CHG
Daniel Hillas

DELAWARE COUNTY IOWA
FILED
2002 NO 25 AM 9:17
BOOK 2002
DEBORAH A. FARRIS
DELAWARE CO. RECORDER
Pd. 10.00

Prepared by David J. Heiar, 208 E. Main Street, 563 927-3636

VOLUNTARY ASSESSMENT PETITION AND WAIVER

THIS AGREEMENT made and entered into by and between the City of Manchester, Iowa, hereinafter called the CITY, and the undersigned property owner, in said City, hereinafter called the PROPERTY OWNER, WITNESSETH:

WHEREAS, the City plans to construct certain sidewalk and water service improvements ("improvements") in said City; and

WHEREAS the undersigned Property Owner desires to have the City construct sidewalk and water service improvements to benefit his/her respective property and that special assessments be levied against the property as hereinafter described:

Lot 3, 4, 5 and 6 of Hill's First Addition, a Subdivision of Lot 44 and Lot 45 of Henry Acers' Addition to Manchester, Iowa.

In consideration of the construction of said improvement, the undersigned Property Owner hereby waives the public hearing on the adoption of the Resolution of Necessity and the mailing and publication of Notice thereof, and all other legal formalities of whatsoever kind or character required by the laws of Iowa to be observed by cities in the construction of said improvements where the expense of such improvements is to be assessed against private property. The undersigned Property Owner hereby expressly waives each and every question of jurisdiction, the intention of the Property Owner being to authorize and direct said City to construct the improvement without requiring any of the formalities or legal proceedings required of cities by the statues of Iowa.

It is further agreed that the City shall make assessments against the property of the undersigned Property Owner for not to exceed Four Thousand Eight Hundred Twenty-eight and No/100 dollars ($4,828.00) as authorized by Chapter 384, Code of Iowa, and that said assessments so made shall be a lien upon the property hereinafter described, and the undersigned Property Owner hereby agrees to pay the amount which is thus assessed against his/her property, and said assessment shall have the same legal force and effect as if all the legal formalities provided by law in such cases had been fully and faithfully performed and observed. The undersigned Property Owner hereby expressly waives every objection to said assessment, any limitation of the amount thereof as a percentage of valuation and any right to defer or postpone payment of the Property Owner within the time provided by Statute for the payment of special assessments for such improvements.

Property Owner hereby authorizes the City Council to pass any Resolution requisite or necessary, to make the assessments herein provided for, without further notice to said Property Owner, or any of them, and any such Resolution may contain recitals that said improvements are made by the Council without petition of Property Owner, without in any way qualifying this petition or releasing the Property Owner from her obligation to pay the assessments levied against her property for the cost of said improvement. The assessment will be certified to the Delaware County Treasurer for collection on taxes and interest shall be charged at the rate of 10% on the unpaid balance.

Property Owner warrants that her real estate described below is free and clear of all liens and encumbrances other than for ordinary taxes, except for such liens as are held by lienholders hereinafter listed and designated as signers of this Petition and Waiver, who by execution of this Petition consent to the subordination of their lien to the special assessment liens herein described. Property Owner further agrees to subordinate the sale of any part of his/her listed property to the terms of this Petition and Waiver, and, upon failure to do so, to pay the full amount of the assessment on demand. Each lienholder designated below, by execution of this Petition and Waiver, agrees and consents that his/her lien or liens shall be subordinated to the lien of the assessments levied pursuant hereto.

Property Owner agrees that this Petition and Waiver shall be effective and binding from and after the approval hereof by resolution of the City Council.

Dated this 20th day of November, 2002.

Presented to the City Council on November 18th, 2002

Approved by the City Council on November 18th, 2002.

Milt L. Kramer, Mayor

Erin Rempe, City Clerk

OWNER'S NAME

By: _____
James W. Hill

_____
Eva E. Hill

Date: 11/19/02

DONNA M
Commission Nu
My Commission expires
8-16-03

STATE OF IOWA, COUNTY OF DELAWARE, SS:

On this 19th day of November, 2002 before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared James W. and Eva E. Hill, 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.

Notary Public in and for the State of Iowa

CITY OF MANCHESTER, IOWA

BY: _____
Milt L. Kramer, Mayor

BY: _____
Erin Rempe, City Clerk

STATE OF IOWA, COUNTY OF DELAWARE, SS:

On this 20th day of November, 2002, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Milt L. Kramer and Erin Rempe, 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-166-2002 passed (the Resolution adopted) by the City council, under roll Call No. 5-b of the City Council on the 18th day of November, 2002 and that Milt L. Kramer and Erin Rempe 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.

Notary Public in and for the State of Iowa

JULIE A. SWANSON
Commission Number 224151
My Comm. Exp. 8-23-04

RESOLUTION R-166-2002

RESOLUTION ACCEPTING VOLUNTARY ASSESSMENT– PETITION AND WAIVER

WHEREAS, James W. Hill and Eva E. Hill, owners of the of property described as Lot 3, 4, 5 and 6 of Hill's First Addition, a Subdivision of Lot 44 and Lot 45 of Henry Acers' Addition to Manchester, Iowa, have signed a Voluntary Assessment – Petition and Waiver, whereby they will pay the cost to have the City construct sidewalk and water service improvements to the aforementioned property, said Voluntary Assessment – Petition and Waiver is now filed with the City Clerk and is now being presented to the City Council for consideration and approval

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANCHESTER, IOWA that the above listed Voluntary Assessment – Petition and Waiver be hereby approved and the Mayor and City Clerk are hereby authorized to sign said Petition and Waiver.

Passed and approved the 18th day of November, 2002.

IOWA

ATTEST:

Erin Rempe, City Clerk

Milt L. Kramer, Mayor