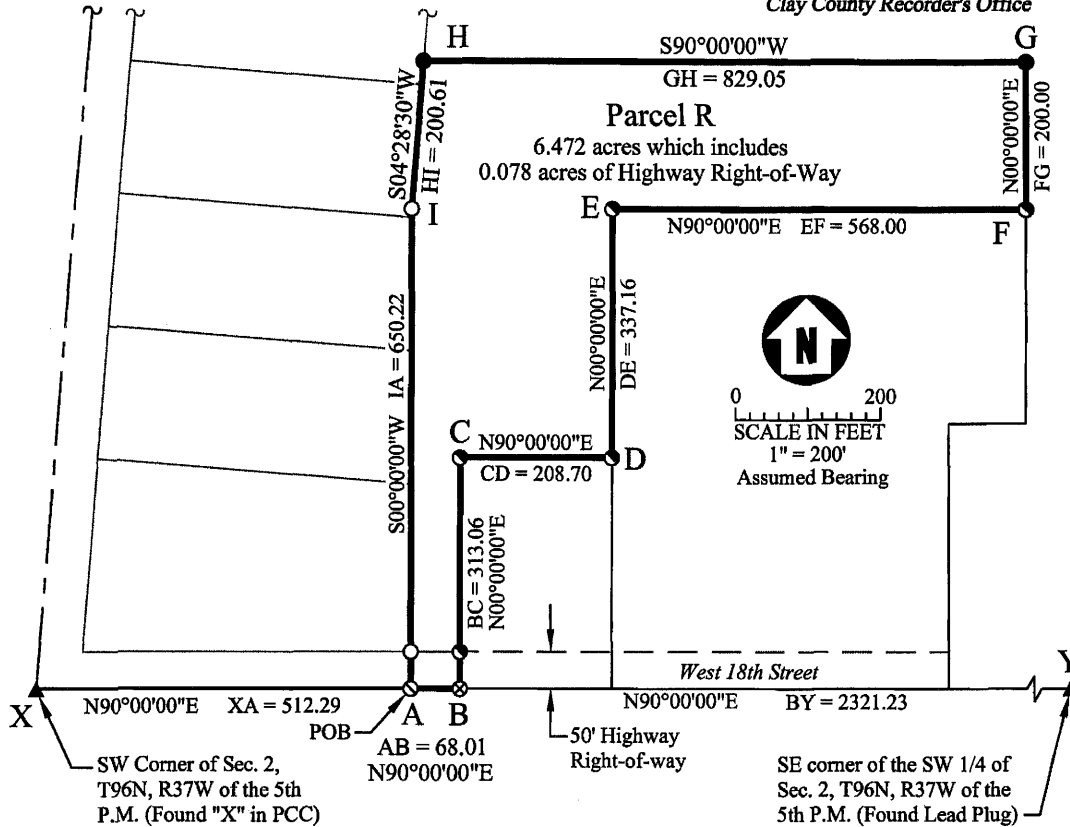
Document 2014 1498 12-C
 Book 2014 Page 1498 Type 06 007 Pages 2
 Date 6/20/2014 Time 3:52 PM
 Rec Amt \$12.00

SHIRLEY GOYETTE, RECORDER
 CLAY COUNTY IOWA

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PREPARED BY: James E Thiesse, KRUSE, CATE & NELSON, P.C., 1801 HIGHWAY BLVD., SPENCER, IOWA. 1-(712)-262-3468

Parcel B
 See Bk 2000, Pg 947
 Clay County Recorder's Office



Legend

- Set 1/2" Rebar w/Yellow Survey Cap #12304
- ⊗ Ground "X" in PCC
- ▲ Government Section Corner (Monument as Described)
- Found 1/2" Bar
- ⊙ Found Ground "X" in PCC
- Found Capped Bar #12304

PLAT OF SURVEY FOR: JON HJELM
 1622 1ST AVENUE EAST
 SPENCER, IA 51301

LOCATION:
 PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 96 NORTH, RANGE 37 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CLAY COUNTY, IOWA

Adjoining Property Survey



James E Thiesse, L.S. No. 12304 DATE
 My license renewal date is December 31, 2015
 Pages covered by this seal: 2

SPENCER, IOWA
 JUNE 12, 2014
 DRAWING NO. 1938-X2

Real Estate Taxes

Hjelm, Jon M

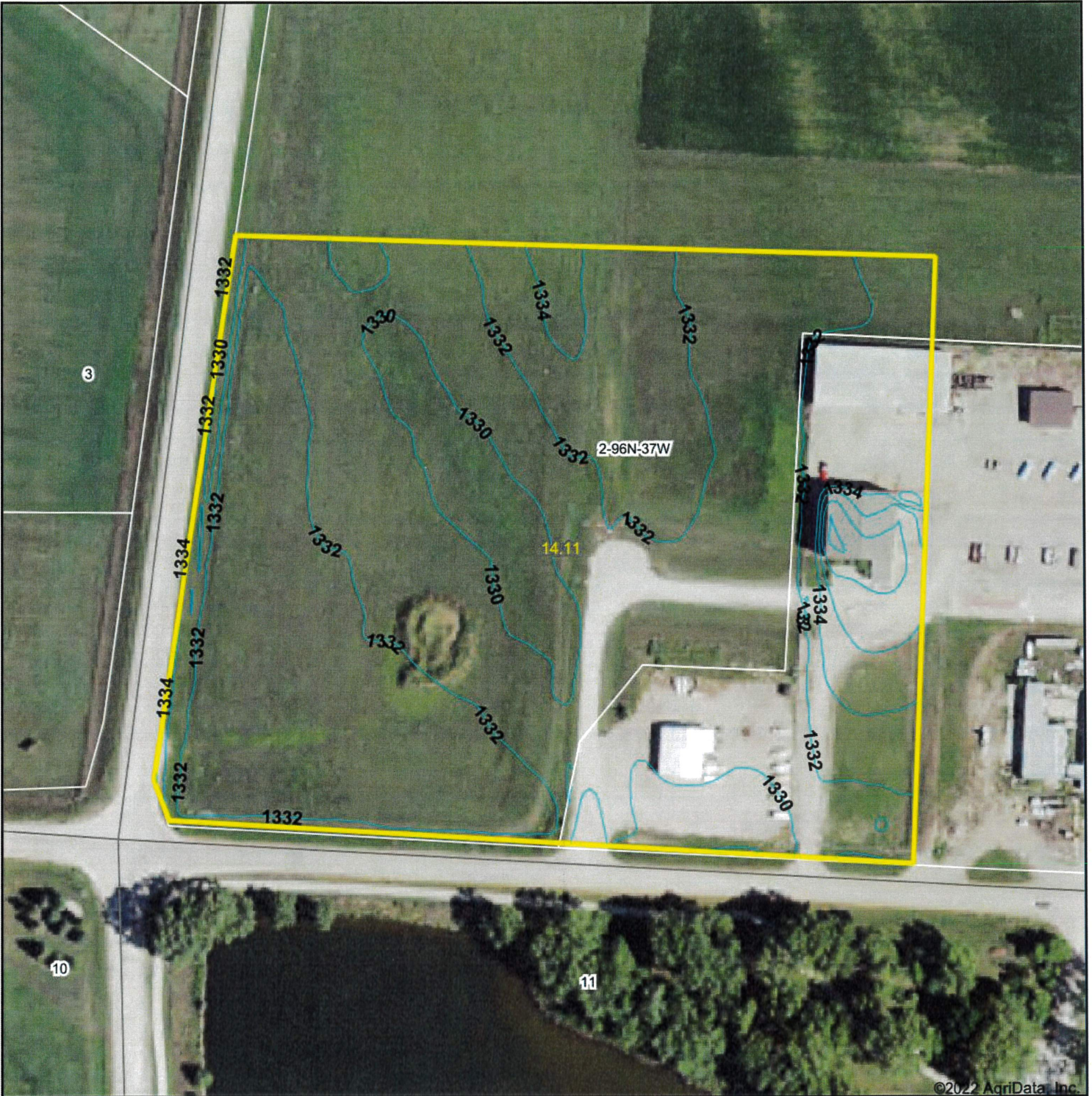
Total: \$0.00
 First Installment Due: \$0.00 **Paid**
 Second Installment Due: \$0.00 **Paid**

Details of 2 items.

Parcel Number - District	Site or Legal Address	Year - Type	Annual Amount
000963702351005 - 160	32ND AVE W	2021-2022-Real Estate	\$40.00
		Installment	Due Payment Amount
		First Installment Interest Begins 10/01/2021	\$0.00 0.00 Paid
		Second Installment Interest Begins 04/01/2022	\$0.00 0.00 Paid

Parcel Number - District	Site or Legal Address	Year - Type	Annual Amount
000963702351006 - 160	32ND AVE W	2021-2022-Real Estate	\$56.00
		Installment	Due Payment Amount
		First Installment Interest Begins 10/01/2021	\$0.00 0.00 Paid
		Second Installment Interest Begins 04/01/2022	\$0.00 0.00 Paid

Topography Contours



©2022 AgriData, Inc.



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Field borders provided by Farm Service Agency as of 5/21/2008.

Source: USGS 3 meter dem
Interval(ft): 2.0
Min: 1,328.7
Max: 1,340.3
Range: 11.6
Average: 1,331.9
Standard Deviation: 1.61 ft

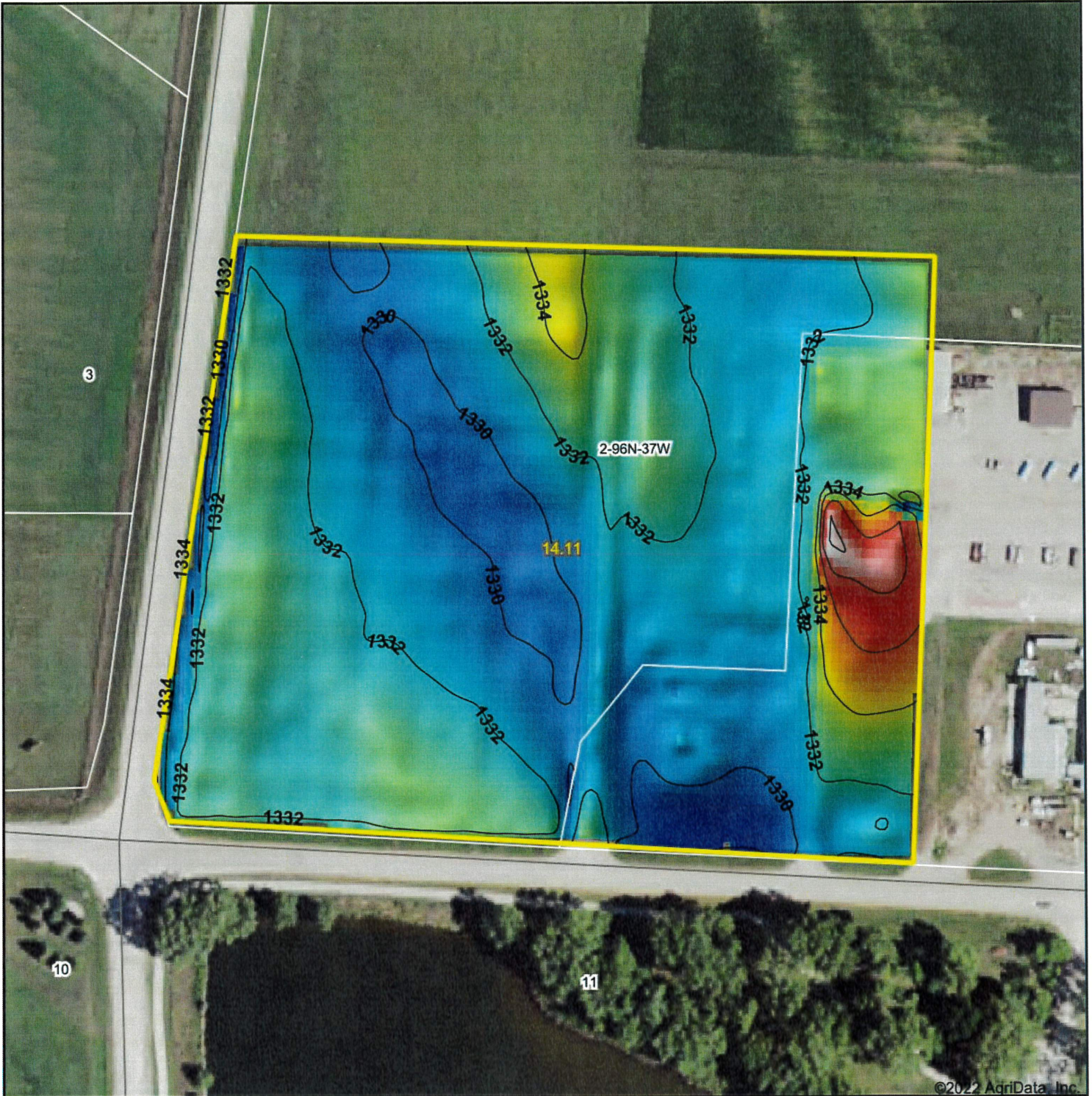


2/11/2022

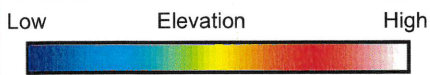
2-96N-37W
Clay County
Iowa

Map Center: 43° 9' 26.15, -95° 11' 24.67

Topography Hillshade



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Field borders provided by Farm Service Agency as of 5/21/2008.

Source: USGS 3 meter dem
 Interval(ft): 2
 Min: 1,328.7
 Max: 1,340.3
 Range: 11.6
 Average: 1,331.9
 Standard Deviation: 1.61 ft



2/11/2022

2-96N-37W
Clay County
Iowa

map center: 43° 9' 26.15, -95° 11' 24.67

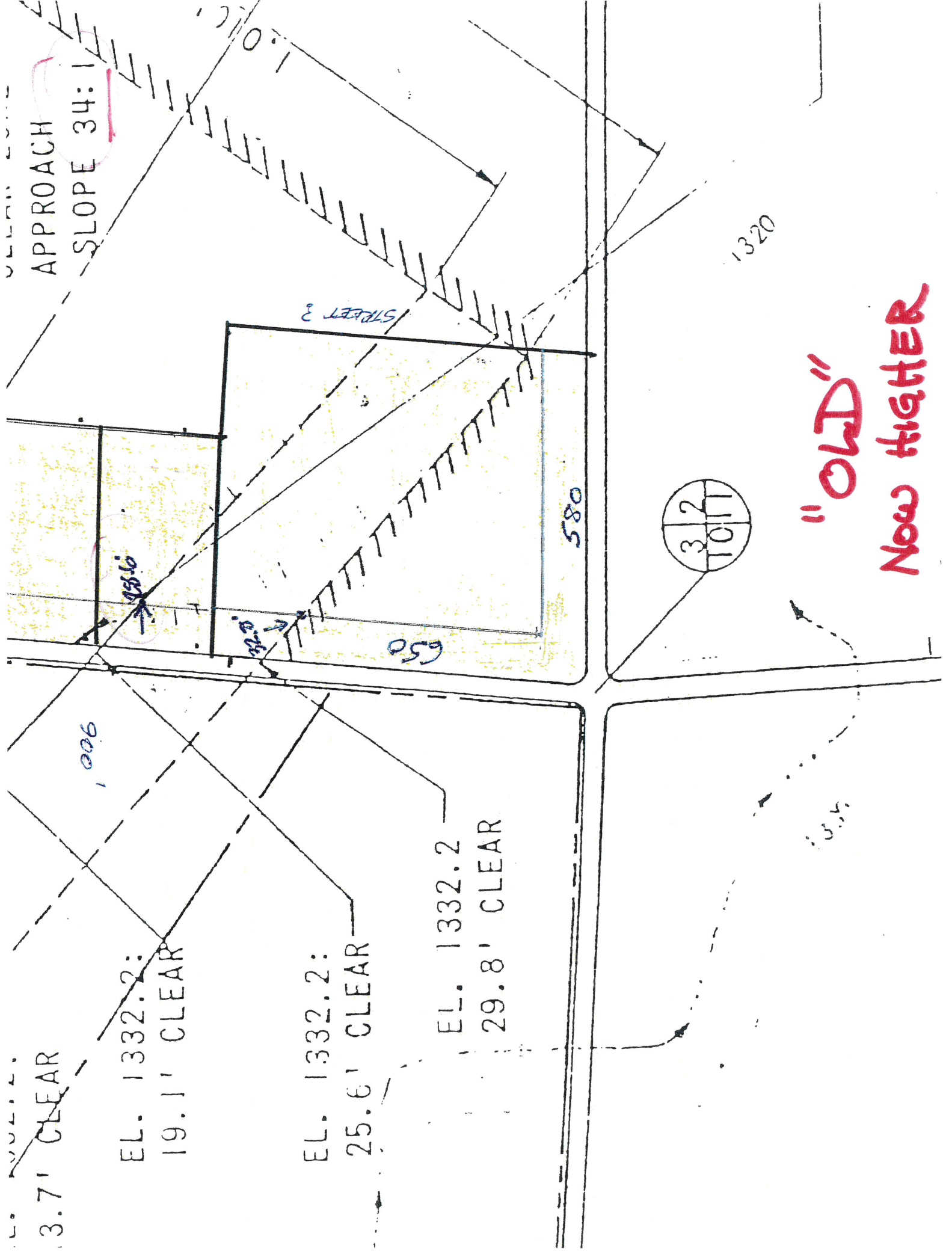
3.7' CLEAR

EL. 1332.2:
19.1' CLEAR

EL. 1332.2:
25.6' CLEAR

EL. 1332.2
29.8' CLEAR

APPROACH
SLOPE 34:1



"OLD"
Now HIGHER



Document 2014 2427

137-Ad

Book 2014 Page 2427 Type 03 019 Pages 26

Date 9/23/2014 Time 10:02 AM

Rec Amt \$132.00 Aud Amt \$5.00

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SHIRLEY GOYETTE, RECORDER
CLAY COUNTY IOWA

✓ Prepared By: Donald J. Hemphill, 215 Grand Ave, PO Box 1475, Spencer, IA 51301 Phone: 712-262-6801

PLAT OF WEST BELTWAY COMMERCIAL FIRST ADDITION
Clay County, Iowa

Proprietor's Statement

KNOW ALL MEN BY THESE PRESENTS:

Jon Hjelm (hereinafter "Developer") is the sole owner of the following described property:

That part of Parcel B as described in the plat of survey recorded in Book 2000, Page 947, Clay County recorder's Office, located in the Southwest Quarter of Section 2, Township 96 North, Range 37 West of the Fifth Principal Meridian Clay County, Iowa, described as follows to wit: Beginning at the southwest corner of Section 2, Township 96 North, Range 37 West of the Fifth Principal Meridian, Clay County, Iowa, and running from this point of beginning north 90° 00' 00" east (north 90 degrees 00 minutes 00 seconds east) along the south line of the Southwest Quarter of said Section 2 a distance of 512.29 feet; thence north 00° 00' 00" east a distance of 650.22 feet; thence north 04° 28' 30" east a distance of 1147.21 feet to the north line of said Parcel B; thence north 88° 12' 37" west along said north line a distance of 460.51 feet to the west line of the Southwest Quarter of said Section 2; thence south 04° 28' 30" west along said west line a distance 1813.85 feet to the point of beginning. All bearings stated in this description are based on the assumption that the south line of the Southwest Quarter of said Section 2 has a bearing of north 90° 00' 00" east. The area of the above described parcel of land is 19.458 acres which includes 3.014 acres of Highway Right-of-Way, 60 feet in width along the west line and 50 feet in width along the south line of the above described Parcel of land.

The area of the above parcel is **19.458** acres.

Jon Hjelm, as Developer hereby plats said real estate as West Beltway Commercial First Addition to Clay County, Iowa.

Said real estate is hereby platted into nine (9) numbered lots (1-9) located and described with boundaries as depicted on the Plat and Survey recorded herewith and incorporated by this reference.

Public Dedications.

1. **STREETS / ROAD RIGHT-OF-WAY.** There is hereby dedicated to Clay County, Iowa, and to the public, a public street right-of-way as depicted on the pictorial plat, sixty feet (60') in width and designated "West 21st Street".

There is hereby dedicated to Clay County, Iowa, and to the public, public street right-of-way designated as "32nd Avenue West", sixty feet (60') in width as depicted on the pictorial plat.

There is hereby dedicated to Clay County, Iowa, and to the public, a portion of West 18th Street, fifty feet (50') in width as depicted on the pictorial plat.

2. **PERMANENT UTILITY EASEMENTS.** There are hereby established permanent and perpetual utility easements, which are dedicated to Clay County, Iowa, and to the public, as indicated on the plat and survey recorded herewith and described as follows: over the west twenty feet (20') of each lot; over the south ten feet (10') of Lot 7; over the north ten feet (10') of Lot 6; and over the south twenty feet (20') of Lot 1.

3. **PUBLIC IMPROVEMENTS.**

A. **Streets.** The Subdivision is served and access is provided by West 18th Street and 32nd Avenue West which are both hard-surfaced, permanent streets.

B. **Water Service.** The Developer has negotiated an Agreement with Spencer Municipal Utilities to provide water service to each lot in the Subdivision. Service lines are the responsibility of the individual lot owners.

C. **Storm Water Drainage.** Drainage for the Subdivision is provided by the East ditch of 32nd Avenue West. Individual lot owners are responsible to grade their lots to drain to the west. In constructing access drives, property owners shall preserve drainage by the installation of adequate culverts. No lot shall be modified or improved so as to direct additional storm water drainage to an adjacent lot.

D. **Sanitary Sewer.** The Subdivision is not served by sanitary sewer. If sewage is produced on a lot in the Subdivision, a lot owner shall install and maintain a private sewage disposal system as approved by Clay County.

E. **Electrical Service.** Electrical service is available to each lot in the Subdivision from Iowa Lakes Electric Cooperative.

Protective and Restrictive Covenants and Use Restrictions.

The Developer hereby declares, makes, establishes and gives notice of the following protective and restrictive covenants and use restrictions which shall be applicable to all lots included in the West Beltway Commercial First Addition. These covenants and restrictions shall run with the land and shall be binding upon all parties and all persons who may now own, or who may later become the owner or owners of, any of the lots in the Subdivision, and all parties claiming under them, for a period of twenty (20) years from the date this instrument is recorded, after which time these covenants and restrictions shall expire, unless, prior to the expiration, a written verified claim as provided by Iowa Code Section 614.24 (2013), or successor laws, signed by the owner(s) of one or more lots in the Subdivision or by Spencer Municipal Utilities has been recorded in the public records of Clay County, Iowa, which provides for the extension of these covenants and restrictions, in whole or in part. If these covenants are extended for a period in excess of twenty (20) years, a written instrument signed by the owners of a majority of the lots in the Subdivision and by Spencer Municipal Utilities, recorded in the public records of Clay County, Iowa, may provide for the change, alteration, or rescission of these covenants.

Further, the Developer acknowledges and declares that Spencer Municipal Utilities shall have the same right as a property owner to record a written verified claim as provided by Iowa Code Section 614.24 (2014), or successor laws, with the Clay County Recorder to provide for the extension of these covenants and restrictions, in whole or in part.

A lot owner of a lot in the Subdivision, Spencer Municipal Utilities, and the Developer, shall each have the independent right to enforce these restrictive covenants.

Section 1: Permitted Uses.

All lots in the Subdivision may be used for all uses permitted under the Clay County General Commercial Zoning District Ordinance provisions, including special exception uses and permitted accessory uses, but excluding the uses of "funeral services", "service stations" and "cemeteries".

Section 2: Site Development Regulations.

The following setbacks shall apply to all lots in the Subdivision:

- a. Front yard, Seventy-five feet (75')
- b. Side yard, Ten feet (10')
- c. Rear yard, Twenty-five feet (25')

Section 3: Signs.

All signs placed on lots in the Subdivision shall comply with the sign regulations adopted by Clay County, Iowa. Further, no signs shall be placed or maintained in the area of the seventy-five foot (75') front yard setback.

Section 4: Groundwater Protection.

Lots in the Subdivision are located in the City of Spencer Public Water Supply Protection Overlay District. In order to preserve and protect the groundwater, owners of lots in the Subdivision shall limit the storage and use of hazardous substances or chemicals to the

extent possible, shall store and maintain hazard substances and chemicals only in secure closed containers, shall promptly notify Spencer Municipal Utilities and the Clay County EMS Coordinator of any spill or discharge of hazardous substance or chemical, and shall accomplish prompt remediation, containment and removal of any hazardous substance or chemical which has been discharged.

Section 5: Developer's Approval.

All permanent structures to be constructed on lots in the Subdivision shall be subject to the approval of the Developer or his designee, which approval shall not be unreasonably withheld. A lot owner shall provide to the Developer, in writing, proposed plans, sketches and renderings of the proposed improvements as the Developer may reasonably require. The Developer shall have a period of thirty (30) calendar days after submission of all required information to approve or deny the proposed improvements in writing. If the Developer takes no action, the proposed improvements shall be deemed approved.

The criteria to be considered by the Developer in approving improvements include the following:

- a. Conformity and harmony of external designs with other structures in the Subdivision;
- b. Effect of location and use of improvements on adjacent sites;
- c. Orientation to adjacent street;
- d. Compatibility with existing or proposed uses on adjacent sites, in terms of building height, bulk and scale, set-backs and open spaces, landscaping and site development features.
- e. Potentially unfavorable effects or impacts on other existing or proposed uses on adjacent sites;
- f. Safety and convenience of vehicular and pedestrian traffic;
- g. Protection of persons and property from erosion, water damage, fire, noise, glare, and other hazards or adverse impacts;
- h. Adequacy and convenience of off-street parking and loading facilities;
- i. Adequate drainage;

Section 6: Access Drives.

All access driveways may be graveled or hard-surfaced.

Section 7: Outside Storage.

There shall be no exterior storage of articles, goods, materials, trash receptacles, recycle receptacles, or storage tanks unless placed to the rear (east) of the building on the lot, screened from public view or approved by the Developer in writing.

Section 8: Satellite Communications.

Satellite communication equipment, including, but not limited to, satellite dishes are permissible in the Subdivision; however, all satellite communication equipment shall be located so as to minimize its exposure from public streets and adjacent property

Section 9: Nuisances Prohibited.

No operation may be conducted which makes emits offensive or objectionable noise, vibration, smoke, odors, dust or gases.

Section 10: Height Restrictions.

Lots in the Subdivision are subject to an Avigation Easement and height restrictions adopted in the Northwest Iowa Regional Airport Zoning Ordinance.

Section 11: Fences.

Fences are permitted in the Subdivision in accordance with the requirements of Clay County, except that no fences shall be placed in the front yard (75 feet) setback area.

Section 12: Other Prohibitions.

- a. No outdoor furnaces or boilers are permitted in this subdivision.
- b. Owners of lots shall at all times keep the lot free from junk, debris, weeds and other nuisance conditions.

Section 13: Requirements of the State of Iowa, County of Clay, City of Spencer.

Nothing herein is intended nor shall be construed to be in lieu of compliance with any statute, rule or regulation of the State of Iowa or the County of Clay, which may be applicable, which affects the real estate located herein, including but not limited to zoning codes, building codes, fire codes or other rules, regulations or policies. If there is conflict between the provisions contained herein in any statute, rule or regulation of an authorized governmental agency, the intent of these protective covenants is that the covenants be construed in accordance with the same and that every property owner must comply with the appropriate governmental regulation in addition to these covenants. It is expressly the intent of these covenants that where the covenant is more restrictive than the government regulation, the covenants shall prevail; but, if the government regulation is more restrictive, then the governmental regulation shall apply.

Infrastructure Development.

As of the date of the execution of this Proprietor's Statement, the property platted as West Beltway Commercial First Addition is unimproved.

Attachments.

There is attached hereto, and made a part hereof, the consent of the mortgagee, Farmers Savings Bank of Fostoria, Iowa, consenting to the Plat of West Beltway Commercial First Addition.

There is attached hereto, and made a part hereof, the certificate of the Clay County Treasurer certifying that the real estate included in said Plat is free from certified taxes and special assessments.

There is attached hereto, and made a part hereof, the certificates of filing of the Plat of West Beltway Commercial First Addition with the Clay County Assessor and the Clay County Auditor.

There is attached hereto, and made a part hereof, a certificate of the Clay County Planning and Zoning Commission's approval of the Plat of West Beltway Commercial First Addition.

There is attached hereto, and made a part hereof, the certified Resolution of the Clay County Board of Supervisors approving the Plat of West Beltway Commercial First Addition.

There is attached hereto, and made a part hereof, a certificate of the City of Spencer Planning and Zoning Commission's approval of the Plat of West Beltway Commercial First Addition.

There is attached hereto, and made a part hereof, the resolution of the Spencer City Council approving the Plat of West Beltway Commercial First Addition.

There is attached hereto, and made a part hereof, the written opinion of Donald J. Hemphill, an attorney at law, that fee simple title to the real estate included in the Plat of West Beltway Commercial First Addition is held by Jon Hjelm, free and clear of all liens, taxes and encumbrances, except easements of record and mortgage noted.

There is further attached hereto, and made a part hereof, the Plat of West Beltway Commercial First Addition certified by James E. Thiesse, Licensed Land Surveyor, Iowa Registration No. 12304, which Plat shows the lots, easements and streets included in the Plat and the boundaries of the Plat; the monumentation therefore; and the measurements and bearings thereof; and which otherwise complies with the requirements of Chapter 354 of the 2013 Code of Iowa.


The above described property is platted with the free consent and in accordance with the desires of the Developer, as approved by the Clay County Board of Supervisors.



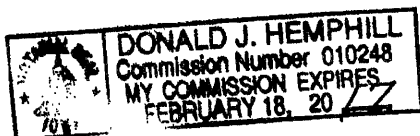
JON HJELM

STATE OF IOWA; COUNTY OF CLAY, ss:

Subscribed and sworn to before me by Jon Hjelm this 14th day of September, 2014.

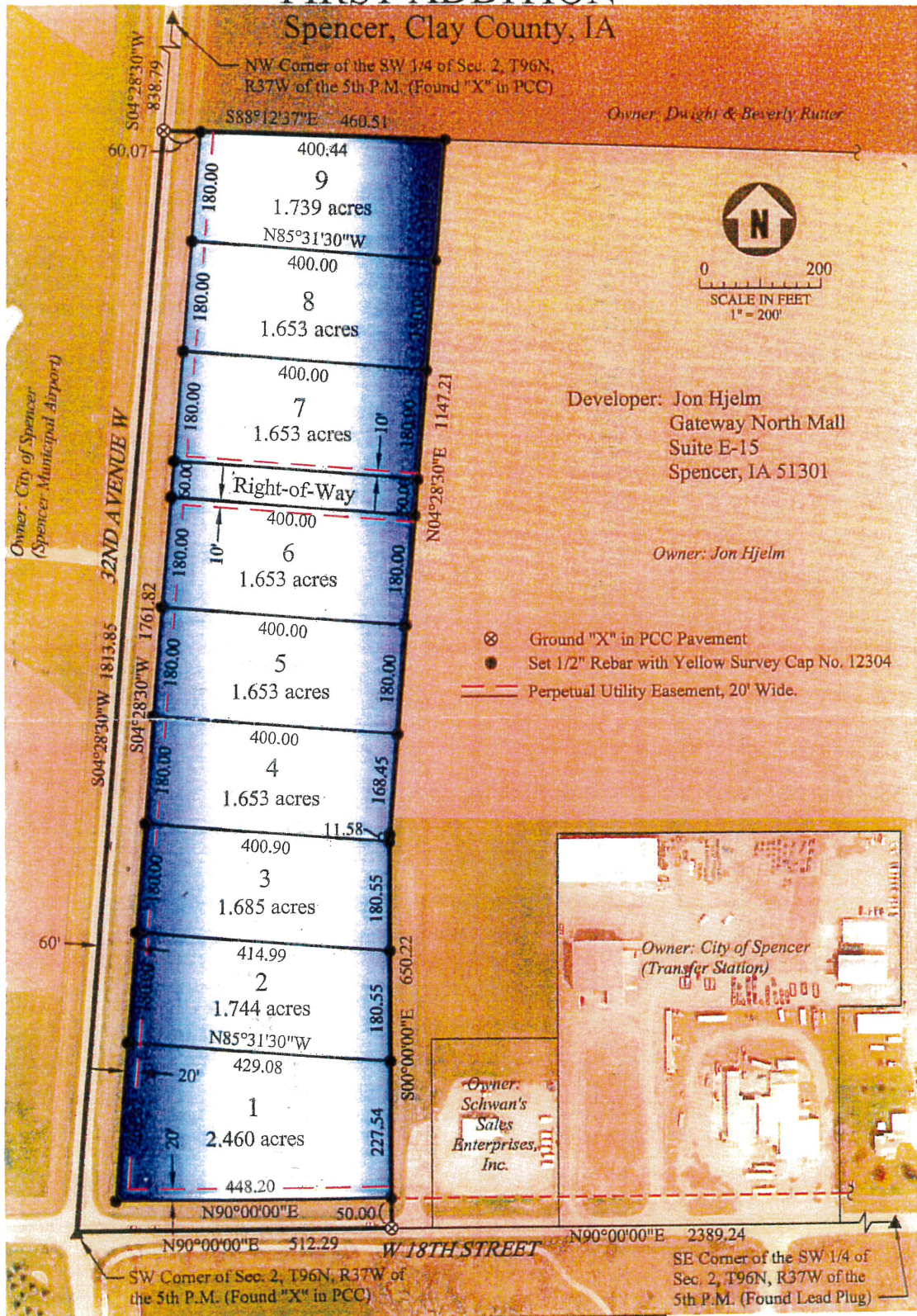


Notary Public in and for the State of Iowa



WEST BELTWAY COMMERCIAL FIRST ADDITION

Spencer, Clay County, IA



CERTIFICATE:

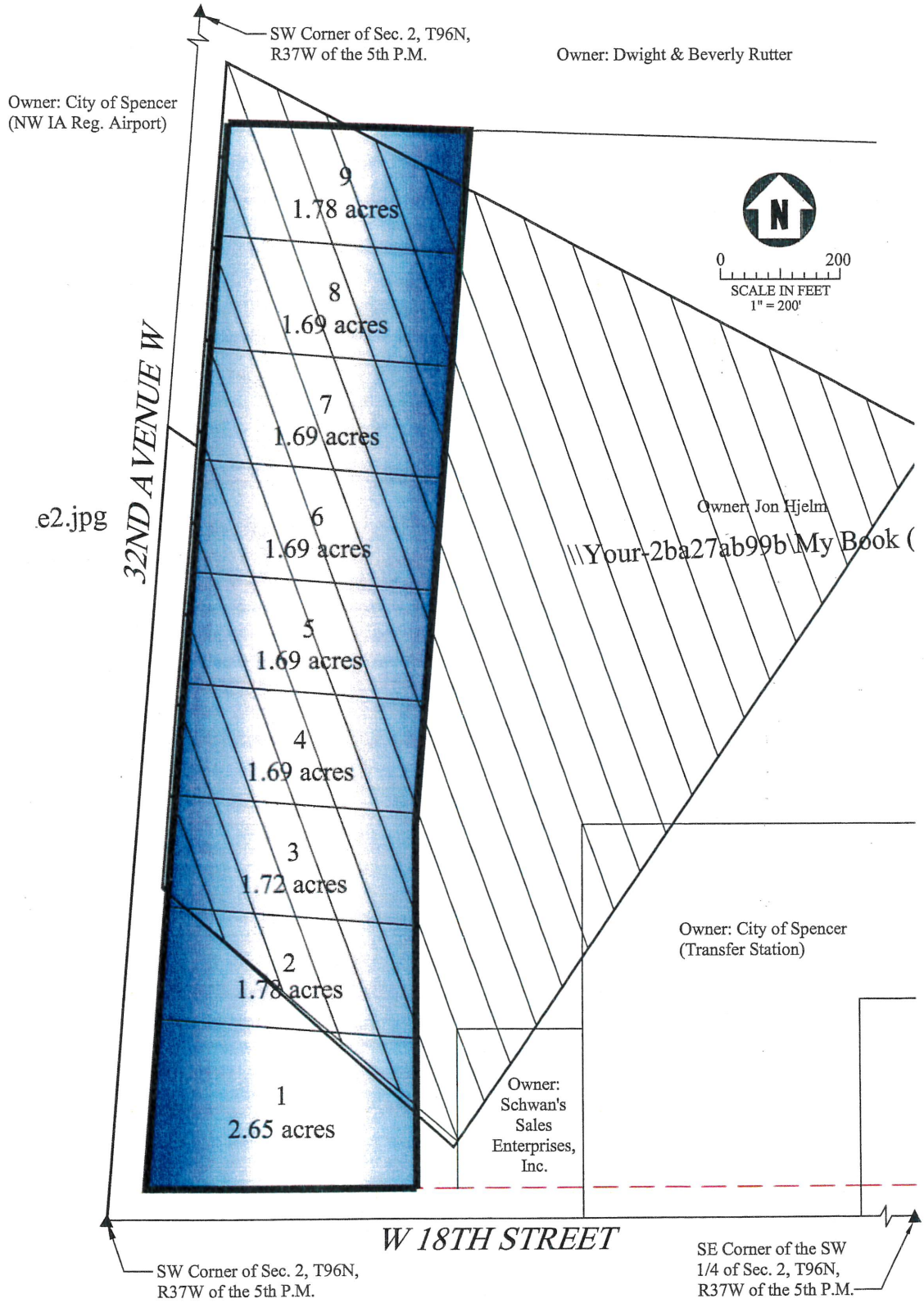
I hereby certify that this land surveying document was prepared by me and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

James E Thiesse, L.S. No. 12304 DATE
 My license renewal date is December 31, 2015
 Pages covered by this seal: 1

PREPARED BY:
 KRUSE, CATE & NELSON, P.C.
 SPENCER, IOWA
 JUNE 2, 2014
 DRAWING NO. 1938-X1

WEST BELTWAY COMMERCIAL FIRST ADDITION

Spencer, Clay County, IA



LOCATION:
PART OF THE W 1/2 OF THE SW 1/4 OF SECTION 2, TOWNSHIP 96
NORTH, RANGE 37 WEST OF THE FIFTH PRINCIPAL MERIDIAN,
CLAY COUNTY, IOWA.

PREPARED BY:
KRUSE, CATE & NELSON, P.C.
SPENCER, IOWA
APRIL 15, 2014
DRAWING NO. 1938-X1

SEE PAGE 2 FOR ADDITIONAL INFORMATION

PAGE 1 OF 2

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