



Document 2021 1145

Book 2021 Page 1145 Type 06 039 Pages 4
Date 3/19/2021 Time 3:37:33PM
Rec Amt \$22.00

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LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

✓ Prepared by and Return to: Cameron K. Wright, PO Box 367, Altoona, IA 50009 (515) 967-4264

RESTRICTIVE COVENANT AND DEVELOPMENT AGREEMENT

STATE OF IOWA)
) ss.

COUNTY OF Madison)
 Reich

COMES NOW, K Bar S Partnership No. 1 (hereinafter "Owner"), of the following
described real estate: *70*

See attached Exhibit "A"

And does hereby make the following Agreement with the City of Cumming, Iowa:

WHEREAS the City of Cumming, Iowa has consented to and approved a plat of survey
for the above-described real estate.

NOW THEREFORE in consideration of that consent, the owner as aforementioned and
the heirs, successors in interest, transferees, and/or assigns of the above-described real estate,
agree that said real estate is subject to an Application for Voluntary Annexation into the City of
Cumming, Iowa. That said Application for Voluntary Annexation to the City of Cumming,
Iowa, is on file with the City of Cumming, Iowa and is to be used by the City of Cumming, Iowa
as soon as it is practical to do so. Further, that this real estate shall eventually become a part of
the City of Cumming, Iowa.

That this covenant shall run with the land and be a restriction thereon subject to the
contents thereof.

That adequate consideration has been given for such restriction.

Dated this 17 day of March, 2021.

K Bar S Ranch Partnership No. 1

Kent Klopfenstein
By: Kent ~~Kent~~ Klopfenstein
Its: Authorized Representative

EXHIBIT A

The property subject to this Restrictive Covenant and Development Agreement is identified as Parcel "AD", Outlot "A", and Parcel "AE" on that certain Plat of Survey recorded contemporaneously with the recording of this document, more fully described as:

Parcel "AD" being a part of the NE 1 / 4 SW 1 / 4, lying Easterly of Badger Creek, in Section 13, Township 77 North, Range 26 West of the 5th P.M., Madison County, Iowa, described as follows:

Beginning at a 1 / 2" iron rod at the SE corner of the NE 1 / 4 SW 1 / 4 of said Section 26; thence S 83.08' 17" W, along the South line of said NE 1 / 4 SW 1 / 4, a distance of 457.33' more or less to a point in the center of Badger Creek; thence Westerly and Northerly along said center of Badger Creek to a point on the South line of the North 539 feet of said NE 1/4 SW 1/4; thence N 83.14' 19" E, along said South line, a distance of 776.02' more or less to a 1 / 2" iron rod on the East line of said NE 1 / 4 SW 1 / 4; thence S 00° 07' 20" W, along said East line, a distance of 781.64' to the point of beginning.

Containing 14.134 acres more or less. Subject to a 20.00' wide Easement for Ingress and Egress over Parcel "AB" being a part of the NW 1 / 4 SE 1 / 4 of said Section 13, Township 77 North, Range 26 West of the 5th P.M., Madison County, Iowa.

Outlot "A" being the North 539.00' of the NE 1 / 4 SW 1 / 4, lying Easterly and Northerly of Badger Creek, in Section 13, Township 77 North, Range 26 West of the 5th P.M., Madison County, Iowa, more particularly described as follows:

Beginning at a 1 / 2" iron pin at the Center of said Section 26; thence S 00° 07' 20" W, along the East line of said NE 1 / 4 SW 1 / 4, a distance of 542.87'; thence S 83. 14' 19" W, a distance of 776.02' more or less to the center of Badger Creek; thence Northerly and Westerly along said centerline to a point on the West line of said NE 1 / 4 NW 1 / 4; thence N 00° 13' 44" E, along said West line, a distance of 342.04' more or less to a 1 / 2" iron rod at the NW corner of said NE 1 / 4 NW 1 / 4; thence N 83. 14' 19" E, along the North line thereof, a distance of 1,301.44' to the point of beginning.

Containing 14.129 acres more or less.

Parcel "AE" being a part of the NW 1/4 SW 1/4 EXCEPT Parcel "A" recorded in Book 2 Page 683; the NE 1/4 SW 1/4, lying South and West of Badger Creek; and the SE 1/4 SW 1/4. All in Section 13, Township 77 North, Range 26 West of the 5th P.M., in Madison County, Iowa, more particularly described as follows:

Beginning at a 3/4" iron pipe at the West 1/4 corner of said Section 13; thence N 83° 14' 19" E, along the North line of the NW 1/4 SW 1/4, a distance of 1301.44' to a 1/2" iron rod at the NE corner thereof; thence S 00° 13' 44" W a distance of 342.04' more or less to a point in the center of Badger Creek; thence Easterly and Southerly along said center of Badger Creek to a point on the North line of said SE 1/4 SW 1/4, thence N 83° 08' 17" E, along

said North line, a distance of 457.33' more or less to a 1/2" iron rod at the NE corner thereof; thence S 00°07'20" W, along the East line of said SE 1/4 SW 1/4, a distance of 1323.29' to a 1/2" iron rod at the S 1/4 corner of said Section 13; thence S 83°03'00" W, along the South line of said SE 1/4 SW 1/4, a distance of 700.99' to a 1/2" iron rod; thence N 11°37'03" W, a distance of 354.21' to a 1/2" iron rod; thence N 11°37'03" W, along an existing fence, a distance of 398.48' to a 1/2" iron rod; thence N 16°23'40" E, along said fence, a distance of 80.60' to a 1/2" iron rod; thence N 18°42'47" W, along said fence, a distance of 426.24' to a 1/2" iron rod; thence N 85°08'44" W, along said fence, a distance of 46.41' to a 1/2" iron rod; thence N 19°55'49" W, along said fence, a distance of 65.56' to a 1/2" iron rod on the North line of the SE 1/4 W 1/4 of said Section 13; thence S 83°07'17" W, along said North line, a distance of 263.93' to a 1/2" iron pin at the SW corner of said NE 1/4 SW 1/4 of said Section 13; thence S 83°08'17" W, along the South line of the NW 1/4 SW 1/4 of said Section 13, a distance of 833.56' to a 1/2" iron rod; thence N 00°19'03"

E, along the East line of said Parcel "A" a distance of 695.89' to a 1/2" iron rod at the NE corner thereof; thence S 84°55'18" W, along the North line of said Parcel "A", a distance of 468.81' to a 1/2" iron rod at the NW corner thereof; thence N 00°20'06" E, along the West line of said NW 1/4 SW 1/4 A distance of 612.73' to the point of beginning.

Containing 68.093 acres including 0.533 acres of county road right of way easement.