PIN #630-29-43-047-00

Steve Carr
Box 333
Manchester, IA

Entered for taxation _____ day
of _____ A.D., _____
_____ Auditor
By _____ Deputy
Parcel # _____

Book 2009 Page 674

Document 2009 674 Type 06 006 Pages 3
Date 2/20/2009 Time 10:10:53AM
Rec Amt $17.00

DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Preparer: James T. Peters, P.O. Box 774, Independence, IA 50644; (319)334-9992

AGREEMENT REGARDING STATUS OF ALLEY AND UTILITY EASEMENTS

THE UNDERSIGNED James T. Peters as City Attorney for the City of Manchester, Iowa, has submitted an Affidavit, a copy of which is attached hereto, regarding the status of alleys located between Lots 6 - 9 and Lots 264 - 267 in the Town of Manchester.

That also attached to this agreement is an Affidavit signed by the owner of Lot~~x~~ 266 which claim an interest in the alley running East and West between Lots 6 and 9 and Lots 264 and 267, Manchester, Iowa. Said Affidavit confirms that all parties acknowledge the City retains an easement for existing sanitary sewer and an easement for all other utilities which may now or hereafter be located within the previously-designated alley referred to above.

This document does not purport to transfer title. However, this document is submitted for recording in the Office of the Delaware County Recorder to clarify the status of existing title to property. No portion of any affidavit or statement contained herein shall be deemed to convey an interest in real estate.

James T. Peters, Attorney for the
City of Manchester, Iowa

STATE OF IOWA, COUNTY OF BUCHANAN

Subscribed and sworn to before me by James T. Peters as attorney for the City of Manchester, Iowa, on this 11th day of ~~December~~ February, 2009.

REBECCA A. GREEN
Commission Number 753165
My Commission Expires
6-9-2011

Rebecca A. Green
Notary Public

Prepared By & Returned to: Steven E. Carr, 117 S. Franklin Street, PO Box 333, Manchester, Iowa 52057 (563) 927-4164

AFFIDAVIT

STATE OF IOWA)
BUCHANAN COUNTY) ss.

The undersigned, after being first duly sworn on oath states the following:

1. I am the City Attorney for the City of Manchester, Iowa.

2. A Deed to vacate alley was recorded in Book E, T.L.D., Pages 420-421 on February 25, 1867 which vacated a certain alley running east and west between Lots 6 - 9 and Lots 264 - 267 in the town of Manchester in Delaware County, Iowa and based on said Deed the alley was vacated and merged into the adjoining lots by a Court Order dated February 25, 1867.

3. The alley appears to be deemed vacated and merged into the lots set forth above based on the applicable law at that time and the City of Manchester claims no interest in said alley except for an easement for existing sanitary sewer and right for easement for future utilities as deemed necessary by the City of Manchester

Dated this 11th day of ~~December~~ February 2009.

James T. Peters
Attorney for City of Manchester, Iowa

Subscribed and sworn to before me by James T. Peters as the Attorney for the City of Manchester, Iowa on this 11th day of ~~December~~ February, 2009.

REBECCA A. GREEN
Commission Number 753165
My Commission Expires
6-9-2011

Rebecca A. Green
Notary Public in and for the State of Iowa

AFFIDAVIT

I, the undersigned, state under oath as follows:

1. That I have fee title to the property described as:

Lot Two Hundred Sixty Six (266), Manchester, Iowa, according to plat recorded in Book I L.D., Page 284.

2. That I am aware of issues regarding the potential for vacating an alley located running East and West between Lots 6 and 9 and Lots 264 and 267 in the City of Manchester, Iowa.

3. That while I assert that the alley has been vacated, I further recognize and agree that the portion of property referred to above as an alley has been used by the City for easement purposes to locate an existing sanitary sewer line and other utilities. I state, agree and acknowledge the right of the City to place public utilities within the alley continues as an easement running with the land.

Kamille J. Werner
(Land Owner)

STATE OF IOWA, COUNTY OF DELAWARE

Subscribed and sworn to before me by Kamille J. Werner on this 17th day of ~~December~~ February, 2009

STEVEN E. CARR
Commission Number 713328
My Commission Expires
October 30, 2010

Steven E Carr
Notary Public