City of Manchester

DELAWARE COUNTY IOWA
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BOOK 2001 PAGE 50
DEBORAH L. PEYTON
DELAWARE CO. RECORDER
11.00

Preparer: James T. Peters, P.O. Box 774, Independence, IA 50644 (319)334-9992

SEWER ASSESSMENT AGREEMENT

The UNDERSIGNED Richard D. Schmitt, (hereinafter referred to as "property owner), and the City of Manchester, Iowa hereby covenant and agree as follows:

1. Property owner is the fee titleholder to the following described premises at 1050 South 3rd Street:

   All that part of Lot Two (2) of the Subdivision of Lot Five (5), according to the survey and corrected plat of the subdivision of the East three-fourths (E ¾) of the South one-half (S ½) of Section Thirty Two (32), Township Eighty Nine (89) North, Range Five (5), West of the Fifth P.M., according to plat recorded in Book A Plats, Page 68, described as being at the Southwest corner of Lot Six (6) of said Subdivision of the East three-fourths (E ¾) of the South one-half (S ½) of said Section Thirty Two (32), thence East on the South line of said Lot Six (6) nine and fifty hundredths (9.50) chains to its Southeast corner, thence on the East line of said Lot Six (6) North eleven and four-tenths (11.4) chains, thence South 83 degrees East eleven and thirty five hundredths (11.35) chains, thence South 17 degrees East eight and eighty eight and one-half hundredths (88.88 ½) chains, thence South 30 degrees East three and eight hundredths (3.08) chains, thence South 57 ½ degrees West three (3) chains, thence North 30 degrees West two and five tenths (2.5) chains, thence South 57 ½ degrees West sixteen (16) chains to a point in the center of the Delhi & Independence State Road, thence Northwesterly along the center of said road twelve and twenty seven hundredths (12.27) chains to the point of beginning, Delaware County, Iowa.

2. The Manchester City Code (Section 95.04) requires all homes to be connected to a public sanitary sewer system when said system is within one hundred feet of the property line of such owner and is of such design as to receive and convey sewage by gravity flow.

3. Manchester City Code (Section 96.01) requires a connection fee when sanitary sewer system is stubbed into a property.

4. That in 2000, the City of Manchester, Iowa, provided for the construction of sanitary sewer service to serve the above-referenced property.

5. That based upon the unique circumstances involving the above-described property and its current stage of development, the parties have determined that is appropriate to delay assessment of costs for extending sewer service to the property until such time as the existing septic system requires major repairs, but no later than ten (10) years from the date of this agreement. During the term of this agreement, the property owner agrees every two years to submit proof of pumping maintenance records verifying that the septic system is functioning properly.

6. Upon the need for major repairs to the septic system, or ten (10) years from the date of this agreement, the above-referenced property shall be assessed for costs of extension of sewer service to the lot based upon city ordinances or policies in effect at the time of assessment of such costs.

7. The property owner consents to an assessment of such costs to the property pursuant to City ordinances and policies existing at the time the assessment becomes effective.

8. The parties agree and understand that future prices, costs, and policies for allocation of costs and expenses for extension of sewer service may likely be greater than current construction costs.

9. This Agreement shall be recorded in the Office of the Delaware County Recorder at the expense of the City.

Richard D. Schmitt

STATE OF IOWA, COUNTY OF DELAWARE, SS:

On this 3rd day of November, 2000, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Richard D. Schmitt to me 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.

Julie A. Swanson #224151 Exp 6-23 2002
Notary Public in and for the State of Iowa

CITY OF MANCHESTER, IOWA

BY: Milt L. Kramer
Milt L. Kramer, Mayor

BY: Karen K. Cole
Karen K. Cole, City Clerk

STATE OF IOWA, COUNTY OF DELAWARE, SS:

On this 5th day of January, 2001, 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 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 R-006-01 passed (the Resolution adopted) by the City Council, on the 2nd day of January, 2001 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.

Julie A. Swanson
Notary Public in and for the State of Iowa
Julie A. Swanson #224151