
Preparer/Return To: Douglas D. Herman, Lynch Dallas, P.C., 526 Second Ave SE, Cedar Rapids, IA 52401
Phone: 319-365-9101

DEVELOPMENT AGREEMENT

This Development Agreement (the “Agreement”) is entered into between the City of Independence, Iowa (the “City”), and Russell Lee Heidemann and Tammara Lea Heidmann (“the Developers”), as of the 10th day of February, 2025.

WHEREAS, the Developers are the legal owner of record of real estate located at 611 and 615 4th Street SW and 401 6th Ave SW, Independence, IA 50644, the legal description of which are more specifically described on Exhibit A and shown on the map attached as Exhibit B hereto (the “Property”); and,

WHEREAS, the Developers have requested Crawford Engineering & Surveying complete a Plat of Survey for Boundary Line Adjustment to realign the boundary line separating 611 4th Street SW and 401 6th Ave SW, Independence, IA 50644, dated the 5th day of November 2024, and having received the approval of the City Council by Resolution 2025-__, and recorded on November 6, 2024, as Buchanan County Recorder Instrument No. 2024R03000.

WHEREAS, the Developers intend to remove the garage that is located on potential Parcel 2 and relocate it to Parcel 1 as shown on the map on Exhibit B (the “Project”);

WHEREAS, the City requires that the Project either be completed or the Developers begin the construction of a residential dwelling on potential Parcel 2 on or before July 1, 2025; and

WHEREAS, it is now necessary to set forth the agreement between the City and the Developers with respect to the Development of the Property.

NOW THEREFORE, the parties hereto agree as follows:

A. Agreement Terms and Provisions

1. The Developers agree to either complete the Project in a manner that meets City Code requirements or, in the alternative, obtain a variance for any portion of the Project proposed by the Developers that will not meet City Code requirements or begin the construction of a residential dwelling on potential Parcel 2, on or before July 1, 2025, which will be served by the current garage (accessory structure).

2. The City approves the boundary line adjustment as shown on Exhibit C.

B. Administrative Provisions

1. **Assignment.** This Agreement may not be amended or assigned by either party without the express permission of the other party.
2. **Successors and Assigns.** This Agreement shall inure to the benefit of and be binding upon the successors and assigns of the parties.
3. **Choice of Law.** This Agreement shall be deemed to be a contract made under the laws of the State of Iowa and for all purposes shall be governed by and construed in accordance with laws of the State of Iowa.
4. **Preamble.** All terms and definitions set forth in the Preamble of this Agreement shall apply and be binding as if set forth fully verbatim herein.

C. Notice

1. Any notices, demand or other communication permitted or required to be given under this Agreement shall be deemed given if either personally delivered or delivered by U.S. Certified Mail, postage prepaid, return receipt requested, or by recognized overnight courier such as Federal Express, U.P.S., or Airborne, and addressed as follows:

To City: City Clerk

City of Independence
331 1st Street E
Independence, IA 50644

To Developer: Russell Lee Heidemann

Tammara Lea Heidemann
608 4th Street SW
Independence, IA 50644

Changes in the above address may be made by notifying the other party as described above. Notices shall not be deemed effective until received by the party being notified.

IN WITNESS WHEREOF, the parties hereto bind themselves to this Agreement as of the day and year first above written.

CITY OF INDEPENDENCE, IOWA

Matthew R. Schmitz, MPA
City Manager

Attest:

DEVELOPERS

Russell Lee Heidemann

Tammara Lea Heidemann

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

Certain real property situated in the City of Independence, County of Buchanan, State of Iowa more particularly described as follows:

The North $\frac{1}{2}$ of Lots 2 and 3, Block 13, Fargo's Addition to Independence, Buchanan County, Iowa AND Lot 1, Block 13, Fargo's Addition to Independence, Buchanan County, Iowa

4TH STREET SW

Parcel 1

Parcel 2

Garage

Parcel 3

7TH ST

7TH AVE. SW

Dimensions and bearings for Parcel 1:

- Top boundary: (66')
- Right boundary: (93.28')
- Bottom boundary: S 02°22'33" E

Dimensions and bearings for Parcel 2:

- Top boundary: N 89°32'12" E, 65.81', (66')
- Right boundary: N 02°19'23" W, 93.17'
- Bottom boundary: S 89°29'45" W, 65.91'

Dimensions and bearings for Parcel 3:

- Top boundary: N 89°34'34" E, 34.46'
- Right boundary: 92.99' (93.05')
- Bottom boundary: S 89°30'01" W, 33.65'
- Left boundary: S 01°49'34" E, 97.54', 98.35'

[CORNER

↑

025° WEST OF

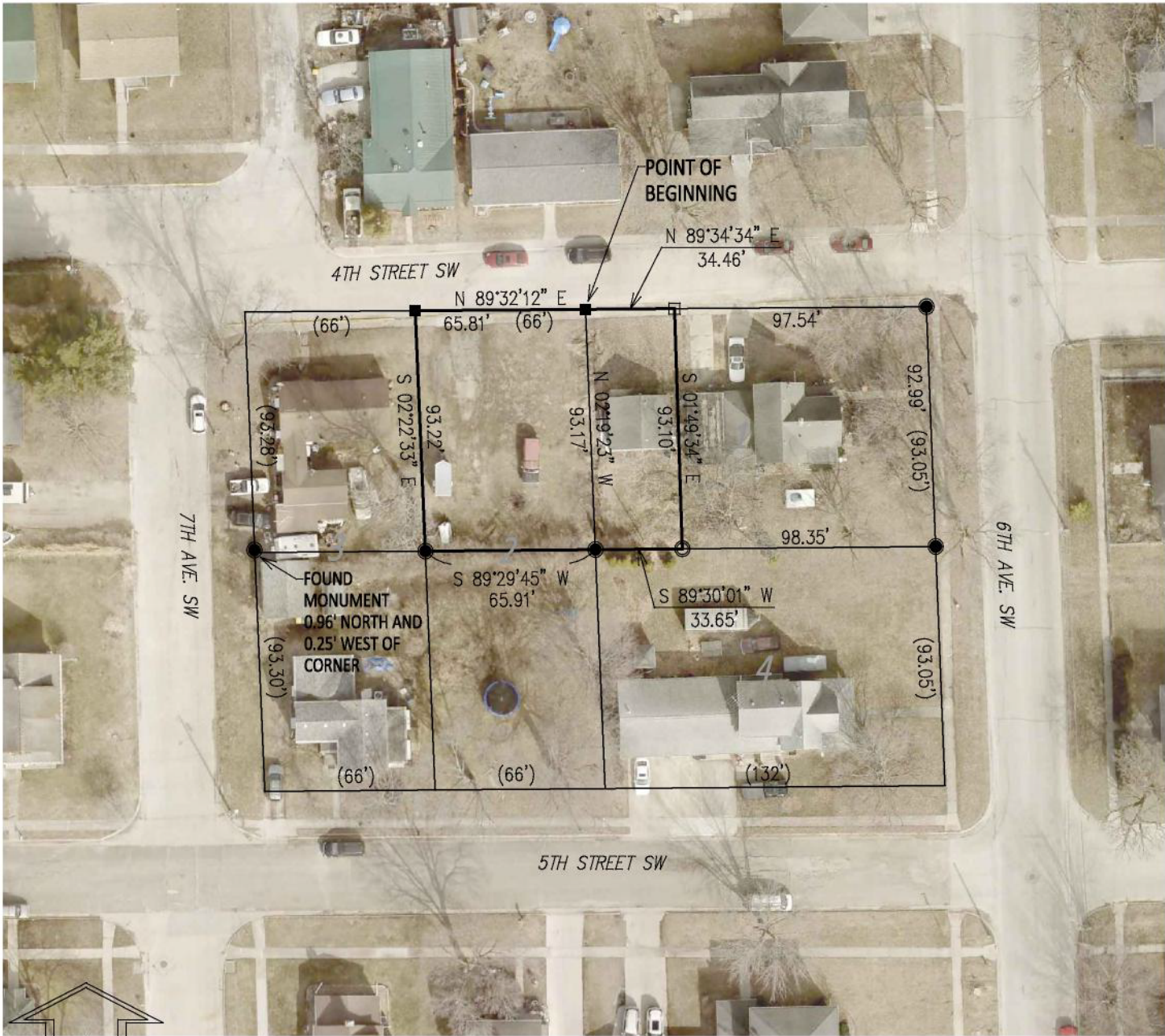
INDEX LEGEND
COUNTY: BUCHANAN
ALIQUOT PART :
CITY: INDEPENDENCE
SUBDIVISION: FARGOS ADDITION
LOT: NORTH ½ OF LOT 2
BLOCK: 13
PROPRIETOR: HEIDEMANN, RUSSELL LEE & TAMMARA LEA
REQUESTED BY: TAMMY HEIDEMANN

PREPARED BY: LAWRENCE G. CRAWFORD, PLS—CRAWFORD ENGINEERING 118 3RD AVE NE INDEPENDENCE, IOWA 50644 (319)334-7077

PLAT OF SURVEY FOR BOUNDARY LINE ADJUSTMENT

OF THE NORTH ½ OF LOT 2, BLOCK 13,
AND PART OF LOT 1 DESCRIBED AS;

BEGINNING AT THE NW CORNER OF LOT 1, BLOCK 12, FARGOS ADDITION; THENCE N89°34'34"E, 34.46 FEET; THENCE S01°49'34"E, 93.10 FEET; THENCE S89°30'01"W, 33.65 FEET; THENCE N02°19'23"W, 93.17 FEET TO THE POINT OF BEGINNING, ALL IN FARGOS ADDITION TO INDEPENDENCE, BUCHANAN COUNTY, IOWA



NORTH
0 30 60
Scale: 1" = 60'

Reference is made to Plat of Survey
recorded in Book 548 Page 263.

DATE SURVEYED: 10-22-2024

— SURVEY LINE
(R) — RECORD DISTANCE

CORNERS FOUND:

- — 1/2" IP W/ CAP #8033
- — CUT 'X' IN PCC

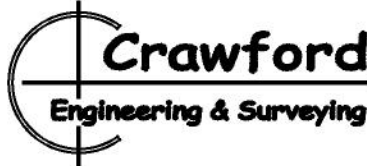
CORNERS SET:

- ⊙ — 1/2" IP W/YPC #11572
- — CUT 'X' IN CONCRETE

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED
AND RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT
PERSONAL SUPERVISION AND THAT I AM A QUALIFIED PROFESSIONAL
LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.
LICENSE RENEWAL DATE: DECEMBER 31, 2024 LICENSE NO. 11572

PRELIMINARY

LAWRENCE G. CRAWFORD DATE



118 3rd Ave NE Independence, Iowa 50644 ph: (319) 334-7077
PROJECT NO. 24291 FLD.BK.NO. PAGE