ORDINANCE 17-20

AN ORDINANCE APPROVING A REQUEST TO REZONE PROPERTY LOCATED NORTH OF 29TH AVENUE, WEST OF 44TH STREET FROM A-1, RURAL RESTRICTED TO PD-R, PLANNED DEVELOPMENT RESIDENTIAL AND R-2, MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL (ROBSON HOME, LLC)

WHEREAS, Robson Homes, Inc. has made application to rezone from A-1, Rural Restricted to PD-R, Planned Development Residential for certain property located north of 29th Avenue, west of 44th Street, more particularly described as follows:

PART OF THE NW1/4 SE1/4 OF SECTION 29, TOWNSHIP-84-NORTH, RANGE-6-WEST OF THE 5TH P.M., CITY OF MARION, LINN COUNTY, IOWA FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER OF SAID SECTION 29; THENCE N89°26’01”E ALONG THE NORTH LINE OF THE NW1/4 SE1/4 OF SAID SECTION 29, 802.45 FEET; THENCE S01°02’50”E, 211.24 FEET; THENCE S88°56’13”W, 802.36 FEET TO THE WEST LINE OF THE NW1/4 SE1/4 OF SAID SECTION 29; THENCE N01°03’47”W ALONG SAID WEST LINE, 218.19 FEET TO THE POINT OF BEGINNING CONTAINING 3.96 ACRES MORE OR LESS.

AND


BEGINNING AT THE SOUTHEAST CORNER OF THE SW1/4 SE1/4 OF SAID SECTION 29, THENCE S89°50’07”W ALONG THE SOUTH LINE OF THE SW1/4 SE1/4 OF SAID SECTION 29, 1232.76 FEET TO THE SOUTHEAST CORNER OF LOT B, THE COMMONS AT ENGLISH GLEN THIRD ADDITION; THENCE N00°39’36”W ALONG THE EAST LINE OF SAID LOT B, 40.00 FEET TO THE SOUTHEAST CORNER OF OUTLOT B, THE COMMONS AT ENGLISH GLEN THIRD ADDITION; THENCE S89°50’07”W ALONG THE SOUTH LINE OF SAID OUTLOT B, 32.08 FEET TO THE SOUTHEAST CORNER OF LOT 2, THE COMMONS AT ENGLISH GLEN THIRD ADDITION; THENCE N00°36’07”W ALONG THE EAST LINE OF SAID LOT 2, 118.30 FEET TO THE NORTHEAST CORNER OF SAID LOT 2; THENCE N89°23’53”E ALONG THE SOUTH RIGHT-OF-WAY LINE OF SHERWOOD DRIVE, 31.95 FEET TO THE NORTHEAST CORNER OF SAID OUTLOT B; THENCE N00°39’36”W ALONG THE EAST LINE OF LOT A, THE COMMONS AT ENGLISH GLEN THIRD ADDITION, 60.00 FEET TO THE SOUTHEAST CORNER OF OUTLOT A, THE COMMONS AT ENGLISH GLEN THIRD ADDITION;
THENCE S89°23'53"W ALONG THE NORTH RIGHT-OF-WAY LINE OF SHERWOOD DRIVE, 191.83 FEET;
THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE 27.86 FEET ALONG A 120.00 FOOT RADIUS CURVE CONCAVE NORTHERLY WHOSE 27.80 FOOT CHORD BEARS N83°57'04"W TO THE SOUTHWEST CORNER OF SAID OUTLOT A;
THENCE N28°39'22"E ALONG THE WEST LINE OF SAID OUTLOT A, 84.40 FEET TO THE NORTHWEST CORNER OF SAID OUTLOT A;
THENCE N00°38'59"W ALONG THE EAST LINE OF SAID THE COMMONS AT ENGLISH GLEN THIRD ADDITION AND ALONG THE EAST LINE OF LOT A, THE COMMONS AT ENGLISH GLEN SECOND ADDITION, 1196.52 FEET TO THE NORTHEAST CORNER OF SAID LOT A;
THENCE S88°50'34"W ALONG THE NORTH RIGHT-OF-WAY LINE OF QUAIL TRAIL DRIVE, 45.50 FEET TO THE SOUTHEAST CORNER OF LOT 1, THE COMMONS AT ENGLISH GLEN SECOND ADDITION;
THENCE N00°57'14"W ALONG THE EAST LINE OF SAID LOT 1, 120.09 FEET TO THE NORTHEAST CORNER OF SAID LOT 1;
THENCE N89°04'51"E ALONG THE SOUTH LINE OF AUTHORS THIRD ADDITION, 123.59 FEET TO THE SOUTHEAST CORNER OF LOT 21, AUTHORS THIRD ADDITION;
THENCE N01°03'47"W ALONG THE WEST LINE OF THE NW1/4 SE1/4 OF SAID SECTION 29, 189.09 FEET; THENCE N88°56'00"E, 480.00 FEET; THENCE S09°46'10"W, 339.24 FEET; THENCE S08°26'10"W, 364.58 FEET; THENCE S09°57'14"E, 364.27 FEET; THENCE S04°36'49"W, 565.84 FEET; THENCE S09°23'53"E, 817.30 FEET; THENCE N01°00'38"W, 175.01 FEET; THENCE N88°59'22"E, 147.95 FEET TO THE EAST LINE OF THE SW1/4 SE1/4 OF SAID SECTION 29; THENCE S01°02'50"E ALONG SAID EAST LINE, 374.03 FEET TO THE POINT OF BEGINNING CONTAINING 23.64 ACRES MORE OR LESS.

WHEREAS, Robson Homes, Inc., has made application to rezone from A-1, Rural Restricted to R-2, Medium Density Residential for certain property located north of 29th Avenue, West of 44th Street more particularly described as follows:

PART OF THE WEST HALF OF THE SE1/4 OF SECTION 29, TOWNSHIP-84-NORTH, RANGE-6-WEST OF THE 5TH P.M., CITY OF MARION, LINN COUNTY, IOWA FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NW1/4 SE1/4 OF SAID SECTION 29; THENCE S01°02'50"E ALONG THE EAST LINE OF THE SW1/4 SE1/4 OF SAID SECTION 29, 2254.08 FEET; THENCE S88°59'22"W, 147.95 FEET; THENCE S01°00'38"E, 175.01 FEET; THENCE S89°23'53"W, 817.30 FEET; THENCE N04°36'49"E, 565.84 FEET; THENCE N09°57'14"W, 364.27 FEET; THENCE N08°26'10"E, 364.58 FEET; THENCE N09°46'10"E, 339.24 FEET; THENCE S88°56'00"W, 480.00 FEET TO THE WEST LINE OF THE NW1/4 SE1/4 OF SAID SECTION 29; THENCE N01°03'47"W ALONG SAID WEST LINE, 599.95 FEET; THENCE N88°56'13"E, 802.36 FEET; THENCE N01°02'50"W, 211.24 FEET TO THE NORTH LINE OF THE NW1/4 SE1/4 OF SAID SECTION 29; THENCE
N89°26'01"E ALONG SAID NORTH LINE, 520.02 FEET TO THE POINT OF BEGINNING CONTAINING 54.47 ACRES MORE OR LESS

WHEREAS, the Marion Planning and Zoning Commission, on July 11, 2017, conducted a public hearing and approved CPC Resolution No 17-24 recommending approval of a request by Robson Homes, Inc. to rezone certain property located north of 29th Avenue, west of 44th Street from A-1, Rural Restricted and from A-1, Rural Restricted to R-2, Medium Density Residential; and

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission regarding said rezoning application and finds that the rezoning should be approved.

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 PD-R, Planned Development Residential and from A-1 Rural Restricted to R-2, Medium Density 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 provided by law.

Passed and approved this 17 day of August, 2017.

Nicolas AbouAssaly, Mayor

ATTEST:

I, Wesley A. Nelson, City Clerk of the City of Marion, Iowa hereby certify that at a meeting of the City Council of said City, held on the above date, among other proceedings the above was adopted.

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 31 day of August, 2017.

Wes Nelson, City Clerk