FILED
Date 5-23-2001
John R Klaus
County Assessor
Rec'd

MAY 23 2001

DELAWARE COUNTY IOWA
FILED
2001 MY 23 PM 3:
BOOK 2001 PAGE 1729
DEBORAH L. BEYTON
DELAWARE CO. RECORDER

PREPARED BY: J DAVID GIBBS; P.O. BOX 295 MANCHESTER, IA 52057 319-927-2434

PLAT OF SURVEY

LYNCH'S SECOND SUBDIVISION

PART OF THE SW 1/4, SEC. 16, & PART OF THE SE 1/4 SEC. 17, ALL IN T89N, R5W OF THE FIFTH P.M., DELAWARE COUNTY, IOWA

FINAL PLAT

250 0 250

Scale: 1" = 250'

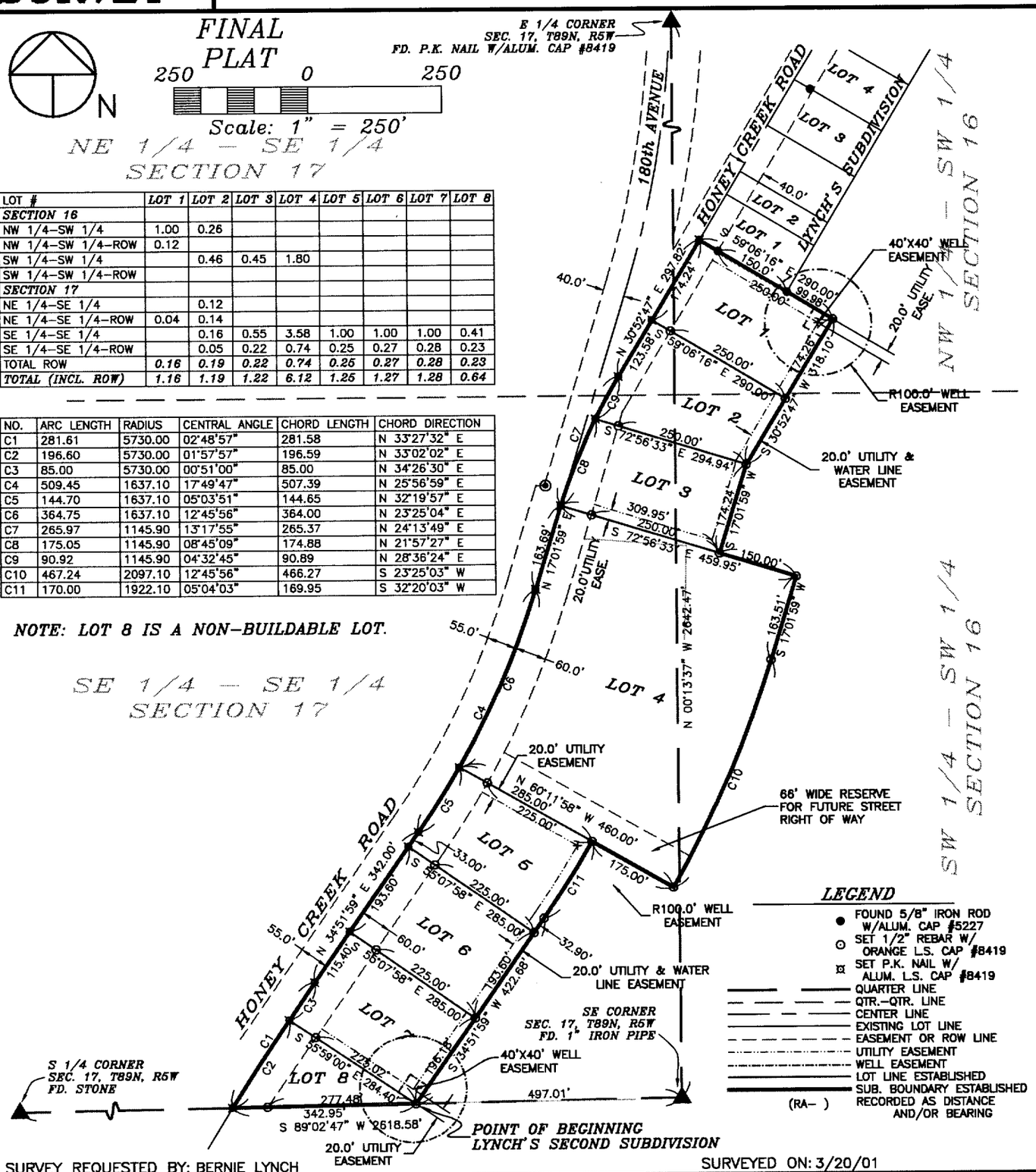
NE 1/4 — SE 1/4
SECTION 17

LOT #	LOT 1	LOT 2	LOT 3	LOT 4	LOT 5	LOT 6	LOT 7	LOT 8
SECTION 16								
NW 1/4–SW 1/4	1.00	0.26						
NW 1/4–SW 1/4–ROW	0.12							
SW 1/4–SW 1/4		0.46	0.45	1.80				
SW 1/4–SW 1/4–ROW								
SECTION 17								
NE 1/4–SE 1/4		0.12						
NE 1/4–SE 1/4–ROW	0.04	0.14						
SE 1/4–SE 1/4		0.16	0.55	3.58	1.00	1.00	1.00	0.41
SE 1/4–SE 1/4–ROW		0.05	0.22	0.74	0.25	0.27	0.28	0.23
TOTAL ROW	0.16	0.19	0.22	0.74	0.25	0.27	0.28	0.23
TOTAL (INCL. ROW)	1.16	1.19	1.22	6.12	1.25	1.27	1.28	0.64

NO.	ARC LENGTH	RADIUS	CENTRAL ANGLE	CHORD LENGTH	CHORD DIRECTION
C1	281.61	5730.00	02°48'57"	281.58	N 33°27'32" E
C2	196.60	5730.00	01°57'57"	196.59	N 33°02'02" E
C3	85.00	5730.00	00°51'00"	85.00	N 34°26'30" E
C4	509.45	1637.10	17°49'47"	507.39	N 25°56'59" E
C5	144.70	1637.10	05°03'51"	144.65	N 32°19'57" E
C6	364.75	1637.10	12°45'56"	364.00	N 23°25'04" E
C7	265.97	1145.90	13°17'55"	265.37	N 24°13'49" E
C8	175.05	1145.90	08°45'09"	174.88	N 21°57'27" E
C9	90.92	1145.90	04°32'45"	90.89	N 28°36'24" E
C10	467.24	2097.10	12°45'56"	466.27	S 23°25'03" W
C11	170.00	1922.10	05°04'03"	169.95	S 32°20'03" W

NOTE: LOT 8 IS A NON-BUILDABLE LOT.

SE 1/4 — SE 1/4
SECTION 17



SURVEY REQUESTED BY: BERNIE LYNCH

SURVEYED ON: 3/20/01

PROPRIETORS: BURNELL A. LYNCH & VELMA LYNCH
1872 HONEY CREEK ROAD, MANCHESTER, IA

PROJECT NO. 01–06

SCALE: 1"=250'

DATE: 4/4/01

DRAWN BY: RLR

CHECKED BY: JDG

FIELD BK: D.L.

REVISED

SHEET 1 OF 9

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

J. DAVID GIBBS, P.E., L.S. LIC. #8419 DATE 5/7/01

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2002

LICENSED LAND SURVEYOR
J. DAVID GIBBS
8419
IOWA

PAGES OR SHEETS COVERED BY THIS SEAL: 1–2

GIBBS ENGINEERING & SURVEYING
PROFESSIONAL SERVICES BUILDING
223 WEST MAIN STREET, MANCHESTER, IA 52057

BOOK 2001 PAGE 1729

LEGAL DESCRIPTION:

***LYNCH'S SECOND SUBDIVISION**, A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION SEVENTEEN (17), AND PART OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION SIXTEEN (16), ALL IN TOWNSHIP EIGHTY-NINE NORTH (T89N), RANGE FIVE WEST (R5W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA,* containing a total of 14.13 acres, including 2.34 acres of public road right of way, divided into eight (8) lots numbered Lot 1 through Lot 8, subject to easements of record, and more specifically described by metes and bounds as follows;

COMMENCING at the Southeast Corner of Section Seventeen (17), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa;

THENCE along the Southerly Line of the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of said Section Seventeen (17), South 89° 02' 47" West, 497.01 feet, to the **POINT OF BEGINNING**;

THENCE continuing along said Southerly Line, South 89° 02' 47" West, to the centerline of Honey Creek Road, 342.95 feet;

THENCE along the centerline of said Honey Creek Road along a circular curve concave Southeasterly for an arc length of 281.61 feet, said circular curve having a radius of 5730.00 feet, a central angle of 02° 48' 57", a chord length of 281.58 feet, and a chord bearing of North 33° 27' 32" East;

THENCE continuing along the centerline of said Honey Creek Road, North 34° 51' 59" East, 342.00 feet;

THENCE continuing along the centerline of said Honey Creek Road along a circular curve concave Northwesterly for an arc length of 509.45 feet, said circular curve having a radius of 1637.10 feet, a central angle of 17° 49' 47", a chord length of 507.39 feet, and a chord bearing of North 25° 56' 59" East;

THENCE continuing along the centerline of said Honey Creek Road, North 17° 01' 59" East, 163.69 feet;

THENCE continuing along the centerline of said Honey Creek Road along a circular curve concave Southeasterly for an arc length of 265.97 feet, said circular curve having a radius of 1145.90 feet, a central angle of 13° 17' 55", a chord length of 265.37 feet, and a chord bearing of North 24° 13' 49" East;

THENCE continuing along the centerline of said Honey Creek Road, North 30° 52' 47" East, to the Southwesterly Corner of Lot 1 of Lynch's Subdivision as recorded in Book 4 of Plats, Page 9 in the Office of the Delaware County Recorder, 297.82 feet;

THENCE along the Southerly Line of said Lot 1, and extension thereof, South 59° 06' 16" East, 290.00 feet

THENCE South 30° 52' 47" West, 318.10 feet;

THENCE South 17° 01' 59" West, 174.24 feet;

THENCE South 72° 56' 33" East, 150.00 feet;

THENCE South 17° 01' 59" West, 163.51 feet;

THENCE along a circular curve concave Northwesterly for an arc length of 467.24 feet, said circular curve having a radius of 2097.10 feet, a central angle of 12° 45' 56", a chord length of 466.27 feet, and a chord bearing of South 23° 25' 03" West;

THENCE North 60° 11' 58" West, 175.00 feet;

THENCE along a circular curve concave Northwesterly for an arc length of 170.00 feet, said circular curve having a radius of 1922.10 feet, a central angle of 05° 04' 03", a chord length of 165.95 feet, and a chord bearing of South 32° 20' 03" West;

THENCE South 34° 51' 59" West, 422.68 feet to the **POINT OF BEGINNING**;

Containing a total of 14.13 acres, including 2.34 acres of public road right of way, divided into eight (8) lots numbered Lot 1 through Lot 8 and subject to easements of record.

The Southerly Line of the Southeast Quarter (SE ¼) of Section Seventeen (17), Township Eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa is assumed to bear South 89° 02' 47" West.

SURVEYOR'S CERTIFICATE

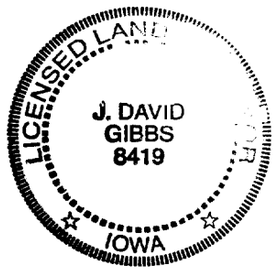
I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

I hereby certify that a minimum of two (2) control monuments have been found or placed and that all monuments indicated will be placed within one (1) year of the recording of the plat.

J. David Gibbs 5/7/01

J. David Gibbs, L.S. #8419 DATE

My license will be renewed on December 31, 2002



Q:\Surveys\Lynch\01-06\LEGAL 01-06.doc

OWNER'S ACKNOWLEDGMENT

I (we) Burnell A. Lynch and Velma C. Lynch of Delaware County, State of Iowa, do hereby certify that the above survey, as shown by the attached Plat, is made with our free consent, and in accordance with our desire.

Burnell A. Lynch Velma C. Lynch

State of Iowa)
)
County of Delaware) Ss:

On this 16th day of May A.D. 2001 before me a Notary Public in and for said County, personally appeared Burnell A. Lynch and Velma C. Lynch to me known to be the person(s) named and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Donna M. Kunde
Notary Public in and for said County

MY COMMISSION EXPIRES 8-16-2002

DEDICATION OF EASEMENTS

Burnell A. Lynch and Velma C. Lynch, as owners and developers of ***Lynch's Second Subdivision, Delaware County, Iowa***, see attached Plat, hereby dedicates to the owners of lots in said ***Lynch's Second Subdivision, Delaware County, Iowa,*** their successors and assigns, perpetual use of the easements as shown in the attached plat. Utility easements, water line easements and well easements as shown on the plat along the sides and rear lot lines are also established for said intended use and hereby dedicated to the owners of said lots. Said road right of way and utility easement shall be considered a part of the subdivision roadway system and subject to the Declaration of Covenants, Conditions, Restrictions, Reservations and Grants of ***Lynch's Second Subdivision, Delaware County, Iowa.*** Said road right of way, utility, and drainage easements are hereby retained and dedicated to the City in the event of future annexation of ***Lynch's Second Subdivision***, Delaware County, Iowa.

Dated this 16 day of May 2001.

Burnell A. Lynch Velma C. Lynch

State of Iowa)
)
County of Delaware) Ss:

On this 16th day of May A.D 2001, before me a Notary Public in and for said County, personally appeared Burnell A. Lynch and Velma C. Lynch to me known to be the person(s) named and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Donna M. Kunde
Notary Public in and for said County

MY COMMISSION EXPIRES 8-16-2002

ATTORNEY'S OPINION

I, Mary Lou Tracey, a practicing attorney at law in Manchester, Delaware County, Iowa, have examined the abstract of title to the land included in ***Lynch's Second Subdivision,*** Delaware County, Iowa, on premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated May 7, 2001.

Said abstract has been prepared in its entirety by the Delaware County Abstract Company, Inc., and was last certified to by said company on the 30th day of April, A.D., 2001, at the hour of 8:00 o'clock A.M.

My examination of said abstract shows good and merchantable title on the date and hour of the certification to be in Burnell A. Lynch (also known as Burnell Lynch) and Velma C. Lynch (also known as Velma Lynch), husband and wife .
Dated at Manchester, Iowa, in said County, this 7th day of May, 2001.

Mary Lou Tracey 5/7/01
Attorney at Law Date

CERTIFICATE OF TREASURER

I, the undersigned, Carolyn A. Wilson , Treasurer of Delaware County, Iowa, do hereby certify that all taxes and special assessments against ***Lynch's Second Subdivision,*** Delaware County, Iowa, have been paid and said real estate is free and clear of all taxes as of this date.

Carolyn A. Wilson 5-24-01
Carolyn A. Wilson, County Treasurer Date

DELAWARE COUNTY E-911 BOARD

Delaware County, Iowa

The foregoing plat of ***Lynch's Second Subdivision***, has been examined and approved as to being in full compliance with Delaware County Ordinance #12, The Uniform Rural Address System, as passed and adopted by the Delaware County Board of Supervisors on the 6th day of August, 1996.

Norman Wellman
Norman Wellman – Coordinator
Delaware County E-911 Board

State of Iowa)
)
County of Delaware) Ss:

On this 15th day of May, 2001, before me Donna M. Kunde, a Notary Public in and for the State of Iowa, personally appeared Norman Wellman, to me personally known, and, who, being me duly sworn, did say that he is the Coordinator for the Delaware County E-911 Board.

DONNA M. KUNDE
MY COMMISSION EXPIRES
7-6-2002

Donna M. Kunde
Notary Public

RESOLUTION APPROVING PRELIMINARY AND FINAL PLAT

WHEREAS, the preliminary and final plat of ***Lynch's Second Subdivision, Delaware County, Iowa***, affecting premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated May 2, 2001 has been filed with the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa; and

WHEREAS, the subdivider, Burnell Lynch and Velma Lynch, has entered into an agreement and waiver regarding alternative systems for water, sewer and private streets with the City of Manchester which is attached hereto as Exhibit A, and which has been prepared by the City Attorney; and

WHEREAS, Section 127.33 of Chapter 127 Subdivision Regulations of the City of Manchester allows variances with regard to minimum improvements (Section 127.09) and street standards (Section 127.17); and

WHEREAS, the subdivider has included herewith a Declaration of Protective Covenants, Conditions, Restrictions, Reservations and Grants of ***Lynch's Second Subdivision, Delaware County, Iowa,*** which will control development in the subdivision as shown in Exhibit B; and

WHEREAS, the final plat of ***Lynch's Second Subdivision, Delaware County, Iowa***, should be approved with the following variances, declarations and conditions;

a. In the event this subdivision is annexed into the City of Manchester, the recommendation on zoning status would be residential for Lots 1 through 8.
b. No determination has been made as to compliance with this subdivision and platting requirements which are set forth in the Code of Iowa.
c. That easement access be provided to all real estate included in the subdivision pursuant to the easements as shown in the attached plat.
d. That plans and specifications shall be submitted to the City for approval for any private sewage disposal systems and private water system prior to development of any lot to be served by said system. Developers consent and agree that the City of Manchester, Iowa, shall have authority to prohibit construction of any private sewage disposal system that does not comply with Chapter 98 of the Manchester City Code.
e. Sidewalks shall not be required at this time. The Owner or Owners of record of the numbered lots may be required to construct sidewalks at a future date as required by the City. The cost of said sidewalks shall be assessed to the owner or owners of record of the lots.
f. Improvements to the existing public roads are not required.

NOW, THEREFORE, BE IT RESOLVED, by the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa , that said ***Lynch's Second Subdivision, Delaware County, Iowa,*** be, and the same is hereby acknowledged, approved and accepted on the part of the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa, and the Commission hereby recommends to the City Council the acceptance of the same and the Chairperson and the Secretary are hereby authorized and directed to certify this resolution of approval and affix the same to said plat as provided by law.

Adopted and passed this 9th day of May, A.D., 2001.

CITY OF MANCHESTER IOWA SEAL

PLANNING & ZONING COMMISSION
CITY OF MANCHESTER, IOWA

By LuAnn McQuillen
LuAnn McQuillen, Vice Chairperson

By Julie A Swanson
Julie Swanson, Secretary

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 22nd day of May, 2001 before me, Lisa Baumgartner, a Notary Public in and for the State of Iowa, personally appeared LuAnn McQuillen and Julie Swanson, to me personally known, and, who, being by me duly sworn, did say that they are the Chairperson and Secretary, respectively, of the Planning and Zoning Commission 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 the authority of its Planning and Zoning Commission, as contained in Resolution adopted by the Planning and Zoning Commission on the 9th day of May, 2001, and that LuAnn McQuillen and Julie Swanson acknowledge 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.

IOWA SEAL
LISA BAUMGARTNER
MY COMMISSION EXPIRES
10-23-01

Lisa Baumgartner
Notary Public.

RESOLUTION R-086-2001

RESOLUTION APPROVING PRELIMINARY AND FINAL PLAT

WHEREAS, the preliminary and final plat of ***Lynch's Second Subdivision, Delaware County, Iowa*** Delaware County, Iowa, affecting premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated May 7, 2001, has been filed with the City Clerk of the City of Manchester, Delaware County, Iowa, and has been acknowledged and approved by the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa, who have recommended acceptance;
WHEREAS, the City Council has fully considered the same and found the same to be in accordance with the ordinances of the City of Manchester, Iowa, relating to plats and additions to cities or within a two mile radius of the City;
WHEREAS, the subdivider, Burnell Lynch and Velma Lynch, has entered into an agreement and waiver regarding alternative systems for water, sewer and private streets with the City of Manchester which is attached hereto as Exhibit A, and which has been prepared by the City Attorney; and
WHEREAS, Section 127.33 of Chapter 127 Subdivision Regulations of the City of Manchester allows variances with regard to minimum improvements (Section 127.09) and street standards (Section 127.17); and
WHEREAS, the subdivider has included herewith a Declaration of Protective Covenants, Conditions, Restrictions, Reservations and Grants of ***Lynch's Second Subdivision, Delaware County, Iowa,*** which will control development in the subdivision as show in Exhibit B; and
WHEREAS, the City Council determines it would not be appropriate to require installation of certain public improvements in conjunction with the approval of said subdivision; and
WHEREAS, the subdivision plat and its attachments conform to Sections 354.6, 354.11 and 355.8 of the Iowa Code and therefore can be approved pursuant to 354.8 of the Iowa Code;
WHEREAS, the Manchester Planning and Zoning Commission has recommended to the Council that they accept the plat of ***Lynch's Second Subdivision, Delaware County, Iowa***, as presented with the following variances, declarations and conditions;

a. In the event this subdivision is annexed into the City of Manchester, the recommendation on zoning status would be residential for Lots 1 through 8.
b. No determination has been made as to compliance with this subdivision and platting requirements which are set forth in the Code of Iowa.
c. That easement access be provided to all real estate included in the subdivision pursuant to the easements as shown in the attached plat.
d. That plans and specifications shall be submitted to the City for approval for any private sewage disposal systems and private water system prior to development of any lot to be served by said system. Developers consent and agree that the City of Manchester, Iowa, shall have authority to prohibit construction of any private sewage disposal system which does not comply with Chapter 98 of the Manchester City Code.
e. Sidewalks shall not be required at this time. The Owner or Owners of record of the numbered lots may be required to construct sidewalks at a future date as required by the City. The cost of said sidewalks shall be assessed to the owner or owners of record of the lots.
f. Improvements to the existing public roads are not required.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manchester, Delaware County, Iowa, that said ***Lynch's Second Subdivision, Delaware County, Iowa***, including Exhibits A & B, be, and the same is hereby acknowledged, approved and accepted on the part of the City of Manchester, Delaware County, Iowa. The Mayor and City Clerk are hereby directed to certify this approval and affix the same to said plat as by law provided.
Passed this 21st day of May, A.D., 2001.

Milt L. Kramer
Milt L. Kramer, Mayor

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

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 22nd day of May, 2001, before me, Julie A. Swanson, 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 the authority of its City Council, as contained in Resolution Number R-086-2001 adopted by the City Council on the 21st day of May, 2001, and that Milt L. Kramer and Karen K. Cole acknowledge 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.
Julie A. Swanson #224151

EXHIBIT A

AGREEMENT AND WAIVER REGARDING ALTERNATIVE SYSTEMS FOR SEWER AND WATER AND ROADS/STREETS

LYNCH'S SECOND SUBDIVISION, DELAWARE COUNTY, IOWA
Burnell A. Lynch & Velma C. Lynch, DEVELOPERS

Whereas, Developers have proposed to establish a subdivision located in Delaware County, Iowa, more specifically described as:

LYNCH'S SECOND SUBDIVISION, *A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION SEVENTEEN (17), AND PART OF THE SOUTHWEST QUARTER OF SECTION SIXTEEN (16), ALL OF TOWNSHIP EIGHTY-NINE NORTH (T89N), RANGE FIVE WEST (R5W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA.*

Whereas, said proposed subdivision is located outside the city limits of the City of Manchester, Iowa, but is within a two-mile radius of the city limits of the City of Manchester, Iowa, and therefore is subject to subdivision regulations for the City of Manchester, Iowa; and

Whereas, the City Council for the City of Manchester, Iowa, has reviewed the proposed subdivision, that alternative systems may be designed to protect the public health, safety, and welfare and meet requirements of State, County, or other applicable health regulations; and

Whereas, the City of Manchester, Iowa, has determined that unusual conditions exist with regard to said proposed subdivision which make a private street desirable; and

Whereas, the Developer and the City of Manchester, Iowa have executed this Agreement to provide notice to all current owners of the real estate that is subject to the proposed subdivision, and all persons or entities who may hereafter acquire an interest in said property as to the agreement set forth in this document.

IT IS THEREFORE AGREED as follows:

1. The City of Manchester, Iowa, approves the use of alternate facilities for the distribution of water and the collection and disposal of sanitary waste, however, such alternative facilities must be designed to fully protect the public health, safety, and welfare and shall meet all requirements of State, County, of other applicable health regulations.

2. Approval of the subdivision by the City of Manchester, Iowa, does not constitute a finding by the City of Manchester, Iowa, that alternative water systems or alternative systems for collection and disposal of sanitary waste do in fact meet with the requirements of State, County, or other applicable health regulations. Plans and specifications for private sewage disposal facilities and private water systems shall be submitted to the City for approval prior to development of any lot to be served by such facilities. Plans shall include a location of building sewer and water service line at the building entry points, suitable for possible future connection to public sewer and public water main. Private disposal systems or water supply systems, and costs thereof, shall be the responsibility of the property owner developing such private facility, including costs incurred by the City to review and inspect such alternate system. In the event it is determined that a public sewer is necessary to serve the above described property, it is acknowledged and agreed by the developer that the City of Manchester, Iowa, may not be required to incur expense for the subsequent installation of a sewer facility serving the above premises.

3. The purchasers of real estate contained in the proposed subdivision are hereby put on notice that the City of Manchester, Iowa, shall not be required to install sewer or water facilities serving the land set forth in the proposed subdivision.

4. The Developers shall be solely responsible for development and creation of alternative facilities for the distribution of water or collection and disposal of sanitary waste. The Developer shall further hold harmless the City of Manchester, Iowa, for any cost, liability, damage, or other injury of any kind resulting from the creation of said alternate facilities for the distribution of water or the collection and disposal of sanitary waste.

5. The proposed subdivision provides for use of existing County roads. Streets/roads set forth in the subdivision shall not be dedicated to the City of Manchester, Iowa. The construction or reconstruction of any improvements necessary to meet City standards and the assessment of all cost to property owners in the event of annexation and dedication and acceptance is hereby required. This contract shall provide notice to purchasers of lots of this obligation.

6. The City shall have the authority to prohibit the construction of any private street that does not comply with standards for streets in the City of Manchester, Iowa, as modified by variances duly approved by the City.

7. The City of Manchester, Iowa will not and shall not assume any obligation for maintenance, repair, construction, or other responsibility for streets shown in the proposed subdivision. Developer and all subsequent owners of property in the subdivision shall indemnify and hold harmless the City of Manchester, Iowa, for any claim or cause of action arising from inadequate maintenance, snow removal or repair of private streets.

8. The terms and conditions set forth in this Agreement shall be binding upon the Developers and other current owners of the property more specifically described in the proposed subdivision. Terms, conditions, and obligations set forth in this Agreement shall further be binding upon all heirs, assigns, devisees, or other persons acquiring land contained in the proposed subdivision and the terms of the Agreement shall further run with the land.

9. Purchasers and owners of land described in the proposed subdivision have expressly, by the creation of this Agreement, waived any right to require the City to incur any expense for subsequent installation of streets, storm sewer, sanitary sewer, sidewalks or water facilities serving the land set forth in the proposed subdivision.

10. This Agreement is executed in compliance with Manchester Code of Ordinances 1997, Section 127.12 and 127.17(15).

11. By entering into this Agreement, the City of Manchester, Iowa, does not warrant of otherwise make any expression as to the suitability or desirability of the private streets set forth in the subdivision or their manner of construction.

Burnell A. Lynch

Velma C. Lynch

Subscribed and sworn to before me by Burnell A. Lynch & Velma C. Lynch this 16th day of May, 2001.

Donna M. Kunde
Notary Public in and for the State of Iowa

DONNA M. KUNDE
MY COMMISSION EXPIRES
8-16-2002

CITY OF MANCHESTER, IOWA

Milt L. Kramer, Mayor

Karen K. Cole, City Clerk

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 22nd day of May, 2001, before me, Julie A. Swanson, a Notary Public in and for the State of Iowa, personally appeared Milt L. Kramer and Karen 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 the authority of its City Council, as contained in Resolution Number R-086-2001 adopted by the City Council on the 21st day of May, 2001, and that Milt L. Kramer and Karen Cole acknowledge 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 #224151

EXHIBIT "B"

DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS AND GRANTS OF LYNCH'S SECOND SUBDIVISION, DELAWARE COUNTY, IOWA

The undersigned, Burnell A. Lynch and Velma C. Lynch, named as grantors in the Plat of:

LYNCH'S SECOND SUBDIVISION, A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION SEVENTEEN (17), AND PART OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION SIXTEEN (16), ALL IN TOWNSHIP EIGHTY-NINE NORTH (T89N), RANGE FIVE WEST (R5W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA, subject to easements of record.

A copy of said plat being attached hereto, same to be recorded relating to all areas described the plat subsequent to approval of the City of Manchester, Iowa, and its Planning and Zoning Commission, which approval shall be evidenced by signature of the Chairperson of the Planning and Zoning Commission hereto, and by duly certified copy of the Resolution of the City Council of Manchester, Iowa, approving same, pursuant to Iowa Code Section 354.9.

Hereby covenant with the respective purchasers of the several lots and tracts as described in said Plat, that the following restrictions be and the same hereby are, by this reference, included in each conveyance having to do with said premised, and is further agreed that the following covenants are mutually binding on the aforesaid grantors by suitable reference in the Contract and Deed to any portion thereof; and are intended and shall run with the land and be binding on all owners thereof, their heirs, successors and assigns:

1. RESIDENTIAL – Lots 1, 2, 3, 5, 6, and 7 described in said Plat shall be known, described and used solely as residential lots, and no structure shall be erected on any residential building lot other than one detached single family dwelling not to exceed two (2) stories in height with one or two car garage that must be attached to said dwelling structure. Lot 4 may continue to be residential/agricultural use. Lot No. 8 may be used as residential or as light commercial.

2. BUILDING LINES – In order to create a uniform building line, any building built on any of the platted lots must be set back at least thirty (30) feet from the existing road right of way, and same shall face said road.

3. PLACEMENT – No building structure on any lot in said plat shall be built nearer than twenty-five (25) feet. Building structure for such purpose shall not include the overhang of a roof.

4. LOT USE AND SALE – Only one (1) residential unit per lot shall be erected on Lots 1, 2, 3, 5, 6, or 7 as shown on the recorded plat.

5. CONTIGUOUS PROPERTY – Lots may be divided into smaller parcels for the purpose of conveyance to a contiguous property owner, however, no structure may be constructed on any lot that is smaller than an original lot.

6. TEMPORARY BUILDINGS – No trailer, basement, tent, shack, garage, barn or other out building erected in the tract, shall at anytime be used as a residence, temporary or permanently, nor shall any residence of a temporary character be permitted.

7. SIZE OF RESIDENCE – No dwelling shall be permitted on any lot described herein, having a ground floor square foot area of less than 1,000 square feet (not

including basement or garage) in the case of a one story structure; nor less than 900 square feet (not including basement or garage) in the case of a one and one half (1-1/2) story or two (2) story structure.

8. RESTRICTIONS – Titleholder of each platted lot, vacant or improved, shall keep his lot or lots free of weeds and debris. No obnoxious or offensive industrial or commercial trade shall be carried on upon any lot. No animal agriculture activity (as distinguished from cropping, which may be allowed) shall be conducted within ten (10) feet of the lot line of any lot upon which a residence is at that time occupied.

9. VIOLATIONS – If the parties hereto, or any of them, or their heirs or assigns shall violate or attempt to violate any of the covenants or restrictions herein as long as these convents are in effect, it shall be lawful for any other person or persons owning any other lots of said development or subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant or restriction and either to prevent him or them from so doing or to recover damages for such violations.

10. COVENANTS TO RUN WITH LAND – These covenants are to run with the land and shall be binding on all the parties and persons claiming under them for the period of twenty (20) years, at which time such covenant shall be automatically extended for successive periods of twenty (20) years unless by vote of the majority of the then owners of the lots, it is agreed to change the covenants in whole or in part.

11. INVALIDATION – Invalidation of any one of these covenants by Judgment or Court Order shall in no way effect any of the other provisions which shall remain in full force and effect.

Burnell A. Lynch

Velma C. Lynch

State of Iowa)
)
County of Delaware) Ss:

On this 16th day of May A.D. 2001, before me a Notary Public in and for said County, personally appeared Burnell A. Lynch and Velma C. Lynch to me known to be the person(s) named and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Donna M. Kunde
Notary Public in and for said County

NOTARIAL SEAL IOWA
DONNA M. KUNDE
MY COMMISSION EXPIRES
5-16-2002