DELAWARE COUNTY IOWA
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DELAWARE COUNTY IOWA
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Prepared by David J. Heiar, 208 E. Main Street, Manchester, Iowa 52057 (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 agrees to remove a dead tree on the west side of the property ("improvement") in said City and that special assessments be levied against the property as hereinafter described:

501 E Main Street
The North 75 feet of Lot 163, City of Manchester, Delaware County, Iowa

In consideration of the removal of said tree, 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 removal of said tree where the expense of such removal 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 $300 (Three Hundred Dollars) 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 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 removal.

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 removal is 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 removal. The assessment will be certified to the Delaware County Treasurer for collection on taxes and interest shall be charged at the rate of 3% 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 12th day of January, 2004.

Presented to the City Council on January 26, 2004.

Approved by the City Council on January 26, 2004.

Milt L. Kramer, Mayor

Erin Rempe, City Clerk

OWNER'S NAME

By: Phyllis Hughes
Phyllis Hughes

Date: 1-12-2004

LIENHOLDER'S NAME

By:

By:
Signature - Title

Date:

STATE OF IOWA, COUNTY OF DELAWARE, SS:

On this 12th day of January, 2004, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Phyllis Hughes, 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.

JOSEPH WIEWEL
Notarial Seal - Iowa
Commission # 170555
My Commission Expires 6-12-05

Notary Public in and for the State of Iowa

CITY OF MANCHESTER, IOWA

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

BY:
Erin Rempe, City Clerk

STATE OF IOWA, COUNTY OF DELAWARE, SS:

On this 27th day of January, 2004, 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 R005-2004 passed (the Resolution adopted) by the City council, under roll Call No. 3M of the City Council on the 26th day of January, 2004, 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.

JULIE A. SWANSON
Commission Number 224151
My Comm. Exp. 3-23-05

Notary Public in and for the State of Iowa