City of Manchester

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DEBORAH L. PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Preparer: Laura K. Thomas, City of Manchester, 208 E. Main Street, Manchester, Delaware Co., Iowa 52057 563 927-3636
Taxpayer: Mary Ann (Arends) Lorenz, 245 Park Dr, Manchester, Delaware Co., IA 52057 563-927-2061
First State Bank, Trustee of the Arthur J. Arends Family Trust, 300 E Main St, Manchester, Delaware Co., IA 52057 563-927-3814

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 owners, Mary Ann Lorenz (formally Mary Ann Arends) and First State Bank, Trustee for the Arthur J. Arends Family Trust, in said City, hereinafter called the PROPERTY OWNERS, WITNESSETH:

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

WHEREAS, the undersigned Property Owners desire to have the City construct curb and gutter and driveway improvements to benefit their respective property and that special assessments be levied against the property as hereinafter described.

901 West Main Street, Manchester, Delaware County, Iowa
Lot 509, the South 20 feet of Lot 478, the South 20 feet of the East 14 feet of Lot 479, and the East 14 feet of Lot 508, all in the City of Manchester, Delaware County, Iowa. Comprising a dwelling house.

In consideration of the construction of said improvements, the undersigned Property Owners hereby waive 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 Owners hereby expressly waive each and every question of jurisdiction, the intention of the Property Owners being to authorize and direct said City to construct the improvements 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 Owners not to exceed **Four Thousand Six Hundred and Fifty Three Dollars and No Cents ($4,653.00)** 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 their 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 Owners hereby expressly waive 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 Owners within the time provided by Statute for the payment of special assessments for such improvements.

Property Owners hereby authorize the City Council to pass any Resolution requisite or necessary, to make the assessments herein provided for, without further notice to said Property Owners, or any of them, and any such Resolution may contain recitals that said improvements are made by the Council without petition of Property Owners, without in any way qualifying this petition or releasing the Property Owners from their obligation to pay the assessments levied against their property for the cost of said improvements.

Property Owners warrant that their 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 Owners further agree to subordinate the sale of any part of their 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 Owners agree that this Petition and Waiver shall be effective and binding from and after the approval hereof by resolution of the City Council.

Dated this 10th day of January, 2005.

Presented to the City Council on January 10, 2005.

Approved by the City Council on January 10, 2005.

Milt L. Kramer, Mayor

Erin Rempe, City Clerk

OWNERS' NAME

By: Mary Ann Lorenz
Mary Ann Lorenz (formally Mary Ann Arends)

Date: December 13, 2004

By:
First State Bank, Trustee of the
Arthur J. Arends Family Trust

Date: 12/13/04

OWNER NOTARY

STATE OF IOWA, COUNTY OF DELAWARE, SS:

On this 13th day of December, 2004, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Mary Ann Lorenz (formally Mary Ann Arends), to me known to be the identical person named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

THOMAS J. HANSON
Commission Number 115040
My Commission Expires
September 22, 2007

Notary Public in and for the State of Iowa

OWNER NOTARY

STATE OF IOWA, COUNTY OF DELAWARE, SS:

On this 13th day of December, 2004, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Joseph Wiewel, Trust Officer of First State Bank for the Arthur J. Arends Family Trust, to me known to be the identical person named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

THOMAS J. HANSON
Commission Number 115040
My Commission Expires
September 22, 2007

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 18 day of May, 2005, 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-001-2005 passed (the Resolution adopted) by the City council, under roll Call No. ____ of the City Council on the 10th day of January, 2005, 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.

LAURA K. THOMAS
Commission Number 718135
My Commission Expires
8-24-05

Notary Public in and for the State of Iowa