

ORDINANCE NO. 14-13

ORDINANCE AMENDING THE MARION CODE OF ORDINANCES REGARDING A REQUEST TO REZONE PROPERTY LOCATED NORTH OF 29TH AVENUE AND WEST OF 44TH STREET FROM UNDESIGNATED TO R-2, MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL (Dustin Kern).

WHEREAS, Dustin Kern, owner, has made application to rezone from Undesignated to R-2, Medium Density Single-Family Residential for property located north of 29th Avenue and west of 44th Street, more particularly described as follows:

Undesignated to R-2

That part of the Southeast Quarter of the Southeast Quarter of Section 29, Township 84 North, Range 6 West of the 5th P.M., City of Marion, Linn County, Iowa, described as follows:

Beginning at the Northwest corner of Lot 2, Briargate Second Addition in the City of Marion, Linn County, Iowa;

thence South 01° 02' 02" East (North 01° 01' 50" West Record) 1025.12 feet along the West line of said Briargate Second Addition to a point of intersection with the South line of said Southeast Quarter;

thence South 89° 50' 15" West 639.26 feet along the Said South line of the said Southeast Quarter to the Southwest corner thereof;

thence North 01° 02' 35" West 1025.12 feet along the West of said Southeast Quarter to the Southwest corner of Lot 8, Briargate First Addition in the City of Marion, Linn County, Iowa;

thence North 89° 50' 15" East 639.43 feet along the South line of said Briargate First addition to the point of beginning, containing 15.04 acres subject to easements and restrictions of record.

For purpose of this description, the West line of Lot 2, Briargate Second Addition is assumed to bear South 01° 02' 02" East.

WHEREAS, said application has been considered by the Planning and Zoning Commission and the Commission adopted CPC Resolution No. 14-12 dated June 10, 2014, recommending approval of said rezoning request; and,

WHEREAS, said application has heretofore been set for public hearing on July 10, 2014 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.

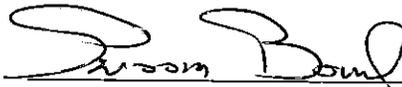
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARION IOWA;

Section 1. That Section 176.04 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 Undesignated 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.

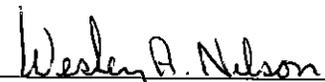
Section 3. This ordinance shall be in full force and effect from and after its passage, approval, and publication as by law provided.

Passed and approved this 24th day of July, 2014.



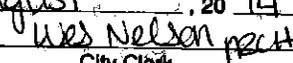
Snooks Bouska, Mayor

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 MANHATTAN TIMES on the 7th day of August, 20 14.


City Clerk