6-141

SUBDIVISION AGREEMENT
Putz Subdivision

The undersigned, Daniel G. and June M. Putz, husband and wife, and Loren R. Harbaugh and Laura M. Harbaugh, husband and wife, hereinafter known as First Parties, and the City of Manchester, Iowa, Second Party, agree as follows:

1. First Parties have presented for approval by Second Party, a subdivision for real estate specifically described on attached Exhibit A.

2. There is currently no need for additional streets adjacent to the Putz Subdivision, but the comprehensive plan and major street plan for the City of Manchester, Iowa, may require development of streets adjacent to the Putz Subdivision in the future.

3. First Parties acknowledge and agree that should future development warrant a public street adjacent to the property described herein that the then owners of said real estate may be assessed by Second Party for their respective share of the cost of said street improvement. First Parties acknowledge and understand that even though Second Party does not require construction of public street improvements as a prerequisite for the approval of the Putz Subdivision, the parties to this agreement, their heirs, successor and assigns may be assessed in the future for their prorata share of street improvements should they be determined to be necessary by Second Party in the future.

CITY OF MANCHESTER, IOWA

By: Milt L. Kramer
Milt L. Kramer - Mayor

By: Karen K. Cole
Karen K. Cole - City Clerk

CITY OF MANCHESTER IOWA SEAL

Daniel G Putz
Daniel G. Putz

June M Putz
June M. Putz

Loren R Harbaugh
Loren R. Harbaugh

Laura M. Harbaugh
Laura M. Harbaugh

FIRST PARTIES

FILE No. 125-771
RECORDING FEE $ 15.00
TRANSFER FEE $

FILED FOR RECORD THE 24 DAY OF September, 19 91 AT 3:02 O'CLOCK P. M. BOOK 2 PAGE 217

STATE OF IOWA, DELAWARE COUNTY
Jane A. Lloyd, Recorder
Misc.

LEGAL DESCRIPTION:

PUTZ SUBDIVISION, Part of the South One-half (S 1/2) of the Southwest Quarter (SW 1/4) of Section Twenty (20), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, City of Manchester, Delaware County, Iowa, including three (3) lots numbered Lot One (1) through Lot Three (3) and Lot A, reserved for future street right of way, more specifically described by metes and bounds as follows:

Commencing at the Southwest Corner of Section Twenty (20), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, City of Manchester, Delaware County, Iowa, thence North 00°-03'-32" West along the Westerly line of said Section Twenty (20) 524.6 feet, thence North 89°-29'-40" East 1319.1 feet to the Easterly line of the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of said Section Twenty (20), thence North 90°-00'-00" East 172.7 feet to the Westerly line of Lot 7 of Graybill's First Addition; thence along the Westerly line of Graybill's First Addition South 00°-41'-27" West 490.1 feet to the Southwesterly Corner of Lot One (1) of Graybill's First Subdivision, thence North 89°-29'-39" East along the Southerly line of Lot One (1) of Graybill's First Subdivision 132.0 feet to the Southeast Corner of said Lot One (1), thence South 00°-41'-27" West along the Westerly line of North Sixth Street 33.0 feet to the Southerly line of said Section Twenty (20), thence South 89°-29'-39" West along the Southerly line of said Section Twenty (20) 1617.0 feet to the POINT OF BEGINNING. The Southerly line of the South One-half (S 1/2) of the Southwest Quarter (SW 1/4) of Section Twenty (20), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian is assumed to bear South 89°-29'-39" West.

The subdivision includes an easement on Lot Three (3) for a septic system serving Lot One (1).

Lot A is specifically reserved for future street right of way and with this subdivision plat constitutes an easement for ingress and egress to Lot number One in lieu of the ingress and egress easement as recorded in Warranty Deed Book 127, Page 107 in the Office of the Delaware County Recorder.

Two Easement Agreements for access to Lot One (1), Two (2), and Three (3) indicated along the southerly line of Section Twenty (20) lying in Section Twenty-nine are recorded in Book 2, Page 159 and Book ____, Page _____.

STATE OF IOWA)
) ss:
COUNTY OF DELAWARE)

On this 2nd day of May, 1991, before me, the undersigned, Notary Public in and for the State of Iowa, personally appeared Daniel G. Putz and June M. Putz, husband and wife, to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

Vonda Billhorn
Notary Public in and for the State of Iowa

VONDA BILLHORN

STATE OF IOWA)
) ss:
COUNTY OF DELAWARE)

On this 3rd day of May, 1991, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Loren R. Harbaugh and Laura M. Harbaugh, husband and wife, to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

Vonda Billhorn
Notary Public in and for the State of Iowa

VONDA BILLHORN

STATE OF IOWA)
) ss:
COUNTY OF DELAWARE)

On this 22nd day of May, 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared Milt L. Kramer and Karen K. Cole, to me personally known, who being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the corporation executing the within and foregoing instrument to which this is attached, that ~~(no seal has been affixed by the)~~ (the seal affixed thereto is the seal of the) corporation; that said instrument was signed (and sealed) on behalf of the corporation by authority of its Board of Directors; and that Milt L. Kramer and Karen K. Cole as officers acknowledged the executive of the foregoing instrument to be the voluntary act and deed of the corporation, by it and by them voluntarily executed.

Linda K. Tutton
Linda K. Tutton Notary Public in and for said State