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MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA

22-610

7 pgs.
Fee #14.50

IN THE DISTRICT COURT OF IOWA

IN AND FOR MADISON COUNTY

D. H.

CITY OF WINTERSET, : EQUITY NO. 2093

Plaintiff, :

vs. :

VIRGINIA BUSCH HAMPTON, Et al, :

Defendants. : DECREE

CERTIFICATE

I, Margaret Wheeler, Clerk of the District Court of the State of Iowa, in and for Madison County, do hereby certify that this is a true and complete copy of the Original Instrument filed in this office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of said Court at my office in Winterset, Iowa this 29 day of January 19 73

Margaret Wheeler
Clerk of the District Court

By Deputy

At Winterset, Iowa, on this 17th day of April, 1972, the above entitled matter comes before the court and the court being well and fully advised finds that the court has jurisdiction over this subject matter of this action and over the defendants to this action and that the defendants Virginia Busch Hampton, Kenneth Wayne Busch, Carrol William Busch, Chicago, Rock Island and Pacific Railroad Company, John K. Alles, Irma Jean Alles, Gordon K. Darling, Marcella D. Darling, Wilda Lucas, John R. Wilson, Jno. N. Hartley, Lois M. Hartley, Lawrence V. Russell, Lucille Russell, Madison Developments Inc., Don L. Hoxie aka Eldon L. Hoxie, Thelma Jackson, Joseph S. Bown, Alice Bown, W. D. Hill, Dennis R. Bedford, Luann M. Bedford, Clara E. Garland, Patrick F. Corkrean and Beulah H. Jordan, have entered no appearances in this action or filed answers nor has anyone appeared for them. Default is accordingly entered against all of said defendants.

The court further finds that the defendants, Kenneth W. Eyerly and Flora E. Quick are deceased and that at the time of the filing of this action the said Kenneth W. Eyerly and Flora E. Quick were the owners of real estate lying in the area proposed to be annexed to the City of Winterset and were listed as property owners in said area as shown by the plat book of the office of the Madison County Auditor.

The court further finds that the defendant, State of Iowa, has consented that a decree be entered as prayed in plaintiff's petition.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that the real estate which is described in the attachment to this decree, labeled Exhibit "A", is hereby decreed to be annexed to the City of Winterset, Iowa.

Robert O Fredericks
Judge of the Fifth Judicial District

Approved as to form:
Asher E. Schroeder
Asher E. Schroeder
Special Assistant Attorney General
and Counsel to the Iowa State
Highway Commission
Ames, Iowa 50010

EXHIBIT "A"

An area described as beginning at a point on the North line of Section 36, Township 76 North, Range 28 West of the 5th P.M., 627 feet West of the N.E. corner of the N.W.¼ of said Section 36, thence West along said north line to the N.W. corner of said Section 36, thence South along the West line of said Section 36 to the N.W. corner of Honor's Acres 2nd Addition to Winterset, Iowa, thence East along the North line of said Honor's Acres 2nd Addition to the Southwest corner of West Court, 2nd Addition to Winterset, Iowa, thence North along the West line of said West Court, 2nd Addition to a point 130 feet South of the Northwest corner of said West Court, 2nd Addition, thence West parallel to public road 120 feet, thence North 130 feet to the South line of public road, thence East 120 feet to the Northwest corner of said West Court, 2nd Addition, thence continuing East along the North line of said West Court, 2nd Addition to a point 627 feet West of the East line of the W½ of said Section 36, thence North along a line parallel to and 627 feet West of the East line of said W½ to the point of beginning.

Also an area described as beginning at a point on the South line Section 36, Township 76 North, Range 28 West of the 5th P.M., 627 feet West of the S.E. corner of the S.W.¼ of said Section 36, Thence West along said South line to the S.W. corner of said Section 36, thence North along the west line of said Section 36 to a point 152 feet South of the Southwest corner of Honor's Acres, 2nd Addition to Winterset, Iowa, thence East 255 feet to a point 154 feet South of the South line of Honor's Acres 2nd Addition, thence South 176 feet, parallel to the West line of said Section 36, thence East to a point on the South line of Honor's Acres, 1st Addition, to Winterset, Iowa, 459.65 feet West of the Southeast corner of said Honor's Acres, 1st Addition, thence South parallel to the East line of the S.W.¼ of S.E.¼ of the S.W.¼ of said Section 36, 600.99 feet, to the North right-of-way line of Iowa Highway 92, thence East along said right-of-way line 327.65 feet thence North parallel to the East line of said S.W.¼ of the S.E.¼, 106.08 feet, thence East 132 feet to a point on the East line of said S.W.¼ of the S.E.¼ to a point 165 feet North of the South line of said Section 36, thence North along said East line of said S.W.¼ S.E.¼ to the Southwest corner of the Adkison Addition to Winterset, Iowa, thence East along the South side of said Adkison Addition to a point 627 feet West of the East line of the Southwest ¼ said Section 36, thence South along a line parallel to and 627 feet West of the last said east line to the point of beginning.

CERTIFICATE

STATE OF IOWA, ss:

I, O. D. Simmons, hereby certify that I am the City Clerk of the City of Winterset, Iowa, and as such am the custodian of the records of the City Council of the City Council of the City of Winterset, Iowa; that the attached Resolution ordering election and official canvas of the votes cast in the several voting precincts in the City of Winterset, Madison County, Iowa, at a City Election held therein on November 2, 1971, are true and exact copies of said Resolution and official canvas as the same appear in the records of the City of Winterset, Iowa.

O. D. Simmons

O. D. Simmons, City Clerk
of the City of Winterset, Iowa 50273

RESOLUTION

ORDERING ELECTION

WHEREAS, the City Council of the City of Winterset, Iowa, proposes to annex certain territory contiguous to said city, which territory is described in Exhibit "A" which is attached hereto and by this reference made a part hereof; and

WHEREAS, notice of the time and place of hearing upon the proposed annexation has been legally published according to law; and

WHEREAS, a hearing was held to hear all objections to such annexation and proponents of the same,

NOW THEREFORE BE IT RESOLVED as follows:

1. The City Council of the City of Winterset, Iowa, finds that the proposed annexation of territory is in the interest of said City and said city is capable of providing public services to the territory to be annexed.

2. The City Clerk is hereby authorized and directed to publish legal notice to the voters of said city and to the voters residing in the territory proposed to be annexed, of a regular election pertaining to the proposition to annex the territory described in Exhibit "A" which is attached hereto and by this reference made a part hereof and which territory is contiguous to the corporate limits of the City of Winterset, Iowa.

Dated at Winterset, Iowa this 23 day of June, 1971.

S/ Wayne Newton

Wayne Newton, Mayor of the City of Winterset, Iowa

ATTEST:

S/ O.D. Simmons

O.D. Simmons, City Clerk of the City of Winterset, Iowa.

Approved 6-23-71

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CITY SEAL WINTERSET

Official Canvass of the votes cast in the several voting precincts in the City of Winterset, Madison County, Iowa, at a City Election held therein on Mpvember 2, 1971.

For the Office Of:		First Ward	Second Ward	Total
MAYRO -				
Robert W. Howell	received	381	329	710
Kenneth Kirkpatrick	received	176	150	326
COUNTILMEN AT LARGE -				
Gary L. Dwyer	received	359	326	685
Beth Flander	received	255	203	458
Gary W. Janssen	received	335	273	608
COUNTILMAN - First Ward				
Leslie I. (Jack) Duff	received	165		
Don K. Young	received	385		
COUNCILMAN - Second Ward				
Robert D. Bass	received		235	
Paul J. Flanery	received		252	
FOR CITY TREASURER -				
Ronald P. Pierce	received	498	444	942
FOR PARK COMMISSIONER -				
Henry C. Miller	received	519	467	986
On the Queston of Annexation -	Votes For	382	380	762
	Votes Against	108	90	198

Dated November 3, 1971.

Official Canvassers:

WAYNE NEWTON
Mayor, City of Winterset, Iowa

O. D. Simmons
City Clerk, Winterset, Iowa

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State of Iowa)
County of Madison)
City of Winterset)

We, Wayne Newton, Mayor of the City of Winterset, Center Township, Madison County, Iowa, and O. D. Simmons, City Clerk of the City of Winterset, Iowa, do hereby certify that at an election held in the City of Winterset, Iowa, on the 2nd day of November, 1971, the following named persons were elected to the offices set forth opposite such names, respectively:

Name	Office	Length of Term
Robert W. Howell	Mayor	2 years
Gary L. Dwyer	Councilman-at-large	2 years
Gary W. Janssen	Councilman-at-large	2 years
Don K. Young	Councilman - First Ward	2 years
Paul J. Flanery	Councilman - Second Ward	2 years
Ronald P. Pierce	City Treasurer	2 years
Henry C. Miller	Park Commissioner	6 years

We further certify that majority of the votes cast were in favor of the Special Proposition For Annexation and said proposition was adopted.

Dated November 3, 1971.

Official Canvassers:

Mayor, City of Winterset, Iowa

City Clerk, Winterset, Iowa