City of Dyersville
340 First Ave. E.
Dyersville, IA

338-212
DELAWARE COUNTY IOWA
FILED
'97 JUL 18 AM 10 20
7 64
RECORDER
36.00

7205-97
'97 JUN 30 PM 12 02
KATHY FLYNN THURLOW
COUNTY RECORDER
DUBUQUE CO., IOWA FEES
$36.00
KATHY FLYNN THURLOW, DUB. CO. RECORDER

Preparer Information: Robert E. Josten | Dorsey & Whitney | 801 Grand Ave., Suite 3900 | Des Moines, IA 50309 | 515/283-1000

SPACE ABOVE THIS LINE
FOR RECORDER

AGREEMENT

This Agreement is entered into the 21st day of April, 1997, between the City of Dyersville, Iowa (the "City") and Melvin and Ruth Nickol (the "Developers").

WHEREAS, the Developers are the owners of certain property located in the City known as Melvin Nickol Place; and

WHEREAS, the City needs to acquire certain property from the Developers, as more specifically shown on Exhibit A attached hereto, for use in connection with a street improvement project; and

WHEREAS, the Developers have transfered title to the property shown on Exhibit A, in anticipation of receiving certain consideration from the City related to a credit against future special assessments which might be levied against other property owned by the Developers, more specifically shown on Exhibit B attached hereto;

IT IS THEREFORE AGREED BY THE CITY AND THE DEVELOPERS, as follows:

1. The Developers have transfered to the City title to the property identified on Exhibit A hereto, provided that, as part of that transfer, a copy of this Agreement must be recorded with the Dubuque County Recorder.

2. The City agrees that, in the event the City in the future determines to construct a public street in the area west of the property owned by the Developers and shown on Exhibit B, any portion of the cost of which could be specially assessed against benefitted properties pursuant to the laws of the State of Iowa, the City will grant the Developers, or the then current owners of the property shown on Exhibit B, a credit against the amount which might be assessed against such property for that street construction project in the total amount of $20,137.60, calculated on the basis of $28 per lineal foot, with the property shown on Exhibit B having 719.2 lineal feet along its western boundary. If at the time of assessment such property is not held by the Developers, each owner of any portion of such property will be credited with the appropriate proportion of the total credit set out herein, based on the lineal footage attributable to the property held by that owner.

DATE 2-18-98 BOOK 7 PAGE 64

In Witness Whereof, this Agreement has been executed on behalf of the City by the Mayor and City Clerk, and by the Developers.

CITY OF DYERSVILLE, IOWA

Robert H. Kramer
Mayor

Attest:

Susan L Ertl
City Clerk

Melvin W Nickol
Melvin Nickol

Ruth A. Nickol
Ruth Nickol

On this 25th day of June, 1997, before me, Mary A. Goerdt, a Notary Public in and for the State of Iowa, personally appeared Robert H. Kramer and Susan L. Ertl, 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 Dyersville, Iowa; that the seal affixed to the attached instrument is the corporate seal of the City of Dyersville and that Robert H. Kramer and Susan L. Ertl acknowledged the execution of the attached instrument to be their voluntary act and deed.

Mary A. Goerdt
Notary Public

MARY A. GOERDT
MY COMMISSION EXPIRES
05-05-2000

On this 25th day of June, 1997, before me, Mary A. Goerdt, a Notary Public in and for the State of Iowa, personally appeared Melvin H. Nickol and Ruth A. Nickol, to me personally known, and that Melvin H. Nickol and Ruth A. Nickol acknowledged the execution of the attached instrument to be their voluntary act and deed.

Mary A. Goerdt
Notary Public

MARY A. GOERDT
MY COMMISSION EXPIRES
05-05-2000

Attachment to Agreement between the City of Dyersville, Iowa and Melvin and Ruth Nickol, dated April 21, 1997.

EXHIBIT A

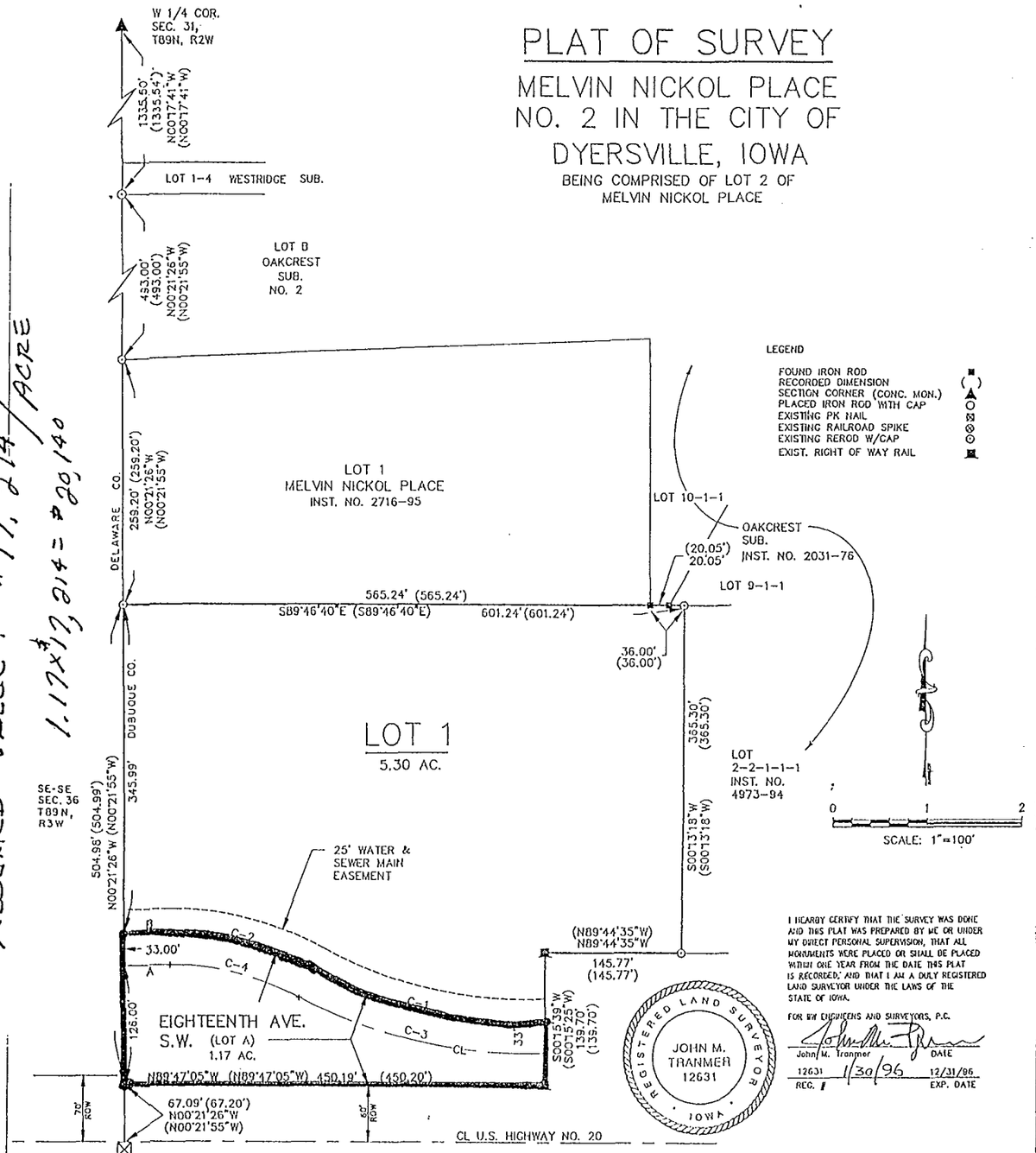
Lot A in the Plat of Survey of Melvin Nickol Place No. 2, City of Dyersville, County of Dubuque, Iowa.

PREPARED BY: IIW ENGINEERS AND SURVEYORS – 4155 PENNSYLVANIA AVE. – DUBUQUE, IOWA 319-556-2464

PLAT OF SURVEY

MELVIN NICKOL PLACE NO. 2 IN THE CITY OF DYERSVILLE, IOWA

BEING COMPRISED OF LOT 2 OF MELVIN NICKOL PLACE



LOT A DEDICATED TO CITY
ASSUMED VALUE: $17,214/ACRE
1.17x17,214 = $20,140

EXHIBIT "A"

	C-1	C-2	C-3	C-4	A
Δ =	30°15'10"	27°39'36"	30°05'04"	27°35'43"	S89°37'16"W
R =	485.61'	333.00'	518.61'	300.00'	50.04'
T =	131.27'	81.98'	139.37'	73.67'	B
L =	256.41'	160.76'	272.31'	144.49'	S89°37'16"W
CHD. BRG.	N77°15'29"W	N75°57'44"W	N77°10'26"W	N75°55'45"W	50.03'
CHD. DIST.	253.44'	159.20'	269.19'	143.10'	

I HEARBY CERTIFY THAT THIE SURVEY WAS DONE AND THIS PLAT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION, THAT ALL MONUMENTS WERE PLACED OR SHALL BE PLACED WITHIN ONE YEAR FROM THE DATE THIS PLAT IS RECORDED, AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

FOR IIW ENGINEERS AND SURVEYORS, P.C.

John M. Tranmer — DATE

12631 — REG. # — 12/31/96 EXP. DATE

REGISTERED LAND SURVEYOR JOHN M. TRANMER 12631 IOWA

NOTE: ALL BEARINGS ON THIS PLAT ARE RELATIVE TO A BEARING OF N00°21'26"W. THE EAST LINE OF THE SE 1/4 OF THE SE 1/4 OF SECTION 36, T89N, R3W.

SURVEY REQUESTED BY: CITY OF DYERSVILLE
PROPRIETOR: MELVIN & RUTH NICKOL

P:\95\174-02\CIV\DCA\NICKOLLL.DWG

	DATE
DRAWN TJD	
CHECKED JMT	
SCALE 1"=100'	
REVISION	

IIW ENGINEERS AND SURVEYORS P.C.

BOOK 2 PAGE 64

PROJ.NO. 95174-02 DRAWER 12

EXHIBIT B

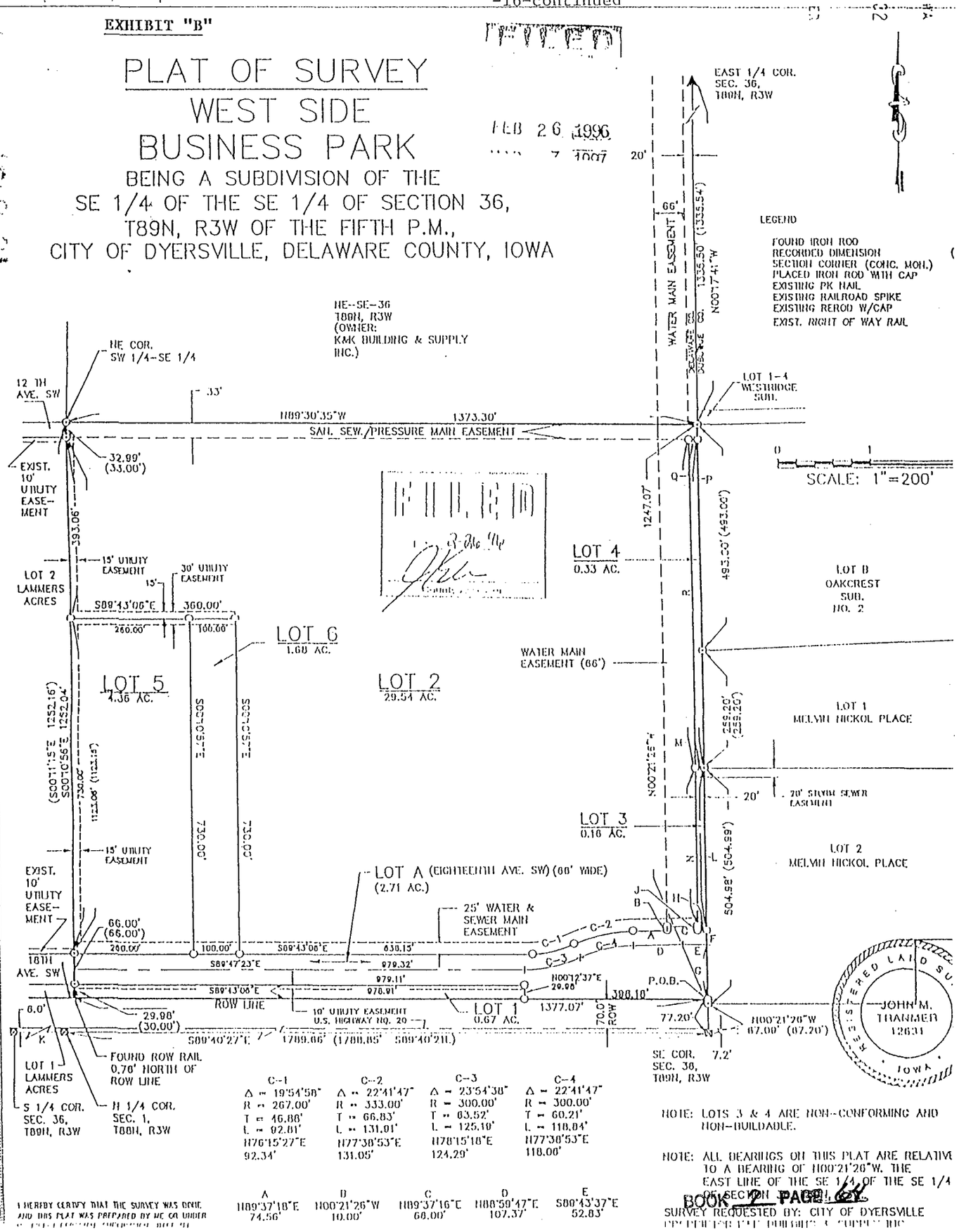
Lot 4 in the Plat of Survey of West Side Business Park, City of Dyersville, County of ~~Dubuque~~ DELAWARE, Iowa.

EXHIBIT "B"

PLAT OF SURVEY
WEST SIDE BUSINESS PARK

BEING A SUBDIVISION OF THE SE 1/4 OF THE SE 1/4 OF SECTION 36, T89N, R3W OF THE FIFTH P.M., CITY OF DYERSVILLE, DELAWARE COUNTY, IOWA

FILED
FEB 26 1996
at 10:07 20'



C-1	C-2	C-3	C-4
Δ = 19°54'58"	Δ = 22°41'47"	Δ = 23°54'38"	Δ = 22°41'47"
R = 267.00'	R = 333.00'	R = 300.00'	R = 300.00'
T = 46.86'	T = 66.83'	T = 63.52'	T = 60.21'
L = 92.81'	L = 131.81'	L = 125.19'	L = 118.84'
N76°15'27"E 92.34'	N77°38'53"E 131.05'	N78°15'18"E 124.29'	N77°38'53"E 118.06'

A	B	C	D	E
N89°37'18"E 74.56'	N00°21'26"W 10.00'	N89°37'16"E 60.00'	N88°59'47"E 107.37'	S89°43'37"E 52.83'

NOTE: LOTS 3 & 4 ARE NON-CONFORMING AND NON-BUILDABLE.

NOTE: ALL BEARINGS ON THIS PLAT ARE RELATIVE TO A BEARING OF N00°21'26"W. THE EAST LINE OF THE SE 1/4 OF THE SE 1/4 OF SECTION 36, T89N, R3W.

I HEREBY CERTIFY THAT THIS SURVEY WAS DONE AND THIS PLAT WAS PREPARED BY ME OR UNDER [illegible]

SURVEY REQUESTED BY: CITY OF DYERSVILLE [illegible]

7205-97

'97 JUN 30 PM 12 03

KATHY FLYNN THURLOW
COUNTY RECORDER
DUBUQUE CO., IOWA FEES

(X) 436.00
City of Dyersville