

ASSIGNMENT OF LEASE.

The City of Marshalltown, County of Marshall and State of Iowa, pursuant to a duly adopted resolution passed on the 12th day of December, 1955, and for the consideration of the payment of Three Thousand (\$3000.00) Dollars, does hereby assign, transfer and set over to the "Fisher Foundation", a corporation located in Marshalltown, Iowa, all its rights and interest in and to a certain lease to which this assignment is attached, by and between The Iowa State Highway Commission, as Lessor, and City of Marshalltown, Iowa, a municipal corporation in Marshall County, Iowa, as Lessee, and dated the 28th day of November, 1955, for the balance of the full unexpired term thereof, and subject to all terms, conditions and reservations as are contained in said lease, subject to the terms, conditions and reservations as set forth in the Resolution Providing for the Assignment of Leasehold Interest from The Iowa State Highway Commission to the "Fisher Foundation", adopted and placed on file for public hearing by the Council of the City of Marshalltown, Iowa, on November 28, 1955, and the Resolution Approving Resolution Providing for Assignment of Leasehold Interest from The Iowa State Highway Commission to the "Fisher Foundation", adopted by said Council on December 12, 1955, which resolutions, as to terms, conditions and reservations as therein contained, are also made a part of said assignment, together with further reservations as to rights of ingress and egress for purpose of repair and maintenance of a certain main sewer of said city located thereon and to rights of public utility franchise holders over and upon said tracts of ground as are included in said lease, all of which the said "Fisher Foundation" agree to observe and to be bound thereby.

That upon written acceptance of this assignment by The Iowa State Highway Commission, the City of Marshalltown, Iowa, shall permit the said assignee, "Fisher Foundation", to enter on said tracts of ground as are described in said lease as is hereby assigned and to so use and improve the same as provided for in

its proposal to the City of Marshalltown, Iowa, dated November 28, 1955, and filed in the records of the office of City Clerk, and the City of Marshalltown, Iowa, agrees to maintain said assignee in possession thereof for such purposes as are contemplated herein to the end of the term of said lease, assuming the continued existence of said "Fisher Foundation" for such period of time and at its expiration, subject to such rights as under the laws the several parties hereto may be entitled or subject to such agreements as may be then entered into.

IN WITNESS WHEREOF, I, John L. Mowry, as Mayor of the City of Marshalltown, Iowa, acting for and on behalf of said City and pursuant to the authority aforesaid, do hereby execute this assignment as Mayor of said City and have caused the same to be attested by the Clerk of the City of Marshalltown, Iowa, and the seal of the City of Marshalltown, Iowa, to be affixed thereon this 12 day of December, 1955.

CITY OF MARSHALLTOWN, IOWA

By



Mayor.

Attest: Laura Ann Osburn  
Clerk, City of Marshalltown, Iowa.

ACCEPTANCE OF ASSIGNMENT OF LEASE  
BY THE "FISHER FOUNDATION".

In consideration of the Assignment of the Lease, dated November 28, 1955, by and between The Iowa State Highway Commission, as Lessor, and the City of Marshalltown, a municipal corporation in Marshall County, Iowa, as Lessee, copy of which lease is attached to and made a part of this assignment for the tracts of ground as are therein described, the undersigned, "Fisher Foundation", hereby assumes and agrees to pay to Lessee, City of Marshalltown, Iowa, as consideration for said assignment, the sum of Three Thousand (\$3000.00) Dollars and agrees to be bound by and keep all terms, conditions, covenants and reservations as are contained in said lease and also as to such additional terms, conditions and reservations as are contained in the resolutions of the Lessee, City of Marshalltown, Iowa, adopted November 28, 1955 and December 12, 1955, which resolutions are made a part of said assignment, as well as such additional reservations as are contained in said assignment.

That the said "Fisher Foundation" shall, under its possession as assignee, devote said tracts of ground to the uses and purposes as are consistent with its Articles of Incorporation and as proposed to Lessee, City of Marshalltown, Iowa, and shall not sublet or assign any part or portions of said tracts of ground for any purpose without the written authorization of said Lessee, City of Marshalltown, Iowa, and approved by the Lessor, The Iowa State Highway Commission, and said assignee, "Fisher Foundation", shall enter into possession, use, improve and beautify the said tracts as shall be in keeping with making the same a community center for public, welfare and community organizations of the City of Marshalltown, Iowa.

Dated at Marshalltown, Iowa, this 13th day of December, 1955.

FISHER FOUNDATION

By 

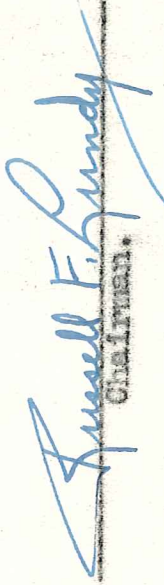
CONSENT TO ASSIGNMENT.

The undersigned, The Iowa State Highway Commission, as Lessor under a certain lease with the City of Marshalltown, a municipal corporation in Marshall County, Iowa, dated November 29, 1955, hereby consents to the assignment of said lease to the "Fisher Foundation", as assignee, in consideration of the acceptance thereof by said "Fisher Foundation" and its covenants, to use, improve and beautify said tracts of ground and to keep, maintain and perform all terms, conditions and reservations as are contained in said lease and such other obligations as may have been imposed by said Lessee, City of Marshalltown, Iowa.

Dated at Ames, Iowa, this 14<sup>th</sup> day of December, 1955.

THE IOWA STATE HIGHWAY COMMISSION

By

  
Chairman.

DEC 14 1955

APPROVED



Norman A. Erbe  
Special Assistant Attorney  
General and Counsel to the  
Iowa State Highway Commission