

**CITY OF BUFFALO
RESOLUTION #2006-15**

A Resolution Assenting to the Annexation of Certain Real Estate to the City of Buffalo, Iowa

WHEREAS, the City of Buffalo, State of Iowa, is a duly organized municipal corporation, and

WHEREAS, there has been presented to the City Council of Buffalo an Application for Annexation signed and executed by NT Home Builders, LLC, owners of the real estate to be annexed, said real estate lying adjacent to the existing City limits of the City as shown on the accompanying plat and legal description, and

WHEREAS, in accordance with Section 368.7 of the Code of Iowa notice of the public hearing regarding the proposed annexation was sent to the Scott County Board of Supervisors and published according to law in Scott County, describing the date, place and time of the public hearing, along with a legal description of the property proposed to be annexed, and

WHEREAS, the City of Buffalo, Iowa, held a public hearing on November 13, 2006, and the City Council received, reviewed and considered comments and input from the public regarding the proposed annexation, and

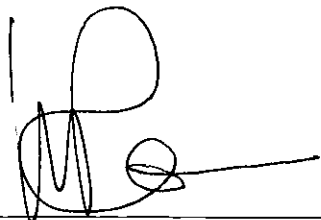
WHEREAS, the City of Buffalo, Iowa, desires to annex said property described by the Application for Annexation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Buffalo, Iowa to accept the Application for Annexation submitted by NT Home Builders, LLC and to annex the property described in the Application as follows:

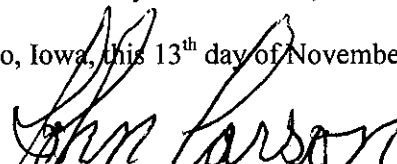
1. The Public Hearing held on November 13th, 2006 regarding said annexation has been held by the City Council and has been closed.
2. Any comments received from the Scott County Board of Supervisors or the Trustees have been received, reviewed and considered by the City Council.
3. The Application of Annexation may be withdrawn by NT Homebuilders, LLC within three business days after the Public Hearing and approval of the annexation will not take place until that period has elapsed.
4. No lands are included without the owners consent.
5. The Application for Voluntary Annexation, Map of the Territory Proposed to be Annexed, and the Legal Description of the Property are attached as exhibits to this resolution and are herby accepted and approved by the City of Buffalo.
6. The Clerk shall cause this Resolution and exhibits attached to be filed with the Secretary of State, County Board of Supervisors, Iowa Department of Transportation, the Scott County Recorder's Office and each affected utility as required by the Code of Iowa.

Passed by the City Council of the City of Buffalo, Iowa, this 13th day of November, 2006.

Approved and signed by the Mayor of the City of Buffalo, Iowa, this 13th day of November, 2006.



Attest: William Bowers, City Clerk



Mayor John Carson

Application for Voluntary Annexation

(NT Home Builders, LLC)

To: City Council
City of Buffalo, IA
Buffalo, IA 52728

Re: Voluntary annexation of the following described lots (hereinafter collectively referred to as the "Land"):

Legal Description: See attached "Exhibit "A"

NT Home Builders, LLC (hereinafter collectively referred to as the "Applicants"), hereby make application to the City of Buffalo, Iowa, to annex the Land described above which is generally shown on the map attached hereto as Exhibit "B". In support of this application the Applicants represent and state as follows:

1. Applicants are the sole owners of the Land described above.
2. The Applicants seek to have the Land annexed into the City of Buffalo to permit the Land to be developed for residential use at urban densities with city services.
4. This application is subject to the City of Buffalo and Applicant executing a Pre-Annexation Agreement and the City of Buffalo agreeing that the City shall cause the annexation to become final and effective, until after the third business day after the application has been approved by the Buffalo City Council, and that the Applicants, or either of them individually, may withdraw this application at any time within the three business days after the application has been approved by the City Council, if the Applicants are not satisfied with the conditions upon which the City proposes to annex the Land.
5. Solid waste collection service (garbage pickup) is currently provided to the Land by the following business: *(Insert "none" if no solid waste collection services are currently provided to the Land.):* **None**
6. Public water service is currently provided to the Land by: *(Insert "none" if no public water service is currently provided to the Land.)* **City of Buffalo**

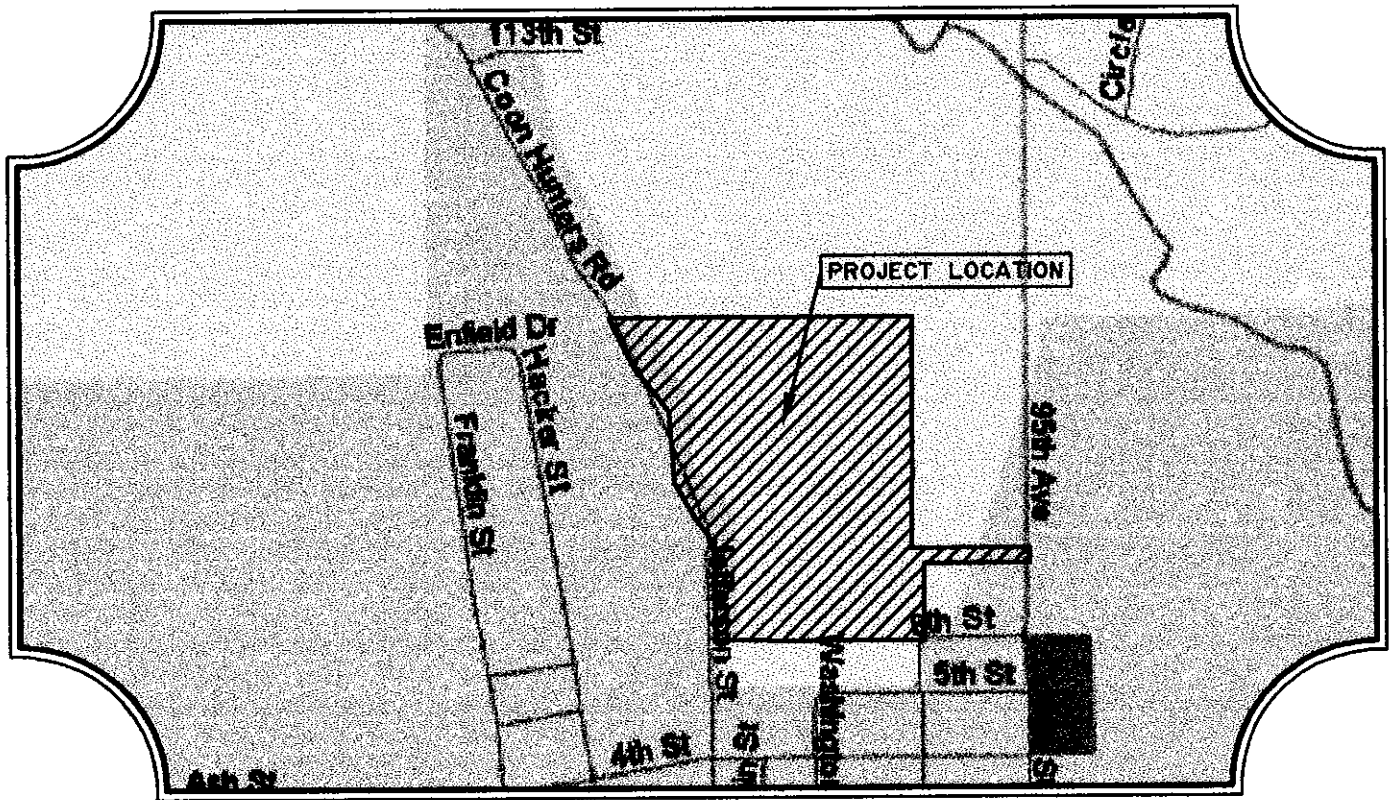
Date: September 28, 2006

NT Home Builders, LLC

By: Randy Nagle member

Exhibit "A"

Map of the Territory proposed to be annexed



LOCATION MAP

LEGAL DESCRIPTION FOR ANNEXATION
BUFFALO RIDGE ADDITIONS
BUFFALO, IOWA

Part of the Northwest Quarter of Section 22, Township 77 North, Range 2 East of the 5th Principal Meridian, Scott County, Iowa, described as follows:

Commencing, as a point of reference, at the northwest corner of the Northwest Quarter of said Section 22; thence North 90°- 00' - 00" East along the north line of said Northwest Quarter a distance of 484.44 feet, said point being a point in the center of the Buffalo – Blue Grass Road as the road was prior to centerline realignment (said point lies 4 feet more or less westerly from the existing centerline) and being the POINT OF BEGINNING of the tract of land hereinafter described:

thence continuing North 90°-00'-00" East along the north line of said Northwest Quarter, a distance of 1,562.77 feet to the northwest corner of a parcel deeded to Richard Daniel Swartz and Kathy L. Lange by Warranty Deed filed for record on June 10, 2002 as Document No. 2002-22540 in the Office of the Scott County Recorder;

thence South 00°-11'-16" East along the west line and west line extended southerly of said Swartz and Lange parcel, a distance of 484.59 feet to the northwest corner of a parcel deeded to Brian D. Hass and Karen S. Hass, by Court Officer's Deed, for record on January 30, 1996 as Document No. 01379-96, at the Office of the Scott County Recorder;

thence South 00°-04'- 55" West along the west line of said Hass parcel, a distance of 718.60 feet to the southwest corner of said Hass parcel;

thence North 90°- 00' - 00" East along the south line of said Hass parcel, a distance of 601.31 feet to the east line of the Northwest Quarter of said Section 22;

thence South 00°- 04'- 55" West along said east line a distance of 79.65 feet to the northeast corner of a parcel deeded to Manuel Hutchison and Marilyn S. Hutchison by Warranty Deed filed for record on October 20, 1980 as Document No. 16272-80 in the Office of the Scott County Recorder;

thence South 89°- 52'- 49" West along the north line of said Hutchison parcel, a distance of 546.58 feet to the northwest corner of said Hutchison parcel, also being a point on the east line of the Tract conveyed to Lillian Roddewig by deed filed in Book 84 of Land Deeds, Page 49;

thence South 00°-04'- 55" West along said east line of said Roddewig Tract, a distance of 398.44 feet to the southeast corner of said Tract;

thence North 89°- 58'- 55" West, a distance of 543.40 feet to the southwest corner of said Tract;

thence North 00°-12'-31" West along said west line of said Tract, a distance of 2.60 feet to the southeast corner of Share Number 3 of the B.W. Clark Estate;

thence North 89°-47'-06" West, a distance of 531.30 feet to the west line of said Share Number 3;

thence North 00°-12'-30" West along said west line, a distance of 497.02 feet to the intersection of the old centerline of Coon Hunters Road before realignment and said west line of said Share Number 3;

thence North 36°-32'-06" West along said old centerline, a distance of 168.99 feet;

thence North 29°-15'-00" West along said old centerline, a distance of 215.82 feet;

thence North 04°-30'-00" West along said old centerline, a distance of 368.94 feet;

thence North 38°-00'-00" West along said old centerline, a distance of 279.18 feet;

thence North 26°-30'-00" West along said old centerline, a distance of 300.30 feet to the point of beginning.

Containing 48.28 acres, more or less, including 2.638 acres, more or less, of variable width right of way easement along the easterly side of Coon Hunters Road for public roadway purposes.