Parcel # 550-00-01-087-10
Carla Badger Auditor
Verified By: PHargrafen

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Document 2009 3634 Type 06 018 Pages 5
Date 9/18/2009 Time 1:03:58PM
Rec Amt $29.00

DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared by: Linda Gaul, City Clerk, City of Earlville, Box 188, Earlville, IA 52041
Return to: Linda Gaul, City of Earlville, Box 188, Earlville, IA 52041 (563)923-3365

RESOLUTION # 2009- 03

RESOLUTION AUTHORIZING THE EXECUTION OF AN ELECTRIC UTILITY AGREEMENT BY AND BETWEEN STEVEN J. STEFFEN AND THE CITY OF EARLVILLE

THAT WHERAS, Steven J. Steffen and the City of Earlville wish to enter into an Electric Utility Agreement (the Agreement), a copy of which is hereto attached and by this reference made a part hereof, basically reflecting the desire of the City of Earlville to provide electrical service upgrade to a business owned by Steven J. Steffen, namely S & R Manufacturing, on the premises legally described within the Agreement and reflecting the desire of both parties to enter into said agreement for payment of said electrical service upgrade, and

WHEREAS, the City of Earlville secured necessary upgrades consisting of 750 KVA Three Phase Pad mount transformer, feed thru insert, together with installation costs and labor and materials to facilitate said electrical service upgrade, and has made payment for these expenditures, and

WHEREAS, terms of repayment to the City of Earlville by Steven J. Steffen for these electrical improvements are set forth in the Agreement, and are agreeable to both the City of Earlville and Steven J. Steffen as described in the Agreement, and

WHEREAS, Steven J. Steffen is willing to agree to purchase electric power exclusively from the City of Earlville for a period of five (5) years, and

WHEREAS, Steven J. Steffen agrees that this Electric Utility Agreement shall run with the land and only terminate upon the expiration of the above-mentioned period of five (5) years, and

WHEREAS, the City of Earlville agrees to charge Steven J. Steffen for electrical service provided at rates consistent with other electric service customary in and about the City of Earlville,

NOW, THEREFORE, be it resolved by the City Council of the City of Earlville, Iowa, as follows:

Section 1. That the Electric Utility Agreement by and between Steven J. Steffen and the City of Earlville, Iowa, in the form and with the contents set forth in the Agreement attached hereto be and the same is hereby approved and the same is hereby authorized.

Section 2. That the Mayor and City Clerk of the City of Earlville are hereby authorized and directed to execute said Electrical Utility Agreement and to attest and to affix the seal of the city thereto, said Electric Utility Agreement which constitutes and is hereby made a part of this resolution to be in substantially the form of, text of and containing the provisions of the Agreement attached hereto.

Section 3. That all resolutions and parts thereof in conflict therein are repealed to the extent hereof.

Passed and approved this 9 day of February, 2009.

Attest: Linda Gaul
Linda Gaul, City Clerk

Dan Wheeler, Mayor

Record of Vote:

Aye Bob Peters

Aye Doug Dabroski

Aye Ed Gibbs

Aye Tom Salow

Aye Mark Salow

Date: 9-16-09 By:

Date: 9-16-09 By: Linda Gaul

STATE OF IOWA)
) ss:
COUNTY OF DELAWARE)

On this 16th day of September, 2009, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Dan Wheeler and Linda Gaul, 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 Earlville, Iowa; and 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 Resolution adopted by City Council, and that Dan Wheeler and Linda Gaul 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.

Elizabeth Meyer
Notary Public in and for the State of Iowa

ELIZABETH MEYER
Commission Number 754108
My Commission Expires
8/5/10

Prepared by: Linda Gaul, City Clerk, City of Earlville, Box 188, Earlville, IA 52041
Return to: Linda Gaul, City of Earlville, Box 188, Earlville, IA 52041 (563)923-3365

ELECTRIC UTILITY AGREEMENT

Steven J. Steffen, doing business as S & R Manufacturing, and being in need of certain electrical service upgrade for the purpose of conducting business on said premises of S & R Manufacturing in the City of Earlville, said property being described as:

> That part of the Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼) of Section Twenty-Five (25), Township Eighty-Nine (89) North, Range four (4), West of the Fifth Principal Meridian described as commencing at a point that is nine hundred eighty nine (989) feet and four (4) inches West of the Southeast corner of said Southwest Quarter (SW ¼), thence running West three hundred seventeen (317) feet, thence North two hundred ten and four-tenths (210.4) feet, thence East three hundred seventeen (317) feet, thence South two hundred ten and four-tenth (210.4) feet to the point of beginning, excluding that part that lies within thirty-three (33) feet of the centerline of former U.S. Highway now Margaret Street.

And the **City of Earlville** having the ability to provide electric service to Steven J. Steffen doing business as S & R Manufacturing, and desiring to facilitate business development within the community hereby agree as follows:

1. City of Earlville has secured necessary upgrades consisting of: 750 KVA Three Phase Pad mount transformer, feed thru insert, together with installation costs and labor and materials to facilitate said electrical service upgrades.

2. The City of Earlville has contracted and made payment for the labor, material, and equipment to install said electrical service upgrade.

3. Steven J. Steffen, in return for the City of Earlville providing the above described improvements, agrees to reimburse the City of Earlville for costs associated

with this electric service upgrade. Said reimbursement shall be in the form of an additional monthly charge on the electric utility bill, for a period of five (5) years. The total amount of repayment shall include all costs incurred for the upgrade of this electric service. These upgrade costs total $17,444.83. $290.75 will be added to the electric utility bill monthly (60 total payments of $290.75) for said five year period until the total reimbursement has been made to the City of Earlville.

4. In the event that Steven J. Steffen sells the above named Property/Business to a third party, and/or ceases to operate business at this location, it is understood that this agreement shall run with the land and only terminate upon expiration of the above described yearly period. This clause is not to be interpreted so as to obligate Steven J. Steffen subsequent to any date that he may transfer the above–described property to any third party; and

5. Steve J. Steffen and the City of Earlville further agree and understand that Steven J. Steffen will be billed for electric service provided at rates consistent with other electric service customary in and about the City of Earlville.

CITY OF EARLVILLE

Date: 4-30-09 By: Linda Gaul, City Clerk

Date: 4-30-09 By: Dan Wheeler

Date: 9/8/09 Steven J. Steffen

STATE OF IOWA)
) ss:
COUNTY OF DELAWARE)

On this 30 day of April, 2009, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared **Dan Wheeler** and **Linda Gaul**, 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 Earlville, Iowa; and 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 Resolution adopted by City Council, under Roll Call of the City council on the _____ day of _____, 2009, and that **Dan Wheeler** and **Linda Gaul** 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 ELAINE MARY DIESBURG Commission Number 17 My Commission 1-19-2010

Elaine Mary Diesburg
Notary Public in and for the State of Iowa

STATE OF IOWA)
)
) SS:
COUNTY OF DELAWARE)

On this 8th day of Sept, 2009, before me the undersigned, a Notary Public in and for said County and State, personally appeared Steven J. Steffen to me know to be the identical person named in and who executed the within and foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.

Elaine Mary Diesburg
Notary Public in and for the State Of Iowa

