ORDINANCE 18-19

AN ORDINANCE AMENDING THE CODE OF ORDINANCES TO REZONE PROPERTY FROM RESTRICTED INDUSTRIAL, I-1 TO GENERAL COMMERCIAL, C-3 AND FROM LINN COUNTY AGRICULTURAL TO RESTRICTED INDUSTRIAL, I-1 AND TO GENERAL COMMERCIAL, C-3 LOCATED EAST OF THE MARION AIRPORT RUNWAY AND SOUTH OF MARION AIRPORT ROAD (GENESIS EQUITIES LAND HOLDING, LLC).

WHEREAS, the Genesis Equities Land Holding, LLC has made application to rezone from Restricted Industrial, I-1 to General Commercial, C-3 and from Linn County Agricultural to Restricted Industrial, I-1 and to General Commercial, C-3 located east of the Marion Airport Runway and south of Marion Airport Road, legally described as follows:

(See Attached Exhibit A and B)

WHEREAS, the Marion Planning and Zoning Commission, on May 8, 2018, conducted a public hearing and approved CPC Resolution No 18-25 recommending approval of a request made by Genesis Equities Land Holding, LLC to rezone property from Restricted Industrial, I-1 to General Commercial, C-3 and from Linn County Agricultural to Restricted Industrial, I-1 and to General Commercial, C-3 located east of the Marion Airport Runway and south of Marion Airport Road;

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 Restricted Industrial, I-1 to General Commercial, C-3 and from Linn County Agricultural to Restricted Industrial, I-1 and to General Commercial, C-3 located east of the Marion Airport Runway and south of Marion Airport Road (Genesis Equities Land Holding, LLC).

Section 2: That all ordinances and parts of ordinances in conflict with the same are hereby repealed.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 19 day of July, 2018.

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 9th day of August, 2018.

Wesley Nelson
City Clerk
Exhibit A

REZONING TO I-1:
PART OF LOT 1 OF IRREGULAR SURVEY OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 83 NORTH, RANGE 6 WEST OF THE 5TH P.M., LINN COUNTY, IOWA AND PART OF LOT 1 OF IRREGULAR SURVEY OF THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 83 NORTH, RANGE 6 WEST OF THE 5TH P.M., LINN COUNTY, IOWA, FURTHER DESCRIBED AS FOLLOW:
BEGINNING AT THE SOUTHWEST CORNER OF LOT 2, MARION AIRPORT FIRST ADDITION TO THE CITY OF MARION, LINN COUNTY, IOWA;
THENCE N89°45'42"E ALONG THE SOUTH LINE OF SAID LOT 2, 570.95 FEET;
THENCE S07°17'01"E, 102.66 FEET;
THENCE N82°42'59"E, 30.00 FEET;
THENCE N88°18'16"E, 295.34 FEET;
THENCE N01°43'18"W, 90.72 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2;
THENCE N89°45'42"E ALONG THE SOUTH LINE OF LOT 3 OF SAID MARION AIRPORT FIRST ADDITION, 766.14 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3;
THENCE S01°50'57"E, ALONG THE EAST LINE OF SAID LOT 1 OF IRREGULAR SURVEY OF THE NORTHEAST QUARTER OF SAID SECTION 3, 1786.20 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1;
THENCE S88°18'48"W ALONG THE SOUTH LINE OF SAID LOT 1, 1347.98 FEET TO THE CENTER OF SAID SECTION 3;
(THENCE ALONG THE EAST LINE OF LOT 1 OF SAID MARION AIRPORT FIRST ADDITION FOR THE NEXT TWO COURSES)
THENCE S88°18'15"W, 146.13 FEET;
THENCE N07°23'44"W, 1837.60 FEET TO THE POINT OF BEGINNING CONTAINING 64.91 ACRES MORE OR LESS.
SUBJECT TO EXITING EASEMENTS AND RESTRICTIONS OF RECORD.
Exhibit B

REZONING TO C-3:
PART OF LOT 1 OF IRREGULAR SURVEY OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 83 NORTH, RANGE 6 WEST OF THE 5TH P.M., LINN COUNTY, IOWA AND PART OF LOT 2, MARION AIRPORT FIRST ADDITION TO THE CITY OF MARION, LINN COUNTY, IOWA FURTHER DESCRIBED AS FOLLOW:
BEGINNING AT THE NORTHEAST CORNER OF LOT 2 OF SAID MARION AIRPORT FIRST ADDITION;
(THENCE ALONG THE WEST LINE OF LOT 3 OF SAID MARION AIRPORT FIRST ADDITION FOR THE NEXT FIVE COURSES)
THENCE S01°43'18"E, 175.00 FEET;
THENCE S50°59'29"E, 65.00 FEET;
THENCE S26°05'51"W, 182.00 FEET;
THENCE S28°12'33"E, 80.00 FEET;
THENCE S01°43'18"E, 800.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3;
THENCE N89°45'42"E ALONG THE SOUTH LINE OF SAID LOT 3, 766.14 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3;
THENCE S01°50'57"E, ALONG THE EAST LINE OF SAID LOT 1 OF IRREGULAR SURVEY OF THE NORTHEAST QUARTER OF SAID SECTION 3, 1786.20 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1;
THENCE S88°18'48"W ALONG THE SOUTH LINE OF SAID LOT 1, 626.39 FEET TO A POINT OF CURVATURE;
THENCE 490.55 FEET ALONG A 333.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY WHOSE 477.38 FOOT CHORD BEARS N49°29'06"W;
THENCE N07°17'01"W, 1812.69 FEET;
THENCE N04°30'14"W, 32.30 FEET;
THENCE N01°43'27"W, 218.20 FEET;
THENCE N04°37'56"W, 33.79 FEET;
THENCE N07°32'26"W, 608.03 FEET;
THENCE N04°17'10"W, 37.81 FEET;
THENCE N01°01'54"W, 35.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF MARION AIRPORT ROAD;
THENCE N89°45'44"E ALONG SAID SOUTH RIGHT-OF-WAY LINE, 429.8 FEET TO THE POINT OF BEGINNING CONTAINING 52.42 ACRES MORE OR LESS.
SUBJECT TO EXITING EASEMENTS AND RESTRICTIONS OF RECORD.