

ORDINANCE NO. 359

**AN ORDINANCE AMENDING THE 2013 HARTLEY ZONING MAP TO REZONE
PROPERTY LOCATED IN AN AGRICULTURE DISTRICT TO A HEAVY
INDUSTRIAL DISTRICT**

BE IT ENACTED by the City Council of the City of Hartley, Iowa:

WHEREAS: The City of Hartley is the owner of property with the following legal description located in Hartley, Iowa:

DESCRIPTION (PARCEL H):

That part of Parcel G located in the Fractional North Half of Section 31, Township 97 North, Range 39 West of the Fifth Principal Meridian, O'Brien County, Iowa described as follows to wit: Commencing at the northeast corner of Section 31, Township 97 North, Range 39 West of the Fifth Principal Meridian, O'Brien County, Iowa and running from this point south 00° 00' 00" east (south 00 degrees 00 minutes 00 seconds east) along the east line of the Northeast Quarter of said Section 31 a distance of 880.80 feet to the point of beginning (said point also being the southeast corner of the parcel described in the deed recorded in the Land Deeds Book 71, Page 11, O'Brien County Recorder's Office) and running from this point of beginning south 89° 51' 52" west a distance of 574.00 feet (574.65 feet as measured) to the southeast corner of Parcel A as recorded in Plat or Survey Book PS 5, Page 289; thence south 89° 58' 12" west a distance of 134.36 feet to the southwest corner of said Parcel A; thence north 00° 00' 00" east a distance of 272.08 feet to the northwest corner of said Parcel A located on the south line of the parcel described in the deed recorded in Land Deeds Book 78, Page 288; thence north 89° 56' 06" west along said south line a distance of 165.00 feet to the southwest corner of said recorded parcel; thence north 00° 00' 00" east a distance of 554.71 feet to the northwest corner of said recorded parcel (said corner being located on the south line of US Highway 18 right-of-way acquired by Deed); thence north 89° 41' 12" west along said south line of US Highway 18 a distance of 861.26 feet; thence south 00° 00' 00" east a distance of 896.40 feet; thence south 90° 00' 00" east a distance of 1552.24 feet to the northeast corner of the parcel described in the 4th exception to the parcel described in Land Deeds Book 68, Page 410; thence continuing south 90° 00' 00" east a distance of 183.00 feet to the northeast corner of said exception parcel; thence north 00° 00' 00" east a distance of 66.00 feet to the point of beginning. All bearings stated in this description are based on the assumption that the east line of the Northeast Quarter of Section 31 has a bearing of south 00° 00' 00" east. The area of the above parcel of land is 20.013 acres, which includes 0.050 acres of highway right of way 33 feet in width along the east line of the above described parcel of land.

The City Council of Hartley, Iowa requested the Harley Planning and Zoning Commission review an amendment to the 2013 Hartley Zoning Map;

WHEREAS: The City Council requested that the property located in Hartley, Iowa, with the legal description contained herein, be rezoned from an Agriculture District to a Heavy Industrial District to develop an industrial park;

WHEREAS, The Hartley Planning and Zoning Commission held a public hearing on the request from the Hartley City Council to amend the 2013 Hartley Zoning Map described herein on December 4, 2019, as required by the 2013 Hartley Zoning Ordinances;

WHEREAS, The Hartley Planning and Zoning Commission found the proposed amendment to the zoning map applies a zoning district that is better suited to the property that is the subject of the amendment;

WHEREAS, following the receipt of the recommendations of the Hartley Planning and Zoning Commission the City Council of the City of Hartley set a public hearing pursuant to section 20.1 of the Zoning Ordinances of the City of Hartley and after the public hearing, the City Council made a specific finding that the change in the zoning as requested is consistent with the objectives of the City Zoning Ordinance;

WHEREAS, there has been no written protest filed by owners of property within two hundred feet of the proposed amendment; and

WHEREAS, The City Council adopts the findings and rezoning amendment change recommended by the Hartley Planning and Zoning Commission and issues the 2013 Hartley Zoning Map be changed to reflect the rezoning.

NOW, THEREFORE, THE CITY OF HARTLEY ORDAINS:

Section 1. The 2013 Hartley Zoning Map is amended to rezone property located in Hartley, Iowa from Agriculture to Heavy Industrial District with a legal description as follows:

DESCRIPTION (PARCEL H):

That part of Parcel G located in the Fractional North Half of Section 31, Township 97 North, Range 39 West of the Fifth Principal Meridian, O'Brien County, Iowa described as follows to wit: Commencing at the northeast corner of Section 31, Township 97 North, Range 39 West of the Fifth Principal Meridian, O'Brien County, Iowa and running from this point south 00° 00' 00" east (south 00 degrees 00 minutes 00 seconds east) along the east line of the Northeast Quarter of said Section 31 a distance of 880.80 feet to the point of beginning (said point also being the southeast corner of the parcel described in the deed recorded in the Land Deeds Book 71, Page 11, O'Brien County Recorder's Office) and running from this point of beginning south 89° 51' 52" west a distance of 574.00 feet (574.65 feet as measured) to the southeast corner of Parcel A as recorded in Plat or Survey Book PS 5, Page 289; thence south 89° 58' 12" west a distance of 134.36 feet to the southwest corner of said Parcel A; thence north 00° 00' 00" east a distance of 272.08 feet to the northwest corner of said Parcel A located on the south line of the parcel described in the deed recorded in Land Deeds Book 78, Page 288; thence north 89° 56' 06" west along said south line a distance of 165.00 feet to the southwest corner of said recorded parcel; thence north 00° 00' 00" east a distance of 554.71 feet to the northwest corner of said recorded parcel (said corner being located on the south line of US Highway 18 right-of-way acquired by Deed); thence north 89° 41' 12" west along said south line of US Highway 18 a distance of 861.26 feet; thence south 00° 00' 00" east a distance of 896.40 feet; thence south 90° 00' 00" east a distance of 1552.24 feet to the northeast corner of the parcel described in the 4th exception to the parcel described in Land Deeds

Book 68, Page 410; thence continuing south 90° 00' 00" east a distance of 183.00 feet to the northeast corner of said exception parcel; thence north 00° 00' 00" east a distance of 66.00 feet to the point of beginning. All bearings stated in this description are based on the assumption that the east line of the Northeast Quarter of Section 31 has a bearing of south 00° 00' 00" east. The area of the above parcel of land is 20.013 acres, which includes 0.050 acres of highway right of way 33 feet in width along the east line of the above described parcel of land.

Section 2. The City Clerk is authorized to make the amendment change enacted by this ordinance to the 2013 Hartley Zoning Map.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved by the City Council the 13th day of January, 2020.

First Reading: January 13, 2020

Second Reading: Suspended January 13, 2020

Third Reading: Suspended January 13, 2020

Final Approval: January 13, 2020

Rodney Ahrenstorff, Mayor

ATTEST:

Erica Haack, City Clerk/Administrator

I certify that the foregoing was published as Ordinance No. 352 on the 5th day of July 2018.

Patty Anderson, City Clerk