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Date 1/14/2011 Time 10:00:50AM
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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

RESOLUTION

Prepared By: Erin Rempe, City Clerk
City of Manchester, Iowa
208 East Main Street
Manchester, IA 52057
Phone: (563) 927-3636

Return To: Erin Rempe, City Clerk
City of Manchester, Iowa
208 East Main Street
Manchester, IA 52057

Resolution No. R-052-2010

Resolution Approving Application for Voluntary Annexation and Annexing Certain Real Property to the City of Manchester, Iowa

WHEREAS, the owners of the real property (the "Property") more particularly described in the Application For Voluntary Annexation, attached hereto as Exhibit A, (the "Application") and dated as of the March 19th, 2010 and April 12th, 2010, have requested the annexation of said Property to the City of Manchester, Iowa (the "City"); and

WHEREAS, it appears from the Application that the Owners are eligible to seek such voluntary annexation and it appears to be in the best interest of the City that said Property should be annexed to the City; and

WHEREAS, all of the owners of the Property have signed the Application, and the Property is not situated in the "urbanized area" of another City; and

WHEREAS, pursuant to Section 368.7 of the Code of Iowa, the City has provided a copy of the Application to the Delaware County Board of Supervisors by certified mail not less than fourteen business days prior to this meeting and has caused notice of receipt of the Application to be published not less than fourteen days in advance of this meeting, and it is now necessary for the City Council to approve the Application and authorize the annexation of the Property;

NOW, THEREFORE, It Is resolved by the City Council of the City of Manchester, Iowa, as follows:

Section 1. The Application is hereby approved, and the Property described therein is hereby annexed to the City of Manchester, Iowa, in the manner provided by Section 368.7 of the Code of Iowa, and such property shall hereafter become and be a part of the City of Manchester, Iowa.

Section 2. The City Clerk is hereby authorized and directed to file a copy of this Resolution and a copy of the Application and its attachments with the State Department of Transportation, the Secretary of State of the State of Iowa, the Delaware County Board of Supervisors and with each public utility affected by the annexation, and to record said documents with the Delaware County Recorder, all as provided in Section 368.7 of the Code of Iowa.

PASSED AND APPROVED this 10th day of May, 2010.

Milt L. Kramer
Mayor

Attest:

City Clerk

CITY MANCHESTER IOWA SEAL

On this 14th day of January, 2011, before me, Laura K. Thomas, a Notary Public in and for the State of Iowa, personally appeared Milt L. Kramer and Erin Rempe, to me personally known, and, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Manchester, Iowa; that the seal affixed to the foregoing instrument is the Corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in Resolution Number R-052-2010 adopted by the City Council of the City of Manchester, Iowa, on the 10th day of May, 2010, and that Milt L. Kramer and Erin Rempe acknowledged the execution of the instrument to be their voluntary act and deed of the corporation, by it voluntarily executed.

NOTARIAL SEAL IOWA
LAURA K. THOMAS
Commission Number 718135
My Commission Expires
8-26-11

Laura K Thomas
Laura K. Thomas, Notary Public

EXHIBIT A

APPLICATION FOR VOLUNTARY ANNEXATION

Members of the City Council
City of Manchester
City Hall, Manchester, IA 52057-1797

Members of the Council:

I, the undersigned property owner (the "Undersigned") hold title to certain real property (the "Property") which is situated outside of the municipal corporate limits of the City of Manchester, Iowa, and legally described in Exhibit A attached hereto and by this reference incorporated herein.

The Undersigned hereby requests that the Property be annexed to the City of Manchester, Iowa, and hereby certify that the Property is located within the boundaries of the area requested to be annexed and that he is the only owner of property within said area. This request for voluntary annexation is hereby made contingent upon the execution of an annexation agreement by and between the City of Manchester, Iowa and the Undersigned in substantially the form attached hereto as Exhibit C.

A map of the Property showing its location in relation to the City of Manchester is attached hereto as Exhibit B and by this reference incorporated herein.

Dated 3/19/, 2010.

James A. Boge

JAMES A. BOGE

EXHIBIT A

EXHIBIT A
LEGAL DESCRIPTION OF THE PROPERTY

Certain real property situated near the City of Manchester, County of Delaware, State of Iowa more particularly described as follows:

Sandi's Pond, LLC – Boge
Legal Description

That part of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of Section Thirty-two (32), Township Eighty-nine North (T89N), Range Five (5), West of the 5th Principal Meridian described as commencing at the Southeast corner of said Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) and running thence West four hundred thirty-nine and five-tenths (439.5) feet to the East right-of-way line of the county road, thence North two hundred twenty-one and five-tenths (221.5) feet to a point sixty (60.0) feet radially distant southeasterly from the centerline of Primary Road No. 13, as relocated in 1930, thence Northeasterly along a one thousand two hundred six (1206) feet radius curve, concave Northwesterly, a distance of approximately eight hundred forty (840.0) feet to a point on the East line of said Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼), said point being sixty (60.0) feet radially distant Southeasterly from the centerline of Primary Road No. 13, thence South 0°03' East eight hundred eighty-seven (887.0) feet to the point of beginning; EXCEPT that portion lying southerly of a line commencing at the Southeast corner of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of Section Thirty-two (32), Township Eight-nine North (T89N), Range Five West (R5W) of the 5th Principal Meridian, thence Northerly along the East line of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of said Section Thirty-two (32) eighty (80) feet to the point of beginning, thence West along a line parallel to the South line of said Section Thirty-two (32) sixty and twenty-six hundredths (60.26) feet to a tangent point, thence Northwesterly along a circular curve concave Northeasterly with a radius of three hundred three and seventy-seven hundredths (303.77) feet for an arc length of two hundred sixty-five and nine hundredths (265.09) feet, thence North 32°03'30" West seventy-two and twenty-six hundredths (72.26) feet to a point sixty (60) feet radially distant Southeasterly from the centerline of former Primary Road No. 13, as relocated in 1930.

EXHIBIT A

EXHIBIT B
MAP OF PROPERTY

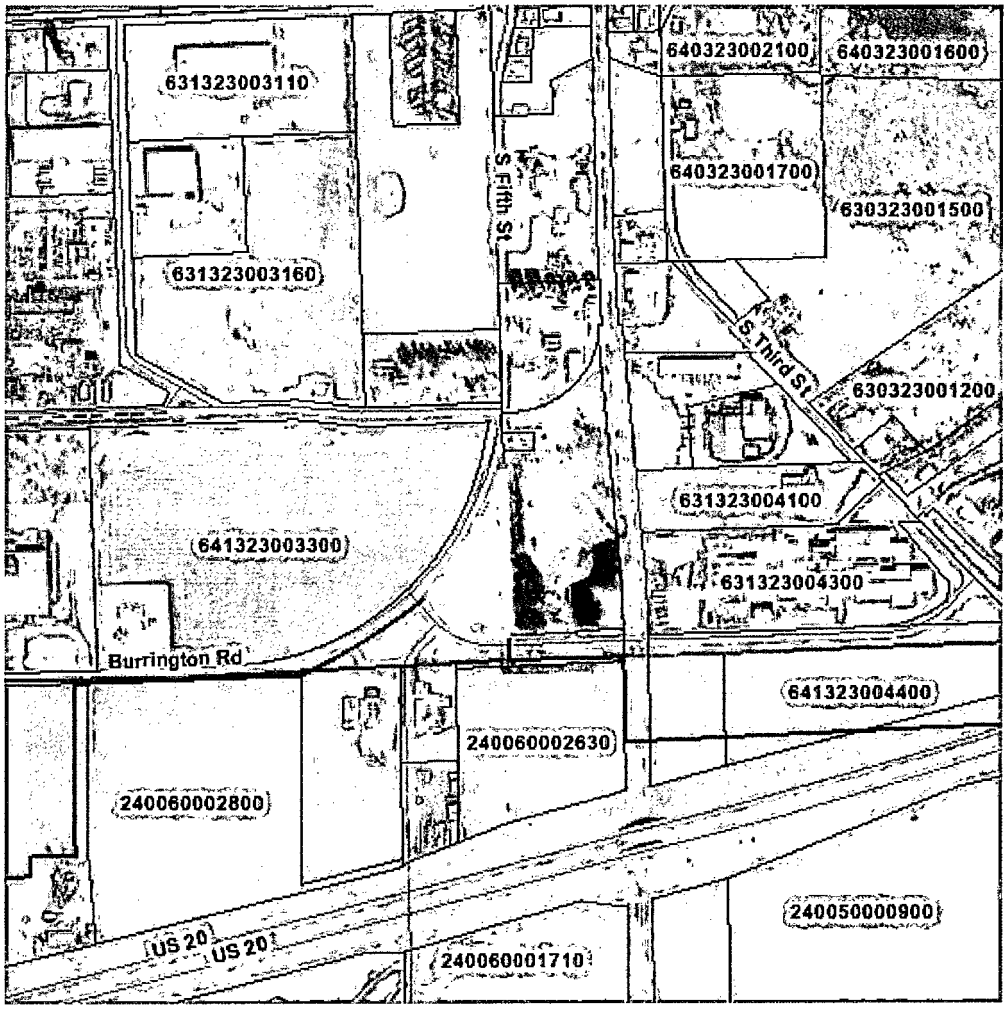


EXHIBIT A

EXHIBIT C

FORM OF ANNEXATION AGREEMENT

ANNEXATION AGREEMENT

This Annexation Agreement, including the Exhibit (the "Agreement"), is entered into by and between the City of Manchester, Iowa (the "City") and James A. Boge (the "Property Owner") as of the ___ day of _____, 2010.

Preamble

WHEREAS, the Property Owner owns certain real property as described on Exhibit A hereto (the "Property") situated outside the City limits and proposed for inclusion in the City and in the Urban Renewal Area; and

WHEREAS, the Property Owner intends that the Property be annexed to the City provided that the City provide certain property tax and utility rate support to the Property; and

WHEREAS, this Agreement has been prepared to set forth the mutual understanding of the parties with respect to the annexation of the Property;

NOW THEREFORE, the parties hereto agree as follows:

A. **Property Owner's Covenants**

Annexation of Property. Property Owner agrees to take all steps necessary to petition the City for voluntary annexation of the Property to the City of Manchester as provided in Chapter 368 of the 2010 Code of Iowa and subsequently to cooperate with the City with the completion of the annexation of the Property.

B. **City's Obligations**

1. **City Property Tax Phase-In.** Pursuant to Section 368.7(5) of the Code of Iowa, the City agrees to facilitate the phase-in of the City tax levy by exempting from City taxation the following percentages of the assessed valuation of the Property:

Year 1 – 75% of the assessed valuation of the Property.
Year 2 – 60%% of the assessed valuation of the Property.
Year 3 – 55% of the assessed valuation of the Property.
Year 4 – 50% of the assessed valuation of the Property.
Year 5 – 45% of the assessed valuation of the Property.

For purposes of this Section it is mutually agreed by the City and the Property Owner that Year 1 shall cover the property taxes due in the fiscal year of the City beginning July 1, 201__.

EXHIBIT A

2. **Sanitary Sewer Utility Support.** The City agrees to not impose a connection fee upon the Property with respect to the initial connection of the Property to the Municipal Sanitary Sewer System. Furthermore, the City agrees to install the necessary sanitary sewer connection stub for the Property and to pay the costs of such installation.

3. **Water Utility Support.** The City agrees to charge a connection fee for connection of the Property to the Municipal Water Utility System at only half of the ordinary rate. (The ordinary rate being $40 per linear frontage foot of the property connecting.)

C. **Administrative Provisions**

1. **Assignment.** This Agreement may not be amended or assigned by either party without the express permission of the other party.

2. **Successors and Assigns.** This Agreement shall inure to the benefit of and be binding upon the successors and assigns of the parties.

3. **Choice of Law.** This Agreement shall be deemed to be a contract made under the laws of the State of Iowa and for all purposes shall be governed by and construed in accordance with laws of the State of Iowa.

4. **Preamble.** All terms and definitions set forth in the Preamble of this Agreement shall apply and be binding as if set forth thereafter.

The City and the Property Owner have caused this Agreement to be signed, and the City's seal to be affixed, in their names and on their behalf by their duly authorized officers, all as of the day and date written above.

CITY OF MANCHESTER, IOWA

By:_____
Milt L. Kramer, Mayor

Attest:

_____
Erin Rempe, City Clerk

_____
JAMES A. BOGE

EXHIBIT A

APPLICATION FOR VOLUNTARY ANNEXATION OF LAND

TO THE CITY COUNCIL OF THE CITY OF MANCHESTER:

The Delaware County Board of Supervisors of Delaware County, State of Iowa, hereby makes application to the City for annexation of the following described property:

SEE ATTACHED EXHIBIT A

As part of the voluntary annexation, we request that the property be zoned _____

N/A

This application is made pursuant to Section 368.7 of the Code of Iowa.

This property adjoins the City of Manchester and is shown on the attached map.

Dated: 4-12-10

Jeff Madlom,, Chairperson
Delaware County Board of Supervisors
Attest:

Carla K. Becker
Delaware County Auditor

State of Iowa)
)
County of Delaware) Ss:

On this 12 day of April A.D. 2010, before me a Notary Public in and for said County, personally appeared Jeff Madlom and Carla K. Becker to me known to be Chairperson of the Board of Supervisors and the County Auditor, respectively, and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Anne Rave, Notary Public in and for said County

ANNE RAVE
Commission Number 757587
MY COMMISSION EXPIRES
MARCH 25, 2012

EXHIBIT A

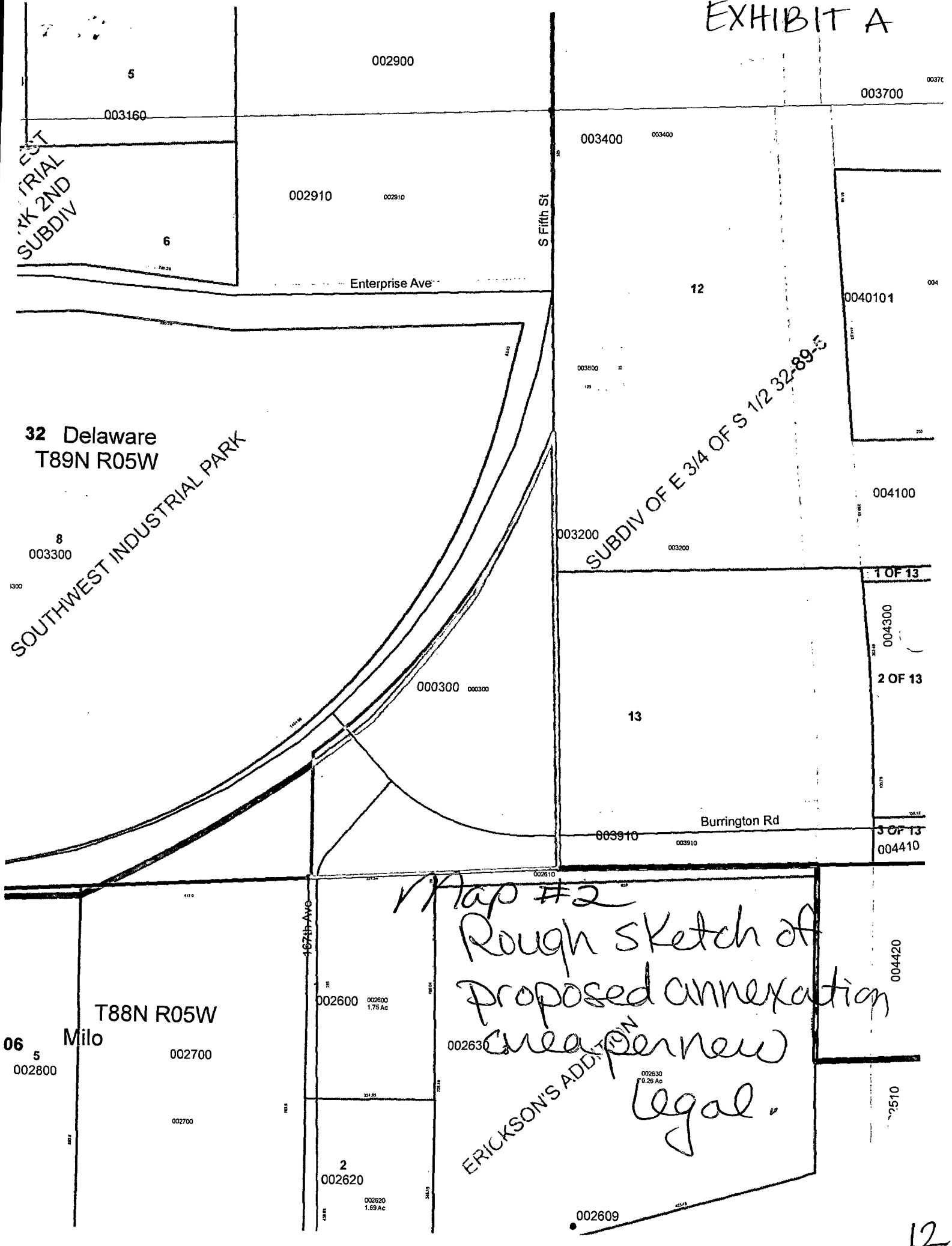
That portion of the following described property lying southerly of a line commencing at the Southeast corner of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of Section Thirty-two (32), Township Eight-nine North (T89N), Range Five West (R5W) of the 5th Principal Meridian, thence Northerly along the East line of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of said Section Thirty-two (32) eighty (80) feet to the point of beginning, thence West along a line parallel to the South line of said Section Thirty-two (32) sixty and twenty-six hundredths (60.26) feet to a tangent point, thence Northwesterly along a circular curve concave Northeasterly with a radius of three hundred three and seventy-seven hundredths (303.77) feet for an arc length of two hundred sixty-five and nine hundredths (265.09) feet, thence North 32°03'30" West seventy-two and twenty-six hundredths (72.26) feet to a point sixty (60) feet radially distant Southeasterly from the centerline of former Primary Road No. 13, as relocated in 1930:

That part of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of Section Thirty-two (32), Township Eighty-nine North (T89N), Range Five (5), West of the 5th Principal Meridian described as commencing at the Southeast corner of said Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) and running thence West four hundred thirty-nine and five-tenths (439.5) feet to the East right-of-way line of the county road, thence North two hundred twenty-one and five-tenths (221.5) feet to a point sixty (60.0) feet radially distant Southeasterly from the centerline of Primary Road No. 13, as relocated in 1930, thence Northeasterly along a one thousand two hundred six (1206) feet radius curve, concave Northwesterly, a distance of approximately eight hundred forty (840.0) feet to a point on the East line of said Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼), said point being sixty (60.0) feet radially distant Southeasterly from the centerline of Primary Road No. 13, thence South 0°03' East eight hundred eighty-seven (887.0) feet to the point of beginning.

EXHIBIT A

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EXHIBIT A


002900
003700
003160
003400
002910
S Fifth St
Enterprise Ave
12
0040101
004100
003800
32 Delaware
T89N R05W
SOUTHWEST INDUSTRIAL PARK
SUBDIV OF E 3/4 OF S 1/2 32-89-5
8
003300
003200
1 OF 13
004300
2 OF 13
000300
13
Burrington Rd
003910
3 OF 13
004410
002610
Map #2
Rough sketch of
proposed annexation
area per new
legal.
167th Ave
002600
1.75 Ac
004420
T88N R05W
06 Milo
5
002800
002700
002630
9.26 Ac
ERICKSON'S ADDITION
2
002620
1.69 Ac
002609