PETITION AND WAIVER

THIS AGREEMENT made and entered into by and between the City of Manchester, Iowa, hereinafter called the CITY, and the undersigned property owners in said City, hereinafter called the PROPERTY OWNERS, WITNESSETH:

WHEREAS, the City proposed to construct street improvements ("improvements") in said City; and

WHEREAS, the undersigned Property Owners desire that the improvements be constructed to benefit their respective properties and that 60 percent of the cost of said improvements will be paid by the property owner(s). The general description and location of said improvements being as follows:

To improve a residential street in Northtown Estates in Ray's Court, which subdivision contains approximately seven (7.0) acres divided into twenty-five (25) lots, to connect and serve all twenty-five (25) lots. The street must meet the minimum technical standards of the City of 66 foot right-of-way, 34 foot "back to back", with 6 inch Portland Cement Concrete (4000 psi compression or above) over compacted earth, with integral curb.

NOW, THEREFORE, BE IT AGREED AMONG THE PARTIES HERETO AS FOLLOWS:

As soon as practicable the City shall have the right to cause the above-described improvements to be constructed in accordance with such plans and specifications as it shall deem appropriate. The construction of said improvements shall be under the supervision of an engineer to be selected by the City.

For the purpose of this Agreement, the City may elect to enter into contract for the construction of said improvements as a part of any contract for a public improvement project entered into prior to the receipt of this instrument as authorized by Section 384.41(2) of the City Code of Iowa.

In consideration of the construction of said improvements, the undersigned Property Owners hereby waive the public hearing on the adoption of the Resolution of Necessity and the mailing and publication of Notice thereof, and all other legal formalities of whatsoever kind or character required by the laws of Iowa to be observed by cities in the construction of said improvements where the expense of such improvements is to be paid by the property owner. The undersigned Property Owners each and all hereby expressly waive each and every question of jurisdiction, the intention of the Property Owners being to authorize and direct said City to construct the improvement without requiring any of the formalities or legal proceedings required of cities by the statutes of Iowa.

It is further agreed that when said improvements have been constructed in accordance with the plans and specifications that the City shall charge the property owners for sixty percent (60%) of the entire cost of the construction of said improvements, including the cost of engineering and supervision, as authorized by Section 384.44, City Code of Iowa, and that said costs so made shall be a lien upon the properties hereinafter described, and each of the undersigned Property Owners hereby agrees to pay the amount which is thus charged against his property, and said costs shall have the same legal force and effect as if all the legal formalities provided by law in such cases had been fully and faithfully performed and observed. Each of the undersigned Property Owners hereby expressly waive every objection to said costs, any limitation of the amount thereof as a percentage of valuation and any right to defer or postpone payment of the costs. Said costs shall be paid by the undersigned Property Owners within 30 days of said billing.

City to 60% pymt. Agreement

For Extension, See Book 4 Page 116 4/20/93

FILE No. 210-427
RECORDING FEE $ 15.00
TRANSFER FEE $
FILED FOR RECORD THE 24 DAY OF July, 19 92 AT 1:55 O'CLOCK P M. BOOK 3 PAGE 132
STATE OF IOWA, DELAWARE COUNTY
Jane A. Lloyd, Recorder
MISC.

Property Owners hereby authorize the City Council to pass any Resolution requisite or necessary to order and secure said improvements, to provide for the construction of the same and to make the assessments herein provided for, without further notice to said Property Owners, or any of them, and any such Resolution may contain recitals that said improvements are ordered or made by the Council without petition of property owners, without in any way qualifying this petition or releasing the Property Owners from their obligation to pay the assessments levied against their property for said improvements.

With this Agreement, the Property Owner presents to the City Clerk a certified check, payable to the City of Manchester, in an amount of $10,000.00 as a down payment for the construction of the street improvements and the Property Owner agrees, by agreement with the City, to reimburse the City for any costs it incurs in connection with the planning for or construction of the improvements which will be specially assessed, including but not limited to, design, engineering, legal services, and preparation of documents.

Property Owners agree that this Petition and Waiver shall be effective and binding from and after the approval hereof by resolution of the City Council.

Dated this 20th day of July, 1992.

Presented to the City Council on July 20, 1992.

Approved by the City Council on July 20, 1992.

CITY OF MANCHESTER, IOWA

Karen K. Cole

Karen K. Cole, City Clerk

OWNER'S NAME: Raymond P. Schulte

By: Raymond P. Schulte
Signature

State of Iowa)
) ss:
County of Delaware)

On this 20 day of July, 1992, before me, a Notary Public in and for the State of Iowa personally appeared Raymond P. Schulte, to me personally known to be the identical person named in and who executed the foregoing instrument and acknowledged that he executed the same as his voluntary act and deed.

LINDA K. TUTTON
NOTARIAL SEAL

Linda K. Tutton

Linda K. Tutton
Notary Public in and for the
State of Iowa

RESOLUTION R-854-92

RESOLUTION APPROVING PETITION AND WAIVER

WHEREAS, A Petition and Waiver has been duly executed by the owners of property agreeing thereby to be pay for sixty percent (60%) of the full cost, upon completion of project, of improving a residential street in Schulte's First Addition to Northtown Estates Subdivision, by paving the street, including the installation of integral curbs, the same being attached hereto; and

WHEREAS, the following action is deemed appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANCHESTER, IOWA:

Section 1. That the aforesaid Petition and Waiver attached hereto be and the same is hereby approved and accepted for and on behalf of this City.

PASSED AND APPROVED this 20th day of July, 1992.

CITY OF MANCHESTER

Milt L. Kramer

Milt L. Kramer, Mayor

ATTEST:

Karen K. Cole

Karen K. Cole, City Clerk

STATE OF IOWA)
COUNTY OF DELAWARE) SS:

On this 21st day of July, 1992, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared Milt L. Kramer and Karen K. Cole, to me personally known, and, who being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Manchester, Iowa; that the seal affixed to the foregoing instruments is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in R-854-92 passed (the Resolution adopted) by the City Council of the City of Manchester on the 20th day of July, 1992, and that Milt L. Kramer and Karen K. Cole acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by its voluntarily executed.

Linda K. Tutton

Linda K. Tutton - Notary Public
in and for the State of Iowa
Commission Expires August 29, 1993

210-427

DELAWARE COUNTY IOWA
FILED

'92 JUL 24 PM 1 55

BOOK 3 PAGE 132
RECORDER

$15.00

CITY OF MANCHESTER

TO

RAYMOND P. SCHULTE

✓

City of Manchester