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DEBORAH L. PEYTON, RECORDER/REGISTRA
DELAWARE COUNTY IOWA

RESOLUTION NO. 28-06
Recorder's Cover Sheet

Preparer Information:
Marc W. Casey, Moss & Casey, 129 1st Avenue West, PO Box 274, Dyersville, IA 52040 (563) 875-7178

Return Address:
Moss & Casey
PO Box 274
Dyersville, IA 52040

Grantors:
City of Dyersville, Iowa

Grantees:
City of Dyersville, Iowa

Legal Description:
See Page 3

Document or instrument number if applicable:

The undersigned, Tricia L. Maiers, hereby states that I am the City Clerk for the City of Dyersville, Iowa, and I hereby certify that attached hereto, is a true and correct copy of Resolution No. 28-06 as passed, adopted and approved by the City Council of the City of Dyersville, Iowa, on the 26th day of October, 2006.

Dated this 6th day of November, 2006.

TRICIA L. MAIERS

Tricia L. Maiers

Subscribed and sworn to me by Tricia L. Maiers on this 6th day of November, 2006.

Marc W. Casey, Notary Public
In and for the State of Iowa

MARC W. CASEY
Iowa Notarial Seal
Commission Number: 11508
My Commission Expires: 05/07/08

RESOLUTION NO. 28-06

A RESOLUTION APPROVING THE VOLUNTARY ANNEXATION OF PARCEL "R", CONSISTING OF THE SOUTH 250' OF SW¼ OF SW¼; SE¼ OF SW¼; NW¼ OF SW¼; NE¼ OF SW¼, SOUTH OF THE FORMER RAILROAD R.O.W.; SW¼ OF NW¼, SOUTH OF THE FORMER RAILROAD R.O.W.; SE¼ OF NW¼, SOUTH OF THE FORMER RAILROAD R.O.W.; NW¼ OF SE¼, SOUTH OF CENTERLINE OF VINE ROAD; NE¼ OF SE¼, SOUTH OF CENTERLINE OF VINE ROAD AND S½ OF SE¼ OF SECTION 26, T89N, R3W OF THE 5TH P.M., DELAWARE COUNTY, IOWA, TOGETHER WITH THE RAILROAD RIGHT-OF-WAY AND PUBLIC LAND IN STREET RIGHT-OF WAY (210TH STREET [D-22]).

WHEREAS, Robert Bonert and Leora Bonert, Arthur Weber and Joan Weber, and Dyersville Industries, Inc., have made application to the City of Dyersville, Iowa, for the voluntary annexation of Parcel "R", consisting of The South 250' of SW¼ of SW¼; SE¼ of SW¼; NW¼ of SW¼; NE¼ of SW¼, South of the former Railroad R.O.W.; SW¼ of NW¼, South of the former Railroad R.O.W.; SE¼ of NW¼, South of the former Railroad R.O.W.; NW¼ of SE¼, South of Centerline of Vine Road; NE¼ of SE¼, South of Centerline of Vine Road and S½ of SE¼ of Section 26, T89N, R3W of the 5th P.M., Delaware County, Iowa, together with the Railroad Right-of-Way and public land in Street Right-of Way (210th Street [D-22]), to the City of Dyersville, Iowa, all as described on the attached Exhibit "A"; and

WHEREAS, said property adjoins the City of Dyersville, Iowa; and

WHEREAS, said annexation would be in the best interest of the City of Dyersville, Iowa.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Dyersville, Iowa:

SECTION ONE. That the following described property:

> Parcel "R", consisting of The South 250' of SW¼ of SW¼; SE¼ of SW¼; NW¼ of SW¼; NE¼ of SW¼, South of the former Railroad R.O.W.; SW¼ of NW¼, South of the former Railroad R.O.W.; SE¼ of NW¼, South of the former Railroad R.O.W.; NW¼ of SE¼, South of Centerline of Vine Road; NE¼ of SE¼, South of Centerline of Vine Road and S½ of SE¼ of Section 26, T89N, R3W of the 5th P.M., Delaware County, Iowa, together with the Railroad Right-of-Way and public land in Street Right-of Way (210th Street [D-22]), and as described on the attached Exhibit "A",

is hereby annexed to the City of Dyersville, Iowa.

SECTION TWO. That the City Clerk shall file a copy of the legal description, map, and this resolution with the Iowa Secretary of State, the Delaware County Board of

Supervisors, the Delaware, Iowa, County Recorder, the Iowa State Department of Transportation, and any affected public utility.

Passed, adopted, and approved this 26th day of October, 2006.

James A. Heavens, Mayor

Attest: TRICIA L. MAIERS
Tricia L. Maiers, City Clerk

ANNEXATION DESCRIPTION

That portion of 210th Street Right-of-way between the east line of the NW1/4 of Section 36 and the West line of NW1/4 of Section 35, and the portion of railroad right-of-way between the west line of 332nd Avenue in the NW1/4 of Section 36 and the West line of NW1/4 of Section 35, Township 89 North, Range 3 West of the 5th Principal Meridian, Delaware County, Iowa, more particularly described as follows:

Beginning at the Northwest corner of Section 35, T89N, R3W of the 5th P.M. in Delaware County, Iowa;

Thence Easterly, 5315.5 feet, more or less, along the North line of said Section 35 and the North line of a 100 foot wide railroad right-of-way to the Northeast corner of said Section 35;

Thence Easterly, 2113.1 feet, more or less, along the North line of the Northwest quarter of Section 36 and the North line of a 100 foot wide railroad right-of-way to the westerly right-of-way line 332nd Avenue;

Thence Southeasterly, 107.6 feet, more or less, along the Westerly right-of-way line of said 332nd Avenue to the South line of said 100 foot wide railroad right-of-way;

Thence Westerly, 977.4 feet, more or less, along the South line of said railroad right-of-way line to the point of curvature of the northerly right-of-way line of 210th Street (A.K.A. County Road D-22) in the Northwest quarter of aforesaid Section 36;

Thence Southeasterly, 726.2 feet, more or less, along the arc of a 1465.5 foot radius curve concave to the South and the northerly line of said 210th Street right-of-way;

Thence Southeasterly, 134.7 feet, more or less, along the northerly line of said 210th Street right-of-way;

Thence Southeasterly, 665.2 feet, more or less, along the arc of a 1399.5 foot radius curve concave to the Northeast and the northerly line of said 210th Street right-of-way to the East line of Northwest quarter of said Section 36;

Thence South, 66.0 feet, more or less, along the West line of the Northwest quarter of said Section 36 to the Southerly line of 210th Street right-of-way;

Thence Northwesterly, 697.0 feet, more or less, along the arc of a 1465.5 foot radius curve concave to the Northeast and the Southerly line of said 210th Street right-of-way;

Thence Northwesterly, 134.7 feet, more or less, along the Southerly line of said 210th Street right-of-way;

Thence Northwesterly, 693.5 feet, more or less, along the arc of a 1399.5 foot radius curve concave to the South and the Southerly line of said 210th Street right-of-way;

Thence Westerly, 828.8 feet, more or less, along the South line of said 210th Street right-of-way;;

Thence Southerly, 67.0 feet, more or less, along the east line of said 210th Street right-of-way;

Thence Westerly, 1555.0 feet, more or less, along the South line of said 210th Street right-of-way;

Thence Northerly, 67.0 feet, more or less, along the west line of said 210th Street right-of-way;

Thence Westerly, 3102.5 feet, more or less, along the South line of said 210th Street right-of-way;

Thence Southwesterly, 367.6 feet, more or less, along the arc of a 1164.7 foot radius curve concave to the South and the Southerly line of said 210th Street right-of-way;

Thence Southwesterly, 129.7 feet, more or less, along the Southerly line of said 210th Street right-of-way;

Thence Westerly, 540.5 feet, more or less, along the arc of a 600.7 foot radius curve concave to the North and the Southerly line of said 210th Street right-of-way to the West line of the Northwest quarter of Section 35;

Thence Northerly, 193.6 feet, more or less, along the West line of the Northwest quarter of said Section 35 to the point of beginning.

Containing 33.2 acres, more or less, and subject to easements, reservations, restrictions, and rights-of-way of record and not of record.