DELAWARE COUNTY IOWA
FILED
2004 AP 29 AM 10: 56
BOOK 2004 PAGE 1437
DEBORAH L. PEYTON
DELAWARE CO. RECORDER
16.00

City of Manchester

1437 - 2004

Preparer: David J. Heiar, 208 E. Main Street, Manchester, Iowa 52057; (563) 927-3636

AUTHORITY TO CONSTRUCT A STRUCTURE ON CITY RIGHT OF WAY – EASEMENT – PROPERTY

The undersigned hereby states as follows:

1. That I am the owner of the following-described property:

   Lot Fifty One (51), Fairview Acres, City of Manchester, Delaware County, Iowa, according to plat recorded in Book 2001, Page 3737.

2. That I have requested the City of Manchester, Iowa, to provide me with authority to construct and maintain a structure to be located on a City right of way, easement or property.

3. The City of Manchester, Iowa, has clearly provided me with notice that I may be required to remove this structure of any other structure located on the property described in the above-referenced paragraph anytime it is determined by the City of Manchester, Iowa, in its sole discretion, that said structure interferes, impedes, or otherwise inhibits the City in its ability to exercise its lawful right to said property.

4. This document shall be filed in the Office of the Delaware County Recorder to serve as record to all future titleholders of this Agreement. This Agreement shall run with the land and be binding upon all heirs and assigns of the undersigned.

5. The structure anticipated to be built is more specifically described as follows:

   Concrete/Brick Mailbox

6. In the event the City determines that the above-described structure must be removed or moved, the undersigned agrees to pay for all costs of removal and to indemnify and hold the City of Manchester, Iowa harmless from any damage to said structure in the even it is removed or modified to accommodate the City's lawful use of its property.

7. All costs incurred for the removal or modification of said structure shall be borne by the undersigned and the undersigned shall reimburse the City of Manchester, Iowa for any costs incurred by it in the event it becomes necessary for the City to remove or modify said structure.

8. The undersigned has further been made aware that the placing of the structure on the location shown above shall be subject to potential damage by City street crews and the clearing of snow and routine maintenance of City streets and right of ways. The undersigned holds the City harmless and agrees to indemnify the City for any damages to City property or to the structure which are the result of the City's actions in clearing snow and taking other construction and maintenance of City property.

9. The undersigned has further been made aware that the placing of the structure on the location shown above may be considered to present a

hazard to motorists operating vehicles on City streets. By granting a permit for the construction of said structure, the City does not make any representation with regard to potential hazards to motorists or pedestrians caused by said structure. The undersigned holds the City harmless and agrees to indemnify the City for any claims for personal injury or property damage sustained by motorists or pedestrians which may be caused in whole or in part by the above-referenced structure.

Owner's Name

By: Lee Moser
Lee Moser
Date: 3-9-04

STATE OF IOWA, COUNTY OF DELAWARE, SS:
On this 9th day of March, 2004, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Lee Moser, 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.

Julie A. Swanson
Notary Public in and for the State of Iowa

NOTARIAL SEAL IOWA — JULIE A. SWANSON Commission Number 224151 My Comm. Exp. 3-23-05

CITY MANCHESTER IOWA SEAL

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, SS:

On this 27TH day of April, 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, passed by the City council, under roll Call No. 13 of the City Council on the 22nd day of March, 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
Notary Public in and for the State of Iowa

NOTARIAL SEAL IOWA — JULIE A. SWANSON Commission Number 224151 My Comm. Exp. 3-23-05