

## **Memorandum of Agreement**

### **Recorder's Cover Sheet**

**Preparer Information:** Patrick B. Dillon, Dillon Law PC, 209 E. 1<sup>st</sup> Street, Sumner, IA 50674,  
Phone: 563 578-1850

**Return Document To:** Patrick B. Dillon, Dillon Law PC, 209 E. 1<sup>st</sup> Street, Sumner, IA 50674,  
Phone: 563 578-1850

**Legal Description:** THAT PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 91 NORTH, RANGE 9 WEST OF THE FIFTH P.M., INCLUDING PART OF THE LOT 1, BLOCK 1, BENNETT'S ADDITION TO OELWEIN AND LOTS 6 AND 7, PART OF LOTS 5, 8, 9, AND 10, BLOCK 4, OEWLEIN'S FIRST ADDITION TO OELWEIN, PER SURVEY OF HAROLD D BLESSING RECORDED IN SURVEY BOOK 4 PAGE 222-224, FAYETTE COUNTY, IOWA.

Memorandum of Agreement

Whereas City of Oelwein owns parcel number 1821377002 in Fayette County, Iowa; legally described in attachment A, and

Whereas the City of Oelwein utilizes the south end for downtown snow removal (in the event of a large snow fall) and

Whereas the lot is underutilized for the majority of each year; and

Whereas the lot is not of economic use or value to the City of Oelwein or and other downtown businesses other than Bowers North Discount Store at this time; and

Whereas parties to the agreement all believe a better use of the site would be parking for Bowers North Discount Store;

It is therefore agreed that.

1. Bowers North Discount Store shall be responsible for maintaining the entire property in an acceptable manner.
2. Maintaining the property shall include but not be limited to; all rock shall be kept level, potholes shall be filled, all weeds shall be maintained, and grass shall be mowed, and snow removal.
3. All accidents shall be dealt with by the lease holder. The lease is for the parking lot and shall not take on any more functions unless agreed upon by the city. For example, Bowers North Discount Store may not allow the parking lot to be used for temporary sales by third party vendors (fireworks, food trucks, roadside vegetable/ fruit stand, etc.).
4. City of Oelwein will grant Bowers North Discount Store a license to use the created parking lot as parking until such time Bowers North Discount Store fails to maintain the lot as agreed upon. This agreement may be terminated by the City of Oelwein with 60 days' notice to Bowers North Discount Store. Bowers North Discount Store may terminate this agreement upon cessation of business activities as its adjoining location.
5. Bowers North Discount Store will install a sign indicating that the parking lot is provided by Bowers North Discount Store.
6. Bowers North Discount Store shall provide proof of insurance to the City of Oelwein. The City of Oelwein must be named as an additional named insured.

So agreed this \_\_\_\_\_ date of \_\_\_\_\_ 20\_\_\_\_

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Dylan Mulfinger  
City Administrator  
City of Oelwein

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Todd Granberg, Owner  
Bowers North Discount Store

State of Iowa :  
: ss  
County of Fayette :

Subscribed and sworn to before me by Dylan Mulfinger, City Administrator for the City of Oelwein, Iowa this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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Notary Public in and for the State of Iowa

State of Iowa :  
: ss  
County of Fayette :

Subscribed and sworn to before me by Todd Granberg, Owner of Bowers North Discount Store located in Oelwein, Iowa this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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Notary Public in and for the State of Iowa

Attachment A

THAT PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 91 NORTH, RANGE 9 WEST OF THE FIFTH P.M., INCLUDING PART OF THE LOT 1, BLOCK 1, BENNETT'S ADDITION TO OELWEIN AND LOTS 6 AND 7, PART OF LOTS 5, 8, 9, AND 10, BLOCK 4, OEWLEIN'S FIRST ADDITION TO OELWEIN, PER SURVEY OF HAROLD D BLESSING RECORDED IN SURVEY BOOK 4 PAGE 222-224, FAYETTE COUNTY, IOWA.