

RESOLUTION NO. _____

**A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BY
AND BETWEEN THE CITY OF FORT DODGE, WEBSTER COUNTY, IOWA, AND
CLYDE AND DIANE KNUPP**

WHEREAS, Iowa Code Section 28E.3 allows for the joint exercise of power between public agencies, and;

WHEREAS, The City and County have authority over building and zoning, and;

WHEREAS, a light industrial development is under construction in an unincorporated portion of the County adjacent to City corporate limits as described in Exhibit A, and:

WHEREAS, the Owners have requested annexation of property containing said development into the City and agreement between the owners and the City of Fort Dodge has been reached and signed.

WHEREAS, there will exist a substantial amount of time between the approval of an annexation agreement between the Owners and the City and an official incorporation of said property into the City, and;

WHEREAS, the Owners wish to continue construction of said development under City regulation prior to annexation of said property.

NOW THEREFORE BE IT RESOLVED, that the City Council approves the memorandum of understanding allowing the City to issue all building permits and manage and enforce all building, zoning, inspections and any other required City development review at the time an annexation agreement is signed by the City and Owners and for the duration of time through annexation of said property.

The above Resolution passed and adopted by the City Council of the City of Fort Dodge, Iowa this 25th day of September, 2014.

Ayes: _____

Nays: _____

Other: _____

CITY OF FORT DODGE

BY: _____
Matt Bemrich, Mayor

ATTEST:

Jeff Nemmers , City Clerk

Memorandum of Understanding

By and Between

The City of Fort Dodge,
Webster County, Iowa, and
Clyde and Diane Knupp

This Memorandum of Understanding (hereinafter “Memorandum”) is entered into as of this ____ day of _____, 2014, by and between the City of Fort Dodge, Iowa, a Municipal Corporation of the State of Iowa (hereinafter “City”), Webster County, Iowa, a Municipal Corporation of the State of Iowa (hereinafter “County”) and Clyde and Diane Knupp, property owners (hereinafter “Owners”).

WHEREAS, Iowa Code Section 28E.3 allows for the joint exercise of power between public agencies, and;

WHEREAS, The City and County have authority over building and zoning, and;

WHEREAS, a light industrial development is under construction in an unincorporated portion of the County adjacent to City corporate limits as described in Exhibit A, and:

WHEREAS, the Owners have requested annexation of property containing said development into the City and agreement between the owners and the City of Fort Dodge has been reached and signed.

WHEREAS, there will exist a substantial amount of time between the approval of an annexation agreement between the Owners and the City and an official incorporation of said property into the City, and;

WHEREAS, the Owners wish to continue construction of said development under City regulation prior to annexation of said property.

NOW THEREFORE, the parties agree to the following:

1. The City will issue all building permits and the City will manage and enforce all building, zoning, inspections and any other required City development review at the time an annexation agreement is signed by the City and Owners and for the duration of time through annexation of said property.
2. This agreement is only effective upon a fully executed annexation agreement of said property between the Owners and the City.
3. If the annexation process is not completed and accepted by the State of Iowa, for any reason, the Owners will take any action necessary, including the removal of any noncomplying structures in order to ensure the project complies with County Ordinances.
4. Owners hereby agree to assume full responsibility and liability for any and all legal costs and expenses incurred by the County in enforcing the terms of this Agreement.

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City of Fort Dodge, Iowa

Matt Bemrich, Mayor

Webster County, Iowa

Clark Fletcher,
Chairman of the Board of Supervisors

Owners:

Clyde Knupp

Diane Knupp

Exhibit A - Knupp Property

Legal Description: Lots 1 and 2 of the Official Plat for the Airport Industrial Development in Webster County, Iowa; as described in Book 45 at Page 451 Deed Record of the Webster County Recorder's Office.



75 37.5 0 75 Feet

Map created 8/1/14