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Document 2018 947 Type 06 ~~026~~ Pages 2
Date 4/12/2018 Time 4:13:44PM
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: Burton Oehler, 120 W Union Street, Manchester, IA 52057 563.920.0412
ENJ ⊕ William Oehler

FENCE AGREEMENT

This agreement made this 11th day of April, 2018, by and between **William B Oehler and Nancy J. Oehler,** Party of the First Part, and, **Lila Luensmann,** Party of the Second Part.

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

The West sixty six (66) feet of the East one hundred thirty two (132) feet of the North one-half (N ½) of Lot L, Iowa Land Company's Subdivision of part of Manchester, Iowa, according to plat recorded in Book 4 L.D., Page 514, except a strip forty (40) feet wide off the North side. (aka 120 W Union Street)

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

The West Fifty-three (53) feet of the East One Hundred Eighty-five (185) feet of the North Half (N ½) of Lot L of Iowa Land Company's Subdivision of a part of Manchester, Iowa, except the North Forty (40) feet used for street purposes as part of Union Street, and further except the South Ten (10) feet used as an alley; same being a part of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of Section Twenty-nine (29), Township Eighty-nine (89) North, Range Five (5), West of the Fifth Principal Meridian. (aka 124 W Union Street)

AND WHEREAS, the said fence to be on the **west** property line of the party of the first part; and the **east** 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

William B Oehler

William B. Oehler
PARTY OF THE FIRST PART

State of Iowa)
) ss:
County of Delaware)

On this 11th day of April, 2018, before me, a Notary Public in and for the State of Iowa, personally appeared, **William B. Oehler**, 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.

NOTARIAL SEAL IOWA
LETICIA M. TIMMERMAN
Commission Number 752824
My Commission Expires
May 16, 2020

Leticia Timmerman
Notary Public in and for the State of Iowa

Printed Notary Name Leticia Timmerman

Nancy J. Oehler

Nancy J. Oehler
PARTY OF THE FIRST PART

State of Iowa)
) ss:
County of Delaware)

On this 11th day of April, 2018, before me, a Notary Public in and for the State of Iowa, personally appeared, **Nancy J. Oehler**, 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.

NOTARIAL SEAL IOWA
LETICIA M. TIMMERMAN
Commission Number 752824
My Commission Expires
May 16, 2020

Leticia Timmerman
Notary Public in and for the State of Iowa

PARTY OF THE SECOND PART

Lila Luensmann

Lila Luensmann
PARTY OF THE SECOND PART

State of Iowa)
) ss:
County of Delaware)

On this 11th day of April, 2018, before me, a Notary Public in and for the State of Iowa, personally appeared, **Lila Luensmann** 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.

NOTARIAL SEAL IOWA
LETICIA M. TIMMERMAN
Commission Number 752824
My Commission Expires
May 16, 2020

Leticia Timmerman
Notary Public in and for the State of Iowa

Printed Notary Name Leticia Timmerman