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ok  
 Mark Nitchals  
 City Administrator  
 124 W. Court Avenue  
 Winterset IA 50273  
 (515) 462-1422

NICKI UTSLER  
 RECORDER  
 MADISON COUNTY, IOWA

REC \$ 55<sup>00</sup>  
 AUD \$ 1<sup>00</sup>  
 R.M.F. \$ 5<sup>00</sup>

COMPUTER	<input checked="" type="checkbox"/>
RECORDED	<input checked="" type="checkbox"/>
COMPARED	<input checked="" type="checkbox"/>

### CERTIFICATION OF VOLUNTARY ANNEXATION

I, the undersigned City Clerk of the City of Winterset, Iowa, hereby certifies that the following described documents attached hereto are true and authentic copies of the official records in the custody of the Office of the City Clerk of the City of Winterset, Iowa.

1. Application for Voluntary Annexation from Jerry and Beth Schwertfeger, together with legal description of the property and a map showing the location of the property in relationship to the existing city boundary.
2. Notice of consultation meeting on an application for annexation that was mailed to the Madison County Board of Supervisors and the Union Township Trustees.
3. Minutes of the consultation meeting with the Madison County Board of Supervisors and the Union Township Trustees on an Application for Voluntary Annexation from Jerry and Beth Schwertfeger.
4. Resolution of the Madison County Board of Supervisors supporting the annexation application.
5. Notice of public hearing on annexation application.
6. Affidavit of Publication from the Winterset Madisonian covering the publication of the notice of public hearing on annexation application.
7. Notice of public hearing on annexation application that was mailed to the Madison County Board of Supervisors, affected public utilities, and adjoining property owners.
8. Resolution 2003-100, a resolution adopted by the City Council of the City of Winterset assenting to the annexation of certain real estate to the City of Winterset, Iowa.

Witness my hand and the City Seal this 19<sup>th</sup> day of August, 2003



Mark Nitchals  
 Mark Nitchals, City Clerk

APPLICATION FOR VOLUNTARY ANNEXATION

TO: CITY OF WINTERSET, IOWA

The undersigned applicants hereby apply to the City of Winterset, Iowa that the following described real estate be annexed to the City of Winterset, Iowa, to-wit:

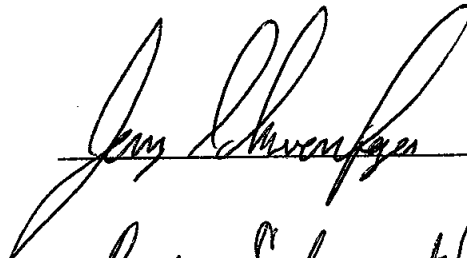
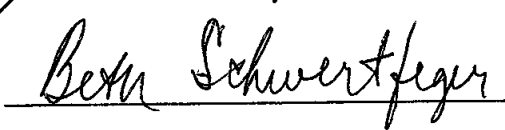
(See attached legal description)

The applicants attach hereto as a part of this application a map of the said real estate to be annexed showing its location in relationship to the existing limits of the City of Winterset, Iowa.

The said real estate is not within the urbanized area of a city other than the City to which this Application is directed.

The undersigned applicants do hereby certify that they hold the said real estate by title in fee simple and they have good and lawful authority to make this Application.

Dated on this 29th day of May, 2003.

  
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**PLAT OF SURVEY**  
 NW 1/4 of the NW 1/4, SEC. 30, T-76N, R-27W  
 MADISON COUNTY, IOWA

DESCRIPTION PARCEL-E

That part of the Northwest Quarter of the Northwest Quarter of Section 30, Township 76 North, Range 27 West of the Fifth Principal Meridian, Madison County, Iowa, described as follows:

Commencing at the northwest corner of said Section 30;  
 thence on an assumed bearing of South 00 degrees 00 minutes 00 seconds East along the west line of the Northwest Quarter of said Section 30 a distance of 1178.50 feet;  
 thence North 82 degrees 40 minutes 41 seconds East 272.80 feet;  
 thence North 52 degrees 08 minutes 16 seconds East 270.54 feet;  
 thence North 30 degrees 31 minutes 10 seconds East 466.75 feet;  
 thence South 89 degrees 39 minutes 21 seconds East 459.04 feet to the point of beginning;  
 thence South 00 degrees 00 minutes 41 seconds West 167.68 feet;  
 thence South 26 degrees 34 minutes 14 seconds West 288.78 feet;  
 thence South 48 degrees 56 minutes 20 seconds East 90.01 feet;  
 thence North 16 degrees 22 minutes 05 seconds East 268.86 feet;  
 thence South 89 degrees 59 minutes 19 seconds East 301.05 feet;  
 thence North 00 degrees 22 minutes 20 seconds West 225.30 feet;  
 thence North 89 degrees 39 minutes 21 seconds West 314.03 feet to the point of beginning.

Said tract contains 2.01 acres.

ACCESS-UTILITY EASEMENT

EASEMENT DESCRIPTION: (AS RECORDED ON PLAT OF SURVEY RECORDED IN FARM PLAT BOOK 2, PAGE 428  
 MADISON COUNTY RECORDER'S OFFICE, MADISON COUNTY, IOWA)

A 50 foot wide ingress-egress and utility easement, being 25 feet wide on both sides of the following described centerline, in the NW. frac. 1/4 of the NW. 1/4 of Section 30, T76N, R27W of the Fifth P.M., Madison County, Iowa;

Commencing at the Northwest Corner of Section 30, T76N, R27W of the 5th P.M., thence along the West line of the NW. Frac. 1/4 of the NW. 1/4 of said Section 30, South 00°00'00", 1203.67 feet to the point of Beginning of the easement centerline; thence North 82°41'05" East, 282.82 feet; thence North 52°04'00" East, 271.00 feet; thence North 39°40'10" East, 324.92 feet; thence Easterly 183.08 feet along a 100.00 foot radius curve, concave Southerly, with a central angle of 104°53'50" and a long chord bearing South 87°52'55" E., 156.56 feet; thence South 35°26'00" East, 280.07 feet to a point at the center of a 120 foot diameter Cul-de-sac. (END OF PREVIOUSLY RECORDED EASEMENT)

AND

A 50 foot wide ingress-egress(access) easement and utility easement, over, under and across, and being 25 feet either side of the following described centerline:

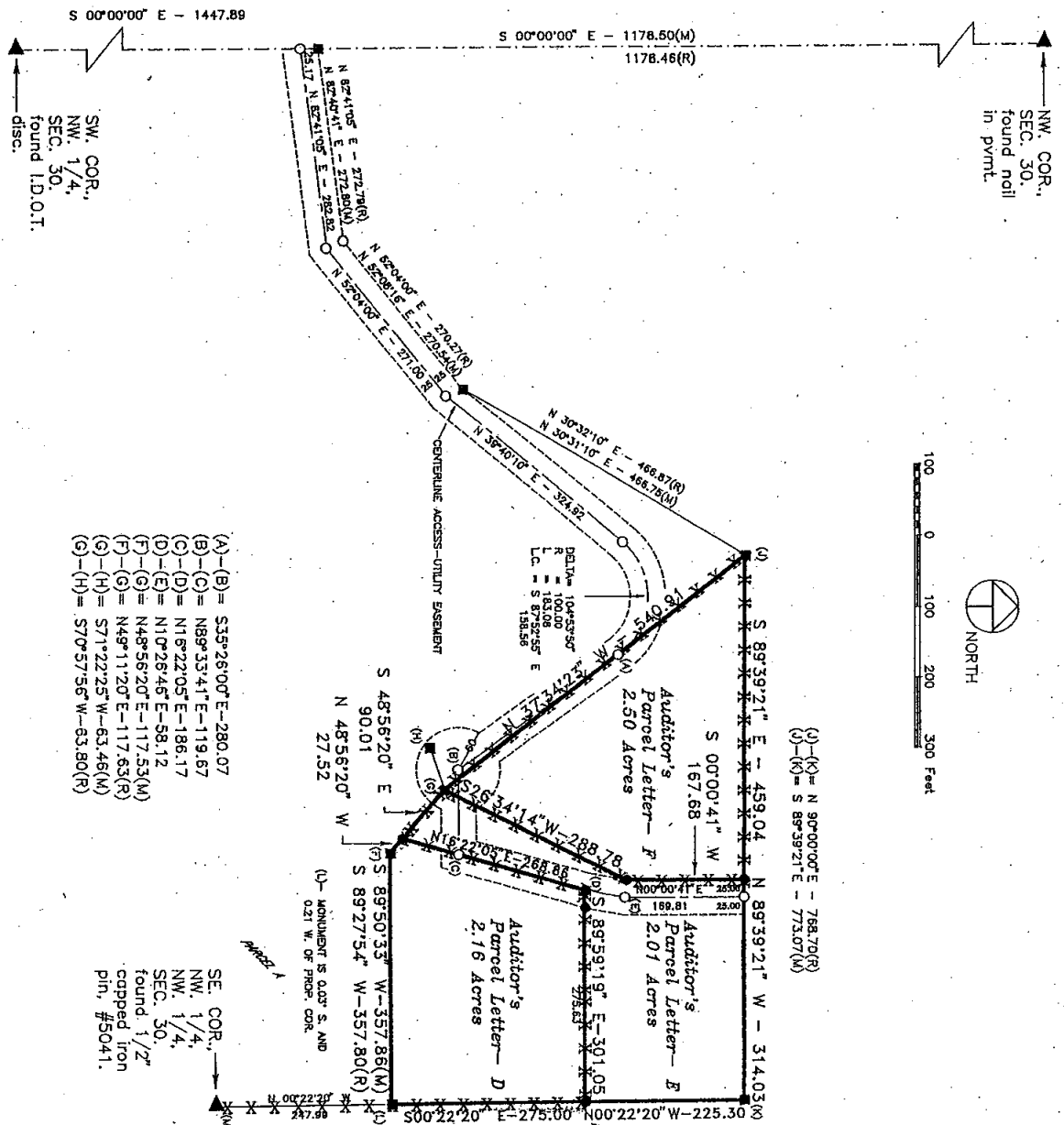
Beginning at the center of said 120 foot diameter cul-de-sac;  
 thence on an assumed bearing of North 89 degrees 33 minutes 41 seconds East 119.67 feet;  
 thence North 16 degrees 22 minutes 05 seconds East 186.17 feet;  
 thence North 10 degrees 26 minutes 46 seconds East 58.12 feet;  
 thence North 00 degrees 00 minutes 41 seconds East 169.81 feet to the terminus of said access-utility easement.

ANNEXATION PLAT

PARCEL E  
Jerry and Beth Schwertfeger

MORRISSEY SURVEYING, 1926 PAMMEL PARK ROAD, WINTERSET, IA 50273-8317  
RECORDED IN BOOK 6158 PAGE 12766

PLAT OF SURVEY  
NW 1/4 of the NW 1/4, SEC. 30, T-76N, R-27W  
MADISON COUNTY, IOWA



- (A)-(B) = S35°26'00"E - 280.07
- (B)-(C) = N89°33'41"E - 119.67
- (C)-(D) = N16°22'05"E - 188.17
- (D)-(E) = N10°26'46"E - 58.12
- (E)-(F) = N48°56'20"E - 117.53(M)
- (F)-(G) = N49°11'20"E - 117.63(R)
- (G)-(H) = S71°22'25"W - 63.46(M)
- (G)-(H) = S70°57'56"W - 63.80(R)

- (X)-(M) = S 00°46'21" E - 748.69(R)
- (X)-(M) = S 00°22'20" E - 748.29(M)

MEASURED DISTANCE - (M)  
RECORDED DISTANCE - (R)  
MONUMENTS

- ▲ - found sec. cor. (pipe, stone, etc.)
- - set - 5/8" rebar with cap  
P.L.S. 7995
- - no monument found or set
- - found lot cor., 1/2" capped iron pin, #5041



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Iowa.

Signed: *J. Brian Morrissey* Date: 9/22/98  
Brian Morrissey Iowa Lic. No. 7995  
My license renewal date is 12/31/99.  
Pages covered by this seal: 1 - 4

# CITY of WINTERSET

124 W. COURT AVENUE  
WINTERSET, IOWA 50273-1545

Jerry Schwertfeger, Mayor  
Mark Nitchals, City Administrator

Phone (515) 462-1422  
FAX (515) 462-1963

To: Madison County Board of Supervisors  
Union Township Trustees

From: Mark Nitchals, City Administrator

Date: June 6, 2003

RE: Voluntary annexation

The City of Winterset has received an Application for Voluntary Annexation from Jerry & Beth Schwertfeger for a tract of land located just north of the existing Winterset city boundary, at the far north end of the City. State law now requires that a consultation meeting with the Board of Supervisors and the Trustees of the township that contains the territory to be annexed be held before the City Council can consider the annexation application.

The purpose of this letter is to provide notice of a consultation meeting on the Application for Voluntary Annexation from Jerry & Beth Schwertfeger. This consultation meeting will be held on June 27, 2003 at 1:00 PM at the Winterset City Hall.

State Code provides that the County and the Township may designate one of its members to attend the consultation meeting. The Code also provides that you may make written recommendations for modification to the proposed annexation within seven business days after the consultation meeting. State law also provides that not later than 30 days after the consultation, the Board of Supervisors shall, by resolution, state whether or not it supports the annexation application or whether it takes no position on the annexation application. A copy of this resolution is to be filed with the annexing city and shall be considered by the City Council when taking action on the application.

Enclosed is a copy of the Application for Voluntary Annexation together with the legal description of the property, and a map showing the location of the property in relationship to the existing city boundary.

If you have any questions regarding this matter, please feel free to call.

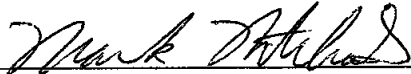
Minutes from Schwertfeger annexation consultation meeting held June 27, 2003:

Persons present: Cy McDonald, Madison County Board of Supervisors  
Dan Ryner and Randy Molln, Union Township Trustees  
Mark Nitchals, City Administrator of the City of Winterset

The meeting began with an explanation of the area proposed to be annexed. Mr. Nitchals explained that the Schwertfegers wanted to sell some land to Phil Clifton and Ron Wass. He stated that Jerry Schwertfeger had informed him that the County wanted the land annexed so that it would be classified and taxed the same as the properties owned by Clifton and Wass, which were located within the City of Winterset.

Dan Ryner stated that he owns land adjacent to the east of the land proposed for annexation. He stated that he would like the City to help him get the fence repaired or replaced between his property and the land in the Schwertfeger development. He stated that years ago his Dad and the person who owned the land that makes up the Schwertfeger development had each replaced their respective half of the fence. Mr. Ryner stated he has maintained the portion of the fence his Dad built, but the south end of the fence has not been maintained as well. Mr. Ryner explained that he turns his cows out in this area during the winter months, and there needs to be good fences to keep his cattle from getting out and possibly getting over to Highway 169. There are now several landowners, including Curtis Allen, John Reed, Ron Wass, and Jerry Schwertfeger, and Mr. Ryner stated that it is difficult to maintain fence agreements with each of these owners for a relatively short section of fence. Mr. Ryner suggested that the City require the developer to build new fences in new residential subdivisions that are developed out in areas where agriculture practices are still being done.

Following this discussion, the meeting was adjourned.

  
\_\_\_\_\_  
Mark Nitchals  
City Administrator  
City of Winterset, Iowa

RESOLUTION

WHEREAS Madison County has received notice from the City of Winterset, Madison County, Iowa, of an Application for Voluntary Annexation from Jerry and Beth Schwertfeger for a tract of land located just north of the existing Winterset city boundary at the far north end of the City (see attached legal description),

AND WHEREAS, a consultation meeting with the Board of Supervisors and the Trustees of the township that contains the territory to be annexed was held as required by law on June 27, 2003,

AND WHEREAS Supervisor McDonald, representing Madison County, attended the consultation meeting and found no cause to oppose said Voluntary Annexation request,

HEREBY BE IT RESOLVED that Madison County supports the annexation application as submitted by Jerry and Beth Schwertfeger per attached legal description as submitted by the City of Winterset.

MADISON COUNTY BOARD OF SUPERVISORS

AYE

NAY

*Bruce Weir*

*John B. ...*

*Greg McCall*

ATTEST: *Jean Welch*  
Madison County Auditor

DATE: July 8, 2003

NOTICE OF PUBLIC HEARING ON ANNEXATION APPLICATION

PUBLIC NOTICE is hereby given that a public hearing before the City Council of the City of Winterset, Iowa will be held on the 18<sup>th</sup> day of August, 2003 at 7:00 PM at the City Hall, 124 W. Court Avenue, Winterset, Iowa. The topic of the public hearing is an application for annexation submitted by Jerry and Beth Schwertfeger for the following described real estate:

Auditor's Parcel Letter E in a Plat of Survey in the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼), Sec. 30, T-76 N, R-27W, Madison County, Iowa.

Any interested person may appear and be heard at the public hearing to offer comments or objections to the proposed annexation.

Mark Nitchals  
City Administrator  
City of Winterset, Iowa



**AFFIDAVIT OF PUBLICATION**

STATE OF IOWA  
SS.  
Madison County

TED GORMAN BEING DULY SWORN SAYS HE IS PUBLISHER OF THE WINTERSET MADISONIAN, a once weekly newspaper of general circulation, published in Winterset, Iowa, and that the notice, a copy which is annexed and made part hereof, was correctly published in said newspaper

**Pu**

Legal documents are printed as received at the *Madisonian*.

for the period of one consecutive weeks, the last publication thereof being on the 23 day of July, 2003

**NOTICE OF PUBLIC HEARING ON ANNEXATION APPLICATION**

PUBLIC NOTICE is hereby given that a public hearing before the City Council of the City of Winterset, Iowa will be held on the 18th day of August, 2003 at 7:00 PM at the City Hall, 124 W. Court Avenue, Winterset, Iowa. The topic of the public hearing is an application for annexation submitted by Jerry and Beth Schwertfeger for the following described real estate:

Auditor's Parcel Letter E in a Plat of Survey in the Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4), Sec. 30, T-76 N, R-27W, Madison County, Iowa.

Any interested person may appear and be heard at the public hearing to offer comments or objections to the proposed annexation.

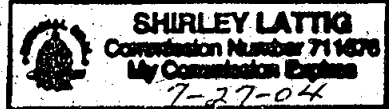
Mark Nitchals, City Administrator  
City of Winterset, Iowa

10

Jed Gorman  
Subscribed and sworn to before me this 23 day of July, 2003

Shirley Lattig  
NOTARY PUBLIC  
In and for Madison County

Fee \$ 10.95



# CITY of WINTERSET

124 W. COURT AVENUE  
WINTERSET, IOWA 50273-1545

Jerry Schwertfeger, Mayor  
Mark Nitchals, City Administrator

Phone (515) 462-1422  
FAX (515) 462-1963

To: Madison County Board of Supervisors  
Affected public utilities  
Adjoining property owners

From: Mark Nitchals, City Administrator



Date: July 18, 2003

RE: Voluntary annexation

The City of Winterset has received an Application for Voluntary Annexation from Jerry & Beth Schwertfeger for a tract of land located just north of the existing Winterset city boundary, at the far north end of the City. The Winterset City Council will hold a public hearing on the annexation application at 7:00 PM on August 18, 2003. State law requires that notice of the public hearing be mailed to the County Board of Supervisors, to the affected public utilities that serve the area to be annexed, and to the owners of adjoining property (unless the adjoining property is located within a city).

Enclosed is a copy of the notice of public hearing on the Application for Voluntary Annexation from Jerry & Beth Schwertfeger. The public hearing will be held at the Winterset City Hall located at 124 W. Court Avenue.

Also enclosed is a copy of the Application for Voluntary Annexation together with the legal description of the property, and a map showing the location of the property in relationship to the existing city boundary.

If you have any questions regarding this matter, please feel free to call.

RESOLUTION 2003- 100

RESOLUTION ASSENTING TO THE ANNEXATION  
OF CERTAIN REAL ESTATE  
TO THE CITY OF WINTERSET, IOWA

WHEREAS, the City of Winterset, State of Iowa, is a duly organized municipal corporation;

WHEREAS, there has been presented to the City Council of said City an Application for Annexation, as required by Section 368.7 of the Code of Iowa, executed by Jerry and Beth Schwertfeger, the owners of the real estate to be annexed;

WHEREAS, said real estate described on the Application is adjacent to the existing City limits of the City with the owners of the parcels shown on the accompanying plat in Exhibit "A" attached hereto; and,

WHEREAS, the City of Winterset, Iowa desires to annex said territory upon the Application presented.

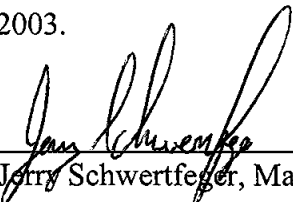
NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Winterset, Iowa as follows:

1. That the Application for Annexation of the real estate as described in Exhibit "A" attached hereto is hereby approved.


2. That on the passage of this Resolution this territory shall thereafter be and become a part of the City of Winterset, Iowa.

3. That the Clerk shall forthwith cause this Resolution and the exhibit attached hereto to be filed with the City Development Board, the Madison County Recorder, the Iowa Secretary of State, each affected public utility and the District Office of the Iowa Department of Transportation as required by Section 368.7 of the Code of Iowa.

Passed and approved this 18th day of August, 2003.

  
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Jerry Schwertfeger, Mayor

ATTEST:

  
\_\_\_\_\_  
Mark Nitchals, City Administrator