

PREANNEXATION AGREEMENT

THIS AGREEMENT is made and entered into this ____ day of May 2025, by and between the City of Dyersville, Iowa (hereinafter called “City”), by and through the Mayor and City Council of said City (hereinafter collectively called “Corporate Authorities”), and David J. Stephan, and Kitty M. Stephan (hereinafter called “Owners”).

WHEREAS, the Owners are the legal owner of record of real estate, the legal description of which is set forth in Exhibit “A” attached hereto, and by this express reference made a part hereof, said real estate being referred to as herein “Tract”. That, as of the date of this Agreement, said real estate is not contiguous to the corporate city limits of the City of Dyersville, and is generally described as shown on Exhibit “A”, attached hereto.

WHEREAS, the Tract constitutes territory which may be annexed to the City of Dyersville as provided in Chapter 368 of the Iowa Code; and

WHEREAS, the aforesaid Owners desire to have the Tract annexed to the City of Dyersville, Iowa upon certain terms and conditions as hereinafter set forth in the event the said Tract becomes contiguous to the City.

WHEREAS, notice of the proposed annexation shall be given to the Dubuque County Board of Supervisors and all others legally required to be notified pursuant to 368.7 of the Iowa Code at the time the Tract becomes contiguous to the City; and

WHEREAS, at the time the Tract becomes contiguous to the City and a public hearing has been held pursuant to 368.7 of the Iowa Code, the Corporate Authorities, after due and careful consideration, have concluded that the annexation of said real estate to the City on the terms and conditioned hereinafter set forth would further the growth of the City, would provide the harmonious development of the City, would enable the City to control the development of the area and would serve the best interests of the City.

NOW THEREFORE, in consideration of the promises and the mutual covenants and agreements herein contained, it is hereby agreed as follows:

1. This agreement is made pursuant to and in accordance with the provisions of Chapter 368 of the Iowa Code. The foregoing preambles and recitations are made a part of this agreement.
2. This agreement is for a term of twenty (20) years commencing on the date of execution, and to the extent permitted thereby. The parties also agree that they will extend this agreement for an additional twenty (20) years after the initial twenty (20) year term.
3. The Owners, upon execution of this agreement, will file with the City Clerk a petition to annex the Tract, as described herein, to the city of Dyersville, Iowa. It is agreed that said petition shall be held in trust until the Tract becomes contiguous. The petition relating to the Tract shall then be filed with the Corporate Authorities and shall be officially considered.
4. Upon filing the petition, the City shall give notice of the Petition for Annexation to the Dubuque County Board of Supervisors, or any other necessary entity.
5. The City agrees to pay the administrative costs associated to annexing the hereinbefore-described property, which includes filing and recording costs.
6. The City agrees to allow Owners to receive water and sanitary sewer services prior to annexation and to waive water and sanitary sewer hookup fees.
7. The Owners agree to pay for the costs of running water and sanitary sewer lines from the mains to their principal home, as well as the costs of the water meter.
8. This Annexation Agreement shall be binding upon and inure to the benefit of the parties hereto, successor owners of record of land that is the subject to this Agreement, assignees, and lessees, and on any successor municipal authorities of the City and successor municipalities for a period of twenty (20) years from the date of execution hereof and any extended time that may be agreed to by this agreement and amendments.
9. This agreement shall be enforceable in any court of competent jurisdiction by any of the parties hereto by any appropriate action at law or in equity to secure the performance of the covenants herein contained.
10. If any provision of the Agreement is held invalid, such provisions shall be deemed to be excised therefrom the invalidity thereof shall not effect any of the other provisions contained herein.
11. Any notice to be delivered pursuant to the terms of the agreement shall be delivered or mailed by certified mail, return receipt requested, to the respective parties at the following addresses:

CITY OF DYERSVILLE
CITY CLERK
340 1ST AVENUE EAST
DYERSVILLE, IOWA 52040

DAVID J. AND KITTY M. STEPHAN
31671 OLDE CASTLE ROAD
DYERSVILLE, IOWA 52040

END OF AGREEMENT

[Signature Page Follows Next]

IN WITNESS WHEREOF, the parties hereto have set their hands seals and have caused this instrument to be executed on the day and years first above written.

CITY OF DYERSVILLE, IOWA:

By: _____
Jeff Jacque, Mayor

(*City Seal*)

ATTEST:

Tricia L. Maiers, City Clerk

OWNERS:

By: _____
David J. Stephan

By: _____
Kitty M. Stephan

ATTACHMENT:

EXHIBIT A: Legal Description of Each Tract

EXHIBIT B: Plat of Annexation

LEGAL DESCRIPTION

Lot 2 of Lot 1 of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, Township 88 North, Range 2 West
of the 5th P.M., Dubuque County, Iowa

**EXHIBIT A
TO ANNEXATION AGREEMENT**

**EXHIBIT A
TO PETITION FOR ANNEXATION AND ZONING**

PLAT OF ANNEXATION

Stephan Parcel Map



EXHIBIT B TO ANNEXATION AGREEMENT

EXHIBIT B TO PETITION FOR ANNEXATION AND ZONING

CASE NO _____

DATE FILED _____

PETITION FOR ANNEXATION AND ZONING

TO: MAYOR AND CITY COUNCIL OF THE CITY OF DYERSVILLE, IOWA

The Petitioners, David J. Stephan and Kitty M. Stephan

RESPECTFULLY STATES UNDER OATH:

1. That the Petitioners are the sole owner of record of the following legally described land hereinafter to as the "Tract". See attached Legal Description, EXHIBIT A. The Tract is further identified as parcel number 1205326007.
2. The Tract is not situated within the limits of any municipality, but is contiguous to the City of Dyersville, Iowa.
3. That the Tract should be zoned a Single-Family Residential District for the following reasons: Compatible with current use and future expansion.

THE PETITIONERS RESPECTFULLY REQUESTS:

1. That the above-described Tract be voluntarily annexed to the City of Dyersville, pursuant to Section 368.7 of the Code of Iowa, as amended.
2. That such other action may be taken as is appropriate in the premises.

END OF PETITION

[Petitioners' Statement Page Follows Next]

PETITIONERS' STATEMENT

I hereby state that the preceding statements and all statements made in supplementary material, and all attached documents submitted by me are true and correct.

Signed on this _____ day of _____ 2025.

Telephone: _____

Subscribed and sworn before me this _____ day of _____, 2010.

Notary Public

ATTACHMENTS:

EXHIBIT A: Legal Description
EXHIBIT B: Plat of Annexation