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LISA SMITH, COUNTY RECORDER  
MADISON COUNTY IOWA

**COVENANT AND AGREEMENT TO  
HOLD PROPERTY AS ONE PARCEL**

**Recorder's Cover Sheet**

**Preparer Information:** (name, address and phone number)

John E. Casper, 223 E. Court Avenue, P.O. Box 67, Winterset, Iowa 50273-0067  
(515) 462-4912

**Taxpayer Information:** (name and complete address)

Hy-Vee, Inc., 5820 Westown Parkway, West Des Moines, Iowa 50266

**Return Document To:** (name and complete address)

John E. Casper, 223 E. Court Avenue, P.O. Box 67, Winterset, Iowa 50273-0067

✓ City Hall - Mark Nitchals

**Grantors:**

City of Winterset, Iowa

**Grantees:**

Hy-Vee, Inc.

**Legal Description:** See Pages 2 and 3

**Document or instrument number of previously recorded documents:** N/A

**COVENANT AND AGREEMENT TO HOLD PROPERTY AS ONE PARCEL**

The undersigned hereby certify that Hy-Vee, Inc. (hereafter Owner) is the owner of real property in Winterset, Madison County, Iowa, that is legally described as follows:

**Lots One (1) and Two (2) of Gold Buffet Subdivision of the City of Winterset, Madison County, Iowa, EXCEPT Parcel "A" located in said Lot One (1) as shown in Plat of Survey filed in Book 2, Page 199 on February 9, 1994 in the Office of the Recorder of Madison County, Iowa: AND EXCEPT the North 15 feet of said Lot Two (2).**

**AND**

**Parcel "A", a part of Lots One (1) of Gold Buffet Subdivision of the City of Winterset, Madison County, Iowa, containing 11,227 square feet, as shown in Plat of Survey filed in Book 2, Page 199 on February 9, 1994 in the Office of the Recorder of Madison County, Iowa:**

**AND**

**Parcel "E" located in the Northwest Fractional Quarter (1/4) of the Northwest Quarter (1/4) of Section Thirty-one (31), Township Seventy-six (76) North, Range Twenty-seven (27) West of the 5<sup>th</sup> P.M., City of Winterset, Madison County, Iowa, containing 621.3 square feet, as shown in Plat of Survey filed in Book 2, Page 343 on February 26, 1998 in the Office of the Recorder of Madison County, Iowa:**

as recorded with the Madison County Recorder on September 13, 2013 in Book 2013 at Pages 2703 and 2710, locally known as 923 North First Street, Winterset, Iowa,

**AND**

**Parcel "P" in the Northwest Quarter of the Northwest Quarter of Section 31, Township 76 North, Range 27 West of the 5<sup>th</sup> P.M., City of Winterset, Madison County, Iowa more particularly described as follows:**

**Commencing at the Southwest Corner of the Northwest Quarter of the Northwest Quarter of Section 31, Township 76 North, Range 27 West of the 5<sup>th</sup> P.M., City of Winterset, Madison County, Iowa thence North 00°03'40" West 191.81 feet along the West line of said Northwest Quarter of the Northwest Quarter which is also the centerline of John Wayne Drive projected South; thence South 89°29'32" East 33.00 feet to the Point of Beginning; thence North 00°03'40" West 488.86 feet; thence North 89°56'20" East 76.78 feet along the South right-of-way of Mills Street to a point on the West line of Lot 2 of Gold Buffet Subdivision; thence South 00°05'31" West 4.99 feet along the West line of Gold Buffet Subdivision; thence Southerly 332.04 feet along a 904.90 foot radius curve concave Easterly with a 330.18**

foot chord bearing South 10°11'56" West which is the West line of Gold Buffet Subdivision; thence South 00°03'40" East 159.15 feet along the West line of Gold Buffet Subdivision and Parcel "E"; thence North 89°29'32" West 17.96 feet to the Point of beginning containing 0.36 acres.

as recorded with the Madison County Recorder on 11-05-2013 in Book 2013 at Page 3366

The Owner agrees and covenants with the City of Winterset, Iowa (hereafter the City) that the above legally described properties shall be held as one parcel and no portion shall be sold separately.

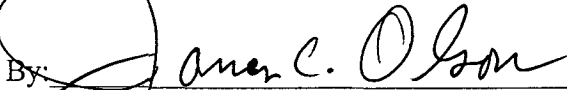
This Covenant and Agreement is executed for the purpose of creating a single building site and a single City lot of record as regulated by Section 4.12003 of the Winterset Municipal Code.

This Covenant and Agreement shall run with all of the above-described land and shall be binding upon Hy-Vee, Inc., and future owners, encumbrances, their successors, heirs and assignees, and shall continue in effect until released by the authority of the Mayor of the City of Winterset, Iowa, upon submittal of request, applicable fees and evidence that this Covenant and Agreement is no longer required by law.

CITY OF WINTERSET, IOWA

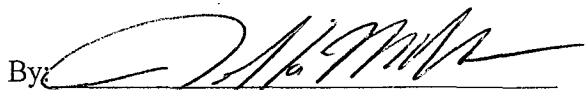
HY-VEE, INC.

By:



James C. Olson, Mayor

By:



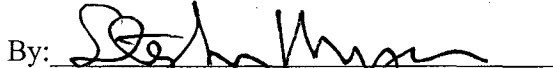
Jeff Markey, Vice President

By:



Mark Nitchals, City Administrator

By:



Stephen Meyer, Secretary

STATE OF IOWA )  
 ) ss  
COUNTY OF MADISON )

This instrument was acknowledged before me on October 7, 2013 by James C. Olson and Mark Nitchals as Mayor and City Administrator of the City of Winterset, Iowa.



Cindy M. Bush  
Notary Public in and for the State of Iowa

STATE OF IOWA )  
 ) ss  
COUNTY OF POLK )

This instrument was acknowledged before me on <sup>November</sup> ~~October~~ 7, 2013 by Jeff Markey and Stephen Meyer as the Vice President and Secretary of Hy-Vee, Inc.



Matina D. Massman  
Notary Public in and for the State of Iowa