City of Manchester

DELAWARE COUNTY IOWA
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DEBORAH PETTON
DELAWARE CO RECORDER
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Prepared by James Peters, Attorney, 309 1st St. East, Independence, IA 50644 Ph (319) 334-9992

# AGREEMENT FOR RESTRICTIONS ON USE OF PROPERTY PURSUANT TO MANCHESTER CODE OF ORDINANCES SECTION 123.12

Richard Heffernen
Elaine Heffernen

**OWNERS**

City of Manchester

**GOVERNING BODY**

Richard and Elaine Heffernen (herein referred to as "Owners") and the City of Manchester, Iowa (herein after referred to as "City") hereby agree and state as follows:

1. That Owners are the record titleholder of the following described property.

   Property located at 404 South Madison Street described as Loomis Addition, Lot 3 A.R. North 160 feet.

2. That Owners have applied for Conditional zoning pursuant to the Manchester City Code Section 123.12.

3. That pursuant to Section 123.12 of the Manchester Code of Ordinances the parties have entered into this agreement to place certain additional restrictions upon the use of the above described property, above and beyond the restrictions for B-3 Business District.

4. That use of the property shall be subject to all restrictions set forth in the Manchester City Code and where more restrictive the following restrictions shall take precedence:

   A. No more than 5 commercial trucks or other delivery vehicles of any kind shall on a daily average serve the above property.

   B. All materials, equipment, and inventory shall be stored within an enclosed structure. Enclosed for the purpose of this agreement shall require walls on all sides and a roof.

   C. No trucks, forklifts or other motorized equipment or vehicles may be stored on the premises except in an enclosed structure. This section shall not restrict personal vehicles less than three (3) in number from being parked outside of the building.

   D. All business activities conducted on the above described property shall take place within an enclosed structure.

   E. No business activity requiring the use of machinery, vehicles or equipment in manner which may create noise or disturbance generally considered to be disruptive to the residential character of the area shall occur between the hours of 8:00 p.m. to 6:00 a.m.

   F. No retail sales of goods shall be conducted on the premises.

   G. This Agreement shall be recorded at the expense of the property owner in the office of the Delaware County Recorder.

   H. This Agreement shall be binding upon any and all purchasers, transferees, heirs or assigns of property owner and shall run with the land.

   I. This Agreement shall not be amended or modified except in writing and duly recorded in the office of the Delaware County Recorder in a manner consistent with City and State law concerning amendments to zoning classification of property.

**Dated this** 22nd **day of** April **, 1999.**

Richard L. Heffernen
Richard Heffernen

Elaine Heffernen
Elaine Heffernen

CITY OF MANCHESTER, IOWA

Milt L. Kramer
Milt L. Kramer, Mayor

Karen K. Cole
Karen K. Cole, City Clerk

STATE OF IOWA )
) SS:
COUNTY OF DELAWARE)

On this 22nd day of April, 1999 before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Richard Heffernen and Elaine Heffernen, to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledge that they executed the same as their voluntary act and deed.

Cynthia J. Summers
Cynthia J. Summers
Notary Public in and for the State of Iowa
My Commission Expires 8/12/2000

STATE OF IOWA )
) SS:
COUNTY OF DELAWARE)

On this 22nd day of June, 1999, before me, Cynthia J. Summers 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 instrument 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 Resolution R-066--99 passed by the City Council of the City of Manchester, Iowa on the 21st day of June, 1999, 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 it voluntarily executed.

Cynthia J. Summers
Cynthia J. Summers, Notary Public
My commission expires 8-12-2000