Del. Co. Supervisors

DELAWARE COUNTY IOWA
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DEBORAH L. HEITON
DELAWARE CO. RECORDER
N/C

Prepared By: Kathleen Moench, IDNR, Wallace State Office Bldg., Des Moines, Ia 50319 515-281-3013

NOTICE OF USE RESTRICTIONS IMPOSED BY STATE ADMINISTRATIVE RULE ON CERTAIN REAL ESTATE

Notice is hereby given that on *March 18, 2000*, an agreement was made between the Iowa Department of Natural Resources and the ***Delaware County, Delaware County, Iowa*** to provide state funds for the acquisition or development of real estate legally described as:

GRANT DESCRIPTION: *#00-94GA-AE, Delaware County Fitness Center*
(See Legal Description Attached)

The state funds provided by the above-mentioned agreement were appropriated pursuant to the Recreation Infrastructure Grants Program, Chapter 8, Code of Iowa and administered pursuant to the Recreation Infrastructure Grant Program, Chapter 29, Iowa Administrative Code. This rule imposes the following restrictions on use of the above-described real estate:

29.17 Unlawful use of funds. Whenever any property, real or personal, acquired or developed with grants under this program passes from the control of the grantee or is used for purposes other than the approved project purpose, it will be considered an unlawful use of the funds.

29.18 Remedy. Funds used without authorization, for purposes other than the approved project purpose, or unlawfully must be returned to the department for deposit in the account supporting this program. In the case of diversion of personal property, the grantee shall remit to the department funds in the amount of the original purchase price of the property. The grantee shall have a period of two years after notification by the department in which to correct the unlawful use of funds. The remedies provided in this subrule are in addition to other provided by law.

The notice will be filed by the ***Delaware County, Delaware County, Iowa*** in the office the Recorder of the county in which the subject real estate is located, ***AND EXPIRES, PURSUANT TO THE GRANT IDENTIFIED ABOVE, 25 YEARS FROM THE DATE OF RECORDING***.

IOWA DEPARTMENT OF NATURAL RESOURCES
State Capitol Complex
Des Moines, Iowa 50319-0034

6-12-01 By: _____
Date Title: Larry J. Wilson, Deputy Director

STATE OF IOWA }
} ss:
COUNTY OF POLK }

On ***12 June, 2001***, A.D., before me, the undersigned, a Notary Public in and for the state of Iowa, personally appeared Larry J. Wilson, to me known to be the identical person named in and who executed the foregoing instrument and acknowledged that the said Larry J. Wilson is the Deputy Director of the Iowa Dept. of Natural Resources and that he executed the instrument as the voluntary act and deed of the Department and of the Director or the Deputy Director.

_____
NOTARY PUBLIC
in and for the state of Iowa

CAROL J. [illegible] NOTARIAL SEAL IOWA

Legal Description

Property: ***Delaware County, Delaware County, Iowa***
#00-94GA-AE, Delaware County Fitness Center

The West 300 feet of the East 1307.1 feet of the South 480.48 feet of the North 976.80 feet of the NE ¼ of the NE ¼ of Section 29, Township 89 North, Range 5 West of the 5th P.M., Delaware County, Iowa, except roadways of record.