

BK: 2018 PG: 1972
Recorded: 6/22/2018 at 8:19:32.0 AM
Fee Amount: \$17.00
Revenue Tax:
LISA SMITH RECORDER
Madison County, Iowa

Prepared By: KTragesser, Development Services, PO Box 65320, West Des Moines, IA 50265-0320, 515-222-3620
When Recorded, Return To: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

IRREVOCABLE OFFER OF DEDICATION

THIS AGREEMENT, made this 24 day of May, 2018, by and between Donald Waller and Connie Waller hereinafter called "Ownes," and the City of West Des Moines, Iowa, hereinafter called "City."

WHEREAS, the Owners have submitted a Plat of Survey for review and approval by the City for the property located at 2971 105th Street Van Meter, Iowa, and legally described herein below, and;

LEGAL DESCRIPTION

The NE Fractional Quarter of Section 5, Township 77 North Range 26 West of the 5th PM, Madison County, Iowa

WHEREAS, in order to provide their full half of the 100 feet of total right-of-way that may be necessary for this portion of what is now known as Timber Ridge Lane, the Owners will need to deed to the City fifty (50) feet of right-of-way from the centerline of the street adjacent to the property line;

WHEREAS, the Owners agree to dedicate the fifty (50) feet of right-of-way adjacent to the plat of survey along Timber Ridge Lane, without cost to the City when the City requests said dedication which is anticipated to be at the time Timber Ridge Lane is reconstruction for the installation of utilities adjacent to the property, and;

WHEREAS, the City Council of the City of West Des Moines as part of the Plat of Survey approval, grants a deferment of the dedication of the additional right-of-way along Timber Ridge Lane until such time as the City requests said right-of-way, and;

WHEREAS, the City Council has approved the Plat of Survey (POS-003900-2018 on the 11th day of June 2018, subject to the conditions contained herein.

NOW THEREFORE, FOR THE MUTUAL COVENANTS herein contained each to the other, the parties agree as follows:

1. The Owners certifies ownership of certain real property legally described as follows:

The NE Fractional Quarter of Section 5, Township 77 North Range 26 West of the 5th PM, Madison County, Iowa

2. Said real property was the subject of a Plat of Survey approval request on the 11th day of June 2018.

2. The Owner, its heirs, successors in interest or assigns, agree to irrevocably dedicate to the City when requested by the City and at no cost to the City, by deed, permanent and perpetual street right-of-way for a possible, future street, legally-described as follows:

The west 50 feet of the NE Fractional Quarter of Section 5, Township 77 North Range 26 West of the 5th PM, Madison County, Iowa

3. Approval of the Plat of Survey for the real property described above is conditioned upon the future dedication of right-of-way as described herein and at such time as requested by the City.
4. This Agreement runs with the land described herein and will be binding upon the Owner, its heirs, successors in interest or assigns. The easement shall not be assigned, sold, or otherwise transferred separate from the land upon which the easement lies.
5. The Parties agree that this Agreement will be recorded in the Office of the Recorder of Madison County, Iowa.
6. The term "Owners" as used herein shall include Owner's heirs, successors-in-interest and assigns.
7. The City and the Owners agree that the District Court in and for Madison County, State of Iowa, shall have exclusive jurisdiction over the subject matter of this Agreement, and said parties consent to the jurisdiction of the person being in Madison County, Iowa.
8. This Agreement made herein shall survive any sale or transfer of ownership to the property. It is the intent of the parties, in the event of any receivership, insolvency, bankruptcy, assignment for the benefit of creditors, reorganization or arrangement with creditors, whether or not pursuant to bankruptcy laws, sale of all or substantially all the assets and liabilities of the Owners, will cause the transfer of this dedicated easement area to the city which shall be made forthwith, without cost to the City.
9. Words and phrases herein shall be construed as in the single or plural number and as masculine, feminine, or neutral gender, according to the context.

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement the date set forth above.

Donald Waller

By:

Donald Waller

Title: Property Owner

Connie Waller

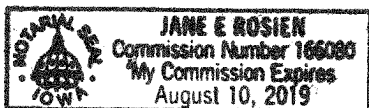
By:

Connie Waller

Title: Property Owner

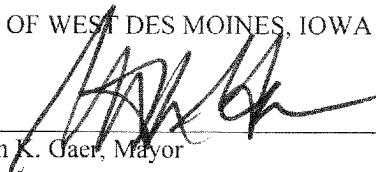
STATE OF IOWA, COUNTY OF MADISON

This record was acknowledged before me on May 24, 2018, by Donald Waller and Connie Waller, property owners.



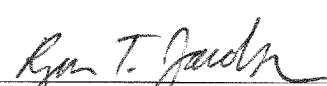
Jane E. Rosien
Notary Public in and for the State of Iowa

CITY OF WEST DES MOINES, IOWA



Steven K. Gaer, Mayor

Attest:



Ryan Jacobson, City Clerk

CITY OF WEST DES MOINES, IOWA

I, Ryan T. Jacobson, City Clerk of the City of West Des Moines, Iowa, do hereby certify that the within and foregoing Easement was duly approved and accepted by the City Council of said City of West Des Moines by Resolution and Roll Call No. 18-384, passed on the 11th day of June, 2018, and this certificate is made pursuant to authority contained in said Resolution.

Signed this 11th day of June, 2018