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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared by and return to: Linda Gaul, City Clerk, City of Earlville, 12 Southside Road, Earlville, IA 52041
563-923-3365

RESOLUTION # 2011 - 2011-09

A Resolution Approving Continuation of Conditions Placed on Lynn Smith Property, to Dale Digmann, Jr.

WHEREAS, pursuant to Ordinance #117, "As part of an ordinance amendment changing land from one zoning district to another zoning district, the City Council may impose conditions on a property owner which are in addition to existing regulations", and

WHEREAS, pursuant to Ordinance #117, "The imposed conditions shall be agreed to in writing by the property owner before the public hearing required under this Article or any adjournment of the hearing", and

WHEREAS, pursuant to agreement dated 4/8/96 by Lynn Smith, Smith agreed to conditions imposed for the rezoning of property described as the East half of Lots 6 & 7 of Pitkins Addition to Nottingham, now Incorporated as the City of Earlville, Delaware County, Iowa, located at 15 Stow Street, and

WHEREAS, pursuant to Ordinance #118, Amending the Official Zoning Map, allowed the rezoning of Smith's property described as the East half of Lots 6 & 7 of Pitkins Addition to Nottingham, now Incorporated as the City of Earlville, Delaware County, Iowa, located at 15 Stow Street, with the condition imposed for rezoning by the City Council that in the event Lynn Smith, owner of said property, discontinues industrial activity, leases, or sells said property, Lynn Smith will rezone said property as described to R-1 Residential; and

WHEREAS, L. Smith intends to sell said property to Dale Digmann, Jr., and both Lynn Smith and Dale Digmann, Jr. have requested continuation of said conditions upon said property, and

WHEREAS, the Earlville Planning and Zoning Commission has met and made recommendation of approval of the request for continuation with the same conditions imposed, requiring that in the event Dale Digmann, Jr. owner of said property, discontinues industrial activity, leases, or sells said property, Dale Digmann, Jr. will rezone said property as described to R-1 Residential,

NOW, THEREFORE BE IT RESOLVED by the Earlville City Council that such continuation of zoning be allowed, with conditions placed upon property owner Dale Digmann, Jr. as per Ordinance #118, that in the event Dale Digmann, Jr. owner of said property, discontinues industrial activity, leases, or sells said property, Dale Digmann, Jr. will rezone said property as described to R-1 Residential.

Passed and approved this 9 day of May, 2011.

Attest: Linda Gaul
Linda Gaul, City Clerk

Dan Wheeler

STATE OF IOWA, COUNTY OF DELAWARE, ss:

On this 10 day of May 2011, before me , the undersigned, a Notary Public in and for the State of Iowa, personally appeared DAN WHEELER and LINDA GAUL, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Earlville, Iowa; a municipal corporation; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, under Roll Call No. ——— of the City Council on the 9 day of May, 2011; and DAN WHEELER and LINDA GAUL acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, buy it voluntarily executed.

LIZ RUDE
Commission Number 754103
My Commission Expires

Liz Rude

STATE OF IOWA)
)
COUNTY OF DELAWARE)

I, Linda Gaul, do hereby certify that I am the duly appointed, qualified, and acting Clerk of the City of Earlville, Iowa in the County aforesaid, and as such Clerk I have in my possession or have access to the records of the proceedings of the City Council. I do further state the hereto attached Resolution 2011-09, is a correct copy of the original Resolution 2011-09 approved and adopted by the City Council of the City of Earlville, Iowa at a session held by said Council on the 9 day of May, 2011.

In Testimony Whereof, I hereunto set my hand and official seal of the City of Earlville, Iowa.

Dated at Earlville, Iowa on this 13 day of May, 2011.

Linda Gaul

Linda Gaul
City Clerk of the City of Earlville, Iowa

(SEAL)

