

RESOLUTION NO. 574-04

RESOLUTION SUPPORTING APPLICATION FOR ANNEXATION REGARDING THE
ANNEXATION OF CERTAIN TERRITORY INTO THE CITY OF OSAGE, IOWA

WHEREAS, the Mitchell County Board of Supervisors has received a copy of an Application for Annexation regarding the annexation of certain territory into the City of Osage, Iowa, and

WHEREAS, Mitchell County, Iowa contains all of the territory to be annexed, and

WHEREAS, the Board also received from the City of Osage a Notice of Consultation Meeting, and

WHEREAS, a member of the Board attended the consultation meeting on June 16, 2004, and

WHEREAS, Section 368.7, Code of Iowa, 2003, provides that the Board shall, by resolution, state whether or not it supports the application or whether it takes no position in support of or against the application, and

WHEREAS, Mitchell County, Iowa, does not have a comprehensive plan, and

WHEREAS, the Board of Supervisors desires to take a position in support of the Application for Annexation.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Mitchell County, Iowa:

Section 1. The Board of Supervisors hereby states that it supports the Application for Annexation regarding the annexation of certain territory into the City of Osage, Iowa. Attached hereto and by this reference made a part hereof is a copy of pages 1 through 3, inclusive, of said Application.

Section 2. The Auditor shall provide the City Clerk of the City of Osage, Iowa, with two certified copies of this Resolution.

Dated this 22nd day of June, 2004.

Stan Wall, Chair Pro Tem
Chair (Pro tem)

Attest:

Lowell Tesch
Lowell Tesch
Mitchell County Auditor

APPLICATION FOR ANNEXATION

To: City Council
City of Osage, Iowa

A. Pursuant to Section 368.7, Code of Iowa, 2003, Application is hereby made for annexation of the following territory into the City of Osage, Mitchell County, Iowa, to-wit:

Parcel of land described as commencing at the Southwest Corner (SW Cor.) of Southwest Quarter (SW 1/4) of the Southwest Fractional Quarter (SW Frl. 1/4) of Section Nineteen (19), Township Ninety-eight (98) North, Range Sixteen (16), West of the 5th P.M., Mitchell County, Iowa, thence North 255 feet, thence East 521.7 feet, thence South 255 feet, thence West 521.7 feet to the point of beginning.

and

Commencing at a point on the centerline of State Street which is directly South of the Southwest Corner of Lot Seven (7), Block One Hundred Forty-eight (148), according to irregular survey of record in Book 3, Page 140, records of Mitchell County, Iowa, thence North to the Northwest Corner of Lot Six (6), thence East to a point which is 23.56 feet West of the Northeast Corner of Lot Two (2), thence South to the centerline of State Street, thence West to the point of beginning, except a parcel of land described as: Commencing at the Southeast Corner of Lot Eleven (11), in Block One Hundred Forty-eight (148), thence West 23.56 feet being the point of beginning, thence North 50 feet, West 20 feet, South 50 feet, thence East 20 feet to point of beginning

and

Commencing at a point on the centerline of State Street which is directly South of a point 27.2 feet East of the Southwest Corner of Lot Seven (7), Block One Hundred Forty-seven (147), according to irregular survey of record in Book 3, Page 140, records of Mitchell County, Iowa, thence East to the East line of Section Twenty-five (25), Township Ninety-eight (98) North, Range Seventeen (17), West of the 5th P.M., Mitchell County, Iowa, thence North to the Southeast Corner of the Southeast Quarter (SE 1/4) of Section Twenty-four (24), Township Ninety-eight (98) North, Range Seventeen (17), West of the 5th P.M., Mitchell County, Iowa, thence continuing Northerly $00^{\circ} 05' 03''$ 1,044 feet, thence Westerly $89^{\circ} 29' 48''$ 1,024.11 feet, thence Southerly $359^{\circ} 50' 23''$ 538.80 feet, thence Westerly $269^{\circ} 47' 12''$ 155.00 feet, thence Southerly $179^{\circ} 50' 23''$ 63.31

feet, thence Southerly $83^{\circ} 24' 48''$ to a point where the centerline of former Chase Street intersects the West line of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section Twenty-four (24), Township Ninety-eight (98) North, Range Seventeen (17), West of the 5th P.M., Mitchell County, Iowa, thence South to a point 191.50 feet North of the Southwest Corner of said Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4), thence Northeasterly $89^{\circ} 51' 07''$ 135 feet, thence Southerly $179^{\circ} 50' 23''$ 191.50 feet to the South line of said Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4), thence East along said South line to a point directly North of the point of beginning, thence South to the point of beginning.

Attached hereto and by this reference made a part hereof is a map of the territory showing its location in relationship to the City of Osage.

B. The following owners of land in the proposed annexation area have consented in writing to the annexation:

Robert L. Bode
Vallejo I. Bullis and Katherine B. Bullis
City of Osage, Iowa
E & M Properties, L.C.
Staci Herrick
Jeanne Anne Johanns
Ryan T. Kittleson
Jane D. Kotz
Roger S. Loden and Sandra M. Loden
Norby Distributing Co.
Norby Green Country, Inc.
Marcella M. Parr
Clinton W. Richards and Elizabeth J. Richards
George A. Stange and Arlene Stange
Irvin E. Wagner and Ida M. Wagner
Paul Danzow and Nancy Danzow

The percent of land area in the proposed annexation area owned by the consenting owners comprises approximately 83.55% of the total land area. Attached hereto and by this reference made a part hereof are copies of the separate Applications for Annexation signed by said consenting owners.

C. The following owners of land in the proposed annexation area have not consented to the annexation:

Acorn Park Realty, Inc.
Dean A. Bruesewitz and Ruby M. Bruesewitz
Coastal Mart, Inc.
Lawrence J. Foth and Julie L. Foth
Galen J. Freund and LaVonne G. Freund
Osage Veterinary Clinic, P.C.

The percent of land in the proposed annexation area owned by the nonconsenting owners comprises approximately 16.45% of the total land area.

D. The Iowa State Department of Transportation and Mitchell County, Iowa, either own land or have easements on which are located streets and highways lying in and/or abutting the proposed annexation area. Said streets and highways are depicted on the attached map.

E. The City of Osage currently provides some services and utilities to portions of the proposed annexation area. Upon final approval of the annexation, the City will provide police and fire protection to the entire annexation area. Within three years from final approval of the annexation, the City will provide sewer and water utilities to the affected property owners.

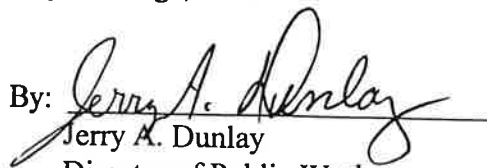
F. The City of Osage will phase-in the imposition of City property taxes imposed upon the affected property owners. The phase-in will be in the form of a rebate of City property taxes paid by the affected property owners in accordance with the following schedule.

<u>Year</u>	<u>% of City Taxes to be Rebated</u>
1	75%
2	60%
3	45%
4	30%
5	15%
6	0%

Dated this 7th day of June, 2004.

City of Osage, Iowa

By:


Jerry A. Dunlay
Director of Public Works

CERTIFICATE

STATE OF IOWA)
) ss
MITCHELL COUNTY)

I, the undersigned Auditor of Mitchell County, Iowa, do hereby certify that attached is a true and complete copy of the RESOLUTION SUPPORTING APPLICATION FOR ANNEXATION REGARDING THE ANNEXATION OF CERTAIN TERRITORY INTO THE CITY OF OSAGE, IOWA, which Resolution remains in full force and effect and has not been amended or rescinded in any way; that the meeting at which said Resolution was approved was duly and publicly held in accordance with Chapter 21, Code of Iowa; and that the individuals named therein were on the date thereof duly and lawfully possessed of their respective county offices as indicated therein.

Witness my hand and the seal of said County hereto affixed this 22nd day of
June, 2004.



Lowell Tesch
Mitchell County Auditor