

ORDINANCE NO. 16-01

ORDINANCE AMENDING THE MARION CODE OF ORDINANCES REGARDING A REQUEST TO REZONE PROPERTY LOCATED SOUTH OF ECHO HILL ROAD AND WEST OF ALBURNETT ROAD FROM A-1, RURAL RESTRICTED TO R-2, MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL (DX4 Investments, Inc., applicant).

WHEREAS, DX4 Investments, Inc., applicant has made application to rezone property from A-1, Rural Restricted to R-2, Medium Density Single-Family Residential for property located south of Echo Hill Road and west of Alburnett Road in Marion, Iowa, more particularly described as follows:

Rezone A-1 to R-2

That part of Lot 2, Russ Smith's First Addition to Linn County, Iowa located in the Northeast Quarter of Section 23, Township 84 North, Range 7 West of the 5th P.M., Marion, Linn County, Iowa described as follows:

*Beginning at the Southwest corner of said Lot 2;
thence North 01° 18' 42" West a distance of 638.02 feet along the West line of said Lot 2;
thence North 88° 38' 20" East a distance of 875.54 feet;
thence North 66° 03' 44" East a distance of 309.57 feet to the East line of said Lot 2;
thence South 00° 57' 30" East a distance of 489.60 feet along the East line of said Lot 2 to the Southwest corner of Lot 1, Russ Smith's First Addition;
thence North 89° 12' 05" East a distance of 447.16 feet along the South line of said Lot 1 to the Southeast corner thereof;
thence South 01° 23' 56" East a distance of 290.39 feet along the East line of said Lot 2 to the Southeast corner thereof;
thence South 89° 37' 13" West a distance of 1606.06 feet along the South line of said Lot 2 to the point of beginning, containing 20.59 acres subject to covenants, easements and restrictions of record.*

For the purpose of this description, the West line of Lot 2, Russ Smith's First Addition to Linn County, Iowa is assumed to bear North 01° 18' 42" West.

Rezone A-1 to R-2

That part of Lot 1, Russ Smith's First Addition to Linn County, Iowa located in the Northeast Quarter of Section 23, Township 84 North, Range 7 West of the 5th P.M., Marion, Linn County, Iowa described as follows:

*Beginning at the Southwest corner of said Lot 1;
thence North 00° 57' 30" West a distance of 489.60 feet along the West line of said Lot 1;
thence North 89° 12' 05" East a distance of 443.40 feet to the East line of said Lot 1;
thence South 01° 23' 56" East a distance of 489.63 feet along said East line to the Southeast corner of said Lot 1;
thence South 89° 12' 05" West a distance of 447.16 feet along the South line of said Lot 1 to the point of beginning, containing 5.00 acres subject to covenants, easements and restrictions of record.*

For the purpose of this description, the West line of Lot 1, Russ Smith's First Addition to Linn County, Iowa is assumed to bear North 00° 57' 30" West.

WHEREAS, said application has been considered by the Planning and Zoning Commission and the Commission adopted CPC Resolution No. 16-01 dated January 12, 2016, recommending approval of said rezoning request; and,

WHEREAS, said application has heretofore been set for public hearing on February 4, 2016 before the City Council as required by law and said public hearing having been concluded and the Council having considered the record and all statements for and against said application and being fully advised of the premises; and,

WHEREAS, the City Council has considered the recommendation of the Planning & Zoning Commission regarding said rezoning application.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARION IOWA;
Section 1. That Section 176.05 of the Marion Code of Ordinances is hereby amended, including the Zoning District Map, and the zoning classification is changed for the above described real estate from A-1, Rural Restricted to R-2, Medium Density Single-Family Residential.

Section 2. That all ordinances and parts of ordinances in conflict with the same are hereby repealed.

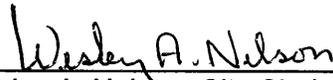
Section 3. This ordinance shall be in full force and effect from and after its passage, approval, and publication as by law provided.

Passed and approved this 3 day of March, 2016.



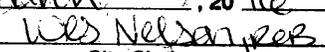
Nicolas AbouAssaly, Mayor

ATTEST:



Wesley A. Nelson, City Clerk

CERTIFICATE OF SERVICE

The undersigned City Clerk of Marion, Iowa certifies that the ordinance shown immediately above was published in the Marion Times on the 24 day of March, 2016.


City Clerk