

ORDINANCE # 200#3

An Ordinance amending the Cherokee County Zoning Ordinance by changing the zoning of certain property in Cherokee County from Agricultural to Light Industrial.

WHEREAS Barry L. Johnson, acting on behalf of Little Sioux Raceway has filed an application for rezoning certain property in the Southwest Quarter and Southeast Quarter (SW¼ SE¼) of Section 15-92-40 from Agricultural to Light Industrial AND

WHEREAS the matter was presented to the Zoning Commission and heard by the Zoning Commission at a public hearing on August 27, 2003 and approved AND

WHEREAS the Cherokee County Board of Supervisors held a public hearing on the application on October 7, 2003 and referred the application was referred back to the Zoning Commission for further study of a more detailed site plan AND

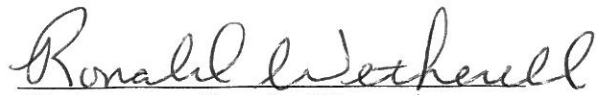
WHEREAS the Zoning Commission held a public hearing to review the site plan on January 12, 2004 and approved said plan and sent it up to the board of supervisors AND

WHEREAS the board of supervisors held a hearing on April 27, 2004 on the application and having considered the evidence presented by the applicant, supporters of the rezoning, and opponents of the rezoning, and further having reviewed all documents and exhibits submitted to the board and the zoning commission and further having considered the rezoning guidelines and objectives for zoning and rezoning set out in Section 335.5 of the Iowa Code, and having given due consideration to the Cherokee County Comprehensive Plan, the board approved the rezoning request on said April 27, 2004.

THEREFORE, BE IT ORDAINED BY THE CHEROKEE COUNTY BOARD OF SUPERVISORS that the zoning on certain property located in the Southwest Quarter (SW¼) and a part of the Southeast Quarter (SE¼) in Section 15, Township 92 North, Range 40 West of the 5th P.M. and further described in the legal description attached hereto and made a part hereof is herewith changed from Agricultural to Light Industrial. The Cherokee County Zoning Map shall be changed accordingly to reflect the zoning change approved herein.

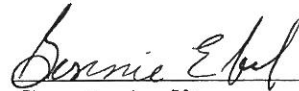
THIS ORDINANCE SHALL BE EFFECTIVE upon posting and publication as by law provided.

PASSED AND APPROVED this 11 day of May 2004.



Chairperson, Board of Supervisors

ATTEST



County Auditor

**To the Following Described Real Estate in
Cherokee County, Iowa**

A parcel of land located in a part of the Southwest Quarter (SW $\frac{1}{4}$) and in a part of the Southeast Quarter (SE $\frac{1}{4}$), all in Section 15, Township 92 North, Range 40 West of the 5th P.M., further described as follows:

Commencing at the Southeast corner of the SW $\frac{1}{4}$ of said Section 15; thence North 89°50'17" West, along the South line of said SW $\frac{1}{4}$ a distance of 800.28 feet to the Point of Beginning; thence continuing on said South line North 89°50'17" West, a distance of 881.37 feet to a point on the Northeasterly Right of Way line of Iowa Hwy. #3; thence North 34°30'16" West along said line a distance of 1099.44 feet; thence North 0°23'18" West, a distance of 1110.38 feet to a point on the Southerly Right of Way line of a local County Road; the following four courses are along said Southerly line; thence South 89°43'16" East, a distance of 833.73 feet; thence South 44°43'16" East, a distance of 152.70 feet; thence North 88°19'56" East, a distance of 1039.53 feet; thence South 80°31'39" East, a distance of 452.67 feet to a point on the Westerly Right of Way line of US Hwy #59; thence South 6°02'06" West along said Westerly line a distance of 558.95 feet to a point on the South line of the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of said Section 15; thence North 89°41'50" West, along said South line and said Right of Way line a distance of 86.68 feet to the Southwest corner of the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of said Section 15; the following three courses are along the Westerly Right of Way line of US Hwy. #59; thence South 1°20'30" East, a distance of 261.85 feet; thence South 11°42'05" West, a distance of 317.06 feet; thence South 2°36'35" East, a distance of 72.38 feet to a point on the South line of the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 15; thence South 89°50'59" West, along said South line a distance of 730.13 feet to a point on the West line of the East 800.00 feet of the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 15; thence South 1°20'30" East, along said West line a distance of 660.39 feet to the Point of Beginning; said described parcel containing a total of 85.14 acres, inclusive of 0.25 acres of public roadway easement and subject to all other easements of record.