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LISA SMITH, COUNTY RECORDER  
MADISON COUNTY IOWA

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Application for Voluntary Annexation

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PREPARER INFORMATION: (name, address, phone number)

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GRANTOR: (name)

See pages 3-4

GRANTEE: (name)

N/A

LEGAL DESCRIPTION: (if applicable)

See page: 2

Document or instrument of associated documents previously recorded:  
(if applicable)

## APPLICATION FOR VOLUNTARY ANNEXATION

**To: Mayor and Cumming City Council, City Hall, 649 N 44<sup>th</sup> Street,  
Cumming, Iowa 50061.**

**Subject: Annexation – Property owned by K Bar S Ranch Partnership  
No. 1**

Honorable Mayor and Members of the City Council:

Re: The property identified in Exhibit A is owned by the owner namely, K  
Bar S Ranch Partnership No. 1 (hereinafter "Owner")

Owner states as follows:

1. Owner is the owner of the property identified in Exhibit A (exclusive of public rights-of-way). Owner requests that the property identified in Exhibit A (hereinafter referred to as "Subject Property") be voluntarily annexed into the City of Cumming, Iowa (hereinafter referred to as "City").
2. Owner hereby makes application to City to voluntarily annex the Subject Property subject to certain terms, conditions and provisions of a Pre-Annexation Agreement (hereinafter referred to as "Agreement") to which this Application is attached.


All of the terms, conditions and provisions of the Pre-Annexation Agreement shall by this reference be incorporated and made a part of this Application for Voluntary Annexation if as set forth verbatim herein.

3. This Application for Annexation shall be binding upon the Owner, their heirs, successors in interest and/or assigns, if any, and may only be revoked according to the terms of the Pre-annexation Agreement if said terms, conditions and provisions are not complied with by the City Council of the City of Cumming, Iowa.

Dated this 17 day of March, 2021.

OWNER(S):

*19* K Bar S<sup>Ranch</sup> Partnership No. 1.

  
By: Kent Klopfenstein  
Its: Authorized Representative

## EXHIBIT A

The property subject to this Voluntary Petition of Annexation 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.