

Clinton County Board of Supervisors

Jim Irwin, Chairman

Dan Srp, Vice Chairman

Erin George

**Clinton County Administration Building
1900 North Third Street; Clinton, Iowa 52732
563-244-0575 www.clintoncounty-ia.gov**

PUBLIC NOTICE is hereby given that the Clinton County Board of Supervisors will meet at the following time and place: Friday, August 11, 2023, 10:30 a.m. Clinton County Satellite Office, 226 11th St., DeWitt, IA. The public may join the meeting by phone dialing 1-253-215-8782 and entering the access code 527 420 2329. The public may also join through the internet by following this web address: <https://zoom.us/join> enter the code 527 420 2329 and then password clinton23.

10:30 a.m. Review Correspondence & Claims
 Call to Order – Pledge of Allegiance
 Formal Action & Motions

CONSENT AGENDA

RESOLUTIONS

- RESOLUTION: Approve Ordinance 2023-04 a map amendment to the County Zoning Ordinance for a change from A-1 (prime agriculture) to M-1 (limited industrial) in Orange Township
- RESOLUTION: Approve Ordinance 2023-05 a map amendment to the County Zoning Ordinance for a change from A-1 (prime agriculture) to RE (renewable energy overlay) in Orange and Olive townships

UNFINISHED BUSINESS

GENERAL PUBLIC

DEPARTMENT HEADS, ELECTED OFFICIALS & EMPLOYEES

DISCUSSION WITH POSSIBLE ACTION

RESOLUTION 2023 - _____

RESOLUTION APPROVING A MAP AMENDMENT
TO THE ZONING ORDINANCE OF CLINTON COUNTY, IOWA

WHEREAS, on the matter herein, the Clinton County Planning and Zoning Commission held a Public Hearing on July 11, 2023, and following said hearing the Commission recommended Approval of the attached map amendment to the Clinton County Zoning Ordinance; and

WHEREAS the Clinton County Board of Supervisors held a public hearing and first reading of the proposed map amendment on August 7, 2023, to consider said amendment and to hear comments for and against; and

WHEREAS the Clinton County Board of Supervisors held a second reading of the proposed map amendment on August 11, 2023, to consider said amendments; now

THEREFORE BE IT RESOLVED by the Clinton County Board of Supervisors as follows:

1. The attached ordinance numbered 2023-04 is hereby adopted.
2. The Auditor is directed to publish said ordinance as required by law.
3. This ordinance shall be in effect from and after its adoption and publication as required by law.

Roll Call:

George: Yes No

Srp: Yes No

Irwin: Yes No

Chairperson, Jim Irwin

ATTEST:

County Auditor, Eric Van Lancker

August 11, 2023

ORDINANCE 2023 - 04

AN ORDINANCE AMENDING THE MAP OF THE CLINTON COUNTY ZONING ORDINANCE RELATIVE TO THE ZONING DESIGNATION OF CERTAIN PROPERTY LOCATED IN SECTION 21, TOWNSHIP 81 NORTH, RANGE 6 EAST OF THE 5TH P.M. IN CLINTON COUNTY, IOWA

BE IT ENACTED BY THE CLINTON COUNTY BOARD OF SUPERVISORS:

Section 1: The zoning district boundaries of the County of Clinton Iowa are herewith changed so as to provide for the change of the following described property:

The Southwest 5 acres of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of section 35, township 83 north, range 5, east of the 5th P.M. Clinton County Iowa, described as follows:

See Exhibit "A"

within the A-1 (Prime Agricultural) District of Clinton County, Iowa to M-1 (Limited Industrial).

Section 2: The change as hereinabove set forth shall be entered and made part of the zoning map of the County of Clinton, Iowa, which map is made part of the Zoning Ordinance of the County of Clinton, Iowa, by incorporation therein as set forth in Chapter III, Section 3.2 of the said Clinton County Zoning Ordinance, and the Chairperson of the Board of Supervisors in accord with Chapter III, Section 3.2.3 shall promptly note on said map the Ordinance numbers, nature of change and date of change.

Section 3: If any section, provision or part of this Ordinance shall be adjudged to be 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: This Ordinance shall be in full force and effect from and after its adoption and publication as required by law.

PASSED AND ADOPTED this 11th day of August 2023, by the Board of Supervisors, Clinton County, State of Iowa.

Erin George

Dan Srp

Chairperson, Jim Irwin

ATTEST:

County Auditor, Eric Van Lancker

RESOLUTION 2023 - _____
RESOLUTION APPROVING A MAP AMENDMENT
TO THE ZONING ORDINANCE OF CLINTON COUNTY, IOWA

WHEREAS, on the matter herein, the Clinton County Planning and Zoning Commission held a Public Hearing on May 25th and following said hearing the Commission recommended tabling of the attached map amendment to the Clinton County Zoning Ordinance; and

WHEREAS, the Clinton County Planning and Zoning Commission held a Meeting on June 20 and following said meeting the Commission had two votes to approve the map amendment and two votes to deny the map amendment; and

WHEREAS the Clinton County Board of Supervisors held a public hearing and first reading of the proposed map amendment on August 7, 2023, to consider said amendment and to hear comments for and against; and

WHEREAS the Clinton County Board of Supervisors held a second reading of the proposed map amendment on August 11, 2023, to consider said amendments; now

THEREFORE BE IT RESOLVED by the Clinton County Board of Supervisors as follows:

1. The attached ordinance numbered 2023-05 is hereby adopted.
2. The Auditor is directed to publish said ordinance as required by law.
3. This ordinance shall be in effect from and after its adoption and publication as required by law.

Roll Call:

George: Yes No

Srp: Yes No

Irwin: Yes No

Chairperson, Jim Irwin

ATTEST:

County Auditor, Eric Van Lancker

ORDINANCE 2023 - 05

AN ORDINANCE AMENDING THE MAP OF THE CLINTON COUNTY ZONING ORDINANCE
RELATIVE TO THE ZONING DESIGNATION OF CERTAIN PROPERTY LOCATED IN OLIVE AND
ORANGE TOWNSHIPS CLINTON COUNTY, IOWA

BE IT ENACTED BY THE CLINTON COUNTY BOARD OF SUPERVISORS:

Section 1: The zoning district boundaries of the County of Clinton Iowa are herewith changed so as to provide for the change of the following described property:

See Appendix A. Participating Parcels in Rezoning Application 4418.

within the A-1 (Prime Agriculture) District of Clinton County, Iowa to RE (Renewable Energy Overlay).

Section 2: The change as hereinabove set forth shall be entered and made part of the zoning map of the County of Clinton, Iowa, which map is made part of the Zoning Ordinance of the County of Clinton, Iowa, by incorporation therein as set forth in Chapter III, Section 3.2 of the said Clinton County Zoning Ordinance, and the Chairperson of the Board of Supervisors in accord with Chapter III, Section 3.2.3 shall promptly note on said map the Ordinance numbers, nature of change and date of change.

Section 3: If any section, provision or part of this Ordinance shall be adjudged to be 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: This Ordinance shall be in full force and effect from and after its adoption and publication as required by law.

PASSED AND ADOPTED this 11th Day of August 2023, by the Board of Supervisors, Clinton County, State of Iowa.

Erin George

Dan Srp

Chairperson, Jim Irwin

ATTEST:

County Auditor, Eric Van Lancker

Exhibit "A"

This Deed is given to correct Warranty Deed dated April 4, 2018 and recorded on April 17, 2018 as Instrument No. 2018-02474. There were errors in the legal description provided by the surveyor. Hence, it is exempt from transfer tax pursuant to Iowa Code §428A.2(10).

The corrected legal description is: The northwest quarter (NW¼) of section thirty-five (35), township eighty-three (83) north, range five (5), East of the 5th P.M., excepting the following: Commencing at a point in the center of Highway No. 136 as now located, where said Highway passes over the center line dividing the north half (N½) and the south half (S½) of said section thirty-five (35) as the point of beginning; thence running northwesterly along the center line of said Highway No. 136, a distance of five and seventy-eight-hundredths (5.78) chains; thence 90° southwesterly, a distance of two and fifty-hundredths (2.50) chains; thence 90° southeasterly, a distance of one and thirty-one-hundredths (1.31) chains; thence 45° south, a distance of two and three-hundredths (2.03) chains to the center line dividing the north half (N½) and the south half (S½) of said section thirty-five (35); thence east along the center line dividing the north half (N½) and the south half (S½) of said section thirty-five (35), a distance of four and seventy-three-hundredths (4.73) chains to point of beginning.

Excepting therefrom, part of the northwest quarter (NW¼) of section thirty-five (35), township eighty-three (83) north, range five (5), East of the 5th P.M., Clinton County, Iowa, more particularly described as follows: Commencing at the northwest corner of the northwest quarter (NW¼) of section thirty-five (35); thence south one thousand one hundred eighty-eight and twenty-three-hundredths (1188.23) feet along the west line of the northwest quarter (NW¼) in section thirty-five (35); thence east eight hundred ninety-one and sixty-six-hundredths (891.66) feet to a steel spike on the center line of Highway No. 136; thence south 21° 36' 04" east, one hundred thirty and seventy-eight-hundredths (130.78) feet to a P.K. nail on the tangent line of the curve on Highway No. 136, being the point of beginning; thence south 15° 53' 00" east, twenty and thirty-one-hundredths (20.31) feet to a P.K. nail marking the P.C. of the curve; thence continuing south 15° 53' 00" east, one hundred forty-nine and twenty-four-hundredths (149.24) feet along the center line of Highway No. 136 to a P.K. nail; thence south 74° 07' 00" west, four hundred forty and no-hundredths (440.00) feet to an iron pin; thence north 15° 53' 00" west, two hundred forty-three and eighteen-hundredths (243.18) feet to an iron pin; thence north 83° 37' 00" east, four hundred forty-six and twelve-hundredths (446.12) feet to the point of beginning. Parcel "B" contains two and eighty-four-thousandths (2.084) acres. Also, excepting therefrom a part of the west one-half (W½) of the northwest quarter (NW¼) of section thirty-five (35), township eighty-three (83) north, range five (5), East of the 5th P.M., Clinton County, Iowa, more particularly described as commencing as a point of reference at a ½ inch round iron rod stake marking the northwest corner of the said northwest quarter (NW¼) of section thirty-five (35); thence south along the west line of the said northwest quarter (NW¼) of section thirty-five (35), a distance of one thousand one hundred eighty-eight and twenty-three-hundredths (1188.23) feet to a point; thence east, perpendicular to the last named course, a distance of eight hundred ninety-one and sixty-six-hundredths (891.66) feet to a P.K. spike on the center line of Highway No. 136 and being the point of beginning for the land here intended to be described; thence north 64° 13' 00" east, a distance of one hundred nine and eight-hundredths (109.08) feet to a ½ inch round iron rod stake; thence north 86° 31' 08" east, a distance of four hundred forty-four and forty-five-hundredths (444.45) feet to a ½ inch round iron rod stake; thence south 10° 10' 21" east, a distance of five hundred sixteen and seventy-one-hundredths (516.71) feet to a ½ inch round iron rod stake; thence south 77° 43' 38" west, a distance of four hundred seventy-eight and four-hundredths (478.04) feet

to a P.K. spike on said center line of Highway No. 136; thence north 15° 53' 00" west along the said center line of Highway No. 136; thence north 15° 53' 00" west, along the said center line, a distance of four hundred ten and thirty-one-hundredths (410.31) feet to a P.K. spike; thence northwesterly along the arc of a curve, concave southwest, having a radius of eight hundred seventy-four and ninety-nine-hundredths (874.99) feet, an arc length of one hundred fifty-one and nineteen-hundredths (151.19) feet to the point of beginning, chord of the last named curve bears north 20° 50' 00" west, a chord length of one hundred fifty-one and no-hundredths (151.00) feet. Subject, however, to the right of way of Highway No.136 over the west thirty-three and no-hundredths (33.00) feet thereof.

Also, excepting therefrom Parcel "C" being part of the southwest quarter (SW $\frac{1}{4}$) of the northwest quarter (NW $\frac{1}{4}$) and part of the northwest quarter (NW $\frac{1}{4}$) of the northwest quarter (NW $\frac{1}{4}$) and part of the southeast quarter (SE $\frac{1}{4}$) of the northwest quarter (NW $\frac{1}{4}$) of section thirty-five (35), township eighty-three (83) north, range five (5), East of the 5th P.M., Clinton County, Iowa more particularly described as follows: Beginning at the west quarter corner of section thirty-five (35); thence north 00° 15' 21" west, two thousand eight and thirty-hundredths (2008.30) feet along the west line of the northwest quarter (NW $\frac{1}{4}$) of section thirty-five (35) to the center line of Highway 136; thence along a nontangential curve, concave to the south, with a radius of nine hundred fifty-six and twelve-hundredths (956.12) feet, having an arc length of one thousand two hundred thirty-six and twenty-five-hundredths (1236.25) feet with a chord bearing south 54° 54' 06" east, chord length of one thousand one hundred fifty-one and ninety-one-hundredths (1151.91) feet along the center line of Highway 136 to the northeast corner of Document #4427-99; thence south 83° 22' 09" west, four hundred forty-six and twelve-hundredths (446.12) feet; thence south 16° 14' 19" east, two hundred forty-three and eighteen-hundredths (243.18); thence south 20° 34' 05" east, two hundred thirty-four and eighty-four-hundredths (234.84) feet; thence north 77° 28' 17" east, four hundred twenty-two and seventy-one-hundredths (422.71) feet to the center line of Highway 136; thence south 16° 08' 21" east, two hundred twenty-three and ninety-five-hundredths (223.95) feet along the center line of Highway 136; thence along a tangential curve, concave to the northeast, with a radius of nine hundred fifty-five and no-hundredths (955.00) feet, having an arc length of four hundred nine and seventy-nine-hundredths (409.79) feet with a chord bearing south 28° 53' 29" east, chord length of four hundred twenty-two and twenty-hundredths (422.20) feet along the center line of Highway 136; thence south 40° 43' 29" east, ninety-five and eighty-seven-hundredths (95.87) feet along the center line of Highway 136 to the northeast corner of Document #2014-07378; thence south 57° 55' 13" west, one hundred sixty-five and no-hundredths (165.00) feet; thence south 36° 27' 01" east, eighty-six and forty-six-hundredths (86.46) feet; thence south 10° 49' 03" east, one hundred thirty-three and ninety-eight-hundredths (133.98) feet to the south line of the southwest quarter (SW $\frac{1}{4}$) of the northwest quarter (NW $\frac{1}{4}$) of section thirty-five (35); thence south 89° 56' 23" west, one thousand three hundred eight and sixty-two-hundredths (1308.62) feet along the south line of the southwest quarter (SW $\frac{1}{4}$) of the northwest quarter (NW $\frac{1}{4}$) of section thirty-five (35) to the point of beginning. Said parcel contains forty-one and fifty-one-hundredths (41.51) acres.

Also, excepting therefrom Parcel "G" being part of the northwest quarter (NW $\frac{1}{4}$) of the northwest quarter (NW $\frac{1}{4}$) and part of the northeast quarter (NE $\frac{1}{4}$) of the northwest quarter (NW $\frac{1}{4}$) of section thirty-five (35), township eighty-three (83) north, range five (5), East of the 5th P.M., Clinton County, Iowa, more particularly described as follows: Commencing at the northeast corner of the northwest quarter (NW $\frac{1}{4}$) of the northwest quarter (NW $\frac{1}{4}$) of section thirty-five (35); thence south 00° 17' 20" east, nine hundred ninety-two and twenty-three-hundredths (992.23) feet along

the east line of the northwest quarter (NW $\frac{1}{4}$) of the northwest quarter (NW $\frac{1}{4}$) of section thirty-five (35) to a point of beginning; thence north 86° 15' 47" east, ninety-two and thirty-two-hundredths (92.32) feet; thence south 10° 25' 42" east, one hundred eighteen and no-hundredths (118.00) feet to the northeast corner of Document #2006-01596; thence south 86° 15' 47" west, four hundred forty-four and forty-five-hundredths (444.45) feet along the north line of Document #2006-01596; thence south 63° 57' 39" west, one hundred nine and eight-hundredths (109.08) feet to the center line of Highway No. 136; thence along a nontangential curve concave to the south with a radius of nine hundred fifty-six and twelve-hundredths (956.12) feet, having an arc length of one hundred seventy-eight and ninety-four-hundredths (178.94) feet with a chord bearing north 31° 04' 59" west, chord length of one hundred seventy-eight and sixty-eight-hundredths (178.68) feet along the center line of Highway No. 136; thence north 86° 15' 47" east, five hundred twenty-one and sixty-eight-hundredths (521.68) feet to the point of beginning. Said parcel contains one and sixty-four-hundredths (1.64) acres.

Also, excepting therefrom Parcel "E", being part of the Southwest Quarter of the Northwest Quarter of Section 35, township 83 North, Range 5 east of the 5th P.M., Clinton County, Iowa, more particularly described as follows: Commencing at the West Quarter corner of Section 35; thence North 00° 15' 21" west, 838.22 feet along the west line of the Northwest Quarter of Section 35; thence North 89° 44' 39" east, 644.61 feet to the point of beginning; thence North 77° 28' 17" east, 422.71 feet to the centerline of Highway 136; thence North 16° 08' 21" west, 260.70 feet along the centerline of Highway 136 to the Southeast corner of Document Number 4427-99; thence south 73° 35' 05" west, 440.00 feet to the Southwest corner of Document Number 4427-99; thence south 20° 34' 04" east, 234.84 feet to the point of beginning. Said parcel contains 2.45 acres and is subject to easements of record.