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ANNEXATION MORATORIUM AGREEMENT

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This ANNEXATION MORATORIUM AGREEMENT, entered into by and between the City of West Des Moines, Iowa, and the City of Cumming, Iowa, as authorized by Yeston 1880 of the Warrespective City Councils in accordance with Section 368.4 of the Code of Iowa, is as follows:

1. The Cities of West Des Moines and Cumming hereby agree upon the establishment of an annexation moratorium area legally described as follows:

A TRACT OF LAND IN SECTIONS 4, 5 AND 6, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5th P.M., WARREN COUNTY, IOWA, AND SECTIONS 1 AND 2, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE 5th P.M., MADISON COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SECTION 4, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH P.M., WARREN COUNTY, IOWA; THENCE WEST, ALONG THE NORTH LINE OF SAID SECTION 4, TO THE NORTHEAST CORNER OF SECTION 5, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH P.M., WARREN COUNTY, IOWA; THENCE WEST, ALONG THE NORTH LINE OF SAID SECTION 5, TO THE NORTHEAST CORNER OF SECTION 6, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH P.M., WARREN COUNTY, IOWA; THENCE WEST, ALONG THE NORTH LINE OF SAID SECTION 6, TO THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE 5TH P.M., MADISON COUNTY, IOWA; THENCE WEST, ALONG THE NORTH LINE OF SAID SECTION 1, TO THE NORTHEAST CORNER OF SECTION 2, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE 5TH P.M., MADISON COUNTY, IOWA; THENCE WEST, ALONG THE NORTH LINE OF SAID SECTION 2, TO THE NORTHWEST CORNER OF SAID SECTION 2; THENCE SOUTH, ALONG THE WEST LINE OF SAID SECTION 2, TO THE SOUTHWEST CORNER OF SAID SECTION 2; THENCE EAST, ALONG THE SOUTH LINE OF SAID SECTION 2, TO THE SOUTHWEST CORNER OF SECTION 1, TOWNSHIP 77 NORTH, RANGE 26 WEST OF THE 5TH P.M., MADISON COUNTY, IOWA; THENCE EAST, ALONG THE SOUTH LINE OF SAID SECTION 1, TO THE SOUTHWEST CORNER OF SECTION 6, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH P.M., WARREN COUNTY, IOWA; THENCE EAST, ALONG THE SOUTH LINE OF SAID SECTION 6, TO THE SOUTHWEST CORNER OF SAID SECTION 5, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH P.M. WARREN COUNTY, IOWA; THENCE EAST, ALONG THE SOUTH LINE OF SAID SECTION 5, TO THE SOUTHWEST CORNER OF SAID SECTION 4, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH P.M., WARREN COUNTY, IOWA; THENCE EAST, ALONG THE SOUTH LINE OF SAID SECTION 4, TO THE SOUTHEAST CORNER OF SAID SECTION 4; THENCE NORTH, ALONG THE EAST LINE OF SAID SECTION 4, TO THE POINT OF BEGINNING. CITY OF WEST DES MOINES, ICWA

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Said annexation moratorium area being generally shown on the map attached hereto and incorporated by reference herein as Exhibit "A".

- The City of West Des Moines agrees to refrain from annexing territory within said annexation moratorium area without written consent of the Cumming City Council, for the term of this Agreement.
- 3. The City of Cumming agrees to refrain from annexing territory within said annexation moratorium area without written consent of the West Des Moines City Council, for the term of this Agreement.
- 4. The term of this Agreement shall be for ten years, commencing upon the date of this Agreement as indicated below.
- 5. This Agreement shall be binding upon the parties hereto, their heirs, successors and assigns, and may not be modified or terminated except by mutual agreement in writing and signed by both parties. At the end of the ten year period, this agreement shall become null and void.
- 6. This Agreement is applicable to all voluntary and involuntary annexation proceedings under Chapter 368, Code of Iowa, 1997, pending at the start of the term of this Agreement, as well as any that may thereafter be commenced, with respect to the above described territory.

Dated this 1314 day of _______, 1998.

CITY OF WEST DES MOINES, IOWA

Eugene P. Meyer, Mayor

Attest

Jody F. Smith, City Clerk

STATE OF IOWA)

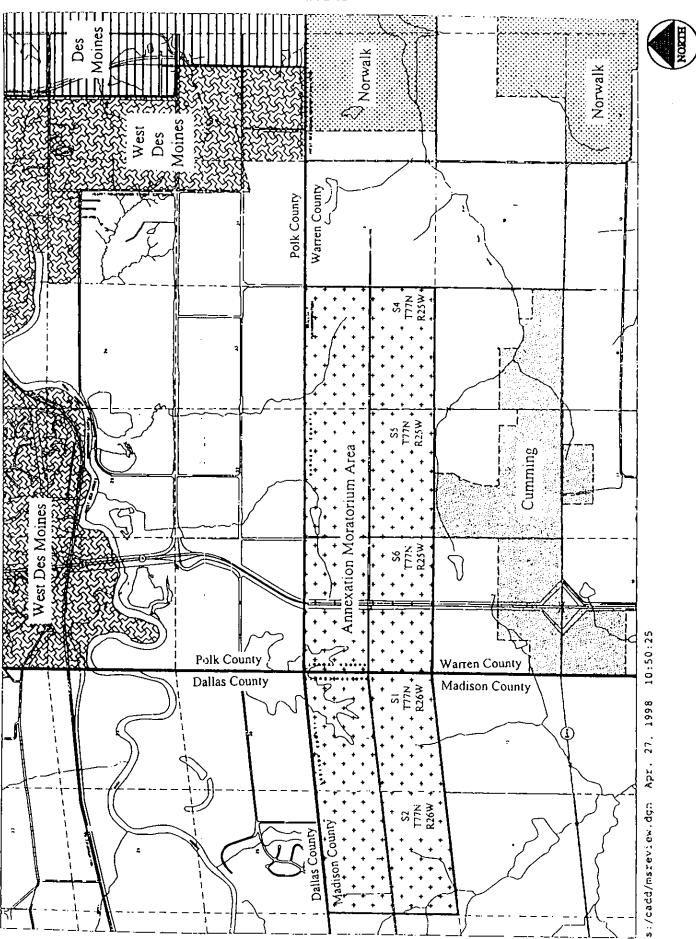
) SS COUNTY OF POLK)

On this 13 day of ______, 1998, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Eugene T. Meyer and Jody E. Smith, to me personally known, and, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the

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CITY OF WEST DES MOINES, 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 No. 28.07.13.01 adopted by the City Council, under Roll Call No. 28.433 of the City Council on the 13.22 day of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation by it voluntarily executed. Notary Public in and for the State of Iowa
CITY OF CUMMING, IOWA
Michael allague.
Michael Wagner, Mayor
Attest: Sylvia Smith, City Clerk
STATE OF IOWA) .) SS
COUNTY OF WARREN)
On this 24 ¹² day of, 1998, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Michael Wagner and Sylvia Smith, 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 CUMMING, 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 No adopted by the City Council, under Roll Call No of the City Council on the day of, 1998, and that Michael Wagner and Sylvia Smith acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation by it voluntarily executed.
Notary Public in and for the State of Iowa

EXHIBIT A



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