

## **AGENDA**

### **ROLL CALL**

### **AGENDA ITEMS**

1. Approve Minutes of the April 8, 2024 Meeting.
2. Approve Final Plat of Bockenstedt Estates Plat 4, Dubuque County, Iowa. Lot 1 and Lot 2 of Bockenstedt Estates Plat 3, Dubuque County, Iowa.
3. Approve Plat of Survey This is Iowa Ballpark, City of Dyersville, Dubuque County, Iowa. Lot 2 of Hewitt Creek Subdivision and the Northeast Quarter of the Northeast Quarter of Section 27, Township 89 North, Range 2 West of the 5th P.M., all in the City of Dyersville, Dubuque County, Iowa.
4. Approve Preliminary Plat Lake View Estates. As Comprised of Parcel 2016-02, a Part of the SW 1/4, of Section 36, T89N, R3W, of the 5th P.M., in the City of Dyersville, Delaware County, Iowa.
5. Approve Final Plat Lake View Estates in the City of Dyersville, Delaware County, Iowa.

### **ADJOURNMENT**



## PLANNING & ZONING MEETING

Lower Level Council Chambers  
Monday, April 08, 2024  
6:30 PM

### MINUTES

#### ROLL CALL

PRESENT: Chairperson Roger Gibbs, Vice-Chairperson Tim Nefzger, Joe Petsche, Matt Tauke, Bec Willenborg (arrived at 6:40 pm)

ABSENT: Ryan Cahill

#### AGENDA ITEMS

1. Approve Minutes of the December 11, 2023 Meeting

There were no comments or questions.

Motion to approve Minutes of the December 11, 2023 Meeting made by Tim Nefzger, Seconded by Matt Tauke.

Voting Yea: Roger Gibbs, Tim Nefzger, Joe Petsche, Matt Tauke

Voting Nay:

Motion carried.

2. Approve Plat of Survey of Lot 1 in the Southeast Quarter of the Southeast Quarter in Section 14, Township 89 North, Range 2 West of the 5th P.M., Dubuque County, Iowa. Plat submitted by Dave Demmer, Jr.

Dave Schneider with Schneider Land Surveying was present and stated the plat is for Dave Demmer Jr and Dave Demmer Sr. This is within the 2-mile jurisdiction and is a farm transaction from parent to son. One of the land parcels needed to be split so Dave Sr. can stay in the house and the land which is to the south of the road can be transferred to Dave Jr. There will be approximately 220 acres total that will be transferred to the son.

City Administrator Mick Michel stated the city has no issues since this is a simple farm split.

There were no further comments or questions.

Motion to Approve Plat of Survey of Lot 1 in Southeast Quarter of the Southeast Quarter in Section 14, Township 89 North, Range 2 West of the 5<sup>th</sup> P.M., Dubuque County, Iowa made by Matt Tauke, Seconded by Joe Petsche.

Voting Yea: Roger Gibbs, Tim Nefzger, Joe Petsche, Matt Tauke

Voting Nay:

Motion carried.

3. Approve Plat of Survey of Lot 1 in the Northeast Quarter of the Northwest Quarter of Section 21, Township 89 North, Range 2 West of the 5th P.M., Dubuque County, Iowa. Plat submitted by David Recker

Dave Schneider with Schneider Land Surveying was present and stated he worked with Dave Recker to create a parcel to separate the farm buildings from the house. Recker plans to build a new home and for financing purposes wants the home separate for county rezoning.

City Administrator Mick Michel questioned the access and utility easement. Schneider stated that was future planning if either the house or farm ground would be sold. It is an existing driveway that would continue to grant access in case either of the properties were sold. Chairman Gibbs asked if this was a typical way to handle the issue. Schneider said it was. Michel stated the city had no issues with the plat of survey.

There were no further comments or questions.

Motion to Approve Plat of Survey of Lot 1 in the Northeast Quarter of the Northwest Quarter of Section 21, Township 89 North, Range 2 West of the 5th P.M., Dubuque County, Iowa made by Tim Nefzger, Seconded by Matt Tauke.

Voting Yea: Roger Gibbs, Tim Nefzger, Joe Petsche, Matt Tauke

Voting Nay:

Motion carried.

4. Petition to Rezone Property from A-1 Agricultural to R-1 Residential. Request from Lake View Estates LLC

Bill Hermesen, land developer, was present and stated he purchased property from Bard Materials and plans to develop and build on the property. Commission member Tauke asked if there was a better development plan and City Administrator Mick Michel stated a plat of survey would be coming later to the commission. Michel said the commission was just considering the rezoning of the property from A1 to R1.

Chairman Gibbs asked for comments or questions from the audience. Dave Buchheit, representing C & G Partnership / Farm Tek wanted to make sure the rezoning of this property would not jeopardize Farm Tek current and future zoning. He doesn't want the new property owners to complain or have issues with the noise or daily activities at Farm Tek.

City Administrator Mick Michel stated he will meet with both Buchheit and Hermesen to make sure the future property owners understand and won't protest possible rezoning of his property from C2 to I2. Michel stated the request is to rezone property from A-1 Agricultural to R-1 Residential. The current use of mining has been abandoned and the developer is wanting to create a residential development. The rezoning fits within the land use policy and the development will include water, sewer, and storm sewer. There is a development agreement in place that is consistent with other agreements. Michel stated the city is in favor of this request and the commission is asked to make either a positive or negative report back to the city council.

There were no further comments or questions.

Motion for a positive report regarding the Petition to Rezone Property from A-1 Agricultural to R-1 Residential made by Tim Nefzger, Seconded by Bec Willenborg.

Voting Yea: Roger Gibbs, Tim Nefzger, Joe Petsche, Matt Tauke, Bec Willenborg

Voting Nay:

Motion carried.

5. Approve Preliminary Plat of Castle Hill Plat 4, Dyersville, Dubuque County, Iowa. Plat submitted by Hageman Homes LLC.

Tom Hageman, land developer, stated he has done 3 development phases consisting of 92 lots. He wants to expand with the 4<sup>th</sup> phase and create 66 more lots. This phase was part of his original plan in 2010.

Chairman Gibbs asked for comments/questions from the audience.

Roger Westemeier, 31707 Olde Castle Road, stated he and several neighbors have gentleman's agreement to have their septic systems run back on to the property and wondered what would happen with that. Hageman stated there are no current easements or agreements in place for the septic systems. Hageman stated he has checked this area and has found fecal matter flowing out of the system which means there are faulty systems running into the property. City Administrator Mick Michel stated the septic issues may need to be replaced and are a county issue since none of the property owners are within the city limits. Michel also stated there are easements in place that will allow any of the property owners along Olde Castle Road to voluntarily annex into the city and connect to sewer and/or water. No one will be forced to annex into the city, it will be up to the property owner. The neighbors asked what the cost impact would be, Michel stated it may cost thousands of dollars, but he would work with each property owner. Hageman was asked which part of the development would be started first. Hageman stated he plans to work on the northern part of the development first.

Jeff Digman, 31121 Olde Castle Road, asked if individual properties could be annexed or if all of them had to be annexed in. Michel stated it was up to each individual property owner and individual properties could be annexed. There is a sewer main that runs along Pine Ridge Avenue SE that the residents along Olde Castle Road could connect to.

Deanne Lammers, 31639 Olde Castle Road, had concerns regarding dynamite blasting and what happens to the homes if they are damaged. Hageman stated he does not plan on doing any blasting, but if he does, he will hire a contractor and there are state regulations and procedures that need to be followed. The blasting contractor would hold all the liability. Roger Westemeier stated there is rock behind his property and if there is any blasting he is afraid it will damage his home.

Roger Westemeier also had concerns about the extra traffic on Olde Castle Road with the new development. He already waits for traffic if he wants to get out of his driveway. City Administrator Mick Michel stated there will probably be some extra traffic, but a traffic study was done, and it showed that Olde Castle Road could handle the extra traffic and the city shares Olde Castle Road with the county. Michel stated when the city first looked at this development, it considered the utilities and land use. The land use is rural urban and can handle additional traffic. Kitty Stephan, 31671 Olde Castle Road asked if there was a road right behind their lot or if another lot would be behind theirs. She was told their lot would be next to another lot and then a street. It was asked if there were considerations for other outlets.

Jim Digman said he owns the property to the west and there is a road the ends right up to his property line but there is a cul-de-sac in the northern part of the subdivision. He nor his son have any plans of selling off or developing their property. Michel stated the street that ends next to his property is not a cul-de-sac because the city needs to reserve that as a possible street extension whether he or someone else would want to develop it or not. The cul-de-sac to the north was required by the city because neither the city nor the state want another outlet onto highway 20. The state's 25-year plan does not have another overpass or interchange along highway 20. Also interchanges/overpasses need to be one mile apart which would put it much further to the east. Digman would like the city to consider the traffic complaints. Michel again stated that Olde Castle Road could handle the extra traffic and sees no issues. If there are issues regarding the road, they could be brought to the county supervisors and engineers.



Bud Feldman, representing the Oak Ridge Development, questioned if there were easements in place to annex Oak Ridge properties. Michel stated those are already in place and ready for connection. The connection for Oak Ridge will not come from this development. Feldman was also concerned about UTV use and foot traffic through Oak Ridge. Michel said the rural urban design does not require sidewalks. There are no plans to get traffic into the town through Oak Ridge.

City Administrator Mick Michel stated the city has infrastructure and pumps in place to handle the additional properties. The city, in the past, invested a lot into the infrastructure and wants to capitalize on the investment. There will be no problems with water and sewer. There is a development agreement in place. The city is in favor of this development and likes the rural urban layout. It is in the best interest of the city to move ahead with the plans.

Jan Goedken, 31597 Olde Castle Road, stated when the blasting occurred in the past, they were never notified. She wanted to know how much notification was required. Hageman said he did not know what the guidelines were, that is the responsibility of the contractor. Hageman said he does not plan on blasting for the last phase and said he would go on record and state that he would not do any blasting. Hageman was asked how he plans to get through the rock; Hageman said with excavators and hammering. Michel said blasting can be on any property through a licensed contractor. The contractor needs to obtain a permit, provide liability insurance, and follow state procedures. Any issues would fall between the contractor and the homeowner.

Michel stated that the main infrastructure is already in place and working for water and sewer. Phase 4 will connect to that infrastructure. There is a development agreement in place. He did want to mention that the width of Wildwood Avenue SE is only 50' wide but there are 8' utility easements on both sides for utilities which is acceptable.

Chairperson Gibbs asked about the street style. Michel stated it would be the same as the other 3 phases. It will have engineered ditches that will be certified, and pre/post tested for drainage. Michel said this is consistent with the development plans. Regarding the traffic, there are 2 outlets and people can go either east or west. Olde Castle Road can handle the extra traffic. There won't be 100 new cars coming out all at the same time.

Jan Goedken asked if Klauer Manufacturing was contacted about extending the street. Michel said they haven't been but may be contacted in the future.

There were no further comments or questions.

Motion to approve Preliminary Plat of Castle Hill Plat 4, Dyersville, Dubuque County, Iowa made by Bec Willenborg, Seconded by Tim Nefzger.

Voting Yea: Roger Gibbs, Tim Nefzger, Joe Petsche, Matt Tauke, Bec Willenborg

Voting Nay:

Motion carried.

6. Approve Final Plat of Castle Hill Plat 4, City of Dyersville, Dubuque County, Iowa. Plat submitted by Hageman Homes.

City Administrator Mick Michel stated this is the Final Plat which is the same as the Preliminary but without the utility layout. This completes the design standards that were proposed in 2010. The infrastructure is in place, but the connections will need further approval. Michel recommends approval of the final plat.

There were comments or questions regarding the final plat.

Motion to approve Final Plat of Castle Hill Plat 4, City of Dyersville, Dubuque County, Iowa made by Matt Tauke, Seconded by Bec Willenborg.

Voting Yea: Roger Gibbs, Tim Nefzger, Joe Petsche, Matt Tauke, Bec Willenborg

Voting Nay:

Motion carried.

## ADJOURNMENT

Meeting adjourned at 7:23 pm on a motion made by Bec Willenborg, Seconded by Joe Petsche.

Voice Call Yea: Roger Gibbs, Tim Nefzger, Joe Petsche, Matt Tauke, Bec Willenborg

Voice Call Nay: None

Motion carried.



Lori A. Pantan, recording Secretary

RECORDER'S INDEX

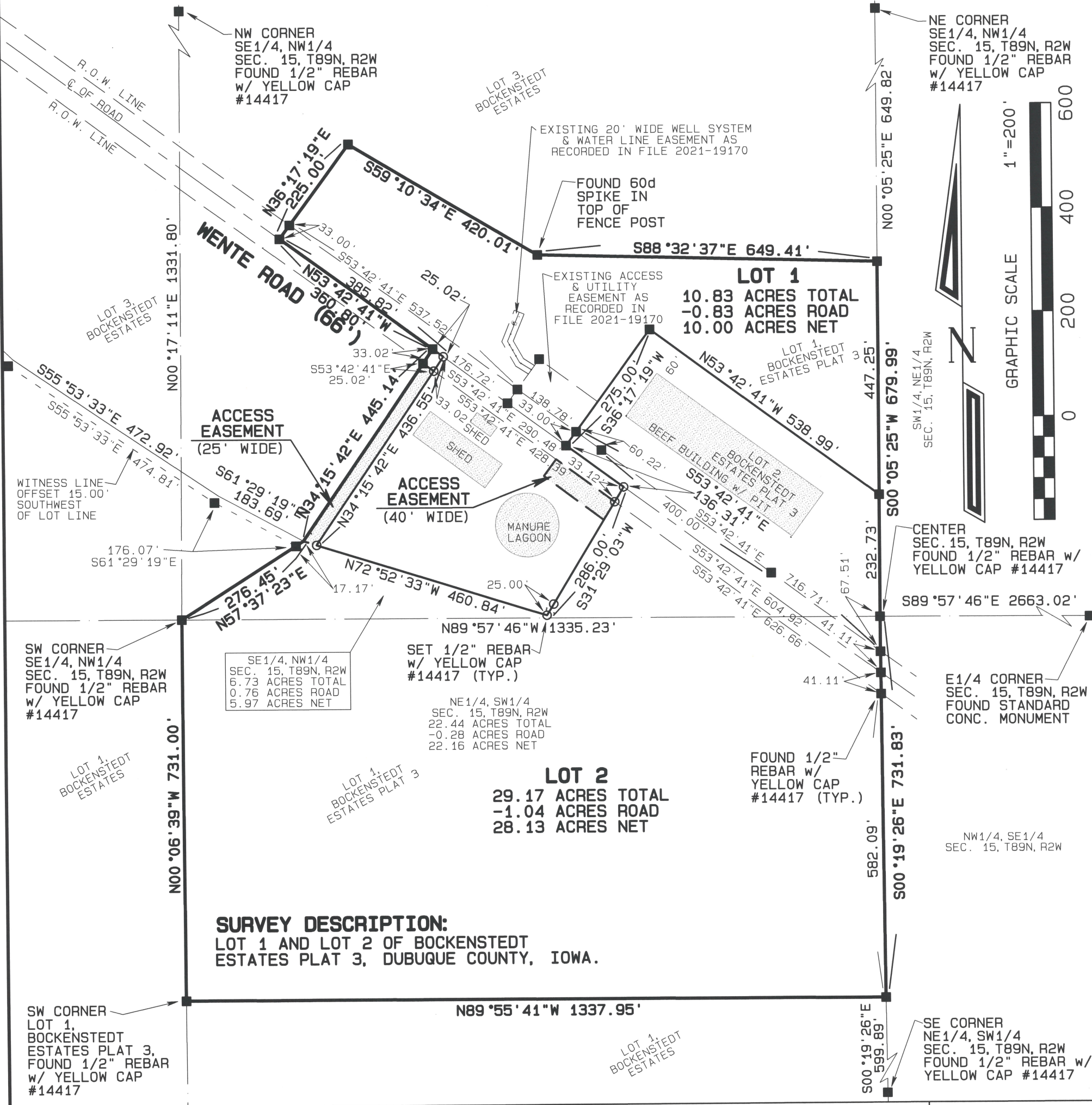
LOCATION: LOT 1 AND LOT 2 OF BOCKENSTEDT ESTATES  
PLAT 3, DUBUQUE COUNTY, IOWA

REQUESTOR: CRAIG RECKER  
PROPRIETOR: ANDREW C. RECKER & JENNIFER M. RECKER  
AND CRAIG A. RECKER & SUSAN J. RECKER

SURVEYOR: DAVID P. SCHNEIDER  
SURVEYOR COMPANY: SCHNEIDER LAND SURVEYING  
AND PLANNING, INC.

RETURN TO: DAVID P. SCHNEIDER  
P.O. BOX 128 FARLEY, IOWA  
Ph#563-744-3631 daves@yousq.net

FINAL PLAT  
BOCKENSTEDT ESTATES PLAT 4, DUBUQUE COUNTY, IOWA  
LOT 1 AND LOT 2 OF BOCKENSTEDT ESTATES PLAT 3,  
DUBUQUE COUNTY, IOWA



I hereby certify that this land surveying document was prepared 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.

David P. Schneider P.L.S. P14417  
My license renewal date is December 31, 2025.

Pages or sheets covered by this seal: THIS SHEET ONLY

**SCHNEIDER**  
Land Surveying  
&  
Planning, Inc.  
P.O. Box 128  
Farley, Iowa 52046  
Ph# 563-744-3631  
daves@yousq.net

Project: 1990FP4  
Survey Date: 4/25/2024  
Sheet: 1 of 7

**Lori Panton**

**From:** Dave Schneider <daves@yousq.net>  
**Sent:** Friday, April 26, 2024 11:05 AM  
**To:** Lori Panton; Tricia Maiers; Mick Michel; Craig Recker; Jennifer Recker  
**Subject:** Bockenstedt Estates Plat 4, Dubuque County, Iowa  
**Attachments:** Bockenstedt Estates Plat 4-plat and signature sheets.pdf

**\*\* This Message originated from outside [External Email] Be Very Aware Links and Attachments. \*\***

Hi Everyone,

Attached is a Final plat of Bockenstedt Estates Plat 4, Dubuque County, Iowa.

We are asking for the plat to go through the City of Dyersville plat process for next month, please.

This plat is within the 2 mile jurisdiction and it is reconfiguring 2 parcels into 2 parcels with a lot line adjustment.

Please call or email with any questions or concerns.

Thank you for your time and help.

Take care.

Sincerely,

Rose

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David P. Schneider PLS, PLA  
Schneider Land Surveying & Planning, Inc.  
P.O. Box 128  
906 – 1st St. N  
Farley, Iowa 52046

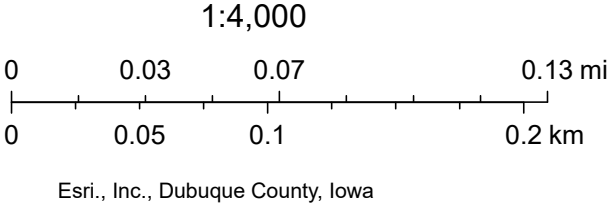
Office- 563-744-3631  
Cell- 563-599-4790  
Email: [daves@yousq.net](mailto:daves@yousq.net)





5/1/2024, 10:40:10 AM

☐ Tax Parcels





RECORDER'S INDEX

LOCATION: LOT 2 OF HEWITT CREEK SUBDIVISION AND THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 89 NORTH, RANGE 2 WEST OF THE 5th P.M., ALL IN THE CITY OF DYERSVILLE, DUBUQUE COUNTY, IOWA

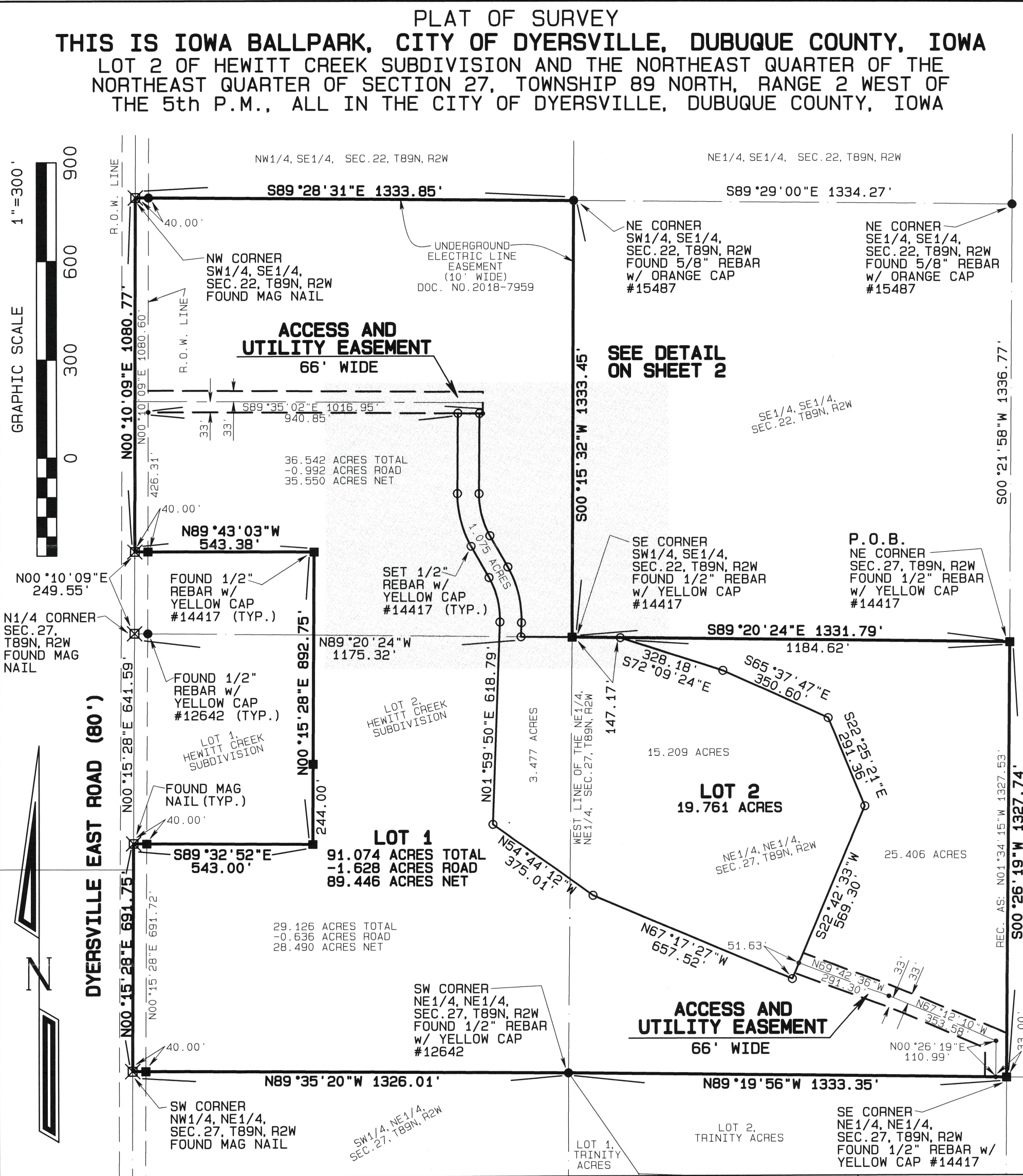
REQUESTOR: CITY OF DYERSVILLE c/o MICK MICHEL

PROPRIETOR: GO THE DISTANCE BASEBALL, LLC

SURVEYOR: DAVID P. SCHNEIDER

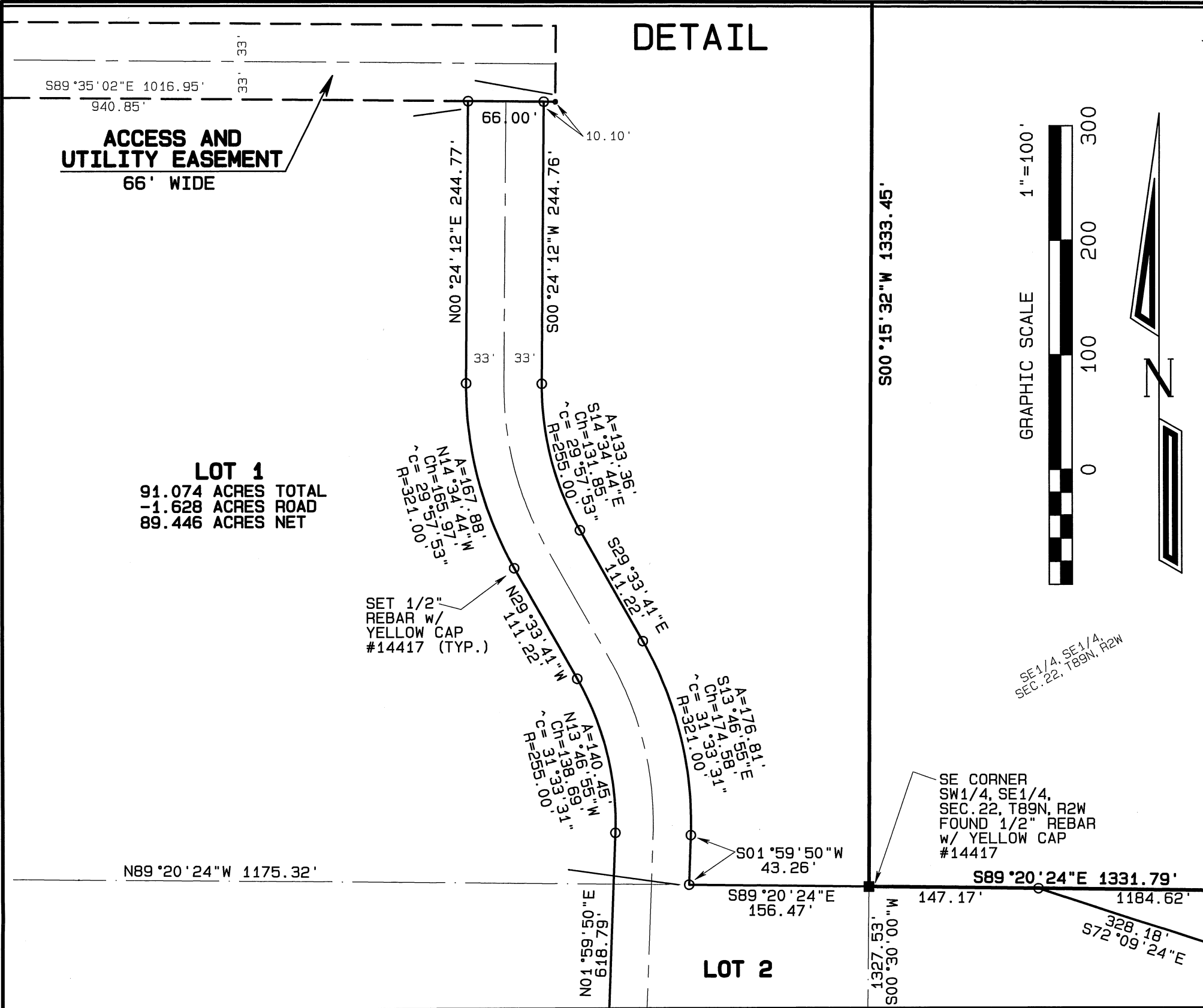
SURVEYOR COMPANY: SCHNEIDER LAND SURVEYING AND PLANNING, INC.

RETURN TO: DAVID P. SCHNEIDER  
P.O. BOX 128 FARLEY, IOWA  
Ph#563-744-3631 daves@yousq.net



<p><b>TOTAL AREA</b></p> <p>110.835 ACRES TOTAL</p> <p>-1.628 ACRES ROAD</p> <p>109.207 ACRES NET</p>	<p>LICENSED LAND SURVEYOR</p> <p>DAVID P. SCHNEIDER</p> <p>P14417</p> <p>IOWA</p>	<p>I hereby certify that this land surveying document was prepared 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.</p> <p>David P. Schneider P.L.S. P14417 Date: 4/24/2024</p> <p>My license renewal date is December 31, 2025.</p> <p>Pages or sheets covered by this seal: SHEETS 1 &amp; 2</p>	<p><b>SCHNEIDER</b></p> <p>Land Surveying &amp; Planning, Inc.</p> <p>P.O. Box 128</p> <p>Farley, Iowa 52046</p> <p>Ph# 563-744-3631</p> <p>daves@yousq.net</p> <p>Project: 2820FP2A</p> <p>Survey Date: 4/22/2024</p> <p>Sheet: 1 of 5</p>
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**SEE PLAT OF SURVEY  
ON SHEET 1**

**SURVEY DESCRIPTION -**

**THIS IS IOWA BALLPARK, CITY OF DYERSVILLE, DUBUQUE COUNTY, IOWA:**

LOT 2 OF HEWITT CREEK SUBDIVISION AND THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 89 NORTH, RANGE 2 WEST OF THE 5th P.M., ALL IN THE CITY OF DYERSVILLE, DUBUQUE COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 27; THENCE S00°26'19"W, 1327.74 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 27; THENCE N89°19'56"W, 1333.35 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 27; THENCE N89°35'20"W, 1326.01 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 27; THENCE N00°15'28"E, 691.75 FEET TO THE SOUTHWEST CORNER OF LOT 1 IN HEWITT CREEK SUBDIVISION; THENCE S89°32'52"E, 543.00 FEET TO THE SOUTHEAST CORNER OF LOT 1 IN HEWITT CREEK SUBDIVISION; THENCE N00°15'28"E, 892.75 FEET TO THE NORTHEAST CORNER OF LOT 1 IN HEWITT CREEK SUBDIVISION; THENCE N89°43'03"W, 543.38 FEET TO THE NORTHWEST CORNER OF LOT 1 IN HEWITT CREEK SUBDIVISION; THENCE N00°10'09"E, 1080.77 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 89 NORTH, RANGE 2 WEST OF THE 5th P.M., DUBUQUE COUNTY, IOWA; THENCE S89°28'31"E, 1333.85 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 22; THENCE S00°15'32"W, 1333.45 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 22; THENCE S89°20'24"E, 1331.79 FEET TO THE POINT OF BEGINNING, CONTAINING 110.835 ACRES, WHICH INCLUDES 1.628 ACRES OF PUBLIC ROAD RIGHT OF WAY.

**PLAT OF SURVEY**

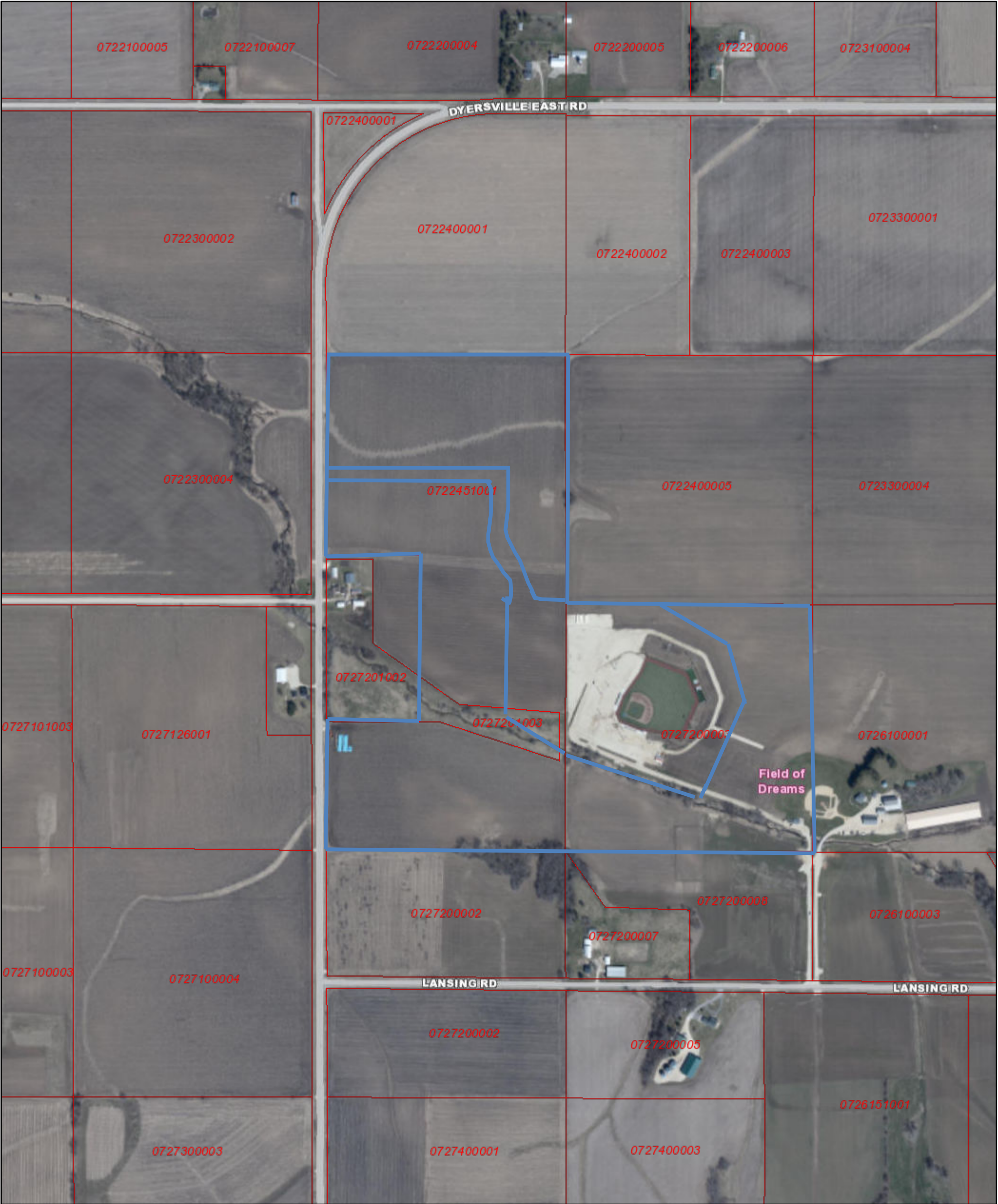
**THIS IS IOWA BALLPARK,**

**CITY OF DYERSVILLE, DUBUQUE COUNTY, IOWA**

LOT 2 OF HEWITT CREEK SUBDIVISION AND THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 89 NORTH, RANGE 2 WEST OF THE 5th P.M., ALL IN THE CITY OF DYERSVILLE, DUBUQUE COUNTY, IOWA

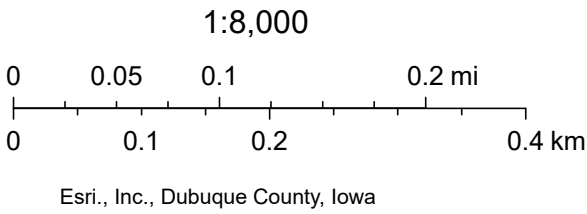
**SCHNEIDER**  
Land Surveying  
&  
Planning, Inc.  
P.O. Box 128  
Farley, Iowa 52046  
Ph# 563-744-3631  
daves@yousq.net

Project: 2820FP2A  
Survey Date: 4/22/2024  
Sheet: 2 of 5



5/1/2024, 11:08:09 AM

 Tax Parcels





PHONE: (563) 556-4389

ADDRESS: 1212 LOCUST STREET, DUBUQUE, IOWA 52001

PREPARED BY: BUESING & ASSOCIATES

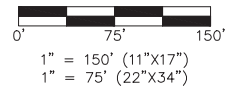


PRELIMINARY PLAT  
LAKE VIEW ESTATES

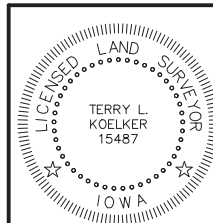
AS COMPRISED OF PARCEL 2016-02,  
A PART OF THE SW1/4 NE1/4,  
OF SECTION 36, T89N, R3W, OF THE 5TH P.M.,  
IN THE CITY OF DYERSVILLE, DELAWARE COUNTY, IOWA

NOTES

1. PARCEL 2016-02 IS OWNED BY:  
BILL HERMSEN / 2104 332ND AVE. / DYERSVILLE, IA 52040
2. PARCEL 2016-02 IS PRESENTLY ZONED A-1, BUT IS INTENDED TO BE REZONED TO R-1.  
R-1 HAS A MINIMUM FRONT YARD SETBACK OF 30', A MINIMUM SIDE YARD SETBACK OF 8', A MINIMUM REAR YARD SETBACK OF 35', AND THE SIDE STREET SETBACK FOR A CORNER LOT IS 15'.
3. PROPOSED STREET ROW WIDTHS ARE 50'. PROPOSED STREETS WIDTHS ARE 37' B-B. PROPOSED RETURN RADII ARE 30' AT INTERSECTIONS.
4. ALL ELEVATIONS AND CONTOURS SHOWN ON THIS PLAT ARE ON AN ARBITRARY DATUM. CONTOUR INTERVAL IS 1 FEET.
5. THE EASEMENTS SHOWN AT THE FRONT OF EACH LOT ARE 10' WIDE PUBLIC UTILITY EASEMENTS (PUE).
6. THERE ARE 21 RESIDENTIAL LOTS PROPOSED, WITH LOTS 18, 19, 20 AND 21 BEING PROPOSED AS TWO FAMILY LOTS, AND THE REMAINING AS SINGLE FAMILY.



LEGEND	
	EXISTING PROPERTY LINE
	EXISTING PERIMETER
	EXISTING EASEMENT LINE
	PROPOSED PROPERTY LINE
	PROPOSED EASEMENT LINE
	PRO. BUILDING SETBACK
	CENTERLINE
	XTG. STREET
	XTG. SANITARY SEWER
	XTG. STORM SEWER
	XTG. WATER
	XTG. OVERHEAD UTILITIES
	XTG. GAS
	XTG. FIBER OPTIC
	XTG. FENCE
	PRO. STREET (C-G)
	PRO. SANITARY SEWER
	PRO. SS-FM
	PRO. STORM SEWER
	PRO. WATER
	XTG. CONTOUR
	PRO. CONTOUR
	CL
	ROW
	PUE
	SSE
	WE
	CL
	BOC
	BOC TO BOC
	XTG
	PRO
	SL
	PP
	GUY
	UP
	WM
	FH
	WV
	SS
	SS-FM
	LS
	MH
	FL
	STS
	CB
	FES
	PCC
	ACC
	R
	C-G



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED 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.

TERRY L. KOELKER  
LICENSE NUMBER: 15487  
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2025  
PAGES OR SHEETS COVERED BY THIS SEAL: SHEETS 1 THRU 4

SHEET TITLE		PROJECT		NO. 23225		DRAWN BY:	
LAKE VIEW ESTATES PRELIMINARY PLAT		PREPARED FOR: BILL HERMSEN 2104 332ND AVE. DYERSVILLE, IA 52040				TPL	
DYERSVILLE, IOWA						CHECKED BY: TLK	



PHONE: (563) 556-4389

ADDRESS: 1212 LOCUST STREET, DUBUQUE, IOWA 52001

PREPARED BY: BUESING & ASSOCIATES



DATE	REVISIONS	DRAWN BY:
1/9/24	2/6/24 / 2/28/24 4/17/24	TPL
SCALE:	ADDED	CHECKED BY:
SCALE: 1" = 80' (11"x17") 1" = 40' (22"x34")	4/29/24 XTG UTIL.	TLK
SEE BAR SCALE	5/7/24 ADJUST. 332ND UTIL.	

**BUESING & ASSOCIATES INC.**  
ENGINEERS AND SURVEYORS  
1212 LOCUST ST, DUBUQUE, IA  
(563) 556-4389

PROJECT NO. 23225  
PREPARED FOR:  
BILL HERMSEN  
2104 332ND AVE.  
DYERSVILLE, IA 52040

SHEET TITLE  
LAKE VIEW ESTATES  
PRELIMINARY PLAT  
DYERSVILLE, IOWA







PREPARED BY: BUESING & ASSOCIATES

ADDRESS: 1212 LOCUST STREET, DUBUQUE, IOWA 52001

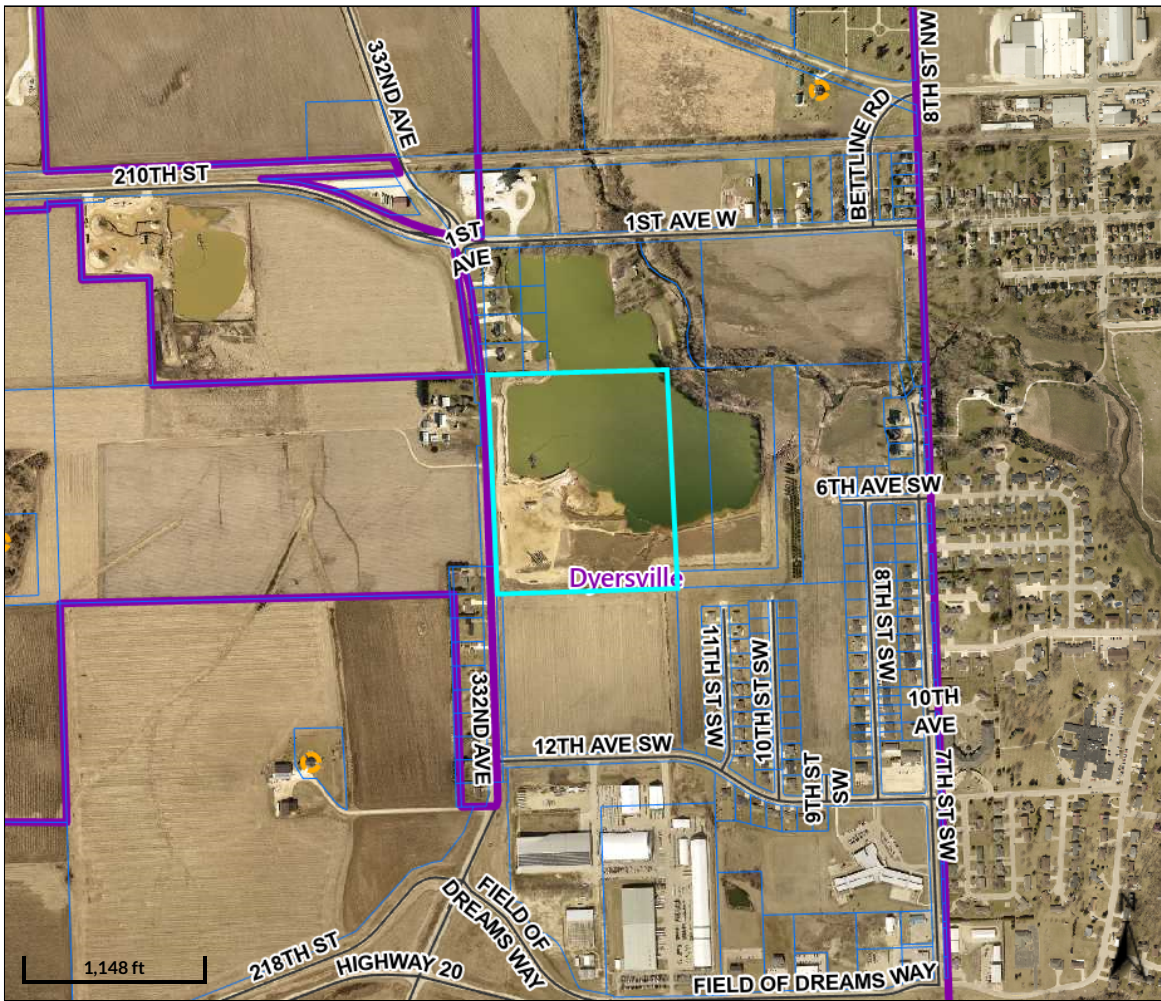
PHONE: (563) 556-4389



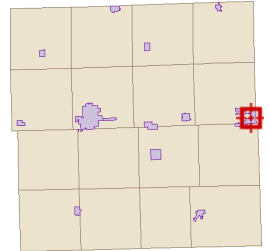
SHEET TITLE		PROJECT	NO. 23225	DATE		REVISIONS	DRAWN BY:	
LAKE VIEW ESTATES PRELIMINARY PLAT DYERSVILLE, IOWA		PREPARED FOR: BILL HERMSEN 2104 332ND AVE. DYERSVILLE, IA 52040		1/9/24		2/6/24 / 2/28/24 4/17/24	TPL	
				SCALE:		4/29/24 XTC UTIL.	CHECKED BY:	
				SEE BAR SCALE		ADJUST. 332ND UTIL.	TLK	
						5/7/24		

**BUESING & ASSOCIATES INC.**  
ENGINEERS AND SURVEYORS  
1212 LOCUST ST, DUBUQUE, IA  
(563) 556-4389





#### Overview



#### Legend

##### Corporate Limits

Corporate Limits

Unincorporated Area

Political Townships

##### Parcels

BLL

Parcel

Roads

Parcel ID	530000100500	Alternate ID	n/a	Owner Address	Lake View Estates LLC
Sec/Twp/Rng	36-89-3	Class	C		2104 332nd Ave
Property Address	2124 332ND AVE UNIT 2126	Acreage	33.6		Dyersville, IA 52040
	DYERSVILLE				
District	DYERSVILLE COPR. TIF 2				
Brief Tax Description	PARCEL 2016-02 PT SW NE				
	(Note: Not to be used on legal documents)				

**Disclaimer:** All critical information should be independently verified. If you have questions about this site please contact either the Delaware County Auditor's Office at 563 927-4701 or the Delaware County Assessor's Office at 563 927-2526

Date created: 3/20/2024

Last Data Uploaded: 3/20/2024 4:47:39 AM

Developed by Schneider  
GEOSPATIAL



D. Flint Drake\*  
[fdrake@drakelawpc.com](mailto:fdrake@drakelawpc.com)

300 Main Street, Suite 323  
Dubuque, IA 52001

Samuel M. DeGree  
[sdegree@drakelawpc.com](mailto:sdegree@drakelawpc.com)

Both admitted in Iowa  
\*Also admitted in Wisconsin

Telephone: (563) 582-2000  
Facsimile: (563) 583-5225

May 9, 2024

City of Dyersville, Iowa  
Attn: Lori Panton  
via email: [lpanton@cityofdymersville.com](mailto:lpanton@cityofdymersville.com)

Copy to: Jacque Rahe  
Dymersville Economic Development Corporation  
via email: [jrahe@dymersville.com](mailto:jrahe@dymersville.com)

RE: Comments regarding proposed plat of Lake View Estates

Dear Ms. Panton,

We write to you today on behalf of our clients, the Jeanine Koch Trust and K & K Building & Supply, to express our clients' concerns relating to the proposed plat of Lake View Estates, which is slated for public comment at the upcoming May 13, 2024 meeting of the Planning and Zoning Commission.

In short, our clients are greatly concerned that the construction planned with respect to the proposed plat will significantly divert storm water in a manner that causes injury to our clients' property, and we would like more information regarding how the developer and City plan to prevent such diversion. Currently, we understand that a significant amount of surface storm water from Highway 20 and the nearby FarmTek property flows across the field owned by C & G Partnership LLP immediately south of the proposed platted area, in a northeasterly direction towards Tegeler's pond. Some of this storm water flows into Tegeler's pond across the proposed platted area, and some flows into the ditch that carries such water through our clients' property, ultimately depositing it in Bear Creek on property owned by K & K Building & Supply Inc.

The construction proposed on the platted land would necessarily raise the elevation of that land, changing the current course of storm water flow. It appears to us that the proposed plat does not include a detention basin or other storm-water management devices. We understand that the drainage ditch on our client's property was constructed to direct surface storm water away from Tegeler Pond, for fear that such storm water would raise the level of the pond and flood buildings on adjacent properties. We are therefore concerned that either the proposed

construction will cause additional run-off into Tegeler Pond, resulting in the very flooding that the existing drainage ditch was intended to prevent, or significantly re-direct surface storm water into the existing drainage, resulting in significant erosion where such water deposits into Bear Creek and along the path of the drainage ditch, causing substantial damage to the property of K & K Building & Supply Inc. and inhibiting its potential use for residential development.

The disposition of ordinary surface water is determined by the relative elevations of adjacent tracts. Witthauer v. City of Council Bluffs, 133 N.W.2d 71, 74 (Iowa 1965). While the owner of the upper “dominant” estate has a legal and natural easement in the lower or servient estate for the drainage of surface waters, the owner of the dominant estate may not cast an additional quantity of surface water upon the servient estate if in doing so he does substantial damage to the servient estate. Id. at 74-75. In this case, we believe that without a comprehensive plan to manage the flow of storm water in the area, the development of the proposed platted area will divert additional surface water onto our clients’ property and cause significant erosion and damage along the drainage ditch and where such water discharges into Bear Creek. Such damage would inhibit our clients’ future plans to develop their property into residential lots, resulting in significant economic loss.

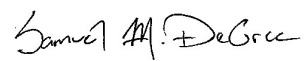
We also understand that the City of Dyersville has requested that our clients grant an easement across their property for sewer-line purposes, with the proposed line to connect the proposed Lake View Estates Development with property to the northeast of our clients’ property. We view this as an excellent opportunity to address both issues in a manner that benefits our clients, the developers of Lake View Estates, and the City of Dyersville.

Our clients plan to develop their property into residential lots, and such development includes plans to extend 6<sup>th</sup> avenue SW through their property so that it could connect with 6<sup>th</sup> avenue SW as shown on the proposed Lake View Estates plat. I’ve enclosed a copy of the conceptual plat for such development prepared in 2019 for reference. It appears to us that the path of such roadway would overlap substantially with the proposed route of the sewer line as depicted in the proposed sanitary sewer easement. Our clients therefore propose that the City install a buried storm-water line in the same location as the proposed sanitary-sewer line and fill in the existing drainage ditch. These lines could run directly underneath our clients’ proposed roadway connecting 6<sup>th</sup> Avenue SW. This would open up a significant amount of land to residential development that is currently impossible given the location of the drainage ditch and our clients’ obligation not to divert storm water back onto nearby property. In exchange our clients would grant the sanitary-sewer easement requested by the City and release the City and developer of Lake View Estates from any liability relating to the diversion of storm water resulting from the development of the Lake View Estates property.

We would be greatly interested in meeting with City officials to discuss this proposal and to work towards a mutually beneficial and comprehensive plan to manage storm water in the area in a way that maximizes the development potential of the subject properties. Please note that this proposal is intended only as a starting point for discussion and not as a binding offer. We look forward to your response.

Thank you,

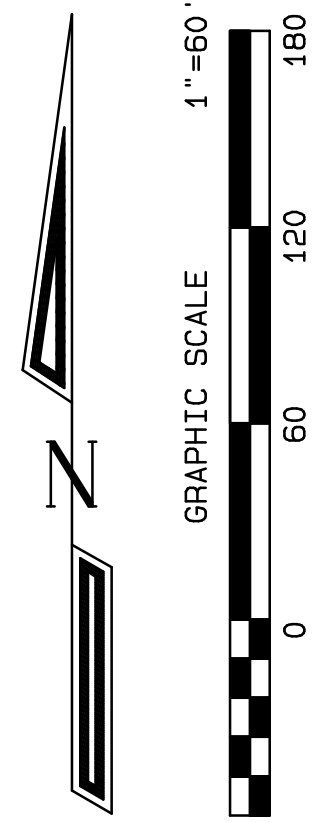
DRAKE LAW FIRM, P.C.

A handwritten signature in cursive script that reads "Samuel M. DeGree". The signature is written in black ink and is positioned above a horizontal line.

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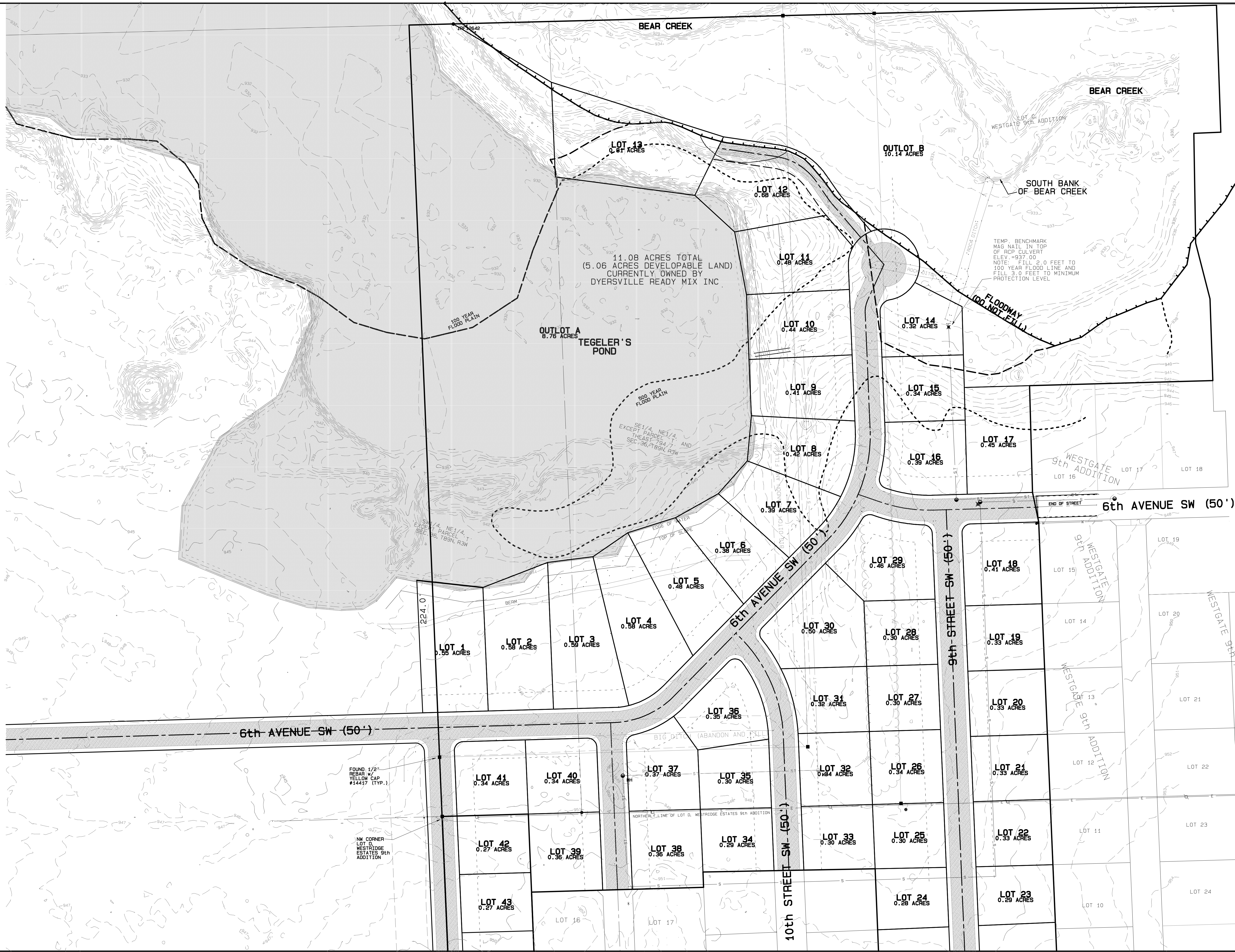
Samuel M. DeGree





- LEGEND**
- BOUNDARY LINE
  - PROPOSED LOT LINE
  - EXISTING LOT LINE
  - SECTION LINE
  - STREET CENTERLINE
  - RIGHT OF WAY LINE
  - EASEMENT LINE
  - BUILDING SETBACK LINE
  - WATER LINE
  - ELECTRIC LINE
  - SANITARY SEWER
  - GAS LINE
  - TELEPHONE LINE
  - CABLE TV
  - STORM SEWER
  - SECTION CORNER
  - FOUND IRON PIN
  - SET 1/2" REBAR W/ CAP #14417
  - SET MAG NAIL
  - FOUND MAG NAIL
  - IRON PIPE FOUND
  - FOUND "X" CUT IN CONC
  - FIRE HYDRANT
  - POWER POLE
  - GUY ANCHOR
  - SPOT ELEVATION
  - GAS METER
  - WATER VALVE OR CURB BOX
  - POWERPOLE/LIGHT POLE
  - TELEPHONE PED.
  - ELECT. BOX
- PROPRIETOR:**  
**SURVEY REQUESTED BY:**  
**SURVEY DESCRIPTION:**  
**SEE SHEET 2**

Atiquot:  
Section:  
Township:  
Range:  
County:  
Lot:  
Block:  
Subdivision:  
City:  
Proprietor(s):  
Requested By:  
Survey Date:



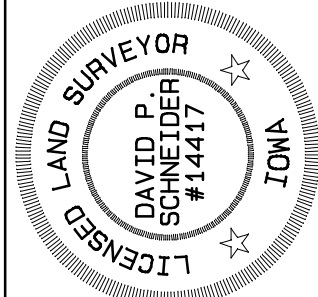
**SCHNEIDER**  
Land Surveying & Planning, Inc.  
P.O. Box 128 - 906 1st Street North  
Farley, Iowa 52046  
Ph# 563-744-3631 daves@yousq.net

CONCEPTUAL SITE PLAN  
**WESTRIDGE ESTATES 12th ADDITION**  
CITY OF DYERSVILLE,  
DELAWARE COUNTY, IOWA

I hereby certify that this land surveying document was prepared by me or under my direct supervision and that I am a duly Licensed Professional Land Surveyor under the laws of the State of Iowa.

David P. Schneider P.L.S. #14417  
My license renewal date is December 31, 2019.

Pages or sheets covered by this seal: THIS SHEET ONLY





PHONE: (563) 556-4389

ADDRESS: 1212 LOCUST STREET, DUBUQUE, IOWA 52001

PREPARED BY: BUESING & ASSOCIATES

INDEX LEGEND

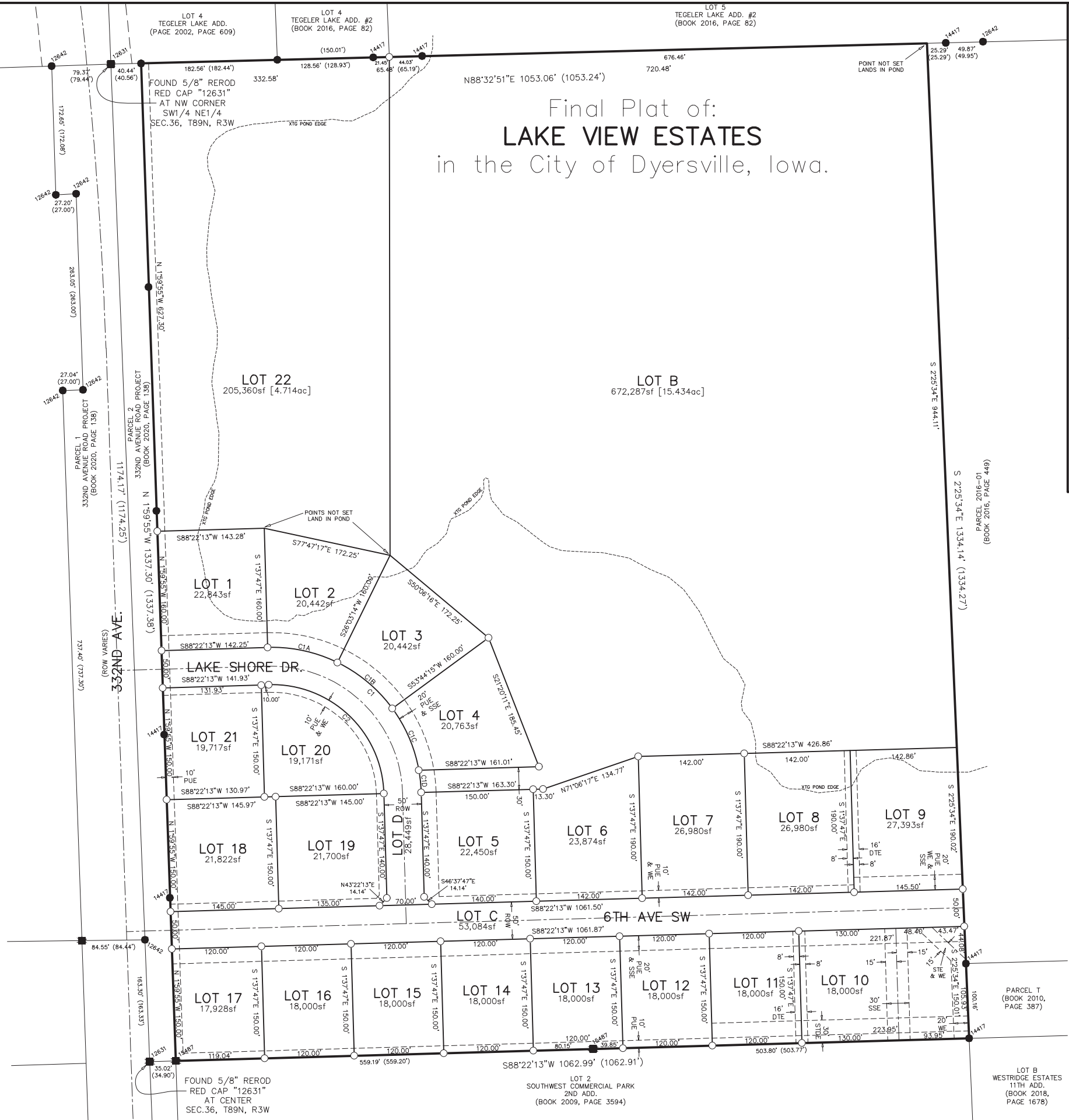
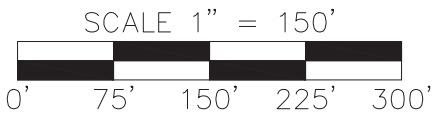
Location: Parcel 2016-02 (Book 2016, Page 450)  
SW1/4 NE1/4 of Section 36, T89N, R3W  
of the 5th P.M., Delaware County, Iowa  
Requestor: William J. Hermesen  
Proprietor: Lake View Estates, LLC  
2104 332nd Ave., Dyersville, IA 52040  
Surveyor: Terry L. Koelker  
Company: Buesing & Associates, Inc.  
1212 Locust St., Dubuque, IA 52001  
Return To: tikoelker@buesing.com (563) 556-4389

SURVEYED PERIMETER

TOTAL AREA = 32.441ac

LEGEND

- 1/2" REROD (FOUND)  
(CAPPED AS NOTED)
- 12642 YELLOW CAP STAMPED "12642"
- 14417 YELLOW CAP STAMPED "14417"
- 5/8" REROD (FOUND)  
(CAPPED AS NOTED)
- 15487 ORANGE CAP STAMPED "15487"
- 12631 RED CAP STAMPED "12631"
- PROPERTY LINE
- SURVEYED PROPERTY LINE
- CENTERLINE
- RIGHT OF WAY (ROW)
- EASEMENT LINE
- RECORD DIMENSION
- 5/8" REROD (PLACED)  
ORANGE CAP STAMPED "15487"
- RIGHT OF WAY
- TYPICAL
- EXISTING
- PUBLIC UTILITY EASEMENT
- SANITARY SEWER EASEMENT
- WATER EASEMENT
- STORM DRAINAGE EASEMENT

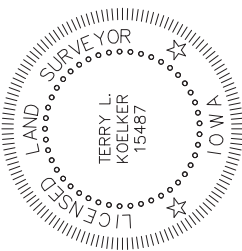


Final Plat of:  
LAKE VIEW ESTATES  
in the City of Dyersville, Iowa.

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED 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. ALL MONUMENTS ARE PLACED OR SHALL BE PLACED WITHIN ONE YEAR FROM THE DATE THIS PLAT IS RECORDED.

TERRY L. KOELKER  
LICENSE NUMBER: 15487  
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2025  
SHEETS COVERED BY THIS SEAL : SHEETS 1 THRU 4

(DATE)



DATE	REVISIONS	DRAWN BY:
3/22/24	4/17/24 ST NAMES & LOT 10 ADDED	TPL
SCALE:	5/7/24 PUE S&W	CHECKED BY:
SEE BAR SCALE		TLK

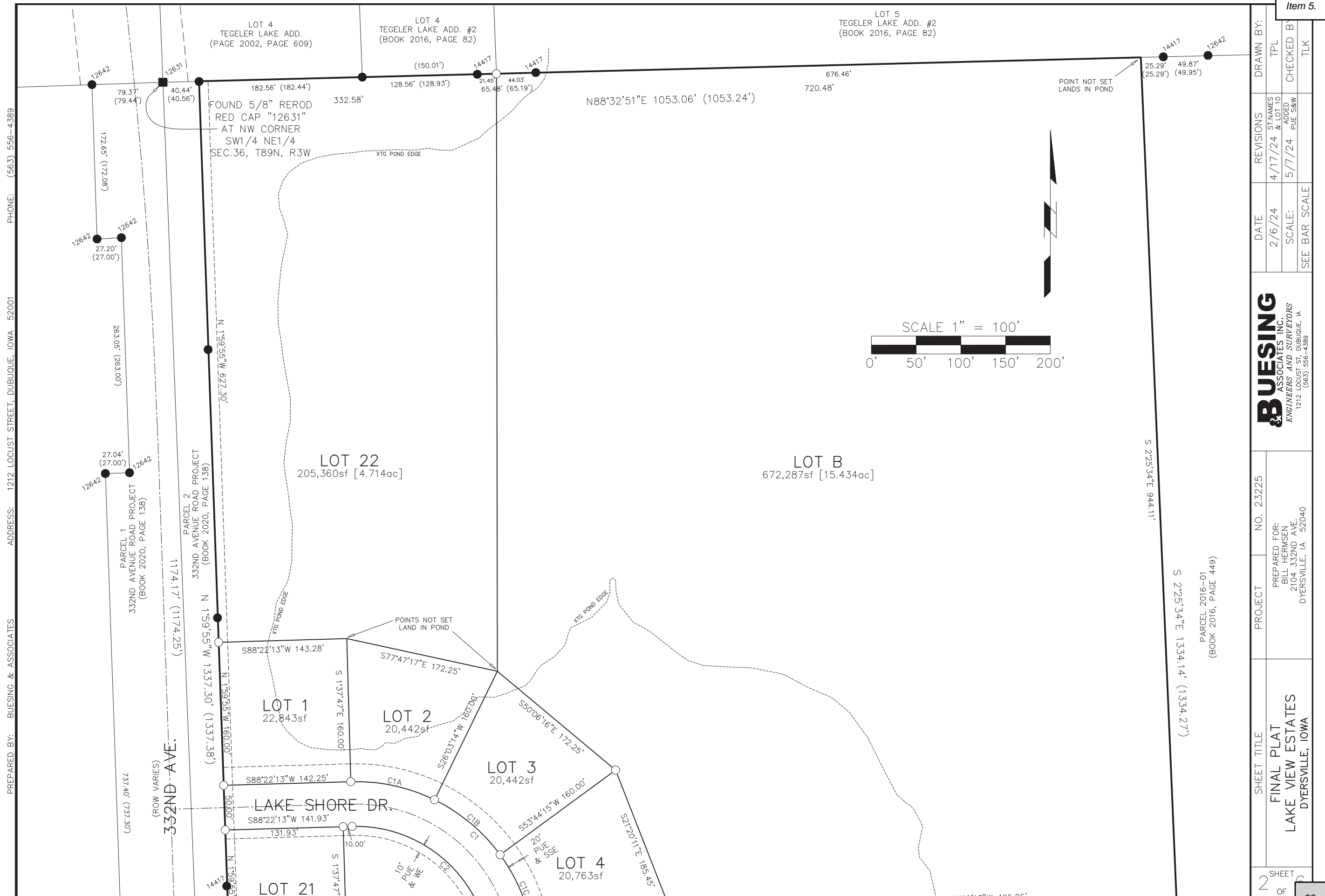
**BUESING & ASSOCIATES INC.**  
ENGINEERS AND SURVEYORS  
1212 LOCUST ST, DUBUQUE, IA  
(563) 556-4389

PROJECT NO. 23225  
PREPARED FOR:  
BILL HERMSEN  
2104 332ND AVE.  
DYERSVILLE, IA 52040

SHEET TITLE  
FINAL PLAT  
LAKE VIEW ESTATES  
DYERSVILLE, IOWA

1 SHEET  
OF







PREPARED BY: BUESING & ASSOCIATES ADDRESS: 1212 LOCUST STREET, DUBUQUE, IOWA 52001 PHONE: (563) 556-4389

CURVE DATA				
CURVE	CHORD BEARING	CHORD LENGTH	RADIUS	ARC LENGTH
C1	S46°37'47"E	282.84'	200.00'	314.16'
C1A	S77°47'17"E	95.70'	200.00'	96.63'
C1B	S50°06'16"E	95.70'	200.00'	96.63'
C1C	S23°15'35"E	90.00'	200.00'	90.78'
C1D	S 5°56'36"E	30.09'	200.00'	30.12'
C2	S46°37'47"W	212.13'	150.00'	235.62'

Item 5.

PREPARED FOR:  
BILL HERMSEN  
2104 332ND AVE.  
DYERSVILLE, IA 52040

NO. 23225

PROJECT

SHEET TITLE

FINAL PLAT  
LAKE VIEW ESTATES  
DYERSVILLE, IOWA

3

OF

DATE

2/6/24

SCALE:

SEE BAR SCALE

REVISIONS

4/17/24  
ST NAMES  
& LOT TO  
ADDED

5/7/24  
PUE S&W

DRAWN BY:

TPL

CHECKED BY:

TLK

**BUESING & ASSOCIATES INC.**  
ENGINEERS AND SURVEYORS  
1212 LOCUST ST. DUBUQUE, IA  
(563) 556-4389

PARCEL 2016-01  
(BOOK 2016, PAGE 449)

PARCEL 2016-01  
(BOOK 2016, PAGE 449)

LOT B  
WESTRIDGE ESTATES  
11TH ADD.  
(BOOK 2018, PAGE 1678)

24

**Surveyor's Certificate**

I, Terry L. Koelker, a Duly Licensed Land Surveyor in the State of Iowa, do hereby certify that the following real estate was surveyed and platted by me or under my direct personal supervision, To Wit:

Parcel 2016-02, part of the SW1/4 NE1/4 of Section 36, T89N, R3W, of the 5<sup>th</sup> P.M., City of Dyersville, Delaware County, Iowa.

This survey was performed for the purpose of subdividing and platting said real estate henceforth to be known as **LAKE VIEW ESTATES** in the City of Dyersville, Iowa. The Total area of **LAKE VIEW ESTATES** is 32.441 acres. All Lot areas are more or less, and all Lots are subject to easements, reservations, restrictions, and rights-of-way of record and not of record, the plat of which is attached hereto and made a part of this certificate. All monuments are placed, or shall be placed, within one year from the date this plat is recorded.

I hereby certify that this land surveying document was prepared, 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.

BY:\_\_\_\_\_

Terry L. Koelker  
Licensed Land Surveyor  
License No. 15487

\_\_\_\_\_

Date  
  
License Renewal Date: 12/31/25

**Owner's Consent**

Dyersville, Iowa \_\_\_\_\_, 2024

The foregoing Final Plat of: **LAKE VIEW ESTATES** in the City of Dyersville, Iowa, is made with the free consent and in accordance with the desires of the undersigned owners and proprietors of said real estate. We hereby dedicate Lot A, Lot C (\_\_\_\_\_), and Lot D (\_\_\_\_\_), for street and utility purposes, and all easements shown, to the public.

**Lake View Estates, LLC**

\_\_\_\_\_  
William J. Hermssen

State of Iowa            )  
                                  )  
County of Delaware    ) ss:

On this \_\_\_\_\_ day of \_\_\_\_\_, AD 2024, before me the undersigned, A Notary Public in and for the State of Iowa, personally appeared William J. Hermssen, to me personally known, who, being duly sworn, did say that said William J. Hermssen, is an Agent for C & JK Properties, LLC, that no seal has been procured by said LLC, that said instrument was signed on behalf of said LLC, by said Agent, and that said Agent acknowledge the execution of said instrument to be the voluntary act and deed of said LLC, by it, voluntarily executed.

Witness my hand and Notarial Seal on the date above written.

\_\_\_\_\_  
Notary Public in and for the State of Iowa

MORTGAGE CONSENT

Dyersville, Iowa \_\_\_\_\_, 2024

\_\_\_\_\_, as mortgage holders, do hereby consent to the foregoing Final Plat of: LAKE VIEW ESTATES in the City of Dyersville, Iowa.

Bank: \_\_\_\_\_

Name: \_\_\_\_\_

State of Iowa )  
County of Delaware ) ss:

On this \_\_\_\_\_ day of \_\_\_\_\_, 2024, before me the undersigned, a Notary Public in and for the State of IA, personally appeared \_\_\_\_\_, to me personally known, who being by me duly sworn, did say that he is \_\_\_\_\_ of the corporation executing the within and foregoing instrument to which is attached, that the seal affixed thereto is the seal on behalf of the corporation by authority of its signed and sealed on behalf of the corporation; that said instrument was signed and sealed on behalf of the corporation by authority of its Board of Directors; and that such officers acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the corporation, by it and them voluntarily executed.

\_\_\_\_\_  
Notary Public in and for the State of IA

Attorney's Certificate

Dyersville, Iowa \_\_\_\_\_, 2024

TO WHOM IT MAY CONCERN:  
This will certify that I have examined the abstract of title covering Parcel 2016-02, part of the SW1/4 NE1/4 of Section 36, T89N, R3W, of the 5<sup>th</sup> P.M., City of Dyersville, Delaware County, Iowa, covering the period from government entry to \_\_\_\_\_ certified on that date by \_\_\_\_\_ and find that said abstract shows good and merchantable title to said real estate in \_\_\_\_\_ free and clear of all liens and encumbrances and shows taxes paid including taxes for the year \_\_\_\_\_.

\_\_\_\_\_  
Attorney-at-Law

County Treasurer's Certificate

Delaware, Iowa \_\_\_\_\_, 2024

I, the undersigned, Treasurer of Delaware County, Iowa, do hereby certify that all taxes levied against Parcel 2016-02, part of the SW1/4 NE1/4 of Section 36, T89N, R3W, of the 5<sup>th</sup> P.M., City of Dyersville, Delaware County, Iowa, have been paid and said real estate is free from taxes as of this date.

\_\_\_\_\_  
Treasurer of Delaware County, Iowa

City Planning and Zoning Commission

Dyersville, Iowa \_\_\_\_\_, 2024

The foregoing Final Plat of: LAKE VIEW ESTATES in the City of Dyersville, Iowa, is hereby approved by the City of Dyersville Planning and Zoning Commission and approval of said plat by the City Council of the City of Dyersville, Iowa, is hereby recommended.

\_\_\_\_\_  
Chairperson, City of Dyersville Planning and Zoning Commission

**City of Dyersville, Iowa**

Dyersville, Iowa \_\_\_\_\_, 2024

The undersigned, Mayor, and Clerk, of the City of Dyersville, Iowa, do hereby certify that the foregoing Final Plat of: **LAKE VIEW ESTATES** in the City of Dyersville, Iowa, and the dedication of Lot A, Lot C (\_\_\_\_\_), and Lot D (\_\_\_\_\_), for street and utility purposes, and all easements shown, to the public, as appears heretofore, has been filed on \_\_\_\_\_ day of \_\_\_\_\_, 2024 as resolution # \_\_\_\_\_ in the office of the City Clerk of Dyersville, Iowa and that the City Council of the City of Dyersville, Iowa approves said plat.

\_\_\_\_\_  
Mayor of the City of Dyersville, IA

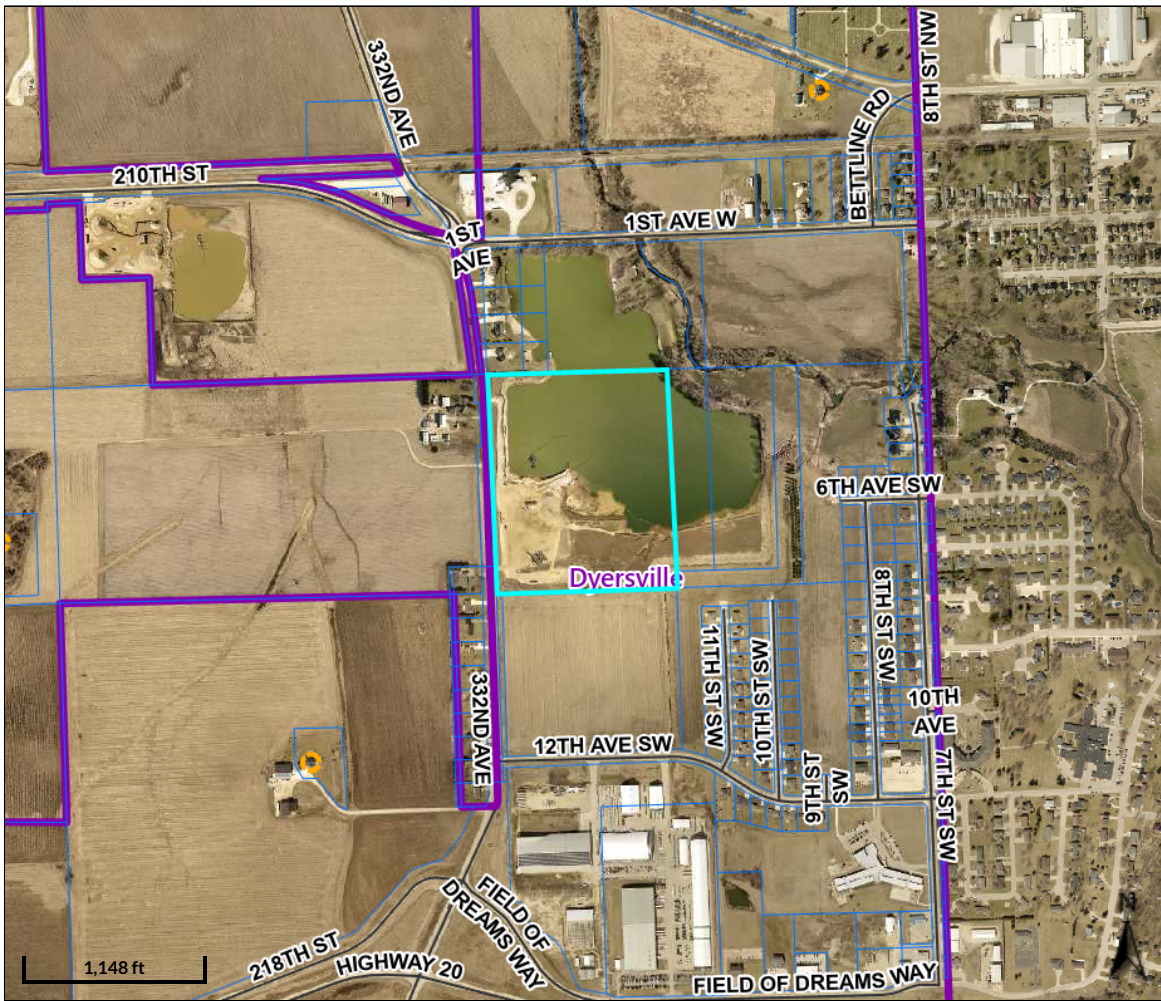
\_\_\_\_\_  
Clerk of the City of Dyersville, IA

**County Auditor’s Certificate**

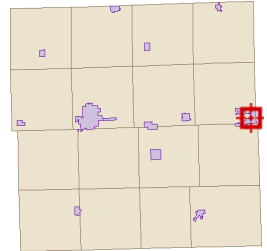
Delaware, Iowa \_\_\_\_\_, 2024

The foregoing Final Plat of: **LAKE VIEW ESTATES** in the City of Dyersville, Iowa, was entered of record in the office of the Delaware County Auditor this \_\_\_\_\_ day of \_\_\_\_\_, 2024.







\_\_\_\_\_  
Delaware County Auditor



#### Overview



#### Legend

- Corporate Limits**
  -  Corporate Limits
  -  Unincorporated Area
- Political Townships**
  -  Political Townships
- Parcels**
  -  BLL
  -  Parcel
- Roads**
  -  Roads

<b>Parcel ID</b>	530000100500	<b>Alternate ID</b>	n/a	<b>Owner Address</b>	Lake View Estates LLC
<b>Sec/Twp/Rng</b>	36-89-3	<b>Class</b>	C		2104 332nd Ave
<b>Property Address</b>	2124 332ND AVE UNIT 2126	<b>Acreage</b>	33.6		Dyersville, IA 52040
	DYERSVILLE				
<b>District</b>	DYERSVILLE COPR. TIF 2				
<b>Brief Tax Description</b>	PARCEL 2016-02 PT SW NE				
	(Note: Not to be used on legal documents)				

**Disclaimer:** All critical information should be independently verified. If you have questions about this site please contact either the Delaware County Auditor's Office at 563 927-4701 or the Delaware County Assessor's Office at 563 927-2526

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GEOSPATIAL