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Patrick F. Gill, Auditor/Recorder, Woodbury County Iowa



ORDINANCE NO. 53

**A ZONING DISTRICT DESIGNATION MAPPING AMENDMENT
TO THE WOODBURY COUNTY, IOWA ZONING ORDINANCE**

WHEREAS the Board of Supervisors of Woodbury County, Iowa, adopted a Zoning Ordinance on July 22, 2008, by Resolution No. 10,455 being recorded in the Office of the Woodbury County Recorder, and

WHEREAS the Woodbury County Zoning Commission has received a report in respect to amending said Ordinance from the Woodbury County Zoning Commission which held hearings on the amendment; all as by law provided. Which the amendment is attached hereto marked item One (1), and hereby made a part hereof; and

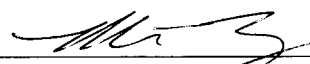
WHEREAS the Woodbury County Board of Supervisors has received said report, studied and considered the same, and has held hearings on said amendment, all as by law provided; and


WHEREAS the Woodbury County Board of Supervisors has concluded that the said ordinance shall amend the aforesaid Zoning Ordinance;


NOW THEREFORE, BE IT RESOLVED by the Woodbury County Board of Supervisors, duly assembled, that the aforesaid Zoning District is amended as shown on said attached item One (1); and the previous zoning district designation shall be repealed upon the effective date of this amendment.


Dated this 14th day of July 2020.

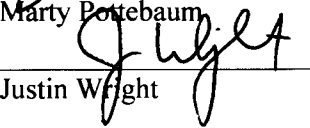
THE WOODBURY COUNTY, IOWA BOARD OF SUPERVISORS:

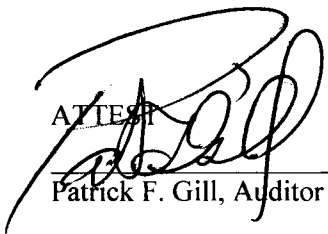

Matthew A. Ung, Chairman


Keith Radig, Vice Chairman


Rocky DeWitt


Marty Pottebaum


Justin Wright


ATTEST
Patrick F. Gill, Auditor

Adoption Timeline:	
Public Hearing and 1st Reading:	June 30, 2020
Public Hearing and 2nd Reading:	July 7, 2020
Public Hearing and 3rd Reading:	Waived on July 7, 2020
Adopted:	July 14, 2020
Effective:	July 21, 2020

ITEM ONE (1)

Property Owner: Terry V. Swanger, 1656 162nd St., Lawton, IA 51030.

Petitioner Applicant: Chad Swanger of the Terry V. Swanger Irrevocable Trust, 1656 162nd St., Lawton, IA 51030.

Pursuant to Section 2.02:4 of the Woodbury County Zoning Ordinance, and in accordance with Section 335 of the Code of Iowa, the Woodbury County Zoning Commission held a public hearing on Monday, June 22, 2020, to review and make recommendation for an amendment to Woodbury County Zoning Ordinance and Mapping for the unincorporated area of Woodbury County, Iowa, as follows:

Amendment to rezone from the Agricultural Estates (AE) Zoning District to the General Commercial (GC) Zoning District on Lots One (1), Two (2), Three (3), Four (4), and Five (5) of Jan's Subdivision, Part of Government Lot One (1) of Section Two (2), Township Eighty-Eight (88) North, Range Forty-Seven (47), West of the Fifth Principal Meridian in the County of Woodbury and State of Iowa. Lot 1 also known as Parcel #884702200002 is 12.13 acres. Lot 2 also known as Parcel #884702200004 is 2.3 acres. Lot 3 also known as Parcel #884702200005 is 2.03 acres. Lot 4 also known as Parcel #884702200006 is 2.02. Lot 5 also known as Parcel #884702200007 is 11.34 acres.

PART OF GOVERNMENT LOT 1, IN SECTION 2, TOWNSHIP 88 NORTH, RANGE 47 WEST OF THE 5TH PRINCIPAL MERIDIAN, WOODBURY COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT THE N.W. CORNER OF SAID GOVERNMENT LOT 1; THENCE S 0°42' 26" W ALONG THE WEST LINE OF SAID GOVERNMENT LOT 1 FOR 124.73 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 20; THENCE S 87°31' 34" E ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR 215.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S 87°31' 34" E ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR 389.32 FEET; THENCE S 86°22' 18" E ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR 289.36 FEET; THENCE S 3°37' 42" W FOR 350.00 FEET; THENCE S 86° 22' 18" E FOR 474.81 FEET; THENCE N 43°45' 00" E FOR 330.80 FEET; THENCE N 52°22' 03" E FOR 124.48 FEET; THENCE N 0°35' 33" E FOR 14.97 FEET TO A POINT ON SAID SOUTHERLY RIGHT OF WAY LINE; THENCE S 86°22' 18" E ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR 68.12 FEET; THENCE N 86°21' 58" E ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR 845.36 FEET; THENCE S 0°36' 23" W FOR 331.51 FEET; THENCE S 89°23' 37" E FOR 66.69 FEET TO A POINT ON THE EAST LINE OF SAID GOVERNMENT LOT 1; THENCE S 0°35' 33" W ALONG SAID EAST LINE FOR 256.30 FEET TO THE S.E. CORNER OF SAID GOVERNMENT LOT 1; THENCE S 89°18' 36" W ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT 1 FOR 2652.82 FEET TO THE S.W. CORNER OF SAID GOVERNMENT LOT 1; THENCE N 0°42' 26" E ALONG THE WEST LINE OF SAID GOVERNMENT LOT 1 FOR 356.21 FEET; THENCE N 58°57' 26" E FOR 57.55 FEET; THENCE N 23°16' 26" E FOR 83.08 FEET; THENCE N 37°19' 26" E FOR 70.60 FEET; THENCE N 34°25' 26" E FOR 166.42 FEET TO THE POINT OF BEGINNING. CONTAINING 29.900 ACRES. PARCEL IS SUBJECT TO EXISTING ROADWAYS AND EASEMENTS OF RECORD. NOTE: THE NORTH LINE OF SAID GOVERNMENT LOT 1 IS ASSUMED TO BEAR DUE EAST.

Following the public hearing, the Zoning Commission voted unanimously to recommend approval of said request to the Woodbury County Board of Supervisors.

**PROOF OF PUBLICATION
STATE OF IOWA
COUNTY OF WOODBURY**

ORDINANCE NO. 53
A ZONING DISTRICT DESIGNATION MAP-
PING AMENDMENT
TO THE WOODBURY COUNTY, IOWA
ZONING ORDINANCE

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Woodbury County, Iowa, adopted a Zoning
Ordinance on July 22, 2008, by Resolution
No. 10,455 being recorded in the Office of
the Woodbury County Recorder, and

WHEREAS the Woodbury County Zoning
Commission has received a report in respect
to amending said Ordinance from the
Woodbury County Zoning Commission which
held hearings on the amendment; all as by
law provided. Which the amendment is
attached hereto marked item One (1), and
hereby made a part hereof; and

WHEREAS the Woodbury County Board of
Supervisors has received said report, studied
and considered the same, and has held
hearings on said amendment, all as by law
provided; and

WHEREAS the Woodbury County Board of
Supervisors has concluded that the said
ordinance shall amend the aforesaid Zoning
Ordinance;

NOW THEREFORE, BE IT RESOLVED by the
Woodbury County Board of Supervisors, duly
assembled, that the aforesaid Zoning District
is amended as shown on said attached item
One (1); and the previous zoning district
designation shall be repealed upon the
effective date of this amendment.

Dated this 14th day of July 2020.
THE WOODBURY COUNTY, IOWA BOARD OF
SUPERVISORS

Matthew A. Ung, Chairman

Keith Radig, Vice Chairman

Rocky DeWitt

Marty Pottabaum

Justin Wright
ATTEST

Patrick F. Gill, Auditor
Adoption Timelines:
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ITEM ONE (1)

Property Owner: Terry V. Swanger, 1656 182nd
St., Lawton, IA 51030.

Petitioner Applicant: Chad Swanger of the Terry
V. Swanger Irrevocable Trust, 1656 182nd
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County Zoning Ordinance, and in accordance
with Section 335 of the Code of Iowa, the
Woodbury County Zoning Commission held a
public hearing on Monday, June 22, 2020, to
review and make a recommendation for an
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Ordinance and Mapping for the unincorpor-
ated areas of Woodbury County, Iowa, as
follows:

Amendment to rezone from the Agricultural
Estate (AE) Zoning District to the General
Commercial (GC) Zoning District on Lots One (1),
Two (2), Three (3), Four (4), and Five (5)
of Jean's Subdivision, Part of Government Lot
One (1) of Section Two (2), Township
Eighty-Eight (88) North, Range Forty-Seven
(47), West of the Fifth Principal Meridian in
the County of Woodbury and State of Iowa.
Lot 1 also known as Parcel #884702200002
is 12.13 acres. Lot 2 also known as Parcel
#884702200004 is 2.3 acres. Lot 3 also
known as Parcel #884702200005 is 2.03
acres. Lot 4 also known as Parcel
#884702200006 is 2.02. Lot 5 also known as
Parcel #884702200007 is 11.34 acres.

PART OF GOVERNMENT LOT 1, IN SECTION
2, TOWNSHIP 88 NORTH, RANGE 47
WEST OF THE 5TH PRINCIPAL MERIDIAN,
WOODBURY COUNTY, IOWA, AND MORE
PARTICULARLY DESCRIBED AS FOL-
LOWS: COMMENCING AT THE N.W.
CORNER OF SAID GOVERNMENT LOT 1;
THENCE S 0°42' 26" W ALONG THE WEST
LINE OF SAID GOVERNMENT LOT 1 FOR
124.73 FEET TO A POINT ON THE
SOUTHERLY RIGHT OF WAY LINE OF U.S.
HIGHWAY 20; THENCE S 87°31' 34" E

The undersigned, of said County, being duly sworn, on
oath states the undersigned is an employee of the Sioux City
Journal printed and published by Journal Communications, in
Sioux City in said County and issued daily and Sunday and that
the annexed printed NOTICE OF

Notice – ORD #53

in said newspaper one consecutive Tuesday issues, the first
publication thereof being on the 21st day of July, 2020.

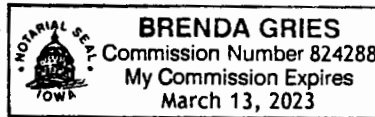
Beth Birdsell

Beth Birdsell

Subscribed and sworn before me in Sioux City, in said County,
this 21st day of July, 2020,

Brenda Gries

Notary Public



In and for Woodbury County.

Legal #33008 151 Lines 1 Times \$84.41

ALONG SAID SOUTHERLY RIGHT OF WAY
LINE FOR 214.50 FEET TO THE POINT OF
BEGINNING; THENCE CONTINUING S
87°31' 34" E ALONG SAID SOUTHERLY
RIGHT OF WAY LINE FOR 389.30 FEET
THENCE S 89°22' 18" E ALONG SAID
SOUTHERLY RIGHT OF WAY LINE FOR
289.38 FEET; THENCE S 89°22' 18" E FOR
474.81 FEET; THENCE N 43°45' 00" E FOR
330.80 FEET; THENCE N 82°22' 00" E FOR
124.48 FEET; THENCE N 0°25' 30" E FOR
14.97 FEET TO A POINT ON SAID
SOUTHERLY RIGHT OF WAY LINE
THENCE S 89°22' 18" E ALONG SAID
SOUTHERLY RIGHT OF WAY LINE FOR
86.12 FEET; THENCE N 89°21' 58" E
ALONG SAID SOUTHERLY RIGHT OF WAY
LINE FOR 845.98 FEET; THENCE S 0°36'
23" W FOR 331.51 FEET; THENCE S 89°22'
37" E FOR 86.89 FEET TO A POINT ON
THE EAST LINE OF SAID GOVERNMENT
LOT 1; THENCE S 0°25' 30" W ALONG
SAID EAST LINE FOR 249.30 FEET TO
THE S.E. CORNER OF SAID GOVERN-
MENT LOT 1; THENCE S 89°18' 38" W
ALONG THE SOUTH LINE OF SAID
GOVERNMENT LOT 1 FOR 262.80 FEET
TO THE S.W. CORNER OF SAID
GOVERNMENT LOT 1; THENCE N 0°42'
26" E ALONG THE WEST LINE OF SAID
GOVERNMENT LOT 1 FOR 552.91 FEET;
THENCE N 89°57' 20" E FOR 57.55 FEET;
THENCE N 23°16' 20" E FOR 83.00 FEET;
THENCE N 37°18' 20" E FOR 70.80 FEET;
THENCE N 24°25' 20" E FOR 168.40 FEET
TO THE POINT OF BEGINNING. CONTAIN-
ING 28.00 ACRES. PARCEL IS SUBJECT
TO EXISTING ROADWAYS AND EASE-
MENTS OF RECORD. NOTE: THE NORTH
LINE OF SAID GOVERNMENT LOT 1 IS
ASSUMED TO BEAR DUE EAST.
Following the public hearing, the Zoning
Commission voted unanimously to recom-
mend approval of said request to the
Woodbury County Board of Supervisors.
Published in the Sioux City Journal July 21,
2020. LGL#33008

Patrick F. Gill, Auditor/Recorder, Woodbury County Iowa



AGREEMENT TO IMPOSE COVENANT

The undersigned, *Chad Swanger of the Terry V. Swanger Trust*, the owner(s) of the real estate known as *Jan's* Subdivision, an Addition to Woodbury County, Iowa, and legally described as follows:

Lots One (1), Two (2), Three (3), Four (4), and Five (5) of Jan's Subdivision of Part of Government Lot One (1) of Section Two (2), Township Eight-Eight (88) North, Range Forty-Seven (47), West of the Fifth Principal Meridian, in the County of Woodbury and the State of Iowa, a/k/a see legal described in Exhibit "A" attached hereto and by this reference made a part hereof.

In consideration of the approval of the Zoning Ordinance Map Amendment Proposal from the Agricultural Estates (AE) Zoning District to the General Commercial (GC) Zoning District I/we agree as follows:

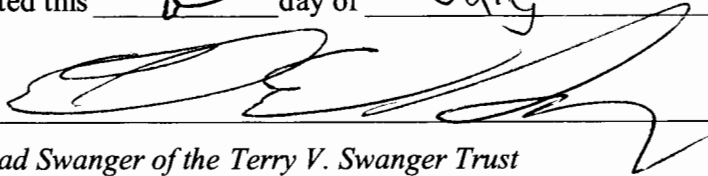
1. To impose a recorded covenant on *162nd Street* agreeing to an assessment on said Lots in event *162nd Street* is hard surfaced and graded for that purpose (the Improvement).
2. At the time of the Improvement, the then owners, their successors, and assigns shall be assessed collectively a maximum of eighty percent (80%) of the total actual cost of the Improvement to the centerline of *162nd Street*. The centerline to be fifty percent (50%) of the total Improvement of said roadways, therefore, the effective collective assessment against the Lots in *Jan's Addition* Subdivision will be a maximum of forty percent (40%) of the total actual cost of the improvements abutting said lots.
3. The collective assessment shall be individually prorated to each of the lots based upon the total acres of the lots and not by lineal frontage abutting *162nd Street*. Based upon said acres the collective assessment shall be allocated on the following percentages. Should any of the currently existing lots be further split or be combined the resulting acres of the resulting lots shall control:

Lot	Acres	Percentage of Acreage (%)	Collective Assessment (%)
1	12.127	40.56%	16.22%
2	2.382	7.97%	3.19%

3	2.033	6.80%	2.72%
4	2.015	6.74%	2.70%
5	11.343	37.94%	15.17%
Total	29.9	100%	40%

4. In the event that statutes or ordinances existing at the time of the Improvements results in an overall lower assessment against the Lots in *Jan's* Subdivision, then the lower amount shall be assessed against said lots.

Dated this 8th day of July, 2020


 Chad Swanger of the Terry V. Swanger Trust

On this 8th day of July A.D. 2020, before me, the undersigned Notary Public, personally appeared to me known **Chad Swanger of the Terry V. Swanger Trust** to be the person(s) named herein and who executed the foregoing instrument, and acknowledge that **Chad Swanger of the Terry V. Swanger Trust** executed the same as a voluntary act and deed.

See Attached for Notary Certificate
 Notary Public in and for said County

Seal or stamp above

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

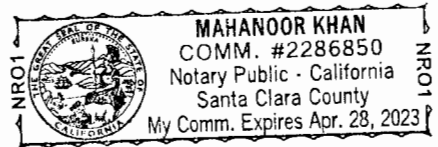
State of California
County of SANTA CLARA)

On 7/8/2020 before me, MAHANOOR KHAN, NOTARY PUBLIC
(insert name and title of the officer)

personally appeared CHAD ERIC SWANGER
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Mahanoor Khan (Seal)

EXHIBIT A

PART OF GOVERNMENT LOT 1, IN SECTION 2, TOWNSHIP 88 NORTH, RANGE 47 WEST OF THE 5TH PRINCIPAL MERIDIAN, WOODBURY COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT THE N.W. CORNER OF SAID GOVERNMENT LOT 1; THENCE S 0°42' 26" W ALONG THE WEST LINE OF SAID GOVERNMENT LOT 1 FOR 124.73 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 20; THENCE S 87°31' 34" E ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR 215.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S 87°31' 34" E ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR 389.32 FEET; THENCE S 86°22' 18" E ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR 289.36 FEET; THENCE S 3°37' 42" W FOR 350.00 FEET; THENCE S 86° 22' 18" E FOR 474.81 FEET; THENCE N 43°45' 00" E FOR 330.80 FEET; THENCE N 52°22' 03" E FOR 124.48 FEET; THENCE N 0°35' 33" E FOR 14.97 FEET TO A POINT ON SAID SOUTHERLY RIGHT OF WAY LINE; THENCE S 86°22' 18" E ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR 68.12 FEET; THENCE N 86°21' 58" E ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR 845.36 FEET; THENCE S 0°36' 23" W FOR 331.51 FEET; THENCE S 89°23' 37" E FOR 66.69 FEET TO A POINT ON THE EAST LINE OF SAID GOVERNMENT LOT 1; THENCE S 0°35' 33" W ALONG SAID EAST LINE FOR 256.30 FEET TO THE S.E. CORNER OF SAID GOVERNMENT LOT 1; THENCE S 89°18' 36" W ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT 1 FOR 2652.82 FEET TO THE S.W. CORNER OF SAID GOVERNMENT LOT 1; THENCE N 0°42' 26" E ALONG THE WEST LINE OF SAID GOVERNMENT LOT 1 FOR 356.21 FEET; THENCE N 58°57' 26" E FOR 57.55 FEET; THENCE N 23°16' 26" E FOR 83.08 FEET; THENCE N 37°19' 26" E FOR 70.60 FEET; THENCE N 34°25' 26" E FOR 166.42 FEET TO THE POINT OF BEGINNING. CONTAINING 29.900 ACRES. PARCEL IS SUBJECT TO EXISTING ROADWAYS AND EASEMENTS OF RECORD. NOTE: THE NORTH LINE OF SAID GOVERNMENT LOT 1 IS ASSUMED TO BEAR DUE EAST.