Book 2017 Page 2472
Document 2017 2472 Type 06 014 Pages 2
Date 9/07/2017 Time 11:48:55AM
Rec Amt $12.00

Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared By: City of Manchester, Iowa, 208 E Main Street, Manchester, IA 52057 563-927-3636
Return To: Darcey Reetz, 905 E Butler Street, Manchester, IA 52057 563-927-9025

FENCE AGREEMENT

This agreement made this 7th day of September 2017, by and between **Mark A. Reetz and Darcey L. Reetz,** Party of the First Part, and, **Michael F. Wessels and Joan E. Wessels,** Party of the Second Part.

1999-3948
43-3

WHEREAS, the party of the first part wishes to build the fence on their property line, said fence being on the **EAST** property line of the party of the first part, in Manchester, Delaware County, Iowa, on the parcel legally described as follows:

The East eighty seven (87) feet of Lot Sixteen (16) of the Subdivision of Lot One (1) of the Subdivision of the Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼) of Section Twenty Eight (28), Township Eighty Nine (89) North, Range Five (5), West of the Fifth P.M., according to plate recorded in Book A Plats, Page 23, except the South thirty three (33) feet thereof.
(aka 905 E Butler Street)

AND WHEREAS, the party of the second part agrees to said fence being on the **WEST** property line of the party of the second part, in Manchester, Delaware County, Iowa, on the parcel legally described as follows:

Lot One (1), Block One (1) of Ungs' Subdivision of Lot One (1) according to plat recorded in Book 2 Plats, Page 123; same being a part of the Subdivision of Lot One (1) of the Subdivision of the Southwest Quarter (SW ¼) and the South One-Fourth (S ¼) of the Northwest Quarter (NW ¼) of Section Twenty-eight (28), Township Eighty-nine (89) North, Range Five (5), West of the Fifth P.M.
(aka 101 Ungs Court)

AND WHEREAS, the said fence to be on the **EAST** property line of the party of the first part; and the **WEST** property line of the party of the second part:

AND WHEREAS, Section 165.25.10(g)(2) "Fence Regulations" of the Zoning Code of Ordinances of the City of Manchester, Iowa, requires an agreement in writing be established for the erection of a fence or wall on the property line.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained in this Agreement and in consideration of the mutual benefits to be gained by the parties, it is agreed as follows:

1. That said fence may be built on the property line of both parties. That said fence shall be erected and maintained solely at the expense of the party of the first part.
2. That the respective property owners are responsible for maintenance of the property on their respective sides of the property line.
3. That the party of the first part shall hold the party of the second part and their agents harmless from any and all liability, claims or suits for damages with respect to any claims, demands, or causes of action of any kind or nature with respect to said fence.
4. That this said written agreement shall be binding upon the parties to this agreement, their successors and assigns, and shall run with the land so long as the said fence remains in place.
5. Both parties warrant title to their property is sufficient authority for them to enter into this agreement agree the City is not responsible for any title issues that may arise.

PARTY OF THE FIRST PART

Mark A. Reetz

Mark A. Reetz
PARTY OF THE FIRST PART

State of Iowa)
) ss:
County of Delaware)

On this 7 day of September, 2017, before me, a Notary Public in and for the State of Iowa, personally appeared, **Mark A. Reetz**, to me personally known to be the identical person named in and who executed the foregoing instrument and acknowledged that he executed the same as **his/her** voluntary act and deed.

Gary D. Reeder
Notary Public in and for the State of Iowa

Printed Notary Name Gary D. Reeder

PARTY OF THE FIRST PART

Darcey L. Reetz

GARY D. REEDER
Commission Number 125032
My Comm. Exp. 7-1-19

Darcey L. Reetz
PARTY OF THE FIRST PART

State of Iowa)
) ss:
County of Delaware)

On this 7 day of September 2017, before me, a Notary Public in and for the State of Iowa, personally appeared, **Darcey L. Reetz**, to me personally known to be the identical person named in and who executed the foregoing instrument and acknowledged that he executed the same as **his/her** voluntary act and deed.

Gary D. Reeder
Notary Public in and for the State of Iowa

Printed Notary Name Gary D. Reeder

PARTY OF THE SECOND PART

GARY D. REEDER
Commission Number 125032
My Comm. Exp. 7-1-19

Michael F. Wessels

Michael F. Wessels
PARTY OF THE SECOND PART

State of Iowa)
) ss:
County of Delaware)

On this 5th day of September, 2017, before me, a Notary Public in and for the State of Iowa, personally appeared, **Michael F. Wessels**, to me personally known to be the identical person named in and who executed the foregoing instrument and acknowledged that he executed the same as **his/her** voluntary act and deed.

JENNIFER F. ESCHEN
Commission Number 792727
My Commission Expires
10/19/18

Jennifer F Eschen
Notary Public in and for the State of Iowa

Printed Notary Name Jennifer F. Eschen

PARTY OF THE SECOND PART

Joan E. Wessels

Joan E. Wessels
PARTY OF THE SECOND PART

State of Iowa)
) ss:
County of Delaware)

On this 30 day of August, 2017, before me, a Notary Public in and for the State of Iowa, personally appeared, **Joan E. Wessels**, to me personally known to be the identical person named in and who executed the foregoing instrument and acknowledged that she executed the same as **her/his** voluntary act and deed.

ROSEMARY HUNT
Commission Number 192508
My Commission Expires
9-16-18

Rose Mary Hunt
Notary Public in and for the State of Iowa

Printed Notary Name Rose Mary Hunt