

ORDINANCE NO. 89499-10805

AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF MUSCATINE, IOWA

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSCATINE,
IOWA AS FOLLOWS:

Section 1. That the boundaries of the District Map, being a part of the Zoning Ordinance, which is Title Ten of the Ordinance of the City of Muscatine, Iowa, be and the same are, hereby amended to rezone the following described real estate, situated in the City and County of Muscatine, and State of Iowa, to-wit:

River Valley Coop. – 3127 Lucas Street – more particularly described as: A part of Lot 19, of Titus Subdivision in the City of Muscatine, in Muscatine County, Iowa, more particularly described as follows: Beginning on the West line of said Lot 19 at a point 110 feet South of the Northwest corner of said Lot 19 and running thence easterly 399 feet parallel with the north line of said Lot 19; thence Southerly 282.69 feet parallel with the east line of said Lot 19; thence Westerly 208.71 feet parallel with the north line of said Lot 19; Thence Southerly 160.35 feet parallel with the East line of said Lot 19 to a point on a curve, concave northerly, having a radius of 1392.7 feet and being concentric with and 40 feet radially distant Northerly from the centerline of Lucas Street; thence Northwesterly on said curve an arc distance of 203.05 feet to a point on the west line of said Lot 19; thence northerly 367.65 feet on said west line to point of beginning, containing 3.05 acres, more or less.

Said property to be zoned from Agricultural (AG) to Mixed Use Development (S-3).

Terry & Sons Painting – 3119 Lucas Street – more particularly described as: A part of Lot 19, of Titus Subdivision of the Southeast Quarter of Section 33, Township 77 North, Range 2 West of the 5th P.M., described as follows:

Commencing at a point 110.00 feet South of the Northwest Corner of said Lot 19; South 89°42'02" East (assumed bearing) 398.71 feet; thence South 00°00'00" West 282.69 feet to the Point of Beginning; thence continuing South 00°00'00" West 208.63 feet to a pipe found on the Northerly right of way of Lucas Street, thence North 80°40'20" West 12.47 feet along said right of way to the beginning of a 1,392.70 foot radius tangent curve concave Northeasterly; thence Northwesterly along said curve an arc distance of 202.15 feet; thence North 00°00'00" East 160.59 feet; thence South 89°42'02" East 208.71 feet to the Point of Beginning. Said tract contains 0.898 acres.

Said property to be zoned from Agricultural (AG) to Mixed Use Development (S-3).

Muscatine Farm Equipment – 3309 Lucas Street – more particularly described as: A part of lot 20, of Titus Subdivision – Part of S.E. Quarter Section 33-77-2W, in Muscatine County, Iowa, more particularly described as follows:

Commencing at the intersection of the West line of said Lot 20 with the Northerly line of Old County Road "O"; thence East 500 feet to the West line of James Street in said Titus Subdivision, thence South on said West line 320.34 feet to the Northerly line of said Old County Road "O"; thence North 57°21'50" West on Said Northerly line 594.00 feet to the point of beginning, containing 1.83 acres more or less.

A part of Lots 20 and 21, of Titus Subdivision – Part of S.E. Quarter Section 33-77-2W, in Muscatine County, Iowa, more particularly described as follows:

Also:

Commencing at the intersection of the West line of said Lot 20 with the Northerly right-of-way line of Lucas Street; thence East 500 feet to the West line of James Street; thence North along the West line of James Street 80 feet to a point thence Westerly and parallel to the first line mentioned above to the Northerly line of Lucas Street; thence Southeasterly along the Northerly line of Lucas Street to the point of beginning, containing 1.03 acres, more or less.

Also:

A part of Lots 20 and 21, of Titus Subdivision of part of the Southeast Quarter of Section 33, Township 77 North, Range 2 West of the 5th P.M., in the City of Muscatine, Muscatine County, Iowa, more particularly described as follows:

Commencing at the intersection of the West line of said Lot 20 with the Northerly right of way line of Lucas Street; thence North 00°07'05" West 80.00 feet along said West line to the point of beginning; thence North 89°44'07" West 101.43 feet to a point on said

Northerly right of way; thence North 45°23'45" West 42.39 feet along said right of way; thence North 56°47'30" West 25.12 feet along said right of way; thence North 28°54'46" East 25.93 feet; thence South 89°44'07" East 500.00 feet; thence South 00°07'05" East 66.00 feet; thence North 89°44'07" West 360.00 feet to the Point of Beginning. Said tract contains 0.746 acres and is subject to easements of record.

Also:

Land Description – Parcel 'D'. A part of Lot 20 of Titus Subdivision of Part of the Southeast Quarter of Section 33, Township 77 North, Range 2 West of the 5th P.M., in the City of Muscatine, Muscatine County, Iowa. Commencing at the Intersection of the West line of said Lot 20 with the Northerly right of way line of Lucas Street; thence North 00°07'05" West 80.00 feet along said West line; thence South 89°44'07" East 360.00 feet; thence North 00°07'05" West 20.00 feet; thence south 89°44'07" East 140.06 feet to the Westerly right of way of James Street; thence South 00°07'05" East 20.00 Feet along said right of way; thence North 89°44'07" West 140.06 feet to the point of beginning. Said parcel contains 0.064 acres.

Said property to be zoned from Agricultural (AG) to Mixed Use Development (S-3).

Jerry Timm Farm – Lucas Street and US ByPass 61 – more particularly described as: the Northeast Quarter (NE ¼) of Section Four (4), Township Seventy-six (76) North, Range Two (2) West of the Fifth (5th) Principal Meridian, described as follows:

Commencing at a point along the north line of Section Four (4), 201.4 feet East of the centerline of Highway #61 (Proposed By-Pass); thence East along the North line of said Section 1,008 feet; thence South one degree eighteen minutes West along a line parallel to the East line of the West Half (W ½) of the Northeast Quarter (NE ¼) of said Section 307.5 feet; thence West at right angles to said last-mentioned line to the East Right of Way line of Highway #61 (Proposed By-Pass); thence North eight degrees two and one quarter minutes West 310.7 feet along said line to the place of beginning. Also, all that part of the Southeast Quarter (SE ¼) of Section Thirty-three (33); Township Seventy-seven (77) North, Range Two (2) West of the Fifth (5th) Principal Meridian lying South of Lucas Street and East of Highway #61 (Proposed By-Pass); and all that part of Lot 1 of West Hill Addition lying West of Houser Street; subject to easements of record; all of said real estate lying and being situated in the City of Muscatine, Iowa.

Also the

North 866 feet of Lot 20; and all that part of Lot 21 lying East of Highway #61 (Proposed By-Pass) in Titus Subdivision of part of the Southeast Quarter (SE ¼) of Section Thirty-three (33), Township Seventy-seven (77) North, Range Two (2) West of the Fifth (5th) Principal Meridian in the City of Muscatine, Iowa.

Excepting those parts of Lots 20 and 21, of Titus Subdivision, more particularly described as follows:

Commencing at the intersection of the West line of said Lot 20 with the Northerly right-of-way line of Lucas Street; thence East 500 feet to the West line of James Street; thence North along the West line of James Street 80 feet to a point thence Westerly and parallel to the first line mentioned above to the Northerly line of Lucas Street, thence Southeasterly along the Northerly line of Lucas Street to the point of beginning, containing 1.03 acres, more or less.

Also excepting:

A part of Lots 20 and 21, of Titus Subdivision of part of the Southeast Quarter of Section 33, Township 77 North, Range 2 West of the 5th P.M., in the City of Muscatine, Muscatine County, Iowa, more particularly described as follows:

Commencing at the intersection of the West line of said Lot 20 with the Northerly right of way line of Lucas Street; thence North 00°07'05" West 80.00 feet along said West line to the point of beginning; thence North 89°44'07" West 101.43 feet to a point on said Northerly right of way; thence North 45°23'45" West 42.39 feet along said right of way; thence North 56°47'30" West 25.12 feet along said right of way; thence North 28°54'46" East 25.93 feet; thence South 89°44'07" East 500.00 feet; thence South 00°07'05" East 66.00 feet; thence North 89°44'07" West 360.00 feet to the Point of Beginning. Said tract contains 0.746 acres and is subject to easements of record.

Also excepting:

Parcel 'D' Land Description – Parcel 'D'. A part of Lot 20 of Titus Subdivision of Part of the Southeast Quarter of Section 33, Township 77 North, Range 2 West of the 5th P.M., in the City of Muscatine, Muscatine County, Iowa. Commencing at the Intersection of the West line of said Lot 20 with the Northerly right of way line of Lucas Street; thence North 00°07'05" West 80.00 feet along said West line; thence South 89°44'07" East 360.00 feet; thence North 00°07'05" West 20.00 feet; thence south 89°44'07" East 140.06 feet to the Westerly right of way of James Street; thence South 00°07'05" East 20.00 Feet along said right of way; thence North 89°44'07" West 140.06 feet to the point of beginning. Said parcel contains 0.064 acres.

Said property to be zoned from Residential (R-1 and R-2) to Mixed Use Development (S-3).

Section 2. That all ordinances or parts of ordinances in conflict herewith are hereby repealed and this Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED, APPROVED, AND ADOPTED this 18th day of August, 2005.

CITY COUNCIL OF THE CITY OF
MUSCATINE, IOWA



By: Richard W. O'Brien
Richard W. O'Brien, Mayor

A. J. Johnson
A. J. Johnson, City Clerk

1st Reading 07/21/05
2nd Reading 08/04/05
3rd Reading 08/18/05
Publication 08/27/05

PROOF OF PUBLICATION

I, Jeff Lee, being duly sworn, on my oath, say that I am an advertising clerk at the *Muscatine Journal*, a newspaper of general circulation, published in the City of Muscatine, Muscatine County, Iowa; and that the following Notice:

Muscatine City Clerk

Ordinance No. 89499-0818

Of which the annexed printed slip is a true, correct and complete copy, was published in said *Muscatine Journal* one time having been made there in on:

August 27, 2005

Jeff Lee

STATE OF IOWA MUSCATINE COUNTY

Subscribed and sworn to before me this
30th day of August, 2005

Susan F. Honts, Notary Public



Susan F. Honts
Iowa Notarial Seal
Commission number 153623
My Commission Expires 10/19/2007

ORDINANCE NO. 89499-0818 AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF MUSCATINE, IOWA

BE IT ORDAINED BY THE CITY
COUNCIL OF THE CITY OF
MUSCATINE, IOWA AS FOL-
LOWS:

Section 1. That the boundaries
of the District Map, being a part
of the Zoning Ordinance, which is
Title Ten of the Ordinance of the
City of Muscatine, Iowa, be and
the same are, hereby amended
to rezone the following described
real estate, situated in the City
and County of Muscatine, and
State of Iowa, to-wit:

**River Valley Coop.-3127
Lucas Street** - more particularly
described as: A part of Lot 19, of
Titus Subdivision in the City of
Muscatine, in Muscatine County,
Iowa, more particularly described
as follows: Beginning on the West
line of said Lot 19 at a point 110
feet South of the Northwest cor-
ner of said Lot 19 and running
thence easterly 399 feet parallel
with the north line of said Lot 19;
thence Southerly 282.69 feet par-
allel with the east line of said Lot
19; thence Westerly 208.71 feet
parallel with the north line of said

Lot 19; Thence Southerly 180.35
feet parallel with the East line of
said Lot 19 to a point on a curve,
concave northerly, having a
radius of 1392.7 feet and being
concentric with and 40 feet radially
distant Northerly from the cen-
terline of Lucas Street; thence
Northerly on said curve an arc
distance of 203.05 feet to a
point on the west line of said Lot
19; thence northerly 367.65 feet
on said west line to point of begin-
ning, containing 3.05 acres, more
or less.

Said property to be zoned from
Agricultural (AG) to Mixed Use
Development (S-3).

**Terry & Sons Painting - 3119
Lucas Street** - more particularly
described as: A part of Lot 19, of
Titus Subdivision of the
Southeast Quarter of Section 33,
Township 77 North, Range 2
West of the 5th P.M., described
as follows:

Commencing at a point 110.00
feet South of the Northwest
Corner of said Lot 19; South
89°42'02" East (assumed bear-
ing) 398.71 feet; thence South
00°00'00" West 282.69 feet to the
Point of Beginning; thence contin-
uing South 00°00'00" West
208.63 feet to a pipe found on the

Northerly right of way of Lucas
Street, thence North 80°40'20"
West 12.47 feet along said right
of way to the beginning of a
1,392.70 foot radius tangent
curve concave Northeasterly;
thence Northwesterly along said
curve an arc distance of 202.15
feet; thence North 00°00'00" East
160.59 feet; thence South
89°42'02" East 208.71 feet to the
Point of Beginning. Said tract
contains 0.898 acres.

Said property to be zoned from
Agricultural (AG) to Mixed Use
Development (S-3).

**Muscatine Farm Equipment -
3309 Lucas Street** - more particu-
larly described as: A part of lot
20, of Titus Subdivision - Part of
S.E. Quarter Section 33-77-2W,
in Muscatine County, Iowa, more
particularly described as follows:

Commencing at the intersec-
tion of the West line of said Lot 20
with the Northerly line of Old
County Road "O"; thence East
500 feet in said Titus Subdivision,
thence South on said West line
320.34 feet to the Northerly line of
said Old County Road "O"; thence
North 57°21'50" West on

Said Northerly line 594.00 feet to
the point of beginning, containing
1.83 acres more or less.

A part of Lots 20 and 21, of
Titus Subdivision - Part of S.E.
Quarter Section 33-77-2W, in
Muscatine County, Iowa, more
particularly described as follows:

Also:
Commencing at the intersec-
tion of the West line of said Lot 20
with the Northerly right-of-way
line of Lucas Street; thence East
500 feet to the West line of James
Street; thence North along the
West line of James Street 80 feet
to a point thence Westerly and
parallel to the first line mentioned
above to the Northerly line of
Lucas Street; thence
Southeasterly along the Northerly
line of Lucas Street to the point of
beginning, containing 1.03 acres,
more or less.

Also:
A part of Lots 20 and 21, of
Titus Subdivision of part of the
Southeast Quarter of Section 33,
Township 77 North, Range 2
West of the 5th P.M., in the City of
Muscatine, Muscatine County,
Iowa, more particularly described
as follows:

Commencing at the intersec-
tion of the West line of said Lot 20
with the Northerly right of way line
of Lucas Street; thence North

00°07'05" West 80.00 feet along
said West line to the point of
beginning; thence North
89°44'07" West 101.43 feet to a
point on said Northerly right of
way; thence North 45°23'45"
West 42.39 feet along said right
of way; thence North 56°47'30"
West 25.12 feet along said right
of way; thence North 28°54'46"
East 25.93 feet; thence South
89°44'07" East 500.00 feet;
thence South 00°07'05" East
66.00 feet; thence North
89°44'07" West 360.00 feet to the
Point of Beginning. Said tract
contains 0.746 acres and is sub-
ject to easements of record.

Also:
Land Description - Parcel 'D'. A
part of Lot 20 of Titus Subdivision
of Part of the Southeast Quarter
of Section 33, Township 77 North,
Range 2 West of the 5th P.M., in
the City of Muscatine, Muscatine
County, Iowa. Commencing at
the Intersection of the West line of
said Lot 20 with the Northerly
right of way line of Lucas Street;
thence North 00°07'05" West
80.00 feet along said West line;
thence South 89°44'07" East
360.00 feet; thence North
00°07'05" West 20.00 feet;
thence South 89°44'07" East
140.06 feet to the Westerly right
of way of James Street; thence
South 00°07'05" East 20.00 feet
along said right of way; thence
North 89°44'07" West 140.06 feet
to the point of beginning. Said
parcel contains 0.064 acres.

Also excepting:
A part of Lots 20 and 21, of
Titus Subdivision of part of the
Southeast Quarter of Section 33,
Township 77 North, Range 2
West of the 5th P.M., in the City of
Muscatine, Muscatine County,
Iowa, more particularly described
as follows:
Commencing at the intersection
of the West line of said Lot 20
with the Northerly right-of-way
line of Lucas Street; thence East
500 feet to the West line of James
Street; thence North along the
West line of James Street 80 feet
to a point thence Westerly and
parallel to the first line mentioned
above to the Northerly line of
Lucas Street, thence
Southeasterly along the Northerly
line of Lucas Street to the point of
beginning, containing 1.03 acres,
more or less.

Also excepting:
Parcel 'D'. A part of Lot 20 of Titus
Subdivision of Part of the
Southeast Quarter of Section 33,
Township 77 North, Range 2
West of the 5th P.M., in the City of
Muscatine, Muscatine County,
Iowa, more particularly described
as follows:

Also excepting:
Parcel 'D'. A part of Lot 20 of Titus
Subdivision of Part of the
Southeast Quarter of Section 33,
Township 77 North, Range 2
West of the 5th P.M., in the City of
Muscatine, Muscatine County,
Iowa, more particularly described
as follows:
Commencing at the intersection
of the West line of said Lot 20
with the Northerly right of way line
of Lucas Street; thence East
500 feet to the West line of James
Street; thence North along the
West line of James Street 80 feet
to a point thence Westerly and
parallel to the first line mentioned
above to the Northerly line of
Lucas Street, thence
Southeasterly along the Northerly
line of Lucas Street to the point of
beginning, containing 1.03 acres,
more or less.

Also excepting:
Parcel 'D'. A part of Lot 20 of Titus
Subdivision of Part of the
Southeast Quarter of Section 33,
Township 77 North, Range 2
West of the 5th P.M., in the City of
Muscatine, Muscatine County,
Iowa, more particularly described
as follows:
Commencing at the intersection
of the West line of said Lot 20
with the Northerly right of way line
of Lucas Street; thence East
500 feet to the West line of James
Street; thence North along the
West line of James Street 80 feet
to a point thence Westerly and
parallel to the first line mentioned
above to the Northerly line of
Lucas Street, thence
Southeasterly along the Northerly
line of Lucas Street to the point of
beginning, containing 1.03 acres,
more or less.

Commencing at a point along
the north line of Section Four (4),
201.4 feet East of the centerline
of Highway #61 (Proposed By-
Pass); thence East along the
North line of said Section 1,006
feet; thence South one degree
eighteen minutes West along a
line parallel to the East line of the
West Half (W 1/2) of the
Northeast Quarter (NE 1/4) of
said Section 307.5 feet; thence
West at right angles to said last
mentioned line, to the East Right
of Way line of Highway #61
(Proposed By-Pass); thence
North eight degrees two and one
quarter minutes West 310.7 feet
along said line to the place of
beginning. Also, all that part of the
Southeast Quarter (SE 1/4) of
Section Thirty-three (33);
Township Seventy-seven (77)
North, Range Two (2) West of the
Fifth (5th) Principal Meridian lying
South of Lucas Street and East of
Highway #61 (Proposed
By-Pass); and all that part of Lot 1
of West Hill Addition lying West of
Houser Street; subject to easement
of record; all of said real estate
lying and being situated in the
City of Muscatine, Iowa.

Also the
North 866 feet of Lot 20; and all
that part of Lot 21 lying East of
Highway #61 (Proposed By-
Pass) in Titus Subdivision of part
of the Southeast Quarter (SE 1/4)
of Section Thirty-three (33),
Township Seventy-seven (77)
North, Range Two (2) West of the
Fifth (5th) Principal Meridian in
the City of Muscatine, Iowa.

Excepting those parts of
Lots 20 and 21, of Titus
Subdivision, more particularly
described as follows:

Commencing at the intersec-
tion of the West line of said Lot 20
with the Northerly right-of-way
line of Lucas Street; thence East
500 feet to the West line of James
Street; thence North along the
West line of James Street 80 feet
to a point thence Westerly and
parallel to the first line mentioned
above to the Northerly line of
Lucas Street, thence
Southeasterly along the Northerly
line of Lucas Street to the point of
beginning, containing 1.03 acres,
more or less.

Also excepting:
A part of Lots 20 and 21, of
Titus Subdivision of part of the
Southeast Quarter of Section 33,
Township 77 North, Range 2
West of the 5th P.M., in the City of
Muscatine, Muscatine County,
Iowa, more particularly described
as follows:

Commencing at the intersection
of the West line of said Lot 20
with the Northerly right of way line
of Lucas Street; thence North
00°07'05" West 80.00 feet along
said West line to the point of
beginning; thence North
89°44'07" West 101.43 feet to a
point on said Northerly right of
way; thence North 45°23'45"
West 42.39 feet along said right
of way; thence North 56°47'30"
West 25.12 feet along said right
of way; thence North 28°54'46"
East 25.93 feet; thence South
89°44'07" East 500.00 feet;
thence South 00°07'05" East
66.00 feet; thence North
89°44'07" West 360.00 feet to the
Point of Beginning. Said tract
contains 0.746 acres and is
subject to easements of record.

Also excepting:
Parcel 'D'. A part of Lot 20 of Titus
Subdivision of Part of the
Southeast Quarter of Section 33,
Township 77 North, Range 2
West of the 5th P.M., in the City of
Muscatine, Muscatine County,
Iowa. Commencing at the
Intersection of the West line of
said Lot 20 with the Northerly
right of way line of Lucas Street;
thence North 00°07'05" West
80.00 feet along said West line;
thence South 89°44'07" East
360.00 feet; thence North
00°07'05" West 20.00 feet;
thence South 89°44'07" East
140.06 feet to the Westerly right
of way of James Street; thence
South 00°07'05" East 20.00 feet
along said right of way; thence
North 89°44'07" West 140.06 feet
to the point of beginning. Said
parcel contains 0.064 acres.

Said property to be zoned from
Residential (R-1 and R-2) to
Mixed Use Development (S-3).

Section 2. That all ordinances
or parts of ordinances in conflict
herewith are hereby repealed and
this Ordinance shall be in full
force and effect from and after its
passage and publication as pro-
vided by law.

PASSED, APPROVED, AND
ADOPTED this 18th day of
August, 2005.

CITY COUNCIL
OF THE CITY OF
MUSCATINE, IOWA
Richard W. O'Brien,
Mayor

A. J. Johnson, City Clerk

1st Reading 07/21/05
2nd Reading 08/04/05
3rd Reading 08/18/05
Publication 08/27/05