Prepared by and Return to:

Angie Ritchie, Deputy Clerk, 649 N. 44th St., PO Box 100, Cumming, IA 50061

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**ORDINANCE 2020-06**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CUMMING, IOWA, AS ESTABLISHED BY THE CITY CODE OF THE CITY OF CUMMING, CHAPTER 165, SECTION 165.07**

**BE IT ENACTED** by the City Council of the City of Cumming, Iowa:

**SECTION 1. SECTION ONE.** The official Zoning Map of the City of Cumming, Iowa is hereby amended in accordance with Section 165.07 of the City Code, and the zoning district designation for the following described property is changed from A-1 Agriculture District to C-1 Highway Commercial District:

**PROPERTY DESCRIPTION**

A PARCEL OF LAND IN THE SE 1/4 OF SECTION 7, TOWNSHIP 77 NORTH, RANGE 25 WEST OF THE 5TH P.M., WARREN COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE SE CORNER OF SAID SECTION 7; THENCE S89°28'10"W, 724.78 FEET ALONG THE SOUTH LINE OF SAID SE 1/4 TO THE POINT OF BEGINNING; THENCE CONTINUING S89°28'10"W, 696.72 FEET ALONG SAID SOUTH LINE TO THE SE CORNER OF TRACT 'A' AS DEFINED IN THE WARRANTY DEED AND ACQUISITION PLAT RECORDED IN BOOK 2012, PAGE 8767 AT THE WARREN COUNTY RECORDER'S OFFICE; THENCE N03°28'00"W, 40.05 FEET ALONG THE EAST LINE OF SAID TRACT 'A' TO THE NE CORNER OF SAID TRACT 'A'; THENCE S89°28'10"W, 78.56 FEET ALONG THE NORTH LINE OF SAID TRACT 'A' TO A POINT; THENCE N82°31'51"W, 297.94 FEET ALONG SAID NORTH LINE TO THE NW CORNER OF SAID TRACT 'A', SAID NW CORNER ALSO BEING ON THE EAST RIGHT OF WAY LINE OF US INTERSTATE I-35 AS PRESENTLY ESTABLISHED; THENCE N45°52'51"W, 77.59 FEET ALONG SAID EAST RIGHT OR WAY LINE TO A POINT; THENCE N30°10'37"E, 223.32 FEET TO A POINT; THENCE N89°28'10"E, 1013.53 FEET ALONG A LINE THAT IS PARALLEL TO THE SOUTH LINE OF SAID SE 1/4 TO A POINT; THENCE S00°31'50"E, 328.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 7.62 ACRES MORE OR LESS INCLUDING 1.16 ACRES OF PUBLIC RIGHT OF WAY EASEMENT.

**SECTION 2. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 3. 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 4. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the 12th day of October, 2020, and approved this \_\_\_\_ day of \_\_\_\_\_\_\_\_, 2020.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Tom Becker, Mayor

Attest:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Robert Fagen, City Administrator/Clerk

First Reading: 9/28/20

Second Reading: 10/12/20

Third Reading: waived on 10/12/20

I certify that the foregoing was published as Ordinance 2020-06 on the \_\_\_\_ day of \_\_\_\_\_\_\_\_, 2020.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Angie Ritchie, Deputy Clerk