

**ORDINANCE NO. 15-17**

**ORDINANCE AMENDING THE MARION CODE OF ORDINANCES REGARDING A REQUEST TO ZONE PROPERTIES LOCATED ON BOTH SIDES OF NORTH 10<sup>TH</sup> STREET BETWEEN TOWER TERRACE ROAD AND CONNECTION AVENUE AS A-1, RURAL RESTRICTED AND R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL (City Initiated).**

WHEREAS, the City of Marion has made application to zone properties to A-1, Rural Restricted and R-1, Low Density Single Family Residential located on both sides of North 10<sup>th</sup> Street between Tower Terrace Road and Connection Avenue in Marion, Iowa, more particularly described as follows:

**Zone to A-1**

*The West Nine Hundred (900) feet of the East One Thousand Fifty (1050) feet of the North Four Hundred Eight-four (484) feet of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of Section Twenty-five (25), Township Eight-four (84) North, Range Seven (7) West of the 5<sup>th</sup> P.M., Linn County, Iowa.*

And

*All that part of the West Fractional 1/2 NW 1/4 Section 30-84-6, Linn County, Iowa described as follows:*

*West 580 feet of the following described tract: Beginning at a point on the West boundary line of said Section 30, 62 3/4 rods North of the SW corner thereof; thence North along said West line, 27 3/11 rods; thence East, parallel to the North line of said NW Fral. 1/4, to the boundary line between the East 1/2 and the West Frl. 1/2 of said NW Frl. 1/4; thence South along said boundary line, 27 3/11 rods; thence West parallel to the North line of said NW Frl. 1/4 to the point of beginning, excepting therefrom: All that part lying North of a line which is 60 feet South of and parallel to the South line, produced E-ly, of a tract described in deed records in Volume 1070 page 214 records of the County Recorder, Linn County, Iowa*

And

*W258' S240' N1405.48' W1/2 NW Fr-Ex W40' of Section 30-84-6*

And

*All that part of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section Thirty (30) described as follows: Beginning at a point Sixty-nine and eight-elevenths (68 8/11) rods South of the Northwest corner of said Section Thirty (30) on the West line of said Section Thirty (30); thence East on a line parallel with the North line of said Section Thirty (30) to the line between the East half and the West half of said Northwest Quarter (NW1/4) of said Section Thirty (30); thence North on and along said line between the East half and the West half of said Northwest Quarter (NW1/4), Thirty-four and nineteen-twenty-second (34 19/22) rods; thence West to the West boundary line of said Section Thirty (30); thence South on and along said West boundary line of said Section (30), Thirty-four and nineteen-twenty-seconds (34 19/22) rods to the point of*

*beginning, excepting therefrom the South Twenty-four (24) rods of the West Twenty (20) rods thereof.*

*And also excepting therefrom the tract described as follows: Beginning at a point Thirty-four and nineteen-twenty-seconds (34 19/22) rods South of the Northwest corner of said Section Thirty (30); thence South nine (9) rods; thence East four hundred fifty (450) feet; thence South one (1) rod; Thence East twelve (12) rods; thence North ten (10) rods; thence West to the point of beginning, all in Township Eight-four (84), North Range Six (6), West of the 5<sup>th</sup> P.M., Linn County, Iowa.*

*And*

*All that part of the NW1/4 NW1/4 of Section 30-84-6, Linn County, Iowa described as follows: Commencing at a point 69 8/11 rods South of the Northwest corner of said Section 30 on the West line of said section; thence East on a line parallel with the North line 20 rods; thence North 24 rods; thence West 20 rods to a point 45 8/11 rods South of the NW corner of said Section 30; thence South to the point of beginning, except the Public Highway.*

*And*

*Lots 9, 10, 11, 12, 13, and 14, and that part of Lots 6 and 8 Irregular Survey SW1/4 Section 19-84-6, Linn County, Iowa described as follows: Commencing at the NW corner of said Lot 9; thence North 12 rods; thence East in a direct line to the NW corner of said Lot 11; thence S-ly along the West line of said Lot 11 to the North line of said Lot 9 at a point 2.57 chains West of the NE corner of said Lot 9; thence West along the North line of said Lot 9 to the point of beginning and that part of Lot 15 Irregular Survey SW1/4 Section 19-84-6, Linn County, Iowa lying W-ly of the Road, excepting all the public highways.*

### **Zoning to R-1**

*Shady Oaks Addition to Linn County, Iowa*

*And*

*Shady Oaks Second Addition to Linn County, Iowa*

*And*

*East 1/2 of the northeast quarter of Section 25, Township 84, Range 7*

WHEREAS, said application has been considered by the Planning and Zoning Commission and the Commission adopted CPC Resolution No. 15-24 dated May 12, 2015, recommending approval of said rezoning request; and,

WHEREAS, said application has heretofore been set for public hearing on June 4, 2015 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,

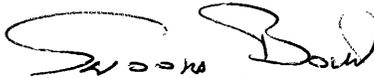
WHEREAS, the City Council has considered the recommendation of the Planning & Zoning Commission regarding said rezoning application.

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 to A-1, Rural Restricted and R-1, Low Density Single Family Residential.

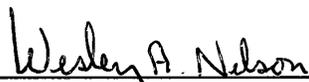
Section 2. That all ordinances and parts of ordinances in conflict with the same are hereby repealed.

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 7 day of July, 2015.

  
\_\_\_\_\_  
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 Marion Times on the 14 day of July, 20 15.  
Wes Nelson  
\_\_\_\_\_  
City Clerk