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DEBORAH L. PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Iowa Department of Transportation

Preparer Information: Bradley E. Azeltine, Environmental Specialist, IDOT Office of Location and Environment, 800 Lincoln Way, IA 50010, 515-239-1938
Return To: Treva Petersen, IDOT Office of Right of Way-Fiscal & Title Section, 800 Lincoln Way, Ames, IA 50010, 515-239-1269

CHG ENV. ⊗

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION, made this 16th day of June, 2005.

WHEREAS, the Iowa Department of Transportation, successor to the Iowa State Highway Commision ("Declarant"), owns certain real property ("Property") located at 1105 and 1109 West Main Street, Manchester, Delaware County, Iowa, and more fully described in Exhibit "A", attached hereto, and incorporated herein by this reference;

WHEREAS, Declarant desires to obtain a "No Further Action" certificate ("Certificate") from the Iowa Department of Natural Resources ("DNR") for the site with DNR file reference LUST No. 7LTJ38; and

WHEREAS, the DNR will not issue the Certificate unless Declarant executes and files this Declaration.

NOW, THEREFORE, Declarant hereby publishes and declares that the Property shall be held, sold and conveyed subject to the following covenants, all of which are for the purpose of protecting the value and desirability of the Property and all of which shall run with the land and shall be a burden and a benefit to, and shall be binding upon, Declarant, Declarant's successors and assigns, and all parties acquiring or owning any right, title, lien or interest in the Property and their heirs, successors, assigns, grantees, executors, administrators, and devisees.

Delaware County (Manchester Maintenance Garage)
Roy E. and Rhoda Vontalge, Ray E. Vontalge

I. RESTRICTIONS

A. No confined spaces as described in Iowa Department of Natural Resources Rule 567 Iowa Administrative Code 135.10(7) and as subsequently amended shall be constructed within an approximately 120 ft. wide by 110 ft. long restricted area of the subject property as shown on the attached map as Exhibit "B", attached hereto, and incorporated herein by this reference. For purposes of reference, a confined space means "a space which can act as a receptor or pathway capable of creating an inhalation hazard to humans". Confined spaces includes basements in buildings occupied by humans.

II. ENFORCEMENT

If any person shall violate or attempt to violate any of the covenants contained herein, it shall be lawful for the DNR or any person holding any lien or other interest in the Property to prosecute a proceeding in equity to enjoin the person from such violation.

III. TERMS OF COVENANT

The covenants contained herein shall be deemed covenants running with the land, and shall remain in full force and effect until the earlier of the termination of these covenants by the Declarant, or by Declarant's successors and assigns, or twenty-one (21) years after the date these covenants are recorded in the Office of the Delaware County Recorder where the Property is located. These covenants may be extended for successive twenty-one (21) year periods by the filing of a verified claim in accordance with Iowa Code Section 614.24, which verified claim may be filed by the DNR or any party holding any lien or other interest in the Property.

IV. SEVERABILITY

Invalidation of any portion of these covenants by judgment of any court shall in no way affect any of the other covenants contained herein, which shall remain in full force and effect.

V. TERMINATION OF COVENANTS

The covenants contained herein shall terminate twenty-one (21) years after the date these covenants were recorded in the Office of the Delaware County Recorder, unless extended in accordance with Iowa Code Section 614.24; provided, however, that the Declarant, or the Declarant's successors and assigns, may execute and file a notice of termination in the Office of the Delaware County Recorder where the Property is located.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has hereunto set its hand as of the day and year first above written.

Iowa Department of Transportation

By: _____ (Sign in Ink)
Leon D. Hammer
Its: Director, Office of Facilities Support

STATE OF IOWA, COUNTY OF STORY: ss

On this 16th day of June, 2005, before me, the undersigned, personally appeared Leon D. Hammer, known to me to be the Director of the Office of Facilities Support for the Department of Transportation and who did say that said instrument was signed on behalf of the Department of Transportation by its authority, and said Office of Facilities Support Director acknowledged the execution of said instrument, which signature appears hereon, to be the voluntary act and deed of the Department of Transportation and by it voluntarily executed.

_____ (Sign in Ink)
Notary Public in and for the State of Iowa

NOTARIAL SEAL IOWA
SHERI L. ANDERSON
COMMISSION # 157978
MY COMMISSION EXPIRES
10-11-05

(AFFIX NOTARIAL SEAL ABOVE)

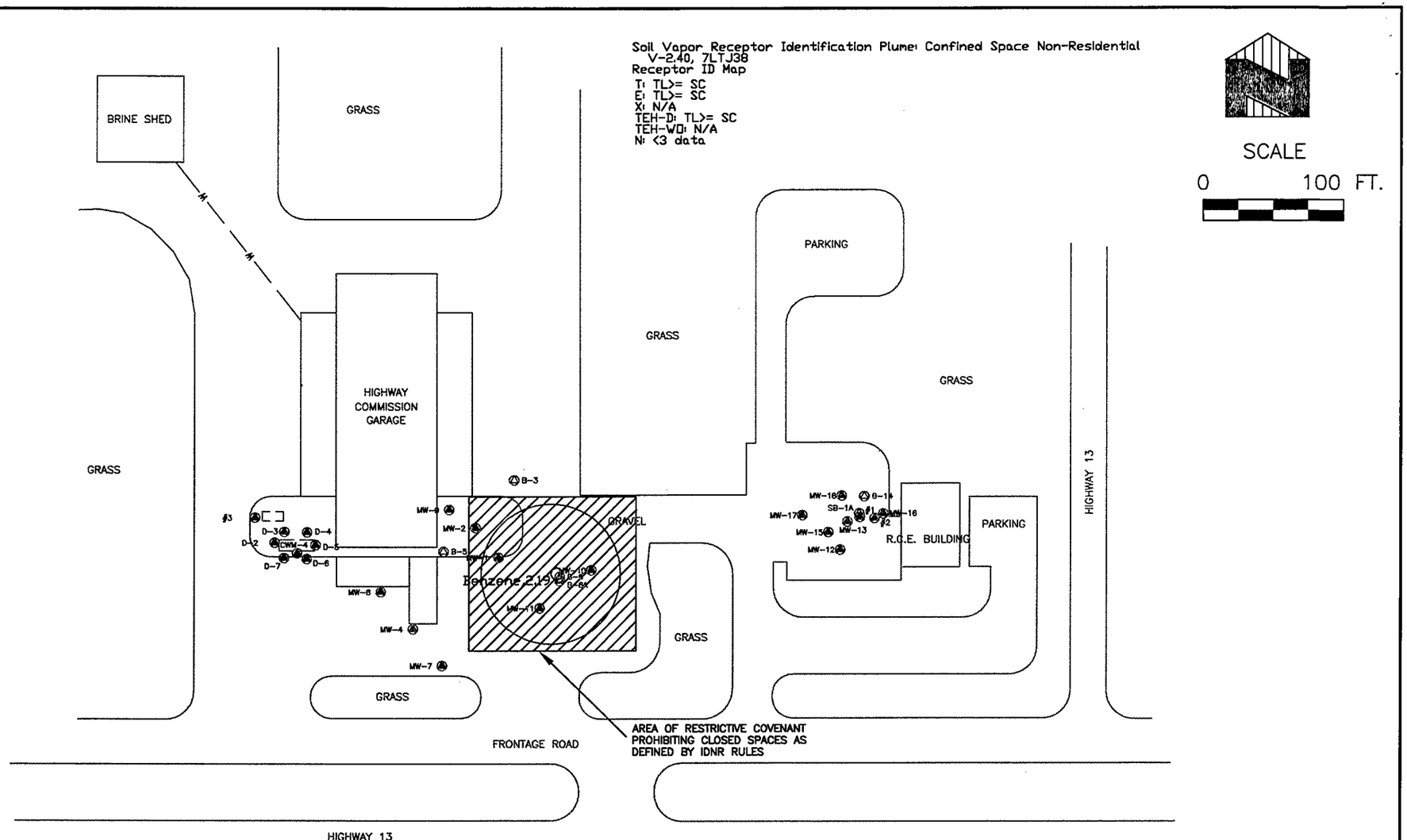
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EXHIBIT A
LEGAL DESCRIPTION
IOWA STATE HIGHWAY COMMISSION PROPERTY
MANCHESTER, IOWA

That portion of the Southeast Quarter (SE ¼) of Section Thirty (30), Township Eighty-nine North (T89N), Range Five West (R5W) of the 5th P.M., Delaware County, Iowa, described as commencing at a point 0.5 feet South of the South Quarter Corner of said Section Thirty (30), said point being STA. 396 + 26.20 on Centerline of U.S. Highway No. 13 (former U.S. Highway 20); thence North 89° 59 ½' East along said Centerline a distance of 1546.80 to STA. 411 + 73.0; thence North 0° 00 ½' West a distance of 80 feet to the place of beginning; thence continuing North 0° 00 ½' West a distance of 930.00 feet; thence North 89° 59 ½' East a distance of 570.00 feet; thence South 0° 00 ½' East a distance of 440.00 feet; thence North 89° 59 ½' East a distance of 270.00 feet; thence South 0° 00 ½' East a distance of 440.00 feet; thence North 89° 59 ½' East a distance of 247.00 feet to the East line of said Section Thirty (30); thence South 0° 00 ½' East a distance of 40.00 feet; thence South 87° 40 ½' West a distance of 247.20 feet; thence South 89° 59 ½' West a distance of 840.00 feet to the point of beginning, per plat recorded in Book 2, Page 189, all in Delaware County, Iowa, containing 15.49 acres more or less, EXCEPT Parcel C, part of the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of said Section Thirty (30), Township Eighty-nine North (T89N), Range Five West (R5W) of the 5th P.M., Delaware County, Iowa, per plat recorded in Book 1999, Page 1719.

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LEGEND

- MW-21 — APPROXIMATE MONITORING WELL LOCATION
- B-1 — APPROXIMATE LOCATION OF BOREHOLE
- —W— WATER SUPPLY
- APPROXIMATE UST LOCATION

AREA OF RESTRICTIVE COVENANT
IOWA DEPARTMENT OF TRANSPORTATION
MANCHESTER, IOWA
PROJECT NO. DOT3Y 061
DRAWING DATE: SEPTEMBER, 2002

BARKERLEMAR
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EXHIBIT
B