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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

RESOLUTION NO. 69-09
Recorder's Cover Sheet

CHG

Preparer Information:
Marc W. Casey, 129 1st Avenue E, Dyersville, IA 52040
(563) 875-7171

Taxpayer Information:
Dyersville Industries, Incorporated
1100 16th Ave Ct SE
Dyersville, IA 52040

Return Address:
City of Dyersville, Iowa
340 1st Avenue East
Dyersville, IA 52040

Grantors:
City of Dyersville, Iowa

Grantees:
Dyersville Industries, Incorporated

Legal Description:
See Page 2

Document or instrument number if applicable:

RESOLUTION NO. 69-09

RESOLUTION APPROVING THE PLAT OF
20 WEST INDUSTRIAL CENTER FIRST ADDITION
IN THE CITY OF DYERSVILLE, DELAWARE COUNTY, IOWA

WHEREAS, there has been filed with the City Clerk a plat in which part of Parcel F of the Plat of Survey filed in Book 2009, Page 4160, has been subdivided by Dyersville Industries, Incorporated, into Lots 1 through 5, Lot A, Lot B, Lot C, Lot D, Lot E and Lot F of 20 West Industrial First Addition in the City of Dyersville, Delaware County, Iowa.

WHEREAS, said plat has been examined by the City Planning and Zoning Commission and approved by said body, and;

WHEREAS, upon said plat appears Lot B to be known as Industrial Parkway SW, Lot C to be known as Commerce Court SW, Lot F to be known as 330th Avenue, Lots D and E, which are dedicated for storm water management purposes and also easements for utilities which are represented on the plat, all of which the owners have dedicated to the public forever, and;

WHEREAS, said plat has been found by the City Council to conform to the statutes and ordinances relating thereto, except that the streets have not been reduced to grade, paving, sewer, storm sewers or water installed therein.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Dyersville, Iowa:

SECTION 1. That the dedication of Lot B to be known as Industrial Parkway SW, Lot C to be known as Commerce Court SW, Lot F to be known as 330th Avenue, Lots D and E, which are dedicated for storm water management purposes, together with easements for public utilities, all as the same appear on said plat, be and the same are hereby accepted and that said streets be and are herein established as public streets in the City of Dyersville, Iowa.

SECTION 2. That the plat of the above stated subdivision to be hereafter known as Lots 1 through 5, Lot A, Lot B, Lot C, Lot D, Lot E and Lot F of 20 West Industrial Center First Addition in the City of Dyersville, Delaware County, Iowa, is hereby approved and the Mayor and City Clerk are hereby authorized and directed to execute and deliver the resolution on behalf of the City, in substantially the form and content in which the resolution has been presented to this City Council, and such officers are also authorized to make such changes, modifications, additions or deletions as they, with the advice of legal counsel, may believe to be necessary, and to take such actions as may be necessary to carry out the provisions of the resolution.

SECTION 3. The owners of said property, hereinbefore named shall execute written

acceptance hereto attached, agreeing:

(a) To comply with all terms and conditions of the Development Agreement previously entered into between the City and the owner.

(b) To deed to City Lots D and E upon completion of storm water management facilities according to City specifications.

SECTION 4. That in the event that the owner herein shall fail to execute the acceptance provided for in Section 2 hereof within forty-five days from the date of this resolution, the provisions hereof shall be null and void and the acceptance and dedication and approval of the plat shall not be effective.

Passed, adopted and approved this 16th day of November, 2009.

James A. Heavens, Mayor

Attest: Tricia L. Maiers
Tricia L. Maiers, Clerk

(SEAL)

ACCEPTANCE OF TERMS OF RESOLUTION

The undersigned on behalf of Dyersville Industries, Incorporated, hereby accepts the terms of Resolution No. 69-09.

Dated this 17 day of November, 2009.

DYERSVILLE INDUSTRIES, INCORPORATED

BY: _____
Stevens W. Salter

State of Iowa)
County of Dubuque) ss:

On this 17th day of November, 2009, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Steven W. Salter, to me personally known, who being by me duly sworn, did say that he is the Secretary of said corporation executing the within and foregoing instrument; that the instrument was signed on behalf of said corporation by authority of its Board of Directors; and the said Steven W. Salter acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by him voluntarily executed.

MARC W. CASEY
Iowa Notarial Seal
Commission Number: 11508
My Commission Expires: 05/07/11

Marc W. Casey, Notary Public
In and for the State of Iowa