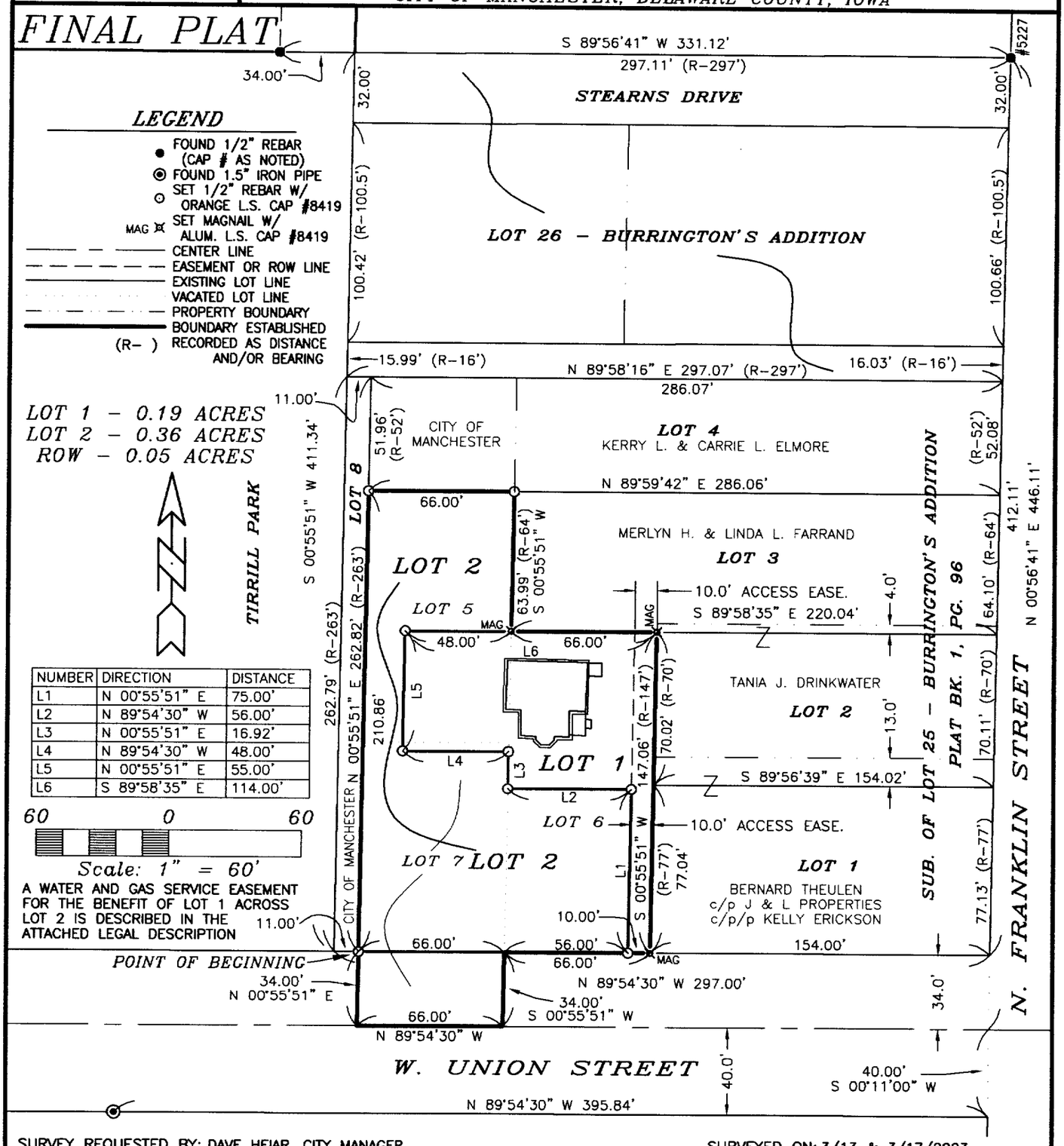
AUG 21 2003
SHARON K. CRABB
DELAWARE COUNTY AUDITOR
AUG 21 2003
FILED
JOHN R. KLAUS
DELAWARE COUNTY ASSESSOR
71.00
BOOK 2003 PAGE 4065
DEBORAH L. PEYTON
DELAWARE COUNTY RECORDER
2003 AUG 21 AM 10:46
DELAWARE COUNTY IOWA
FILED

PREPARED BY: DAVID GIBBS; 105 W. MAIN ST., MANCHESTER, IA 52057 563-927-2434

PLAT OF SURVEY

TIRRILL PARK LODGE SUBDIVISION, A SUBDIVISION OF LOT 5, LOT 6, LOT 7 OF THE SUB. OF LOT 25, BURRINGTON'S ADDITION, SEC. 29, T89N, R5W OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF MANCHESTER, DELAWARE COUNTY, IOWA

FINAL PLAT



NUMBER	DIRECTION	DISTANCE
L1	N 00°55'51" E	75.00'
L2	N 89°54'30" W	56.00'
L3	N 00°55'51" E	16.92'
L4	N 89°54'30" W	48.00'
L5	N 00°55'51" E	55.00'
L6	S 89°58'35" E	114.00'

60 0 60

Scale: 1" = 60'

A WATER AND GAS SERVICE EASEMENT FOR THE BENEFIT OF LOT 1 ACROSS LOT 2 IS DESCRIBED IN THE ATTACHED LEGAL DESCRIPTION

SURVEY REQUESTED BY: DAVE HEIAR, CITY MANAGER

SURVEYED ON: 3/13 & 3/17/2003

PROPRIETORS: CITY OF MANCHESTER

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 4/02/03

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2004

LICENSED LAND SURVEYOR J. DAVID GIBBS 8419 IOWA

PAGES OR SHEETS COVERED BY THIS SEAL: 1-2

GIBBS ENGINEERING & SURVEYING
105 WEST MAIN STREET
MANCHESTER, IA 52057

PROJECT NO.	03-12
SCALE:	1"=100'
DATE:	3/18/2003
DRAWN BY:	RLR
CHECKED BY:	JDG
FIELD BK:	D.L.
REVISED	
SHEET	1 OF 6

LEGAL DESCRIPTION

TIRRILL PARK LODGE SUBDIVISION, *A SUBDIVISION OF LOT 5, LOT 6, AND LOT 7 OF THE SUBDIVISION OF LOT 25 OF BURRINGTON'S ADDITION, SECTION TWENTY-NINE (29), TOWNSHIP EIGHTY-NINE NORTH (T89N), RANGE FIVE WEST (R5W) OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF MANCHESTER, DELAWARE COUNTY, IOWA,* containing a total of 0.60 acres, including 0.05 acres of public road right of way, divided into Lot 1 and Lot 2, subject to easements of record, and more particularly described by metes and bounds as follows;

BEGINNING at the Southeast Corner of Lot 8 of the Subdivision of Lot 25 of Burrington's Addition, as recorded in Book 1 of Plats, Page 96 in the Office of the Delaware County Recorder;

THENCE along the Easterly Line of said Lot 8, North 00° 55' 51" East, to the Southerly Line of Lot 4 of the Subdivision of Lot 25 of Burrington's Addition, 210.86 feet;

THENCE along the Southerly Line of said Lot 4, North 89° 59' 42" East, to the Northwest Corner of Lot 3 of the Subdivision of Lot 25 of Burrington's Addition, 66.00 feet;

THENCE along the Westerly Line of said Lot 3, South 00° 55' 51" West, to the Southwest Corner of said Lot 3, 63.99 feet;

THENCE along the Southerly Line of said Lot 3, South 89° 58' 35" East, to the Northwest Corner of Lot 2 of the Subdivision of Lot 25 of Burrington's Addition, 66.00 feet;

THENCE along the Westerly Line of said Lot 2 and the Westerly Line of Lot 1 of the Subdivision of Lot 25 of Burrington's Addition, South 00° 55' 51" West, to the Northerly Line of Union Street, 147.06 feet;

THENCE along the Northerly Line of Union Street, North 89° 54' 30" West, to the Easterly Line of Lot 7 of the Subdivision of Lot 25 of Burrington's Addition, 66.00 feet;

THENCE along the Easterly Line of Lot 7 of the Subdivision of Lot 25 of Burrington's Addition, South 00° 55' 51" West, to the Southeast Corner of said Lot 7, 34.00 feet;

THENCE along the Southerly Line of said Lot 7, North 89° 54' 30" West, to the Southwest Corner of said Lot 7, 66.00 feet;

THENCE along the Westerly Line of said Lot 7, North 00° 55' 51" East, 34.00 feet to the **POINT OF BEGINNING**;

Containing a total of 0.60 acres, including 0.05 acres of public road right of way, divided into Lot 1 and Lot 2 and subject to easements of record.

The Northerly Line of Union Street is assumed to bear North 89° 54' 30" West.

A 15 foot water service easement across Lot 2 for the benefit of Lot 1 is located on the centerline of the existing service approximately 33 feet West of the Easterly Line of said Lot 2.

A 15 foot gas service easement across Lot 2 for the benefit of Lot 1 is located on the centerline of the existing service approximately 59 feet West of the Easterly Line of said Lot 2.

OWNER'S ACKNOWLEDGMENT

I (we) Milt I. Kramer, Mayor, and Erin Rempe, City Clerk, City of Manchester, 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 the desire of the City.

Milt I. Kramer
Mayor, Milt I. Kramer

City Clerk, Erin Rempe

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 22 day of April, 2003, before me, Julie A. Swanson, a Notary Public in and for the State of Iowa, personally appeared Milt I. 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 the authority of its City Council, as contained in Resolution Number ——— adopted by the City Council on the 7 day of April, 2003, and that Milt I. Kramer and Erin Rempe 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
Commission Number 224151
My Comm. Exp. 3-23-05

ATTORNEY'S OPINION

I, James T. Peters, a practicing attorney at law in Independence, Iowa, Buchanan County, Iowa, have examined the abstract of title to the land included in ***Tirrill Park Lodge Subdivision,*** City of Manchester, Delaware County, Iowa, on premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated March 3, 2003.

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 1 day of April, A.D., 2003 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 City of Manchester, an Iowa Municipal Corporation

Dated at Manchester, Iowa, in said County this 7 day of July, 2003.

Attorney at Law

CERTIFICATE OF TREASURER

I, the undersigned, Carolyn A. Wilson, Treasurer of Delaware County, Iowa, do hereby certify that all taxes and special assessments against ***TIRRILL PARK LODGE 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, John Klein, dep
Carolyn A. Wilson, County Treasurer
8-21-03

C:\My Documents\subdivision\Tirrill Park Subdivision 4-1-03.doc
BOOK 2003 PAGE 4065

DEDICATION

The undersigned owners of the land described in the foregoing surveyor's certificate have caused said tract to be surveyed and subdivided in the manner shown on the above plat, which shall hereafter be know as ***Tirrill Park Lodge Subdivision***, *City of Manchester, Delaware County, Iowa.* The South Thirty-four (34) feet of Lot 7, shown as W. Union Street on attached Plat, of the Subdivision of Lot 25 of Burrington's Addition shown upon the plat and survey are hereby dedicated to public use forever for street purposes.

IN WITNESS WHEREOF, we have set our hands this 7th day of April, 2003.

Milt L. Kramer
Mayor, Milt I. Kramer

City Clerk, Erin Rempe

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 22nd day of April, 2003, before me, Julie A. Swanson, a Notary Public in and for the State of Iowa, personally appeared Milt I. 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 the authority of its City Council, as contained in Resolution Number --------- adopted by the City Council on the 7th day of April, 2003, and that Milt I. Kramer and Erin Rempe 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
Commission Number 224151
My Comm. Exp. 8-23-05

RESOLUTION APPROVING PRELIMINARY AND FINAL PLAT

WHEREAS, the final plat of ***TIRRILL PARK LODGE SUBDIVISION, City of Manchester, Delaware County, Iowa***, affecting premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated March 18, 2003 has been filed with the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa; 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

WHEREAS, final plat of ***TIRRILL PARK LODGE SUBDIVISION, City of Manchester, Delaware County, Iowa***, should be approved with the following variances, declarations and conditions;

a. No determination has been made as to compliance with this subdivision and platting requirements which are set forth in the Code of Iowa.
b. A variance in setback distances (123.02.4) on Lot 1 as shown in attached Plat due to irregular lot shape and limitation in surrounding previous development.
c. A variance in minimum lot size and lot width (123.02.3-A) of a "...lot having an area of not less than nine-thousand (9,000) square feet, and a width at the established building line of not less than eighty (80) feet." due to irregular lot shape and limitation in surrounding previous development.
d. The South Thirty-four (34) feet of Lot 7, shown as W. Union Street on attached Plat, of the Subdivision of Lot 25 of Burrington's Addition is accepted for public use forever for street purposes.
e. A variance of the preliminary plat requirement to show location of existing utilities since the lot is already developed and served by utilities.

NOW, THEREFORE, BE IT RESOLVED, by the Planning and Zoning Commission of the City of Manchester, Delaware County, Iowa, that said ***TIRRILL PARK LODGE SUBDIVISION, City of Manchester, 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 April, A.D., 2003.

CITY OF MANCHESTER IOWA SEAL

PLANNING & ZONING COMMISSION
CITY OF MANCHESTER, IOWA

By _____
Dan Stelken, Chairperson

By _____
Laura Thomas, Recording Secretary

STATE OF IOWA)
) ss.
COUNTY OF DELAWARE)

On this 14th day of April, 2003, before me a Notary Public in and for the State of Iowa, personally appeared Dan Stelken and Laura Thomas, to me personally known, and, who, being by me duly sworn, did say that they are the Chairperson and Recording 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 14th day of April, 2003, and that Dan Stelken and Laura Thomas 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.

_____
Notary Public in and for the State of Iowa

JULIE A. SWANSON
Commission Number 224151
My Comm. Exp. 8-23-05

R-032-2003
RESOLUTION APPROVING PRELIMINARY AND FINAL PLAT

WHEREAS, final plat of ***TIRRILL PARK LODGE SUBDIVISION, City of Manchester, Delaware County, Iowa*** Delaware County, Iowa, affecting premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated April 8th, 2003, 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, Section 127.33 of Chapter 127 Subdivision Regulations of the City of Manchester allows variances with regard to minimum improvements (Section 127.09); 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, final plat of ***TIRRILL PARK LODGE SUBDIVISION, City of Manchester, Delaware County, Iowa***, should be approved with the following variances, declarations and conditions;

a. No determination has been made as to compliance with this subdivision and platting requirements which are set forth in the Code of Iowa.
b. A variance in setback distances (123.02.4) on Lot 1 as shown in attached Plat due to irregular lot shape and limitation in surrounding previous development.
c. A variance in minimum lot size and lot width (123.02.3-A) of a "...lot having an area of not less than nine-thousand (9,000) square feet, and a width at the established building line of not less than eighty (80) feet." due to irregular lot shape and limitation in surrounding previous development.
d. The South Thirty-four (34) feet of Lot 7, shown as W. Union Street on attached Plat, of the Subdivision of Lot 25 of Burrington's Addition is accepted for public use forever for street purposes.
e. A variance of the requirement to show location of existing utilities since the lot is already developed and served by utilities.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manchester, Delaware County, Iowa, that said ***TIRRILL PARK LODGE SUBDIVISION, City of Manchester, Delaware County, Iowa***, 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 final plat as by law provided.
Passed this 21st day of April, A.D., 2003.

Milt L. Kramer, Mayor

ATTEST:
Erin Rempe, City Clerk

STATE OF IOWA)
) ss.
COUNTY OF DELAWARE)

On this 22nd day of April, 2003, before me Julie A. Swanson, 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 the authority of its City Council, as contained in Resolution Number R-032-2003 adopted by the City Council on the 21st day of April, 2003, and that Milt L. Kramer and Erin Rempe 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.

NOTARIAL SEAL IOWA
JULIE A. SWANSON
Commission Number 224151
My Comm. Exp. 8-23-05

Julie A. Swanson, Notary Public

JAMES T. PETERS

Attorney at Law

Main Office:
309 First Street East
P O Box 774
Independence, IA 50644
(319) 334-9992 • Fax (319) 334-9993
e-mail: jtplaw@justice.com

Vinton Office:
415 A Avenue
Vinton, IA 52349
(319) 472-3867

June 23, 2003

OPINION OF TITLE

TO: City of Manchester
208 East Main Street
Manchester, IA 52057

This is to certify that I have examined an abstract of title in one (1) part to the following-described premises:

Sub Lot 5, Sub Lot 6, and Sub Lot 7 of the Subdivision of Lot 25 of Burrington's Addition to Burrington, now City of Manchester, Iowa, according to plat recorded in Book 1 Plats, Page 96.

Said abstract was prepared pursuant to the Iowa Marketable Title Standards Act by the Delaware County Abstract Company, and is continued down to April 9, 2003, at 8:00 o'clock a.m., bearing final caption no. 46390.

According to my examination, title as of the date of last certification is in the name of:

CITY OF MANCHESTER, IOWA, an Iowa Municipal Corporation,

subject to the following, to which your attention is directed:

1. Deed restrictions and restrictions arising from a declaratory judgment action are set forth in the abstract of title as shown on the Warranty Deed at Entry 5 of the abstract of title which was recorded on January 20, 1911, in Book 48, L.D., at Pages 637-638 in the Office of the Delaware County Recorder, and at Entry 6 of the abstract of title showing a Warranty Deed dated May 10, 1920, and filed May 27, 1920, in Book 7, T.L.D., at Page 260 in the Office of the Delaware County Recorder, and finally, a Declaratory Judgment entered by the Court in 1968 as shown at Entry 11 of the abstract of title. Your attention is directed to these instruments to determine use restrictions placed upon the property prior to any transfer of interest in said real estate.

2. The abstract further reflects the above-described property is subject to zoning ordinances for the City of Manchester, Iowa. Your attention is directed to these ordinances to determine how they may affect your intended use of the above-described premises.

This opinion is limited to matters shown upon the abstract and does not make any reported guarantee as to the following matters:

a. Accuracy of abstracting or plats;
b. Location of boundary lines or markers;
c. Possible claims of parties in possession;
d. Claims for unrecorded mechanic's liens for labor or improvements placed upon the property within the last ninety (90) days of the date of the last certification by the abstracter;
e. Pendency of any action under the Iowa Dissolution of Marriage Laws, which files are sealed by law;
f. Special assessments and improvements authorized by a Resolution of Necessity but which have not been certified to the County Auditor;
g. Financing statements or security instruments under the Iowa Uniform Commercial Code;
h. Easements by prescription;
i. Child support liens which may be of record in the Office of the Collections Services Center, P.O. Box 9125, Des Moines, IA 50306-2125;
j. Any flood plain regulations, encroachment limits or flood plain zoning as established by the Iowa Natural Resources Council;
k. Zoning regulations for the County of Delaware, Iowa;
l. This opinion is expressly made subject to the presence of solid waste, radioactive waste, hazardous waste or hazardous substances, underground petroleum or chemical storage tanks including those substances defined to be hazardous in Chapter 42, United States Code Section 9601(14) and Chapter 455B of the 1991 Code of Iowa;
m. You should determine whether any solid wastes, hazardous substances, pollutants, above or below ground storage tanks, drainage wells, water wells, landfill sites or other environmentally regulated conditions exist on the property. Such conditions are not ordinarily shows in the abstract, but they may result in injunctions, fines, required cleanup, or other remedial actions under federal, state or local laws. These laws may impose liens against the property and personal liability against the owner, even though the owner did nothing to create the condition, and acquired the property without knowing about it.

This Opinion includes all such matters of record which have not become void or unenforceable under applicable statutes of limitation and the Iowa Title Standards, including but not limited to contracts, mortgages, assignments, liens, leases, assignments of rent, building setback lines, easements, restrictive covenants, leases and encumbrances, unpaid real estate taxes or assessments and all amendments to such documents up to and including the time of the last abstract certification by the participating abstractor.

This abstract is being retained by the Office of James T. Peters until further instructions are received.

Dated this 23rd day of June, 2003, at Independence, Iowa.

Respectfully submitted,

BY: _____
James T. Peters
Attorney Participation #3158

JTP:sds

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

RESTRICTIVE COVENANTS FOR TIRRILL LODGE RESIDENCE

WHEREAS, the City Council for the City of Manchester, Iowa, has determined that the structures located on the above-described property are of a historical significance which should be preserved in the event the property is sold or transferred to a private party; and

WHEREAS, the City Council has determined that certain restrictions should be placed upon the property in the event it is sold to ensure that the historical significance of the structure is maintained and to preserve the character of the surrounding area, which includes public park property utilized by the citizens of the City of Manchester, Iowa; and

WHEREAS, the undersigned, David Lawson and Sandy Lawson, hereinafter referred to as "Purchasers", acknowledge that the covenants and restrictions set forth herein are necessary and appropriate to ensure the historical significance of the building and the historical character of the public property adjacent to the above-described premises;

THE CITY OF MANCHESTER, IOWA, AND PURCHASERS HEREBY COVENANT AND AGREE as follows:

1. The following modifications, improvements, alterations and other changes to the above-described premises shall be prohibited without obtaining the prior approval of the Park & Rec Commission of the City of Manchester, Iowa:

   a. Construction or removal of fences, retaining walls, driveways, or other similar structures;

   b. Any structural changes to buildings;

   c. Any change in paint color or design of the exterior of structures;

   d. Any material change to landscaping located on the property;

   e. Planting of any trees, bushes, or shrubs on the premises;

   f. Placement of any new structure upon the premises;

g. Any material change in the grade or slope of the premises or material change to the drainage of surface water.

h. In the event of catastrophic loss to the structures on the subject premises resulting in destruction of the premises to such a degree that it would be necessary to demolish the remaining structure, Owners shall be permitted to construct a new structure on the premises which is designed and constructed in a manner which is consistent with the character of the prior structure. Such construction shall be subject to approval by the City in the manner set forth below.

The Park & Rec Commission for the City of Manchester, Iowa, shall not unreasonably refuse to approve structural changes which maintain the historical character of the buildings and surrounding area. In the event the Park & Rec Commission refuses to approve proposed improvements or changes to the exterior of the premises, Owners shall be entitled to appeal the decision to the City Council for the City of Manchester, Iowa, by filing a written request for hearing with the City Clerk for the City of Manchester, Iowa, within 30 days of the decision of the Park & Rec Commission. Upon receipt of an appeal by Owners, the City Council shall hold a hearing and following hearing, make a determination as to whether or not the proposed changes or improvements should be permitted. The decision of the City Council following public hearing shall be a final decision which is subject to appeal to the Iowa District Court.

2. No outside storage of boats, cars, trailers, campers, or similar machinery or equipment shall be permitted.

3. Violation of the restrictions and covenants set forth herein shall be enforceable by the City of Manchester, Iowa, by injunction, specific performance, or damages, or any combination thereof. The City shall have the right to proceed with the filing of an action in the Iowa District Court for Delaware County seeking authority to correct any violation and assess the costs for correcting the violation to the property.

4. In the event it becomes necessary for the City to seek enforcement of the terms of the covenants set forth herein through court action, the City shall be entitled to recover reasonable attorney fees incurred by the City for such action.

5. This agreement shall be recorded in the Office of the Delaware County Recorder and the covenants and agreements set forth herein shall be deemed to run with the land, being binding upon all heirs, transferees, or assigns of Owners.

6. The City of Manchester, Iowa, is granted a right of first refusal to the above-described property. More specifically, in the event Owners seek to sell the above-described

premises to a third party, the sale shall be subject to the following:

a. Owners shall provide written Notice to the City of Manchester, Iowa, of the terms of the proposed sale of property.

b. The City of Manchester, Iowa, shall have 30 days from receipt of the Notice to agree to purchase the real estate pursuant to the same terms and conditions.

c. In the event the City of Manchester, Iowa, fails to agree in writing to purchase the real estate pursuant to the terms of the Notice within 30 days of receipt of Notice from Owners, Owners shall be permitted to sell the property to a third party upon the terms referred to in the notice referred to in Paragraph (a) above.

d. In the event sale of the real estate to a third party pursuant to the terms of the Notice referred to in Paragraph (a) above is not completed, the terms for right of first refusal shall apply to all later proposals for sale of the property.

7. The subject property is located within a Residential Zoning District and Owners accept the current zoning classification. Owners shall not permit any structure, use or activity in violation of applicable zoning ordinances. Owners shall maintain the property free of weeds and debris and shall comply with all other provisions of the ordinances in effect for the City of Manchester, Iowa.

LAURA K. THOMAS
Commission Number 718135
My Commission Expires
8-26-05

David W. Lawson

Sandy J. Lawson

STATE OF IOWA, COUNTY OF DELAWARE, SS:

On this 19th day of August, 2003, before me, the undersigned, a Notary Public in and for said State, personally appeared David W. Lawson and Sandy J. Lawson, to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Laura K Thomas
Notary Public in and for the State of Iowa
CITY OF MANCHESTER, IOWA

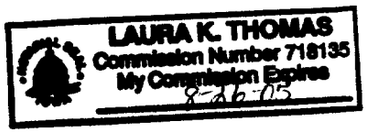


BY: Milt L. Kramer
Milt L. Kramer, Mayor

BY: Erin Rempe
Erin Rempe, City Clerk

STATE OF IOWA, COUNTY OF DELAWARE:

On this August 16th, 2003, 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, did say that they are the Mayor and City Clerk, respectively, of the City of Manchester, Iowa; a municipal corporation; 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 No. 05-2003 passed by Resolution of the City Council under Roll Call No. — of the City Council on the 16th day of June, 2003, and 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.



Laura K. Thomas
Notary Public in and for said State.