



Document 2019 2991

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LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

Documents to be recorded to complete annexation of territory to the City of West Des Moines.

City Development Case Number UA19-13.

**Preparer: Matt Rasmussen
City Development Board Administrator
200 East Grand Avenue
Des Moines, IA 50309
Phone: 515-348-6196**

**EV Return Recorded Copies to: Iowa Economic Development Authority
City Development Board
Attention: Matt Rasmussen
200 East Grand Avenue
Des Moines, Iowa 50309**

The City of West Des Moines and the City Development Board (Grantor) are granting the right of annexation into the City of West Des Moines to Raccoon River Land Company, LLC (Grantees).

Legal description of affected territory may be found on page 7 of the Findings of Fact and Conclusion of Law and Determination with Appendix A as the title.

CITY DEVELOPMENT BOARD
STATE OF IOWA

IN THE MATTER OF THE CITY OF)	
WEST DES MOINES VOLUNTARY	)	NO. UA19-13 / WEST DES MOINES
ANNEXATION WITHIN THE URBANIZED AREA	)	FILING OF WRITTEN DECISION
OF THE CITY OF CUMMING)	

TO: Cities of West Des Moines and Cumming, Madison County Board of Supervisors, Madison County Attorney, Des Moines Area Metropolitan Planning Organization, Iowa Attorney General, Affected Public Utilities and Parties of Record

You and each of you are hereby notified that the City Development Board has approved the annexation of territory to the City of West Des Moines under City Development Board Case File No. UA19-13.

Please find enclosed the Findings of Fact, Conclusions of Law, Determination, and Final Order by the City Development Board approving the annexation. An appeal of the Board's decision may be filed within 30-days of the date of the enclosed Order.

If no appeal is filed within 30-days of the date of this Order, the City Development Board will file with the Iowa Secretary of State and record with the Polk County Recorder to complete this annexation.

CITY DEVELOPMENT BOARD



Matt Rasmussen, City Development Board Administrator
Phone: 515-725-3126

PROOF OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing instrument was served upon:

Mr. Andy Loonan
Iowa Dist. Trans. Planner
1020 S. Fourth Street
Ames, IA 50010

Mr. Matthew Schultz
Madison Co. Attorney
P.O. Box 152, 112 N. John Wayne Drive,
Courthouse
Winterset, IA 50273

Mr. Aaron Price
Madison Co. Bd. of Supervisors
112 N. John Wayne Drive, Courthouse - First
Floor
Winterset, IA 50273

Mr. Todd Ashby
Des Moines Area MPO
420 Watson Powell Jr. Way, Ste. 200
Des Moines, IA 50309

Mr. Tom Becker
City of Cumming
649 N. 44th Street,
P.O. Box 100
Cumming, IA 50061-0100

Mr. Richard Scieszinski
West Des Moines City Attorney
P.O. Box 65320
West Des Moines, IA 50265-0320

Mr. Ryan Jacobson
West Des Moines City Clerk
P.O. Box 65320
West Des Moines, IA 50265-0320

Mr. Clyde Evans
West Des Moines Community & Econ. Devl.
Director
4200 Mills Civic Pkwy., P.O. Box 65320
West Des Moines, IA 50265-0320

Mr. John Gallagher
Lee Township Board of Trustee
3090 120th Street
Cumming, IA 50061

Mr. Trevor Steele
Lee Township Board of Trustee
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West Des Moines, IA 50266

Mr. Terry Lee Lyon
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1454 Union Lane
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Ms. Christina Murphy
West Des Moines Water Works
1505 Railroad Avenue
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Mr. Stan Ripperger
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1204 E. 2nd Street
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Mr. Ted Corrigan
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Mr. Eric Heikes
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Mr. Mike Probst
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Mr. Leonard Wolfe
1926 66th Street
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General Manufacturing Corp.
P.O. Box 1333, 8040 University Ave.
Des Moines, IA 50305

Ms. Elizabeth Nelson
Christopher E. Nelson Living Trust
34151 Maffitt Lake Road
Cumming, IA 50061

Raccoon River Land Company, LLC
5000 Westown Parkway, Suite 400
West Des Moines, IA 50266

Said copy was mailed in an envelope addressed to them at the address shown above, with postage fully paid and by depositing same in a United States Post Office depository in Des Moines, Iowa, on the 15th day of August, 2019.

Local Delivery
Honorable Tom Miller, Iowa Attorney General


Betty Hessing Administrative Assistant

BEFORE THE CITY DEVELOPMENT BOARD
STATE OF IOWA

IN THE MATTER OF THE VOLUNTARY	)	NO. UA19-13 / WEST DES MOINES
ANNEXATION OF THE CITY OF	)	FINDINGS OF FACT AND
WEST DES MOINES WITHIN THE URBANIZED	)	CONCLUSIONS OF LAW AND
AREA OF THE CITY OF CUMMING	)	DETERMINATION

TO: Cities of West Des Moines and Cumming, Madison County Board of Supervisors, Madison County Attorney, Des Moines Area Metropolitan Planning Organization, Iowa Attorney General, Iowa Department of Transportation, affected public utilities and Parties of Interest

STATEMENT OF THE CASE

The City of West Des Moines (hereinafter the "City") filed its request for City Development Board approval of annexation of territory within the urbanized area of Cumming on July 17, 2019. Notice of City Development Board review of the request and owner's application was given on July 18, 2019, and the Board considered the matter at its August 14, 2019, meeting. The City Development Board, having considered the City's request for approval, the property owner's application and all evidence submitted by the affected parties, hereby makes the following findings of fact, conclusions of law and determination:

FINDINGS OF FACT

1. On December 11, 2018, by written application, which included a map, Gerard Neugent, Manager on behalf of Raccoon River Land Company, LLC requested the City of West Des Moines to annex the following described property owned by them and located in Madison County, Iowa:

The proposed annexation territory is described in Appendix A attached hereto and by this reference made a part of.

2. On June 26, 2019, the City of West Des Moines published in an official county newspaper notice of the City Council's meeting on July 15, 2019, to consider the application for voluntary annexation.

3. On June 21, 2019, the City of West Des Moines provided a copy of the application for voluntary annexation to the City of Cumming, Madison County Board of Supervisors, Des Moines Area Metropolitan Planning Organization, Iowa Department of Transportation and affected public utilities.
4. By resolution dated July 15, 2019, which contained a legal description, the City Council of West Des Moines voted to annex the subject property.
5. The area to be annexed is within two miles of the City of Cumming and is therefore within its urbanized area.
6. The area to be annexed has a common boundary with the City of West Des Moines of more than 50 feet.
7. The area to be annexed does not contain railroad right-of-way.
8. On July 17, 2019, the City requested the City Development Board to approve the annexation of the territory described in finding number one. Said request included a copy of the owner's application, map and City Council resolution.
9. On July 19, 2019, the City Development Board notified, by mail, the Cities of West Des Moines and Cumming, Madison County Board of Supervisors, Madison County Attorney, Des Moines Area Metropolitan Planning Organization, Iowa State Attorney General, Iowa Department of Transportation, affected public utilities and parties of interest, of the proposed annexation and request for approval. Said notice invited oral and written evidence relative to the proposed annexation.
10. The City Development Board received no response from any governmental unit, business or individual.
11. The Board considered the City's request at its August 14, 2019, meeting and found it to be complete and properly filed.
12. Based on the information favoring the annexation found in the City's request and other materials filed by the City of West Des Moines and the absence of evidence of any potential adverse consequences, the Board finds the annexation to be in the public interest.

CONCLUSIONS OF LAW

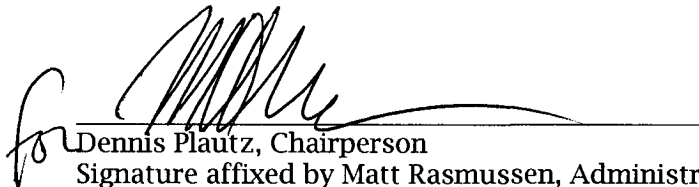
1. The territory to be annexed "adjoins" the City of West Des Moines as the term is defined in Iowa Code Section 368.1(1) and is within the "urbanized area" of the City of Cumming as the term is defined in Iowa Code Section 368.1(16).
2. The City published notice of the filing of the application and provided copies of the proposed annexation to parties in accordance with the requirements of Iowa Code Section 368.7.
3. The City Development Board possesses jurisdiction to approve or decline the application for annexation in accord with Iowa Code Section 368.7(3). If the application is approved by the

Board, the Board is required to file portions of the proceedings in accord with Iowa Code Section 368.7.

4. The resolution by the City Council of West Des Moines conforms to Iowa Code Section 368.7.
5. The City of West Des Moines's request for Board approval and the annexation is in substantial compliance with Iowa Administrative Code r. 263—7.2.
6. In accord with the standards set forth in Iowa Code Chapter 368, including the presumption of validity for voluntary annexation approval set forth in Iowa Code Section 368.6, the annexation proposal is in the public's interest.

Dated this 15th day of August, 2019.

CITY DEVELOPMENT BOARD


for Dennis Plautz, Chairperson
Signature affixed by Matt Rasmussen, Administrator for
City Development Board as authorized under Iowa
Administration Code 263 - 9.11(2)

PROOF OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing instrument was served upon:

Mr. Andy Loonan
Iowa Dist. Trans. Planner
1020 S. Fourth Street
Ames, IA 50010

Mr. Matthew Schultz
Madison Co. Attorney
P.O. Box 152, 112 N. John Wayne Drive,
Courthouse
Winterset, IA 50273

Mr. Aaron Price
Madison Co. Bd. of Supervisors
112 N. John Wayne Drive, Courthouse - First
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Mr. Todd Ashby
Des Moines Area MPO
420 Watson Powell Jr. Way, Ste. 200
Des Moines, IA 50309

Mr. Tom Becker
City of Cumming
649 N. 44th Street,
P.O. Box 100
Cumming, IA 50061-0100

Mr. Richard Scieszinski
West Des Moines City Attorney
P.O. Box 65320
West Des Moines, IA 50265-0320

Mr. Ryan Jacobson
West Des Moines City Clerk
P.O. Box 65320
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Mr. Clyde Evans
West Des Moines Community & Econ. Devl.
Director
4200 Mills Civic Pkwy., P.O. Box 65320
West Des Moines, IA 50265-0320

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Mr. Mike Probst
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2205 Ingersoll
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Mr. Leonard Wolfe
1926 66th Street
Des Moines, IA 50322


General Manufacturing Corp.
P.O. Box 1333, 8040 University Ave.
Des Moines, IA 50305

Ms. Elizabeth Nelson
Christopher E. Nelson Living Trust
34151 Maffitt Lake Road
Cumming, IA 50061

Raccoon River Land Company, LLC
5000 Westown Parkway, Suite 400
West Des Moines, IA 50266

Said copy was mailed in an envelope addressed to them at the address shown above, with postage fully paid and by depositing same in a United States Post Office depository in Des Moines, Iowa, on the 15th day of August, 2019.

Local Delivery
Honorable Tom Miller, Iowa Attorney General


Betty Hensing, Administrative Assistant

APPENDIX A
LEGAL DESCRIPTION OF TERRITORY PROPOSED TO BE
ANNEXED TO THE CITY OF WEST DES MOINES, IOWA
CDB CASE NO. UA19-13





THE NW1/4 NE1/4 AND THE SW1/4 NE1/4 OF SECTION 03, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE 5TH P.M., MADISON COUNTY, IOWA THAT IS ALSO DESCRIBED AS FOLLOWS:

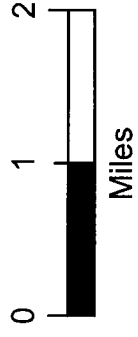
BEGINNING AT THE N1/4 CORNER OF SAID SECTION 03; THENCE N83°39'47"E, 1305.43 FEET ALONG THE NORTH LINE OF SAID NW1/4 NE1/4 TO THE NE CORNER OF SAID NW1/4 NE1/4; THENCE S00°00'22"E, 2580.46 FEET ALONG THE EAST LINE OF SAID NW1/4 NE1/4 AND SW1/4 NE1/4 TO THE SE CORNER OF SAID SW1/4 NE1/4; THENCE S83°47'27"W, 1314.56 FEET ALONG THE SOUTH LINE OF SAID SW1/4 NE1/4 TO THE SW CORNER OF SAID SW1/4 NE1/4; THENCE N00°12'10"W, 2578.56 FEET ALONG THE WEST LINE OF SAID SW1/4 NE1/4 AND NW1/4 NE1/4 TO THE POINT OF BEGINNING.

The territory extends to the center line of all
Secondary roads adjacent to the above described properties.

Raccoon River-Knapp Annexation





Legend

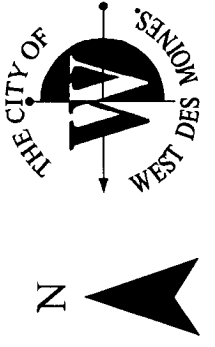
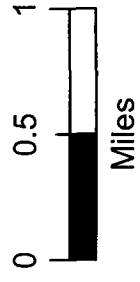
-  Proposed Annexation Territory
-  West Des Moines Corporate Boundary
-  Cumming Corporate Boundary
-  County Boundary



Raccoon River-Knapp Annexation

Legend

-  Proposed Annexation Territory
-  West Des Moines Corporate Boundary
-  Cumming Corporate Boundary
-  County Boundary



CITY DEVELOPMENT BOARD
STATE OF IOWA

IN THE MATTER OF THE CITY OF)	
WEST DES MOINES VOLUNTARY	)	NO. UA19-13 / WEST DES MOINES
ANNEXATION WITHIN THE URBANIZED AREA)	
OF THE CITY OF CUMMING	)	NOTICE OF MEETING TO CONSIDER
	)	VOLUNTARY ANNEXATION WITHIN AN
	)	URBANIZED AREA
)	

TO: City of West Des Moines and Cumming, Madison County Board of Supervisors, Madison County Attorney, Des Moines Area Metropolitan Planning Organization, Iowa State Attorney General, Iowa Department of Transportation, affected public utilities and persons of interest

You and each of you are hereby notified that the City Development Board will, pursuant to Iowa Code Section 368.7, consider the above captioned matter at its regular meeting at 1:00 p.m. on August 14, 2019, at the Iowa Economic Development Authority, 200 East Grand Avenue, 2nd Floor Main Conference Room, Des Moines, Iowa. A copy of a map and legal description of the annexation territory is enclosed.

At said meeting, the City Development Board in its deliberations on approval or disapproval of said annexation, may take note of public documents or other evidence and shall give any interested party opportunity to present evidence or comment orally or in writing all in accord with Section 263-7.7, I.A.C. The City Development Board invites oral or written comments relative to the petition on or before the meeting date as noted above.

To participate in this meeting via teleconference, dial 515-348-6300; when prompted, enter access code 2278555 followed by #. You should then be connected to the meeting.

Should you have questions regarding this notice, please contact the City Development Board at 515/348-6196.

CITY DEVELOPMENT BOARD



Matt Rasmussen, Administrator
City Development Board

PROOF OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing instrument was served upon:

Mr. Andy Loonan
Iowa Dist. Trans. Planner
1020 S. Fourth Street
Ames, IA 50010

Mr. Matthew Schultz
Madison Co. Attorney
P.O. Box 152, 112 N. John Wayne Drive,
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Mr. Clyde Evans
West Des Moines Community & Econ. Devl.
Director
4200 Mills Civic Pkwy., P.O. Box 65320
West Des Moines, IA 50265-0320

Mr. John Gallagher
Lee Township Board of Trustee
3090 120th Street
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Raccoon River Land Company, LLC
5000 Westown Parkway, Suite 400
West Des Moines, IA 50266

Said copy was mailed in an envelope addressed to them at the address shown above, with postage fully paid and by depositing same in a United States Post Office depository in Des Moines, Iowa, on the 18th day of July, 2019.

Local Delivery
Honorable Tom Miller, Iowa Attorney General


Betty Hessing, Administrative Assistant

Prepared by: C Evans, Community & Economic Dev, PO Box 65320 West Des Moines IA 50265-0320 (515) 273-0770
When Recorded, Return to: City Clerk, City of West Des Moines, P.O. Box 65320, West Des Moines, IA 50265-0320

RESOLUTION APPROVING THE VOLUNTARY ANNEXATION OF PROPERTY

WHEREAS, the City of West Des Moines, State of Iowa, is a duly organized municipal corporation; and

WHEREAS, the City of West Des Moines, Iowa, has received an Application for Voluntary Annexation from the property owners of certain real estate under the ownership of said petitioners, located in Madison County, Iowa, and shown on the map identified as Exhibit "B" attached hereto and made a part hereof and legally described as follows:

19-07-15-09

LEGAL DESCRIPTION

See Exhibit "A" attached hereto and made a part hereof.

WHEREAS, such property collectively adjoins the City as required by Chapter 368, Code of Iowa, 2013;

WHEREAS, all required notification has been carried out pursuant to Chapter 368, Code of Iowa, 2013; and


WHEREAS, it is in the best interests of the City and public that said property be annexed to the City of West Des Moines, at this time; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The Application for Voluntary Annexation is hereby approved and said property shown and described in Exhibit "A" and Exhibit "B" shall be annexed to the City of West Des Moines, Iowa, in accordance with Chapter 368, Code of Iowa, 2013, and such property shall hereinafter become and be part of the City of West Des Moines, Iowa.

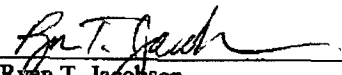
SECTION 2. The Mayor and City Clerk are hereby authorized and directed to prepare and execute all documents necessary for this annexation and are directed to file the same with the City Development Board as required by the Code of Iowa.

PASSED AND ADOPTED on July 15, 2019.



Steven K. Gaer
Mayor


ATTEST:



Ryan T. Jacobson
City Clerk

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of West Des Moines, Iowa, at a regular meeting held on July 15, 2019, by the following vote:

ATTEST:



Ryan T. Jacobson
City Clerk

COUNCIL ACTION	YEAS	NAYS	ABST.	ABSENT
TREVILLYAN	✓			
NICKELSON	✓			
TRIMBLE	✓			
HARDMAN	✓			
SANDAGER	✓			
MOTION BY	Trimble			
SECOND BY:	Trevillyan			
ROLL CALL #	19-372			

Legal Description

THE NW1/4 NE1/4 AND THE SW1/4 NE1/4 OF SECTION 03, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE 5TH P.M., MADISON COUNTY, IOWA THAT IS ALSO DESCRIBED AS FOLLOWS:

BEGINNING AT THE N1/4 CORNER OF SAID SECTION 03; THENCE N83°39'47"E, 1305.43 FEET ALONG THE NORTH LINE OF SAID NW1/4 NE1/4 TO THE NE CORNER OF SAID NW1/4 NE1/4; THENCE S00°00'22"E, 2580.46 FEET ALONG THE EAST LINE OF SAID NW1/4 NE1/4 AND SW1/4 NE1/4 TO THE SE CORNER OF SAID SW1/4 NE1/4; THENCE S83°47'27"W, 1314.56 FEET ALONG THE SOUTH LINE OF SAID SW1/4 NE1/4 TO THE SW CORNER OF SAID SW1/4 NE1/4; THENCE N00°12'10"W, 2578.56 FEET ALONG THE WEST LINE OF SAID SW1/4 NE1/4 AND NW1/4 NE1/4 TO THE POINT OF BEGINNING.

Raccoon River-Knapp Annexation





Legend

- Proposed Annexation Territory
- West Des Moines Corporate Boundary
- County Boundary
- Parcels



Raccoon River-Knapp Annexation

Legend

-  Proposed Annexation Territory
-  West Des Moines Corporate Boundary
-  County Boundary
-  Parcels

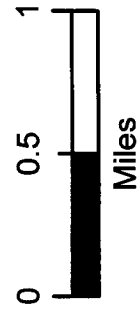
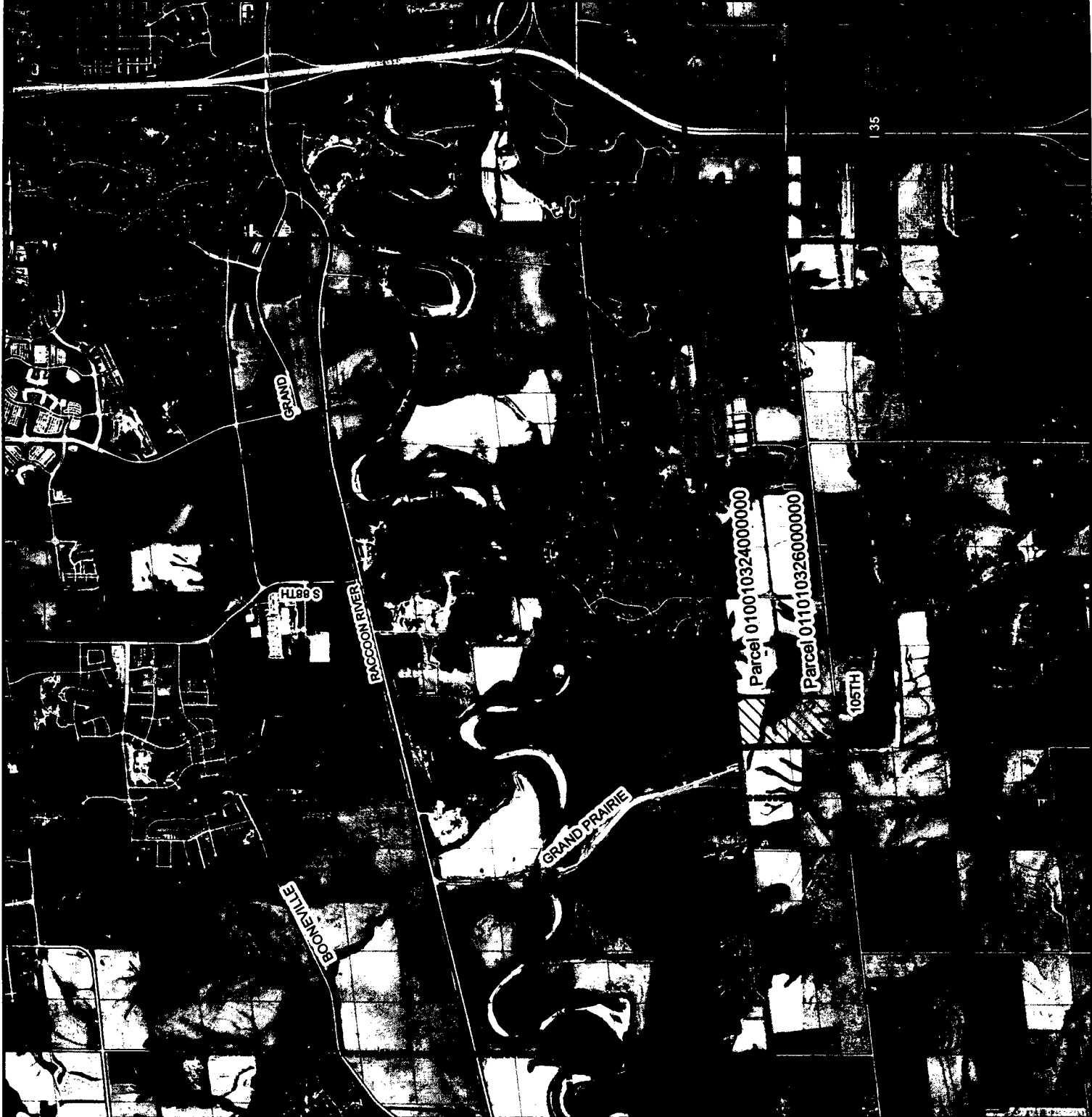


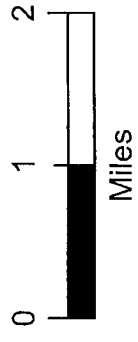
EXHIBIT C

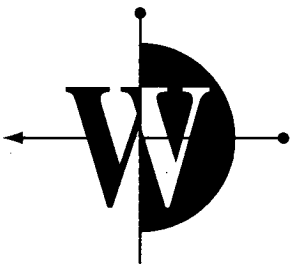


Raccoon River-Knapp Annexation

Legend

- Proposed Annexation Territory
- West Des Moines Corporate Boundary
- Cumming Corporate Boundary
- County Boundary





THE CITY OF
West Des Moines[®]
 www.wdm.iowa.gov

Community and Economic
 Development

4200 Mills Civic Parkway
 P.O. Box 65320
 West Des Moines, IA 50265-0320

515-273-0770

FAX 515-222-3640

E-mail ced@wdm.iowa.gov

June 21, 2019

VIA CERTIFIED MAIL

COPY

RE: West Des Moines Annexation: Madison County, Iowa
City Councils and Board of Supervisors

Public notice is hereby given that the City Council of the City of West Des Moines will hold a public hearing at 5:30 p.m., July 15, 2019, in the Council Chambers of the West Des Moines City Hall, located at 4200 Mills Civic Parkway, West Des Moines, Iowa, to consider an application for voluntary annexation of contiguous parcels into the City of West Des Moines.

The City of West Des Moines has received an application for Voluntary Annexation into the City for a portion of Section 3 in Lee Township, Madison County. In general, the proposed annexation in Madison County encompasses 77.10 acres of land along the east right-of-way of Grand Prairie Parkway and generally north of SW Adams Street.

Persons may express their opinion on the proposed annexation at the time and place of the public hearing. Opinions in writing must be submitted on or before the time of the public hearing to Clyde Evans, Community & Economic Development, City of West Des Moines, 4200 Mills Civic Parkway, PO Box 65320, West Des Moines, Iowa 50265-0320. Upon conclusion of the public hearing, the City Council will take action on the proposal.

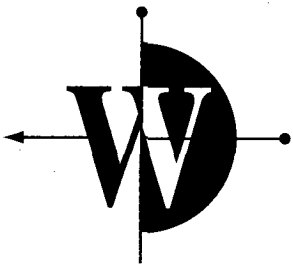
It is the responsibility of the individual with a disability requiring accommodations to inform the City Clerk's Office, at least 48 hours in advance, that certain accommodations are requested in order to allow full participation in the City Council meeting. Please call 515-222-3603 to have accommodations provided.

Additional information regarding the proposed annexation may be obtained by e-mailing clyde.evans@wdm.iowa.gov or by telephone at (515) 273-0770.

Sincerely,

Clyde Evans, Director
 Community & Economic Development

Enclosures



THE CITY OF
West Des Moines®
www.wdm.iowa.gov

Community and Economic
Development

4200 Mills Civic Parkway
P.O. Box 65320
West Des Moines, IA 50265-0320

515-273-0770

FAX 515-222-3640

E-mail ced@wdm.iowa.gov

June 21, 2019

VIA CERTIFIED MAIL

COPY

RE: West Des Moines Annexation: Madison County, Iowa
Utilities, Public Agencies, Other Interests

Public notice is hereby given that the City Council of the City of West Des Moines will hold a public hearing at 5:30 p.m., July 15, 2019, in the Council Chambers of the West Des Moines City Hall, located at 4200 Mills Civic Parkway, West Des Moines, Iowa, to consider an application for voluntary annexation of contiguous parcels into the City of West Des Moines.

The City of West Des Moines has received applications for Voluntary Annexation into the City for a portion of Section 3 in Lee Township, Madison County. In general, the proposed annexation in Madison County encompasses 77.10 acres of land along the east right-of-way of Grand Prairie Parkway and generally north of SW Adams Street.

Persons may express their opinion on the proposed annexation at the time and place of the public hearing. Opinions in writing must be submitted on or before the time of the public hearing to Clyde Evans, Community & Economic Development, City of West Des Moines, 4200 Mills Civic Parkway, PO Box 65320, West Des Moines, Iowa 50265-0320. Upon conclusion of the public hearing, the City Council will take action on the proposal.

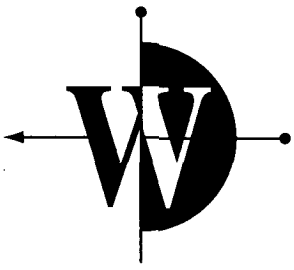
It is the responsibility of the individual with a disability requiring accommodations to inform the City Clerk's Office, at least 48 hours in advance, that certain accommodations are requested in order to allow full participation in the City Council meeting. Please call 515-222-3603 to have accommodations provided.

Additional information regarding the proposed annexation may be obtained by e-mailing clyde.evans@wdm.iowa.gov or by telephone at (515) 273-0770.

Sincerely,

Clyde Evans, Director
Community and Economic Development

Enclosures



THE CITY OF
West Des Moines®
www.wdm.iowa.gov

Community and Economic
Development

4200 Mills Civic Parkway
P.O. Box 65320
West Des Moines, IA 50265-0320

515-273-0770

FAX 515-222-3640

E-mail ced@wdm.iowa.gov

June 21, 2019

VIA REGULAR MAIL

COPY

RE: West Des Moines Annexation: Madison County, Iowa
Surrounding Property Owners Notification

Public notice is hereby given that the City Council of the City of West Des Moines will hold a public hearing at 5:30 p.m., July 15, 2019, in the Council Chambers of the West Des Moines City Hall, located at 4200 Mills Civic Parkway, West Des Moines, Iowa, to consider an application for voluntary annexation of contiguous parcels into the City of West Des Moines.

The City of West Des Moines has received an application for Voluntary Annexation into the City for a portion of Section 3 in Lee Township, Madison County. In general, the proposed annexation in Madison County encompasses 77.10 acres of land along the east right-of-way of Grand Prairie Parkway and generally north of SW Adams Street.

A requirement within the State Code dictates that we must notify adjacent land owners of a proposed annexation. Our maps indicate that you are owners of or have interest in land adjacent to the annexation area; therefore, you are receiving this notice. This annexation only includes the properties shown in the red outlined area on the enclosed map. The proposed annexation does not affect properties not included in the annexation area. This letter is only being sent to satisfy a requirement of the State.

Persons may express their opinion on the proposed annexation at the time and place of the public hearing. Opinions in writing must be submitted on or before the time of the public hearing to Clyde Evans, Community and Economic Development Department, PO Box 65320, West Des Moines, Iowa 50265-0320. Upon conclusion of the public hearing, the City Council will take action on the proposal.

It is the responsibility of the individual with a disability requiring accommodations to inform the City Clerk's Office, at least 48 hours in advance, that certain accommodations are requested in order to allow full participation in the City Council meeting. Please call (515) 222-3600 to have accommodations provided.

Additional information regarding the proposed annexation may be obtained through the City of West Des Moines Community and Economic Development Department at (515) 273-0770.

Respectfully,

Clyde Evans, Director
Community & Economic Development

Enclosures

Consultation Meeting

Auditor
County Board of Supervisors
Lee Township Board of Trustees
Trustee

City of Cumming

Public Hearing

Auditor
County Board of Supervisors
Lee Township Board of Trustees
Trustee

City of Cumming

Utilities

West Des Moines Water Works
Warren Water District
Des Moines Water Works
MidAmerican Energy
Century Link Internet Services
Mediacom
Des Moines Area MPO

Adjacent Land Owners

Land Owners

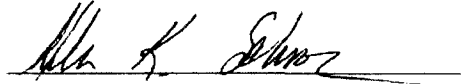
	Last	First	Title/Business	Address	City	State	Zip	Certified Mail
	Kaster Price	Shelly D. Aaron	Madison County Auditor Chair	112 N. John Wayne Dr. 112 N. John Wayne Dr.	Winterset Winterset	la la	50273 50273	
	Gallagher Steele Lyon Becker	John Trevor Terry Lee Tom	Trustee Trustee Trustee Mayor	3090 120th Street 2800 university Ave. Suite 208 1454 Union Lane PO Box 100	Cumming West Des Moines Van Meter Cumming	la la la la	50061 50266 50261 50061	
	Kaster Price	Shelly D. Aaron	Madison County Auditor Chair	112 N. John Wayne Dr. 112 N. John Wayne Dr.	Winterset Winterset	la la	50273 50273	7012 2210 0001 2399 8782
	Gallagher Steele Lyon Becker	John Trevor Terry Lee Tom	Trustee Trustee Trustee Mayor	3090 120th Street 2800 university Ave. Suite 208 1454 Union Lane PO Box 100	Cumming West Des Moines Van Meter Cumming	la la la la	50061 50266 50261 50061	7012 2210 0001 2399 8775 7012 2210 0001 2399 8768 7012 2210 0001 2399 8751 7012 2210 0001 2399 8799
	Murphy Ripperger Corrigan Helkes Monaghan Probst Ashby	Christina Stan Ted Eric Jim Mike Todd	General Manager Systems Manager Interim CEO & Gen. Manager Manager, Customer Ops. Support Executive Director	1505 Railroad Avenue 1204 E. 2nd Street 2201 George Flagg Parkway 10510 Douglas Avenue 2103 East University Avenue 2205 Ingersoll 420 Watson Powell Jr. Way, Suite 200	West Des Moines Indiannola Des Moines Urbandale Des Moines Des Moines Des Moines	la la la la la la la	50265 50125 50321 50322 50317 50312 50309	7016 0910 0001 8219 3000 7016 0910 0001 8219 2973 7016 0910 0001 8219 2980 7016 0910 0001 8219 3017 7016 0910 0001 8219 4977 7016 0910 0001 8219 2997 7016 0910 0001 8219 2966
	Wolfe General Manufacturing Corp. Christopher E. Nelson Living Trust	Leonard	Elizabeth A. Nelson, Trustee	1926 66th Street PO Box 1333, 8040 University Avenue 34151 Maffitt Lake Road	Des Moines Des Moines Cumming	la la la	50322 50305 50061	Regular Mial Regular Mial Regular Mial
	Raccoon River Land Company, LLC			5000 Westown Parkway, Suite 400	West Des Moines	la	50266	Regular Mial

AFFIDAVIT OF MAILING

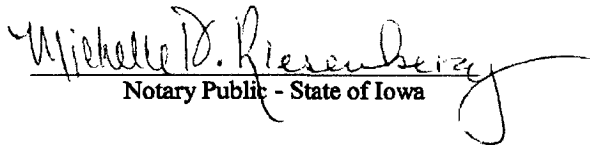
RE: ANNEXATION/PUBLIC HEARING NOTIFICATION: Osmium Voluntary Annexation

STATE OF IOWA)
) SS:
COUNTY OF POLK)

The undersigned, first being duly sworn, states that on the 21st day of June, 2019, he/she personally mailed to the named persons identified on the attached Exhibit 'IV', a packet of information regarding a proposed voluntary annexation for territory in Madison County into the City of West Des Moines. Such mailing was done by certified mail, each such document being mailed in a sealed envelope with proper postage thereon, addressed to the said persons at their last known addresses.



SUBSCRIBED AND SWORN to before me this 21st day of June, 2019.



Notary Public - State of Iowa



NOTICE OF ANNEXATION

The City of West Des Moines has received an application for Voluntary Annexation into the City for portions of Section 3 in Lee Township, Madison County. Public notice is hereby given that the City Council of the City of West Des Moines will hold a public hearing at 5:30 p.m., July 15, 2019, in the Council Chambers of the West Des Moines City Hall, located at 4200 Mills Civic Parkway, West Des Moines, Iowa, to consider this application for voluntary annexation of contiguous parcels into the City of West Des Moines. In general, the proposed annexation encompasses 77.10 acres of land along the east right-of-way of Grand Prairie Parkway and generally north of SW Adams Street.

The area is more specifically defined as follows:

THE NW1/4 NE1/4 AND THE SW1/4 NE1/4 OF SECTION 03, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE 5TH P.M., MADISON COUNTY, IOWA THAT IS ALSO DESCRIBED AS FOLLOWS:

BEGINNING AT THE N1/4 CORNER OF SAID SECTION 03; THENCE N83°39'47"E, 1305.43 FEET ALONG THE NORTH LINE OF SAID NW1/4 NE1/4 TO THE NE CORNER OF SAID NW1/4 NE1/4; THENCE S00°00'22"E, 2580.46 FEET ALONG THE EAST LINE OF SAID NW1/4 NE1/4 AND SW1/4 NE1/4 TO THE SE CORNER OF SAID SW1/4 NE1/4; THENCE S83°47'27"W, 1314.56 FEET ALONG THE SOUTH LINE OF SAID SW1/4 NE1/4 TO THE SW CORNER OF SAID SW1/4 NE1/4; THENCE N00°12'10"W, 2578.56 FEET ALONG THE WEST LINE OF SAID SW1/4 NE1/4 AND NW1/4 NE1/4 TO THE POINT OF BEGINNING.

Additional information regarding the proposed annexation, including a map of the proposed annexation area may be obtained from Clyde Evans, Director, at the City of West Des Moines Community & Economic Development Department at (515) 273-0770.

Persons may express their opinion on the proposed annexation at the time and place of the public hearing. Opinions in writing shall be submitted on or before the time of the public hearing to Clyde Evans, Community & Economic Development Department, City of West Des Moines, 4200 Mills Civic Parkway, PO Box 65320, West Des Moines, Iowa 50265-0320.

It is the responsibility of the individual with a disability requiring accommodations to inform the City Clerk's Office, at least 48 hours in advance, that certain accommodations are requested in order to allow full participation in the City Council meeting. Please call 515-222-3600 to have accommodations provided.

Ryan T. Jacobson
City Clerk

Published in The Madison on Wednesday, June 26, 2019

AFFIDAVIT OF PUBLICATIONS

STATE OF IOWA

SS

MADISON COUNTY

SUE SMITH being duly sworn says she is the Publisher of The WINTERSET MADISONIAN, a once weekly paper of General Circulation, published in Winterset, Iowa, and that the copy which is annexed and made part hereof was published in said paper.

Notice Of Annexation

The City of West Des Moines has received an application for Voluntary Annexation into the City for portions of Section 9 in Leo Township, Madison County. Public notice is hereby given that the City Council of the City of West Des Moines will hold a public hearing at 6:30 p.m., July 15, 2019, in the Council Chambers of the West Des Moines City Hall, located at 4200 Mills Civic Parkway, West Des Moines, Iowa, to consider this application for voluntary annexation of contiguous parcels into the City of West Des Moines. In general, the proposed annexation encompasses 77.10 acres of land along the east right-of-way of Grand Prairie Parkway and generally north of SW Adams Street. The area is more specifically defined as follows: THE NW1/4 NE1/4 AND THE SW1/4 NE1/4 OF SECTION 09, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE 5TH P.M., MADISON COUNTY, IOWA THAT IS ALSO DESCRIBED AS FOLLOWS:

BEGINNING AT THE N1/4 CORNER OF SAID SECTION 09; THENCE N83°29'47"E, 1306.43 FEET ALONG THE NORTH LINE OF SAID NW1/4 NE1/4 TO THE NE CORNER OF SAID NW1/4 NE1/4; THENCE S00°02'22"E, 2590.46 FEET ALONG THE EAST LINE OF SAID NW1/4 NE1/4 AND S111/4 NE1/4 TO THE SE CORNER OF SAID SW1/4 NE1/4; THENCE S83°47'27"W, 1514.56 FEET ALONG THE SOUTH LINE OF SAID SW1/4 NE1/4 TO THE SW CORNER OF SAID SW1/4 NE1/4; THENCE N00°12'10"W, 2578.56 FEET ALONG THE WEST LINE OF SAID SW1/4 NE1/4 AND NW1/4 NE1/4 TO THE POINT OF BEGINNING.

Additional information regarding the proposed annexation, including a map of the proposed annexation area may be obtained from Clyde Evans, Director, at the City of West Des Moines Community & Economic Development Department at (515) 279-0770. Persons may express their opinion on the proposed annexation at the time and place of the public hearing. Opinions in writing shall be submitted on or before the time of the public hearing to Clyde Evans, Community & Economic Development Department, City of West Des Moines, 4200 Mills Civic Parkway, PO Box 6380, West Des Moines, Iowa 50265-0320.

It is the responsibility of the individual with a disability requiring accommodations to inform the City Clerk's Office, at least 48 hours in advance, of certain accommodations are requested in order to allow full participation in the City Council meeting. Please call 515-222-3800 to have accommodations provided.

Published in The Madisonian on Wednesday, June 26, 2019
Ryan T. Jacobson, City Clerk
44

period of 1 consecutive weeks, the last
ation thereof being
26 day of June 20 19

Susan R Smith

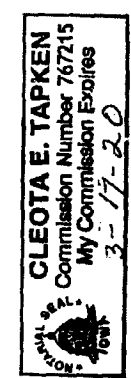
libed and sworn to before me this

27 day of June 20 19

Cleota Tapken

NOTARY PUBLIC
in and for Madison County

7.2.0



May 17, 2019

Ms. Shelley D. Kaster
Madison County Auditor
PO Box 152
Winterset, IA 50273

COPY

RE: Proposed West Des Moines Annexation

Dear Ms. Kaster:

According to Iowa Administrative Code, Section 263, Chapter 7.2(2)d, we are required to send to the County Auditor(s) the legal description outlining a proposed annexation territory and a list of all property owners that we know of within the proposed area for the purpose of verifying that there are no breaks within the legal boundary description and that the land owners listed by us are the current land owners. You are allowed fourteen (14) business days to complete this verification process and return notification to us of any problems.

Therefore, in light of this requirement, please find enclosed the following for the parcel of land within Madison County that the City of West Des Moines is proposing to annex;

- landowner's annexation application
- legal description of annexation area
- a general location map
- an exhibit showing the parcels to be annexed with parcel identification number and ownership information

Thank you in advance for verifying ownership information and the legal boundary. Please feel free to contact me with any questions at (515) 273-0770 or at clyde.evans@wdm.iowa.gov.

Respectfully,

Clyde Evans
Director, Community and Economic Development

Enclosures

Schoon, Kay

From: Shelley Kaster <skaster@madisoncoia.us>
Sent: Tuesday, June 18, 2019 1:20 PM
To: Schoon, Kay
Subject: [EXT] RE: Email request from Auditors website pages

I confirmed with the assessors office there were no issues with the legal. The letter made it seem I was only to reach out if there were issues. Hence, no response from me.

If this was not the case, I apologize if I missed a step in responding.

Shelley D Kaster

Madison County Auditor
Commissioner of Elections
112 N John Wayne Dr- PO Box 152
Winterset IA 50273
515-462-3914

From: Schoon, Kay <Kay.Schoon@wdm.iowa.gov>
Sent: Tuesday, June 18, 2019 1:15 PM
To: Shelley Kaster <skaster@madisoncoia.us>
Subject: Email request from Auditors website pages

Shelley:

I am following up on a letter that was sent to you regarding an annexation application from the City of West Des Moines.

We were requesting that you verify that there are no breaks within the legal boundary description and that the land owners listed by us are the current land owners. You were allowed fourteen (14) business days to complete this verification process and return notification to us of any problems. We have not had a response, so we wanted to make sure that the request had been received and was being addressed. I have attached the contents of the original mailing. Please let me know if you require anything further.

Thank you in advance for verifying ownership information and the legal boundary. Please feel free to contact me with any questions at (515) 273-0770 or at clyde.evans@wdm.iowa.gov.

Kay Schoon
City of West Des Moines
Community and Economic Development
4200 Mills Civic Parkway, Ste 1A
West Des Moines, IA 50265
515.273.0639
email: kay.schoon@wdm.iowa.gov | website: www.wdm.iowa.gov



Matt Schultz
Secretary of State
State of Iowa

28E Agreement

FOR OFFICE USE ONLY

EXHIBIT G

FILED

M506792

11/11/2013 3:01:38 PM

PLEASE READ INSTRUCTIONS ON BACK BEFORE COMPLETING THIS FORM

Item 1. The full legal name, organization type and county of each participant to this agreement are:

	Full Legal Name	Organization Type	*County
Party 1	West Des Moines	City	Polk
Party 2	Cumming	City	Warren
Party 3			
Party 4			
Party 5			

*Enter "Other" if
not in Iowa

Item 2. The type of Public Service included in this agreement is: 560 Planning
(Enter only one Service Code and Description) Code Number Service Description

Item 3. The purpose of this agreement is: *(please be specific)*
 Annexation Moratorium and Subdivision Review Agreement

Item 4. The duration of this agreement is: *(check one)* Agreement Expires 10/22/2023 Indefinite Duration
[mm/dd/yyyy]

Item 5. Does this agreement amend or renew an existing agreement? *(check one)*

NO

YES Filing # of the agreement: _____

(Use the filing number of the most recent version filed for this agreement)

The filing number of the agreement may be found by searching the 28E database at: www.sos.state.ia.us/28E.

Item 6. Attach two copies of the agreement to this form if not filing online.

Item 7. The primary contact for further information regarding this agreement is: *(optional)*

LAST Name Jacobson FIRST Name Ryan

Title Deputy City Clerk Department Deputy City Clerk

Email ryan.jacobson@wdm.iowa.gov Phone 515-222-3603

**Annexation Moratorium and Subdivision Review Agreement pursuant
to Iowa Code Sections 368 and 28E between the City of Cumming,
Iowa and the City of West Des Moines, Iowa**

This Annexation Moratorium and Subdivision Review Agreement (hereinafter "Agreement") is made and entered into as of the 14th day of October, 2013, by and between the **City of Cumming**, an Iowa municipal corporation (hereinafter "Cumming") and the **City of West Des Moines**, an Iowa municipal corporation (hereinafter "West Des Moines").

WHEREAS, pursuant to Iowa Code Chapter 368, the cities of Cumming and West Des Moines have negotiated the terms of this Annexation Moratorium Agreement for the purpose of establishing boundaries wherein each city will agree that it will not annex land beyond the established boundaries for the ten year term of the Agreement; and,

WHEREAS, in addition to the terms and conditions of the Annexation Moratorium Agreement, and under the authority of Iowa Code Chapter 28E, the cities of Cumming and West Des Moines desire to establish a boundary between the areas over which each city will exercise its extraterritorial jurisdiction pursuant to Iowa Code §354.9 to review subdivision plats and plats of survey so that each city will review only those subdivision plats and plats of survey of land located within each city's planned future growth areas or areas potentially affecting the adjacent city; and,

WHEREAS, the cities of Cumming and West Des Moines have approved this Agreement after notice and public hearing as provided by Iowa Code Section 368.4.

NOW, THEREFORE, the parties to this Agreement hereby covenant and agree as follows:

ARTICLE 1. GENERAL

Section 1. Purpose.

A. The purpose of this Agreement is to allow the cities of Cumming and West Des Moines to each plan for its orderly future growth. By establishing a boundary for the future growth of each city, both cities can plan for the orderly future extension of public infrastructure and services to serve each city's future growth area. Without such an agreement, each city's investment of scarce resources in public infrastructure and services to planned future growth areas may be lost if the area planned to be served by such investment becomes part of the other city.

B. A further purpose of this Agreement is to provide for but avoid duplication in the review of plats of unincorporated land located within two miles of both cities. It is the intent of the two cities that such plats be reviewed only by Madison County or Warren County as the case may be and by the city in whose planning area the land is located or by the adjacent city that potentially may be affected.

Section 2. Term.

The term of this Agreement shall commence upon the date this Agreement is approved by the City Council of the City of West Des Moines, or the date this Agreement is approved by the City Council of the City of Cumming, whichever occurs later. This Agreement shall thereafter remain in full force and effect for a term of ten years from the date of its approval but may be amended or terminated prior to the expiration of the ten year term upon mutual agreement of the cities.

Section 3. No Separate Legal Entity or Property Disposition.

No separate legal entity is created by this Agreement and no personal or real property shall be acquired by either city in regard to this Agreement.

Section 4. Administrator.

The Community and Economic Development Director of the City of West Des Moines and the Mayor of the City of Cumming shall be the Co-administrators of this Agreement.

ARTICLE 2. ANNEXATION MORATORIUM AGREEMENT

Section 1. Annexation Boundary Line.

The cities of Cumming and West Des Moines hereby agree upon and approve the establishment of an Annexation Boundary Line as legally described in Exhibit "A" and as shown generally on the map attached hereto as Exhibit "B."

Section 2. Annexation Limitations.

The city of Cumming agrees for the term of this Agreement to refrain from annexing any land which is located west and north of the Annexation Boundary Line described above. The city of West Des Moines agrees for the term of this Agreement to refrain from annexing any land which is located east and south of the Annexation Boundary Line described above. Pursuant to Iowa Code §368.4 (2011) and succeeding legislation, the City Development Board shall dismiss any petition, plan or application for a boundary adjustment which would cause either city to annex land in violation of this section.

ARTICLE 3. REVIEW OF PLATS

Section 1. Plat Review Authority.

A. Subdivision plats and plats of survey for land located within the Annexation Area of the city of Cumming (Area A) in the unincorporated area of either Madison County or Warren County within two miles of the boundaries of the city of Cumming shall be subject to the extraterritorial jurisdiction of the city of Cumming pursuant to Iowa Code §354.9 (2013). The city of West Des Moines hereby waives all right to review and approve any subdivision plats and plats of survey within such area.

B. Subdivision plats and plats of survey for land located within the Annexation Area of the city of West Des Moines (Area B) in the unincorporated area of either Madison County or Warren County within two miles of the boundaries of the city of West Des Moines shall be subject to the extraterritorial jurisdiction of the city of West Des Moines pursuant to Iowa Code §354.9 (2011). The city of Cumming hereby waives all right to review and approve any subdivision plats and plats of survey within such area.

C. Both cities agree that they will communicate with each other so that land uses and areas within their review jurisdiction, and which are adjacent to the opposing city's corporate boundary, are compatible with the opposing city's proposed adjacent land usage.

ARTICLE 4. FILING AND RECORDING

Pursuant to Iowa Code §368.4 (2013), this Agreement and the Resolution approving the Agreement from each City shall be filed with the City Development Board within ten days of the later date of approval by the approving cities. Pursuant to Iowa Code §28E.8 (2013), this Agreement shall also be filed electronically with the Iowa Secretary of State and recorded in the Offices of the Madison County Recorder and the Warren County Recorder.

IN WITNESS WHEREOF, the City of West Des Moines and the City of Cumming have caused this Agreement to be executed by their respective Mayors, with attestation by their respective City Clerks.

CITY OF CUMMING, IOWA


Thomas Becker, Mayor

ATTEST:
By: 
Rachelle Swisher, City Clerk/Treasurer

APPROVED AS TO FORM:

STATE OF IOWA)
) ss:
COUNTY OF WARREN)

On this 22nd day of October, 2013, before me, the undersigned, a Notary Public in the State of Iowa, personally appeared Thomas Becker and Rachelle Swisher, to me personally known, and who, being by me duly sworn did state that they are the Mayor and City Clerk, respectively, of City of Cumming, Iowa, a municipal corporation; that the seal affixed to the foregoing instrument is the corporate seal of the corporation; that the instrument was signed on behalf of City of Cumming, Iowa, by authority of its City Council, as contained in the Resolution adopted by City Council in the Resolution No. 2013-29 adopted by City Council on the 14th day of October, 2013, and that Thomas Becker and Rachelle Swisher acknowledged the execution of the instrument to be the voluntary act and deed of City of Cumming, Iowa, by it and by them voluntarily executed.


Notary Public in the State of Iowa



Exhibits:

- A - Legal Description of Annexation Boundary Line
- B - Map of Annexation Boundary Line

EXHIBIT A

**LEGAL DESCRIPTION
OF ANNEXATION BOUNDARY LINE
CITIES OF CUMMING AND WEST DES MOINES, IOWA**

A LINE IN SECTIONS 7 AND 8 IN TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WARREN COUNTY, IOWA, AND SECTIONS 11, 12, 14, 15, 22 AND 27 IN TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, MADISON COUNTY, IOWA, DELINEATES AN ANNEXATION MORATORIUM LINE BETWEEN THE CITIES OF CUMMING, IOWA, AND WEST DES MOINES, IOWA, THIS LINE IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A LINE BEGINNING AT THE WEST DES MOINES CORPORATE LIMITS WITH SAID POINT BEING LOCATED AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WARREN COUNTY, IOWA;

THENCE WEST, ALONG THE NORTH LINE OF SAID SECTION 8, TO THE NORTHEAST CORNER OF SECTION 7, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WARREN COUNTY, IOWA;

THENCE SOUTH, ALONG THE EAST LINE OF SAID SECTION 7, TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7;

THENCE WEST, ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7, TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7;

THENCE WEST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7, TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 7;

THENCE WEST, ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 7, TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 7;

THENCE WEST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 7, TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, MADISON COUNTY, IOWA;

THENCE SOUTH, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 12, TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 12;

THENCE WEST, ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 12, TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 12;

THENCE WEST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 12, TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN, MADISON COUNTY, IOWA;

THENCE WEST, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 11, TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 11;

THENCE WEST, ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 11, TO THE WEST LINE OF THE EAST TWENTY (20) ACRES OF THE SOUTHWEST QUARTER OF SAID SECTION 11;

THENCE SOUTH, ALONG THE WEST LINE OF THE EAST TWENTY (20) ACRES OF THE SOUTHWEST QUARTER OF SAID SECTION 11, TO THE NORTH LINE OF SECTION 14, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN;

THENCE WEST, ALONG THE NORTH LINE OF SAID SECTION 14, TO THE NORTHEAST CORNER OF SECTION 15, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN;

THENCE WEST, ALONG THE NORTH LINE OF SAID SECTION 15, TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 15;

THENCE SOUTH, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 15, TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 15

THENCE SOUTH, ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 15, TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 77 NORTH RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN;

THENCE SOUTH, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22, TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 22;

THENCE SOUTH, ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 22, TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 77 NORTH RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN;

THENCE SOUTH, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 27, TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 27, WITH SAID POINT BEING THE TERMINATION POINT OF THE LINE.

I hereby certify that this legal description was prepared by me and that I am a duly licensed Professional Engineer and Land Surveyor under the laws of the State of Iowa.




Duane C. Wittstock, P.E., L.S.

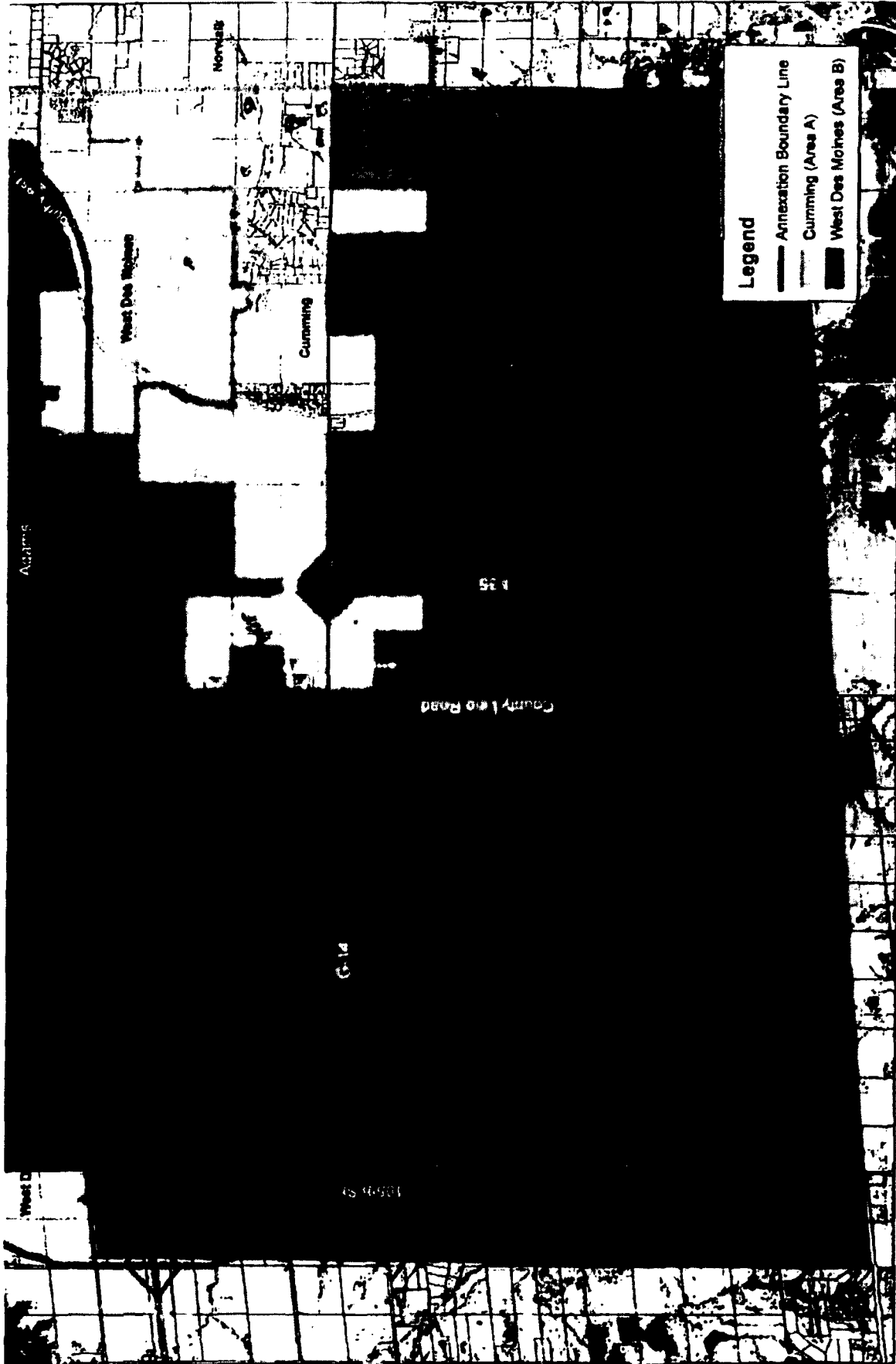
9-4-13
September 4, 2013

License Number 9678

My License Renewal Date is December 31, 2014

Pages covered by this seal: 1-2

EXHIBIT B



Annexation Boundary - Cumming/West Des Moines, 2013