

**CITY OF SWISHER**  
**RESOLUTION NO. 2016-17**

**RESOLUTION APPROVING A CHAPTER 28E CODE OF IOWA (2016) AGREEMENT BETWEEN THE CITY OF SWISHER AND THE CITY OF SHUEYVILLE REGARDING ANNEXATION AND EXTRATERRITORIAL REVIEW OF SUBDIVISION PLATS.**

WHEREAS, the Cities of Swisher and Shueyville have each established long-range growth areas; and

WHEREAS, Swisher and Shueyville have used Interstate 380 as the principal criteria for the establishment of the above-referenced long-range growth area;

WHEREAS, Section 354.8 and 354.9, Code of Iowa, (2016), established the rights of cities to review subdivision plats within two (2) miles of their corporate boundaries; and

WHEREAS, said sections state that cities shall establish reasonable standards and conditions for review of subdivisions within overlapping two (2) miles areas of extraterritorial jurisdiction by agreements pursuant to Chapter 28E, Iowa Code (2016).

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SWISHER, IOWA, THAT:

1. The Mayor and the City Clerk are hereby authorized to execute the Chapter 28E Code of Iowa (2016) Agreement with the City of Shueyville, which is attached hereto and incorporated herein by this reference.
2. Said Agreement is hereby approved as to form and content and is found to be in the best interest of the City of Swisher, Iowa.
3. The City Clerk is hereby authorized to record a certified copy of this Resolution, together with the Chapter 28E Code of Iowa (2016) Agreement, in the office of the Recorder for Johnson County, Iowa, and to file a copy of this Resolution and Agreement

with the Secretary of State, as required by Chapter 28E, Iowa Code (2016). The Clerk is further directed to keep a copy of said recorded documents in a permanent file maintained by the City Clerk.

On the 11<sup>th</sup> day of April, 2016, at a regular meeting of the Swisher City Council, Swisher, Iowa, Councilperson Gudenkauf introduced RESOLUTION No. 2016-17, and made a motion for approval. The motion was seconded by Councilperson Stagg.

Roll Call Vote	Absent	Aye	Nay	Abstain
Mary Gudenkauf		✓		
Angie Hinrichs		✓		
Rebekah Neuendorf	✓			
Michael Stagg		✓		
Larry Svec		✓		

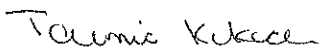
Motion Carried.

WHEREUPON, the mayor declared that RESOLUTION No. 2016-17, be adopted and signified his approval of the same by affixing his signature thereto.

PASSED, by the Council on the 11<sup>th</sup> day of April, 2016 and approved by the Mayor on the 11<sup>th</sup> day of April, 2016.

  
MAYOR, CHRISTOPHER TAYLOR

ATTEST:

  
Tawnia Kakacek, City Clerk

**CHAPTER 28E CODE OF IOWA (2016) AGREEMENT  
BETWEEN  
THE CITY OF SWISHER AND CITY OF SHUEYVILLE**

THIS AGREEMENT is entered into pursuant to Chapter 28E, Iowa Code (2016), by the City of Swisher, Iowa, hereinafter referred to as "SWISHER" and the City of Shueyville, Iowa, hereinafter referred to as "SHUEYVILLE".

WHEREAS, SWISHER and SHUEYVILLE each have considered the need for long-term planning which addresses the long-range growth for each community; and

WHEREAS, Section 354.8 and 354.9, Code of Iowa, (2016), establish the rights of cities to review subdivision plats within two (2) miles of their corporate boundaries; and

WHEREAS, Section 354.9 (3), Iowa Code (2016), pertains specifically to overlapping areas of review between cities and provides that cities shall establish by agreement, pursuant to Chapter 28E, Iowa Code (2016), reasonable standards and conditions for review of subdivisions within overlapping areas; and

WHEREAS, SWISHER and SHUEYVILLE have established jurisdiction to review subdivisions outside its corporate boundaries pursuant to Section 345.8 and 345.9 Iowa Code (2016); and

WHEREAS, it is in the best interest of the citizens of both communities to enter into such an Agreement to establish reasonable standards and conditions for review of subdivisions within the overlapping areas of the cities' extraterritorial jurisdiction.

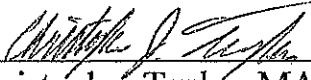
NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL CONVENANTS AND AGREEMENTS SET FORTH HEREIN, SWISHER AND SHUEYVILLE AGREE AS FOLLOWS:

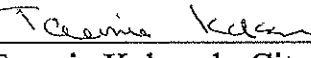
1. That SWISHER and SHUEYVILLE each retain exclusive jurisdiction to review subdivisions proposed outside of each city's corporate boundaries, but within each city's two-mile area of extraterritorial review.

2. The area of overlapping jurisdiction east of Swisher and west of Shueyville shall be divided by the centerline of Interstate 380.
3. That the parties agree that neither shall annex or attempt to annex any property within the other Party's extraterritorial jurisdiction as set forth herein and further agree to approve an Resolution for Annexation Moratorium, agreeing to refrain from annexing the property designated within the other city's extraterritorial jurisdiction as described herein.
4. That this annexation moratorium shall remain in effect for ten (10) years as prescribed in Section 368.4, Iowa Code(2016).
5. That this Agreement shall be recorded in the Johnson County Recorder's Office and the Secretary of State's Office, as provided by Chapter 28E, Code of Iowa, with each Party sharing one-half of the recording costs.

SWISHER:

CITY OF SWISHER, IOWA

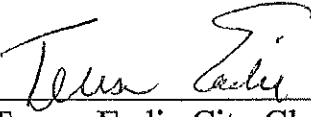
By:   
Christopher Taylor, MAYOR

By:   
Tawnia Kakacek, City Clerk

SHUEYVILLE:

CITY OF SHUEYVILLE:

By:   
Mickey Coonfare, MAYOR

By:   
Teresa Eadie, City Clerk

STATE OF IOWA )

COUNTY OF JOHNSON ) ss:

On this 14<sup>th</sup> day of April 2016, before me a Notary Public, in and for the State of Iowa, personally appeared Christopher Taylor and Tawnia Kakacek, to me personally known, and who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Swisher, Iowa; and the seal affixed to the forgoing instrument is the corporate seal of the corporation and that instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in the resolution adopted by the City Council, under Resolution No. 2016.17 of the City Council on the 14<sup>th</sup> day of April 2016, and that Christopher Taylor and Tawnia Kakacek acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntary executed.

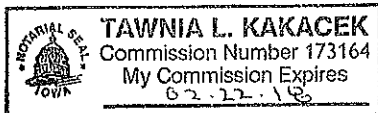


[Signature]  
Notary Public in and for the State of Iowa

STATE OF IOWA )

COUNTY OF JOHNSON ) ss:

On this 25 day of March 2016, before me a Notary Public, in and for the State of Iowa, personally appeared Mickey Coonfare and Teresa Eadie, to me personally known, and who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Shueyville, Iowa; and the seal affixed to the forgoing instrument is the corporate seal of the corporation and that instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in the resolution adopted by the City Council, under Resolution No. 2016.02 of the City Council on the 8<sup>th</sup> day of March 2016, and that Mickey Coonfare and Teresa Eadie acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntary executed.



[Signature]  
Tawnia L. Kakacek  
Notary Public in and for the State of Iowa