Book 2005 Page 1725
Document 2005 1725 Type 06 006 Pages 2
Date 5/18/2005 Time 11:30 AM
Rec Amt $12.00

DEBORAH L. PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared by David J. Heiar, 208 E. Main Street, 563 927-3636.
Taxpayer: David A. & Mary A. Bailey, 505 W Marion Street, Manchester, IA 52057 319-241-8501

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, in said City, hereinafter called the PROPERTY OWNERS, WITNESSETH:

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

WHEREAS, the undersigned Property Owners desire to have the City construct water line improvements to benefit his/her respective property and that special assessments be levied against the property as hereinafter described.

505 West Marion Street, Manchester, Delaware County, Iowa 52057
Lot Six Hundred Thirty-three (633) Manchester, Iowa

In consideration of the construction of said improvement, 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 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 Owners not to exceed Two Thousand Five Hundred Eighty Six Dollars and Two Cents **($2586.02)** 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 Owners hereby agree 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 improvement. The assessment will be certified to the Delaware County Treasurer for collection on taxes and interest shall be charged at the rate of 4% on the unpaid balance.

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 28th day of March, 2005.

Presented to the City Council on March 28, 2005.

Approved by the City Council on March 28, 2005.

Milt L. Kramer, Mayor

Erin Rempe, City Clerk

CITY OF MANCHESTER IOWA SEAL

OWNERS'S NAME

By: David A Bailey
David A. Bailey

Date: 3-7-05

By: Mary A Bailey Mary A Bailey
Mary A. Bailey

Date: ~~2-17-2005~~ 3-7-05

OWNER'S NOTARY

STATE OF IOWA, COUNTY OF DELAWARE, SS:

On this 7th day of March, 2005, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared David A. Bailey and Mary A. Bailey, to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

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

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

CITY OF MANCHESTER, IOWA

CITY OF MANCHESTER IOWA SEAL

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

BY: Erin Rempe
Erin Rempe, City Clerk

STATE OF IOWA, COUNTY OF DELAWARE, SS:

On this 18th 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-049-2005 passed (the Resolution adopted) by the City council, under roll Call No. — of the City Council on the 28th day of March, 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.

NOTARIAL SEAL IOWA
LAURA K. THOMAS
Commission Number 716135
My Commission Expires
8-26-05

Laura K. Thomas
Notary Public in and for the State of Iowa