

MARSHALLTOWN

IOWA

PLAN AND ZONING COMMISSION

Notice of Regular Meeting

Thursday, July 13, 2023 at 5:00 PM

City Council Chambers, City Hall

10 W. State Street - Council Chambers

1. Call To Order & Roll Call
Boston

Brodin

Casady

Eilers

Gruendler

Valbracht

Wittkop

2. Approve Meeting Minutes From June 29, 2023

Documents:

[06292023_PZ_MIN_FINAL.PDF](#)

3. REVIEW And Recommendation To City Council Of Preliminary And Final Plat For Bennetts 2nd Addition

Documents:

[07132023_PZ_MEMO_SUBDIVISION_BENNETTS 2ND ADDITION_IOWA AVE W.PDF](#)

[BENNETTS 2ND ADDITION_SUBDIVISION_PRELIMINARY AND FINAL PLAT.PDF](#)

[BENNETTS 2ND ADDITION_SUBDIVISION.PDF](#)

4. REVIEW And RECOMMENDATION To The City Council Of Final Plat For Creekside Estates Addition

Documents:

[07132023_PZ_MEMO_CREEKSIDE ESTATES ADDITION.PDF](#)

[SUBDIVISION_CREEKSIDE ESTATES.PDF](#)

[SUBDIVISION_CREEKSIDE ESTATES_FINAL PLAT.PDF](#)

5. PUBLIC HEARING And RECOMMENDATION To The City Council For Rezoning Request
Of 201 E Merle Hibbs Blvd

Written or verbal comments may be presented to the Commission during the public hearing. Please state your name and address for the record and keep comments brief and limit repetitive comments so all may have a chance to speak.

Documents:

[07132023_PZ_MEMO_REZONING_VA CLINIC 201 E MERLE HIBBS BLVD.PDF](#)
[VA REZONING CLINIC.PDF](#)

MISSION STATEMENT

The City of Marshalltown collaborates to provide a welcoming, safe, vibrant and growing community.

Plan and Zoning Commission

Meeting Minutes – June 29, 2023

Meeting was called to order at 4:30 PM in the City Council Chambers at 10 W. State Street

1. Roll Call:

Present: Boston, Brodin, Casady, and Wittkop

Absent: Eilers, Gruendler, and Valbracht

2. Meeting Minutes from 8/11/2022

Minutes are approved as distributed.

3. REVIEW and SET PUBLIC HEARING on Rezoning Request of 201 E Merle Hibbs Blvd, Parcel Number 8319-11-426-012

Staff presentation, Hector Hernandez-Morales presented information on the rezoning application. Discussion on proposed rezoning for 201 E Merle Hibbs Blvd. Boston asked why the mixed-use zoning district (MU) would not work for this proposal, staff indicated that the building standards for proposed outpatient clinic will not meet standards and general commercial (GC) would be recommended.

Brodin motion to approve and to SET PUBLIC HEARING for Rezoning of 201 E Merle Hibbs Blvd on July 13, Whittkop seconded the motion. 4-0. Motion Carried.

Meeting Adjourned at 4:43 pm

MARSHALLTOWN

— I O W A —

TO: Plan and Zoning Commission

FROM: Hector Hernandez, City Planner

DATE: July 13, 2023 – Meeting Date

SUBJECT: Subdivision of Bennetts 2nd Addition Preliminary & Final Plat

Request: The Bennetts 2nd Addition is located on Iowa Ave W. It is a single split of lot parcel number 8318-14-126-021 owned by KB525IOWA LLC. This parcel is located on Iowa Ave and is zoned as General Commercial (GC)

Staff Review: The proposal of the subdivision is to reduce the lot size for development. The subdivision is required as it has previously been subdivided in the last ten years. Bennetts 2nd Addition has not finalized the name for the subdivision and would ask for approval with any adjustment to the subdivision name.

Recommendation: The Commission should make a recommendation to the City Council for consideration. A resolution would be presented at the City Council Meeting on July 24.

Housing & Community Development

24 North Center Street, Marshalltown, IA 50158 - Tel. (641) 754-5756 - Fax (641) 754-5742
The City of Marshalltown collaborates to provide a welcoming, safe, vibrant, and growing community.



VICINITY MAP
NOT TO SCALE

LEGAL DESCRIPTION

LOT 2 OF BENNETT'S 2ND ADDITION RECORDED IN INSTRUMENT NO. 2016-0000688 IN THE OFFICE OF THE RECORDER, MARSHALL COUNTY, IOWA. LOCATED IN A PART OF LOT 1 AND LOT 2 OF THE SUBDIVISION OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 83 NORTH, RANGE 18 WEST OF THE 5TH P.M., MARSHALL COUNTY, IOWA MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF Q9F SAID LOT 2, SAID POINT ALSO BEING ON THE SOUTH RIGHT OF WAY LINE OF IOWA AVENUE WEST; THENCE, S89°21'21"E 229.54' ALONG THE NORTH LINE OF THE OF SAID LOT 2 TO THE NORTHEAST CORNER OF SAID LOT 2; THENCE, S00°21'32"W 388.41' ALONG THE EAST LINE OF SAID LOT 2 TO THE SOUTHEAST CORNER OF SAID LOT 2, SAID POINT ALSO BEING ON THE NORTH RIGHT OF WAY LINE OF SOUTH 2ND STREET; THENCE, S89°53'58"W 388.20' ALONG THE SOUTH LINE OF SAID LOT 2; THENCE, NORTHWESTERLY 110.58' ALONG THE ARC OF A 70.00' RADIUS CURVE, CONCAVE NORTHEASTERLY, HAVING A CHORD BEARING OF N44°51'19"W AND A CHORD DISTANCE OF 99.43' ALONG THE WESTERLY LINE OF SAID LOT 2 TO A POINT ON THE WEST LINE OF SAID LOT 2; THENCE, N0°23'56"E 85.26' ALONG THE WEST LINE OF SAID LOT 2, AND THE EAST RIGHT OF WAY LINE OF SOUTH 2ND STREET AND A NORTHWEST CORNER OF SAID LOT 2, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 1 OF SAID BENNETT'S 2ND ADDITION; THENCE, S89°21'21"E 229.00' ALONG A NORTH LINE OF SAID LOT 2 TO A NORTHWEST CORNER OF SAID LOT 2, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID LOT 1; THENCE, N00°23'56"E 238.50' ALONG THE WEST LINE OF SAID LOT 2 TO THE POINT OF BEGINNING, CONTAINING 2.84 ACRES. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY..

SURVEYOR AND ENGINEER

MATT D. GARDNER, P.L.S.
MATT D. GARDNER, P.E.
CLAPSADDE-GARDNER ASSOCIATES
P.O. BOX 754 - 16 E. MAIN STREET
MARSHALLTOWN, IOWA 50158
(641)752-6701

OWNERS OF RECORD

KB525IOWA, LLC
3923 E. STATE S-1
ROCKFORD, ILL 61108

ZONE INFORMATION:

PLANNED COMMERCIAL

FRONT YARD: 50'
SIDE YARDS: 30'
REAR YARD: 30'
FRONTAGE: -
LOT AREA: 60,000 SQ FT

SURVEY REQUESTED BY:

KEN BENNETT
DATE: 6-1-2023

FLOOD ZONE:

ZONE A
PANEL# 19127C 0170C
EFFECTIVE DATE NOVEMBER 16, 2011

SURVEY LEGEND

- ▲ GOVERNMENT CORNER MONUMENT FOUND
- △ GOVERNMENT CORNER MONUMENT SET
1/2" x 30" REBAR W/LOW PLASTIC ID CAP #14449
- PARCEL OR LOT CORNER MONUMENT FOUND
1/2" x 30" REBAR w/ORANGE PLASTIC
ID CAP #17162 UNLESS NOTED OTHERWISE
- SET 1/2" x 30" REBAR w/YELLOW PLASTIC
ID CAP #14442
- () RECORDED AS

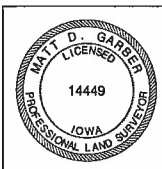
NOTE:
STORMWATER MANAGEMENT PLAN
SHEET SHALL BE THE RESPONSIBILITY
OF THE BUYER & DEVELOPER
THE LOTS CREATED WITHIN THIS
SUBDIVISION

CLOSURE:

- ALL SUBDIVISION BOUNDARIES ARE WITHIN THE 1:10,000 ERROR OF CLOSURE REQUIREMENT
- ALL LOTS ARE WITHIN THE 1:5000 ERROR OF CLOSURE REQUIREMENT.

NOTE:

ALL BEARINGS ARE THE RESULT OF G.P.S. OBSERVATIONS
USING NAD83 IOWA STATE PLAN NORTH ZONE



I hereby certify that this land surveying document was prepared and related survey work was performed by me or under my direct personal supervision and that I am a duly Licensed Professional Land Surveyor under the laws of the State of Iowa.

Signature: Matt D. Gardner, P.L.S., P.E.
Date: _____
Iowa License Number 14442
My license renewal date is December 31, 2023.

Pages or sheets covered by this seal:



NO.	REVISION	BY	DATE	NO.	REVISION	BY	DATE

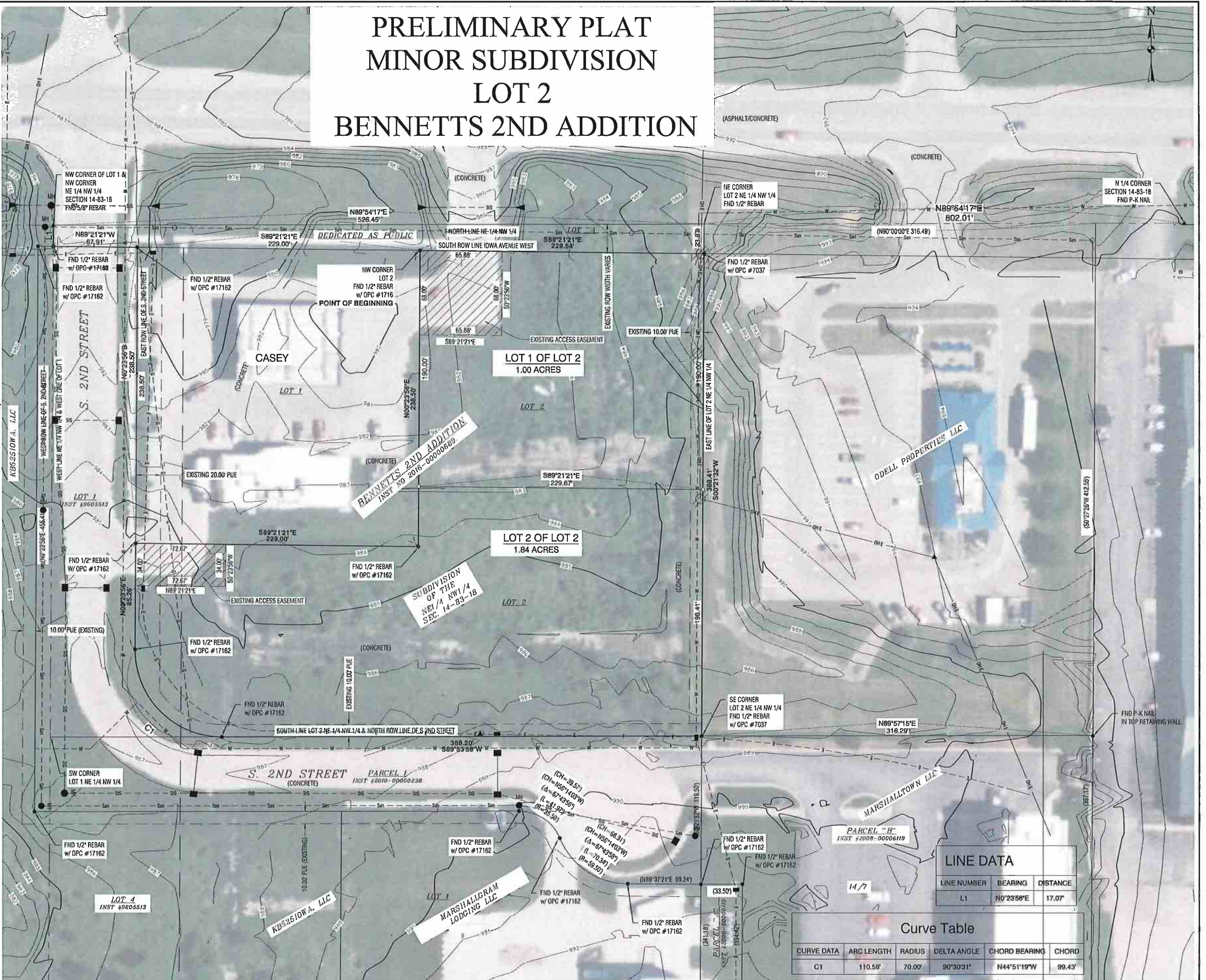


DESIGNED: _____ DATE: _____
DRAWN: CAQ DATE: 6-1-23
CHECKED: IRS DATE: 6-1-23
APPROVED: _____ DATE: _____

LOT 2 OF BENNETT'S 2ND ADDITION
MARSHALLTOWN, IOWA

PRELIMINARY PLAT

PROJECT NO.
23-SB-0227
SHEET NO.
1 OF 1

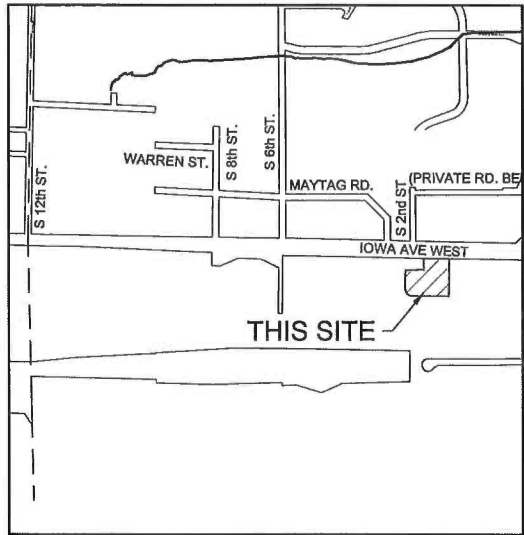


LINE DATA

LINE NUMBER	BEARING	DISTANCE
L1	N0°23'56"E	17.07'

Curve Table

CURVE DATA	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD
C1	110.58'	70.00'	90°30'31"	N44°51'19"W	99.43'



VICINITY MAP
NOT TO SCALE

LEGAL DESCRIPTION

LOT 2 OF BENNETT'S 2ND ADDITION RECORDED IN INSTRUMENT NO. 2016-00006886 IN THE OFFICE OF THE RECORDER, MARSHALL COUNTY, IOWA. LOCATED IN A PART OF LOT 1 AND LOT 2 OF THE SUBDIVISION OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 83 NORTH, RANGE 18 WEST OF THE 5TH P.M., MARSHALL COUNTY, IOWA MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF 09F SAID LOT 2, SAID POINT ALSO BEING ON THE SOUTH RIGHT OF WAY LINE OF IOWA AVENUE WEST; THENCE, S89°21'21"E 229.54' ALONG THE NORTH LINE OF THE OF SAID LOT 2 TO THE NORTHEAST CORNER OF SAID LOT 2; THENCE, S00°21'32"W 388.41' ALONG THE EAST LINE OF SAID LOT 2 TO THE SOUTHEAST CORNER OF SAID LOT 2, SAID POINT ALSO BEING ON THE NORTH RIGHT OF WAY LINE OF SOUTH 2ND STREET; THENCE, S89°53'58"W 388.20' ALONG THE SOUTH LINE OF SAID LOT 2; THENCE, NORTHWESTERLY 110.58' ALONG THE ARC OF A 70.00' RADIUS CURVE, CONCAVE NORTHEASTERLY, HAVING A CHORD BEARING OF N44°51'19"W AND A CHORD DISTANCE OF 99.43' ALONG THE WESTERLY LINE OF SAID LOT 2 TO A POINT ON THE WEST LINE OF SAID LOT 2; THENCE, N0°23'56"E 85.28' ALONG THE WEST LINE OF SAID LOT 2, AND THE EAST LINE OF WAY LINE OF SOUTH 2ND STREET AND A NORTHWEST CORNER OF SAID LOT 2, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 1 OF SAID BENNETT'S 2ND ADDITION; THENCE, S89°21'21"E 229.00' ALONG A NORTH LINE OF SAID LOT 2 TO A NORTHWEST CORNER OF SAID LOT 2, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID LOT 1; THENCE, N00°23'56"E 238.50' ALONG THE WEST LINE OF SAID LOT 2 TO THE POINT OF BEGINNING, CONTAINING 2.84 ACRES. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

SURVEYOR AND ENGINEER

MATT D. GARNER, P.L.S.
MATT D. GARNER, P.E.
CLAPSADDE-GARNER ASSOCIATES
P.O. BOX 754 - 16 E. MAIN STREET
MARSHALLTOWN, IOWA 50158
(641)752-6701

OWNERS OF RECORD

KB525IOWA, LLC
3923 E. STATE S-1
ROCKFORD, ILL 61108

SURVEY REQUESTED BY:

KEN BENNETT
DATE: 6-1-2023

ZONING INFORMATION:

PLANNED COMMERCIAL

FRONT YARD: 50'
SIDE YARDS: 30'
REAR YARD: 30'
FRONTAGE: -
LOT AREA: 60,000 SQ FT

FLOOD ZONE:

ZONE A
PANEL # 19127C 0170C
EFFECTIVE DATE NOVEMBER 16, 2011

SURVEY LEGEND

- ▲ GOVERNMENT CORNER MONUMENT FOUND
- ▲ GOVERNMENT CORNER MONUMENT SET 1/2" x 30" REBAR W/ YELLOW PLASTIC ID CAP #14449
- PARCEL OR LOT CORNER MONUMENT FOUND 1/2" x 30" REBAR W/ ORANGE PLASTIC ID CAP #17162 UNLESS NOTED OTHERWISE
- SET 1/2" x 30" REBAR W/ YELLOW PLASTIC ID CAP #14442
- () RECORDED AS

SITE AREA:

AREA - 2.84 ACRES

NOTE:
STORMWATER MANAGEMENT PLAN SHEET SHALL BE THE RESPONSIBILITY OF THE BUYER & DEVELOPER THE LOTS CREATED WITHIN THIS SUBDIVISION

CLOSURE:

- ALL SUBDIVISION BOUNDARIES ARE WITHIN THE 1:10,000 ERROR OF CLOSURE REQUIREMENT
- ALL LOTS ARE WITHIN THE 1:5000 ERROR OF CLOSURE REQUIREMENT.

NOTE:

ALL BEARINGS ARE THE RESULT OF G.P.S. OBSERVATIONS USING NAD83 IOWA STATE PLAN NORTH ZONE

Signature of Matt D. Garner, P.L.S., P.E.
Date
Iowa License Number 14442
My license renewal date is December 31, 2023.

MARSHALLTOWN P&Z COMMISSION

MAYOR SIGNATURE

ATTEST



NO.	REVISION	BY	DATE	NO.	REVISION	BY	DATE



Clapsaddle-Garner Associates, Inc.
16 East Main Street
Marshalltown, Iowa 50158
Ph 641-758-6701
www.cgaconsultants.com

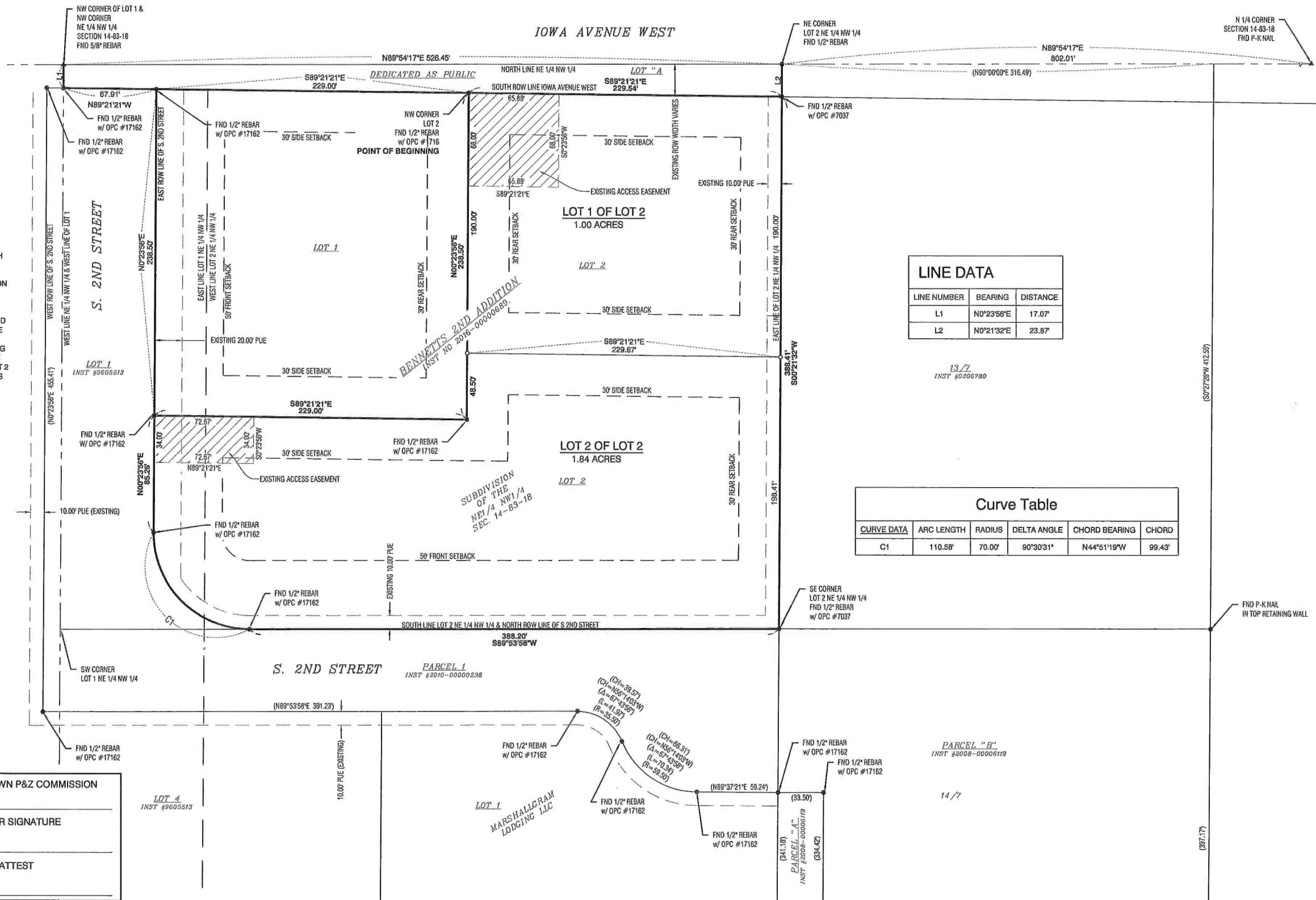
DESIGNED: - DATE: -
DRAWN: CAQ DATE: 6-1-23
CHECKED: JRS DATE: 6-1-23
APPROVED: - DATE: -

LOT 2 OF BENNETT'S 2ND ADDITION
MARSHALLTOWN, IOWA

FINAL PLAT

PROJECT NO. 23-SB-0227
SHEET NO. 1 OF 1

FINAL PLAT
MINOR SUBDIVISION
LOT 2
BENNETT'S 2ND ADDITION



LINE DATA		
LINE NUMBER	BEARING	DISTANCE
L1	N0°23'58"E	17.07'
L2	N0°21'32"E	23.87'

Curve Table					
CURVE DATA	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD
C1	110.58'	70.00'	90°30'31"	N44°51'19"W	99.43'

Prepared by & Return To: William J. Lorenz, 26 S. 1st Ave. Suite 302, Marshalltown, IA 50158, 641-752-4271

CERTIFICATE OF COUNTY TREASURER

I, Deanne Tomlinson, do certify that I am the Treasurer of Marshall County, Iowa. I further certify that the real estate described as follows, to it:

Subdivision of Lot 2, Bennetts 2nd Addition, located in the Northeast Quarter of the Northwest Quarter of Section 14, Township 83 North, Range 18 West of the 5th P.M., Marshall County, Iowa, being more particularly described as follows:

Survey Description- Subdivision of Lot 2 of Bennetts 2nd Addition:

Lot 2 of Bennetts 2nd Addition recorded in Instrument No. 2016-00000686 in the Office of the Recorder, Marshall County, Iowa, located in a part of Lot 1 and Lot 2, of the Subdivision of the Northeast Quarter of the Northwest Quarter of Section 14, Township 83 North, Range 18 West of the 5th P.M., Marshall County, Iowa, more particularly described as follows:

Beginning at the Northwest Corner of said Lot 2, said point also being on the South right of way line of Iowa Avenue West; thence S89°21'21"E 229.54 feet along the North line of said Lot 2 to the Northeast corner of said Lot 2; thence S00°21'32"W 388.41 feet along the East line of said Lot 2 to the Southeast corner of said Lot 2, said point also being on the North right of way line of South 2nd Street; thence S89°53'58"W 388.20 feet along the South line of said Lot 2; thence Northwesterly 110.58 feet along the arc of a 70.00° radius curve, concave Northeasterly, having a chord bearing of N44°51'19"W and a chord distance 99.43' along the Westerly line of said Lot 2 to a point on the West line of said Lot 2; thence N0°23'56"E 85.26' along the West line of said Lot 2 and the East right of way line of South 2nd Street and the Northwest corner of said Lot 2, said point also being the Southwest corner of Lot 1 of said Bennetts 2nd Addition; thence S89°21'21"E 229.00' along the North line of said Lot 2 to the Northwest corner of said Lot 2, said point also being the Southeast corner of said Lot 1; thence N00°23'56"E 238.50' along the West line of said Lot 2 to the point of beginning, containing 2.84 acres, subject to easements and restrictions of record, if any.

Parcel No. 8318-14-126-021 is free from taxes at the time of this Certification.

Dated: June 29, 2023

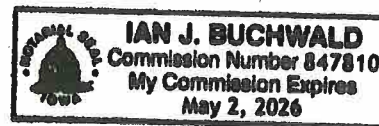

Deanne Tomlinson, Treasurer of Marshall County, Iowa

STATE OF IOWA, MARSHALL COUNTY, ss:

This record was acknowledged before me this 29 day of June, 2023 by Deanne Tomlinson, Treasurer of Marshall County, Iowa.



Signature of Notary Public



Prepared by & Return To: William J. Lorenz, 26 S. 1st Ave. Suite 302, Marshalltown, IA 50158, 641-752-4271

**MARSHALL COUNTY AUDITOR APPROVING
THE NAME OR TITLE OF THE SUBDIVISION PLAT**

I, Nan Benson, do certify that I am the Auditor of Marshall County, Iowa. I further certify that the real estate described as follows, to wit:

Subdivision of Lot 2 of Bennetts 2nd Addition, located in a part of Lot 1 and Lot 2, of the Subdivision of the Northeast Quarter of the Northwest Quarter of Section 14, Township 83 North, Range 18 West of the 5th P.M., Marshall County, Iowa, more particularly described as follows:

Beginning at the Northwest Corner of said Lot 2, said point also being on the South right of way line of Iowa Avenue West; thence S89°21'21"E 229.54 feet along the North line of said Lot 2 to the Northeast corner of said Lot 2; thence S00°21'32"W 388.41 feet along the East line of said Lot 2 to the Southeast corner of said Lot 2, said point also being on the North right of way line of South 2nd Street; thence S89°53'58"W 388.20 feet along the South line of said Lot 2; thence Northwesterly 110.58 feet along the arc of a 70.00° radius curve, concave Northeasterly, having a chord bearing of N44°51'19"W and a chord distance 99.43' along the Westerly line of said Lot 2 to a point on the West line of said Lot 2; thence N0°23'56"E 85.26' along the West line of said Lot 2 and the East right of way line of South 2nd Street and the Northwest corner of said Lot 2, said point also being the Southwest corner of Lot 1 of said Bennetts 2nd Addition; thence S89°21'21"E 229.00' along the North line of said Lot 2 to the Northwest corner of said Lot 2, said point also being the Southeast corner of said Lot 1; thence N00°23'56"E 238.50' along the West line of said Lot 2 to the point of beginning, containing 2.84 acres, subject to easements and restrictions of record, if any.

has been designated as Subdivision of Lot 2 of Bennetts 2nd Addition to Marshalltown, Marshall County, Iowa. I certify that I approve the name of the Subdivision Plat.

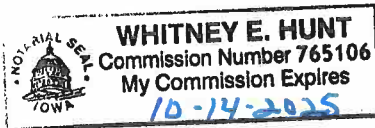
Dated: June 29, 2023


Nan Benson, Marshall County Auditor of Iowa



STATE OF IOWA, MARSHALL COUNTY, ss:

This record was acknowledged before me this 29th day of June, 2023 by Nan Benson,
Auditor of Marshall County, Iowa.



Whitney E. Hunt
Signature of Notary Public

MOORE, McKIBBEN, GOODMAN & LORENZ, LLP

JAMES L. GOODMAN
WILLIAM J. LORENZ
DOUGLAS W. BEALS
MICHAEL R. HORN
NORMA J. MEADE*
SEAN K. HEITMANN
BRANDON J. BUCK
IAN J. BUCHWALD

ATTORNEYS AND COUNSELORS AT LAW
FOUNDED IN 1885

26 S. FIRST AVENUE
SUITE 302
MARSHALLTOWN, IA 50158
641-752-4271
FAX 641-752-5266
www.marshalltownlaw.com

*Certified Mediator

RETIRED
LARRY E. MCKIBBEN
JAMES R. MOORE
JAMES E. ROAN
JAMES A. SCHWIEBERT

MONTEZUMA OFFICE
401 E. Washington
P.O. Box 38
Montezuma, IA 50171
641-623-5964
FAX 641-623-5929

TOLEDO OFFICE
120 East High Street
P.O. Box 249
Toledo, IA 52342
641-484-2320
FAX 641-484-3056
Formerly
Mickelson, Roan & Appelgate

June 15, 2023

TITLE OPINION
#2023-0212

Honorable Joel Greer, Mayor
Honorable Members of the City Council
City of Marshalltown, Iowa

Dear Ladies and Gentleman:

This is to certify that I have examined the abstract of title in one part, continued from the root of title and certified down to the 14th day of June, 2023 at 8:30 A.M., as last continued by Marshall County Abstract Company of Marshalltown, Iowa, covering real estate legally described as follows:

Lot 2 of Bennetts 2nd Addition, Marshalltown, Iowa

and find:

The roots of title for this real estate are shown and the Deeds recorded August 19, 1971 in Book B 22 at Page 457 and on October 7, 1954 in Book B at Page 213.

The abstract shows a continuous chain of title to the real estate in effect since those dates.

From the abstract as submitted, I find the current fee simple title vested in KB525Iowa, L.L.C., subject to the following liens and encumbrances:

1. At Entry No. 24 of the abstract there appears a Mortgage from Kenneth E. Bennett, single, to Maquoketa State Bank in the sum of \$490,000.00, dated March 29, 1996 and recorded April 1, 1996 as Document No. 9605330. This is an "ancient mortgage" under the Iowa Title Standards (more than 20 years old with no maturity date shown) and is mentioned for reference purposes only. Regardless, the Mortgagee consents to the Subdivision.

Honorable Joel Greer, Mayor
Honorable Members of the City Council
City of Marshalltown, Iowa
Title Opinion #2023-0212
June 15, 2023
Page 2

2. At Entry No. 29 of the abstract there appears a Mortgage from Kenneth E. Bennett, Trustee of the Kenneth E. Bennett Living Trust on a Declaration of Trust dated May 7, 1996, to Maquoketa State Bank in the sum of \$300,000.00, dated and recorded on December 31, 1998, as Document No. 9808814. This mortgage is shown to have matured on January 10, 2004, more than 10 years ago, and is no longer enforceable and is shown for reference purposes only. Regardless, the Mortgagee consents to the Subdivision.

3. At Entry No. 33 of the abstract appears a Mortgage from Kenneth E. Bennett, as Trustee of the Kenneth E. Bennett Living Trust under Declaration of Trust dated May 7, 1996 to Maquoketa State Bank in the sum of \$950,000.00, dated April 2, 2001 and recorded April 5, 2001 as Document No. 9918007. This mortgage is shown extended at Entry No. 48 of the abstract, with the maturity now scheduled for April 2, 2031. The Mortgagee consents to the Subdivision.

4. The abstracter certifies that all general property taxes have been paid through and including both installment of taxes for the fiscal year 2021, due and payable July 1, 2022 through June 30, 2023.

I certify of my own knowledge that the addition known as Subdivision of Lot 2 of Bennetts 2nd Addition, Marshalltown, Iowa, proposed to be platted by KB525Iowa, L.L.C., as proprietor and owner of the above described real estate, is laid out on a portion thereof and described as follows:

Lot 2 of Bennetts 2nd Addition recorded in Instrument No. 2016-00000686 in the Office of the Recorder, Marshall County, Iowa, located in a part of Lot 1 and Lot 2, of the Subdivision of the Northeast Quarter of the Northwest Quarter of Section 14, Township 83 North, Range 18 West of the 5th P.M., Marshall County, Iowa, more particularly described as follows:

Beginning at the Northwest Corner of said Lot 2, said point also being on the South right of way line of Iowa Avenue West; thence S89°21'21"E 229.54 feet along the North line of said Lot 2 to the Northeast corner of said Lot 2; thence S00°21'32"W 388.41 feet along the East line of said Lot 2 to the Southeast corner of said Lot 2, said point also being on the North right of way line of South 2nd Street; thence S89°53'58"W 388.20 feet along the South line of said Lot 2; thence Northwesterly 110.58 feet along the arc of a 70.00° radius curve, concave Northeasterly, having a chord bearing of N44°51'19"W and

Honorable Joel Greer, Mayor
Honorable Members of the City Council
City of Marshalltown, Iowa
Title Opinion #2023-0212
June 15, 2023
Page 3

a chord distance 99.43' along the Westerly line of said Lot 2 to a point on the West line of said Lot 2; thence N0°23'56"E 85.26' along the West line of said Lot 2 and the East right of way line of South 2nd Street and the Northwest corner of said Lot 2, said point also being the Southwest corner of Lot 1 of said Bennetts 2nd Addition; thence S89°21'21"E 229.00' along the North line of said Lot 2 to the Northwest corner of said Lot 2, said point also being the Southeast corner of said Lot 1; thence N00°23'56"E 238.50' along the West line of said Lot 2 to the point of beginning, containing 2.84 acres, subject to easements and restrictions of record, if any.

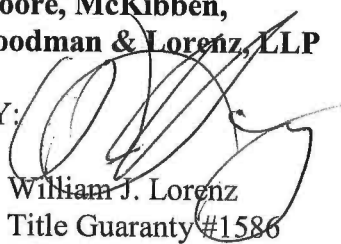
I further certify that according to said abstract of title, the real estate upon which said addition is laid out and platted is free and clear of any and all liens and other encumbrances except as shown hereinabove.

I further certify that this opinion of title is made pursuant to and in compliance with Iowa Code § 354.11(3).

Very truly yours,

**Moore, McKibben,
Goodman & Lorenz, LLP**

BY:


William J. Lorenz

Title Guaranty #1586

WJL/ag

Prepared by & Return To: William J. Lorenz, 26 South 1st Ave. Suite 302, 50158, 641-752-4271

**ACKNOWLEDGEMENT OF CONSENT AND DEDICATION
OF FINAL PLAT OF SUBDIVISION OF LOT 2 OF BENNETTS 2ND ADDITION**

Know all by these presents:

Maquoketa State Bank, is the owner and holder of a mortgage encumbering the following described real estate, dated December 31, 1998 and recorded December 31, 1998 as Document No. 9808814:

Subdivision of Lot 2 of Bennetts 2nd Addition, located in the Northeast Quarter of the Northwest Quarter of Section 14, Township 83 North, Range 18 West of the 5th P.M., Marshall County, Iowa, being more particularly described as follows:

Survey Description- Subdivision of Lot 2 of Bennetts 2nd Addition:

Lot 2 of Bennetts 2nd Addition recorded in Instrument No. 2016-00000686 in the Office of the Recorder, Marshall County, Iowa, located in a part of Lot 1 and Lot 2, of the Subdivision of the Northeast Quarter of the Northwest Quarter of Section 14, Township 83 North, Range 18 West of the 5th P.M., Marshall County, Iowa, more particularly described as follows:

Beginning at the Northwest Corner of said Lot 2, said point also being on the South right of way line of Iowa Avenue West; thence S89°21'21"E 229.54 feet along the North line of said Lot 2 to the Northeast corner of said Lot 2; thence S00°21'32"W 388.41 feet along the East line of said Lot 2 to the Southeast corner of said Lot 2, said point also being on the North right of way line of South 2nd Street; thence S89°53'58"W 388.20 feet along the South line of said Lot 2; thence Northwesterly 110.58 feet along the arc of a 70.00° radius curve, concave Northeasterly, having a chord bearing of N44°51'19"W and a chord distance 99.43' along the Westerly line of said Lot 2 to a point on the West line of said Lot 2; thence N0°23'56"E 85.26' along the West line of said Lot 2 and the East right of way line of South 2nd Street and the Northwest corner of said Lot 2, said point also being the Southwest corner of Lot 1 of said Bennetts 2nd Addition; thence S89°21'21"E 229.00' along the North line of said Lot 2 to the Northwest corner of said Lot 2, said point also being the Southeast corner of said Lot 1; thence N00°23'56"E 238.50' along the West line of said Lot 2 to the point of beginning, containing 2.84 acres, subject to easements and restrictions of record, if any.

The undersigned certifies that the accompanying Final Plat of the above described real estate, to be known as Subdivision of Lot 2 of Bennetts 2nd Addition to Marshalltown, Marshall County, Iowa is with the free consent and knowledge of said Bank

MAQUOKETA STATE BANK

By: Brian Nabbs
Title

STATE OF IOWA, JACKSON COUNTY, ss:

This Instrument was acknowledged before me by Brian Nabbs as 1st vice president of Maquoketa State Bank, this 26th day of June, 2023



Maisie Marie Morehead
Notary Public of State of Iowa

Prepared by & Return To: William J. Lorenz, 26 South 1st Ave. Suite 302, 50158, 641-752-4271

**ACKNOWLEDGEMENT OF CONSENT AND DEDICATION
OF FINAL PLAT OF SUBDIVISION OF LOT 2 OF BENNETTS 2ND ADDITION**

Know all by these presents:

That KB525Iowa, LLC, is lawfully seized of the premises described as follows:

Subdivision of Lot 2 of Bennetts 2nd Addition, located in the Northeast Quarter of the Northwest Quarter of Section 14, Township 83 North, Range 18 West of the 5th P.M., Marshall County, Iowa, being more particularly described as follows:

Survey Description- Subdivision of Lot 2 of Bennetts 2nd Addition:

Lot 2 of Bennetts 2nd Addition recorded in Instrument No. 2016-00000686 in the Office of the Recorder, Marshall County, Iowa, located in a part of Lot 1 and Lot 2, of the Subdivision of the Northeast Quarter of the Northwest Quarter of Section 14, Township 83 North, Range 18 West of the 5th P.M., Marshall County, Iowa, more particularly described as follows:

Beginning at the Northwest Corner of said Lot 2, said point also being on the South right of way line of Iowa Avenue West; thence S89°21'21"E 229.54 feet along the North line of said Lot 2 to the Northeast corner of said Lot 2; thence S00°21'32"W 388.41 feet along the East line of said Lot 2 to the Southeast corner of said Lot 2, said point also being on the North right of way line of South 2nd Street; thence S89°53'58"W 388.20 feet along the South line of said Lot 2; thence Northwesterly 110.58 feet along the arc of a 70.00° radius curve, concave Northeasterly, having a chord bearing of N44°51'19"W and a chord distance 99.43' along the Westerly line of said Lot 2 to a point on the West line of said Lot 2; thence N0°23'56"E 85.26' along the West line of said Lot 2 and the East right of way line of South 2nd Street and the Northwest corner of said Lot 2, said point also being the Southwest corner of Lot 1 of said Bennetts 2nd Addition; thence S89°21'21"E 229.00' along the North line of said Lot 2 to the Northwest corner of said Lot 2, said point also being the Southeast corner of said Lot 1; thence N00°23'56"E 238.50' along the West line of said Lot 2 to the point of beginning, containing 2.84 acres, subject to easements and restrictions of record, if any.

Kenneth E. Bennett, as Member/Manager of said limited liability company, certifies that the accompanying Preliminary Plat and Final Plat of the above described real estate, to be known as Subdivision of Lot 2 of Bennetts 2nd Addition to Marshalltown, Marshall County, Iowa is with the free consent and accordance with the desire of said limited liability company

Dated: June 26, 2023

KB525Iowa, LLC

By: _____

Kenneth E. Bennett, Member/Manager

STATE OF IL, WINNEBAGO COUNTY, ss:

Subscribed and sworn to me by Kenneth E. Bennett this 26th day of June, 2023.



Laura A Price
Notary Public of State of IL

Prepared by & Return To: William J. Lorenz, 26 S. 1st Ave. Suite 302, Marshalltown, IA 50158, 641-752-4271

**RESOLUTION APPROVING PLAT OF SUBDIVISION OF
LOT 2 OF BENNETTS 2nd ADDITION**

WHEREAS, there has been presented to the City of Marshalltown, Marshall County, a plat of certain property located in Marshalltown, Marshall County, said plat being designed as Subdivision of Lot 2 of Bennetts 2nd Addition, and certified by Matt D. Garber, a Licensed Land Surveyor; and

WHEREAS, the property covered by said plat is legally described as follows:

Lot 2 of Bennetts 2nd Addition recorded in Instrument No. 2016-00000686 in the Office of the Recorder, Marshall County, Iowa, located in a part of Lot 1 and Lot 2, of the Subdivision of the Northeast Quarter of the Northwest Quarter of Section 14, Township 83 North, Range 18 West of the 5th P.M., Marshall County, Iowa, more particularly described as follows:

Beginning at the Northwest Corner of said Lot 2, said point also being on the South right of way line of Iowa Avenue West; thence S89°21'21"E 229.54 feet along the North line of said Lot 2 to the Northeast corner of said Lot 2; thence S00°21'32"W 388.41 feet along the East line of said Lot 2 to the Southeast corner of said Lot 2, said point also being on the North right of way line of South 2nd Street; thence S89°53'58"W 388.20 feet along the South line of said Lot 2; thence Northwesterly 110.58 feet along the arc of a 70.00° radius curve, concave Northeasterly, having a chord bearing of N44°51'19"W and a chord distance 99.43' along the Westerly line of said Lot 2 to a point on the West line of said Lot 2; thence N0°23'56"E 85.26' along the West line of said Lot 2 and the East right of way line of South 2nd Street and the Northwest corner of said Lot 2, said point also being the Southwest corner of Lot 1 of said Bennetts 2nd Addition; thence S89°21'21"E 229.00' along the North line of said Lot 2 to the Northwest corner of said Lot 2, said point also being the Southeast corner of said Lot 1; thence N00°23'56"E 238.50' along the West line of said Lot 2 to the point of beginning, containing 2.84 acres, subject to easements and restrictions of record, if any; and

WHEREAS, the plat in all respects conforms to the laws and regulations covering the same.

NOW THEREFORE be it resolved that the plat designated Subdivision of Lot 2 of Bennetts 2nd Addition, the above described property be and the same in hereby approved. The Clerk is hereby directed to certify a copy of this Resolution and affix the same to the plat for filing in the office of the Marshall County Recorder.

Approved this _____ day of _____, 2023

Mayor

CERTIFICATE

I _____ Mayor of the City of Marshalltown, Iowa, do hereby certify that the Resolution hereinabove set out is true and correct copy of a Resolution approved and adopted by the City Council on the _____ day of _____, 2023 whereby said board accepted and approved that plat of Subdivision of Lot 2 of Bennetts 2nd Addition.

IN WITNESS WHEREOF, I hereto affix my hand and the seal of Marshalltown, Iowa, this _____ day of _____, 2023.

Mayor

MARSHALLTOWN

— I O W A —

TO: Plan and Zoning Commission

FROM: Hector Hernandez, City Planner

DATE: July 13, 2023 – Meeting Date

**SUBJECT: Subdivision – Final Plat from Prime Development Group LLC for
Creekside Estates Addition**

Request: The Final Plat for Creekside Estates Addition is comprised of twenty-five lots for development, and two out lots. This parcel is zoned as Mixed-Use (MU)

Staff Review: The purposed of this final plat is to create lots for development. Creekside Estates Addition has not finalized the name for the subdivision and would ask for approval with any adjustment to the subdivision name.

Recommendation: The Commission should make a recommendation to the City Council for consideration. A resolution would be presented at the City Council Meeting on July 24.

Housing & Community Development

24 North Center Street, Marshalltown, IA 50158 - Tel. (641) 754-5756 - Fax (641) 754-5742
The City of Marshalltown collaborates to provide a welcoming, safe, vibrant, and growing community.

June 23, 2023

VIA OVERNIGHT DELIVERY

Heather Thomas, P.E.
Public Works Director
City of Marshalltown
36 N. Center Street
Marshalltown, IA 50158

Re: Creekside Estates Addition

Dear Heather:

Enclosed please find the following documents and submissions for the Creekside Estates Addition in Marshalltown:

- Attorney's Title Opinion;
- Resolution Accepting and Approving the Preliminary and Final Plat (unsigned);
- Deed of Dedication and Consent to Owner;
- Certificate of County Auditor (unsigned);
- Certificate of County Treasurer (unsigned);
- Statement of Mortgage Holder;
- \$980.00 check from Prime Development Group, LLC representing Submittal Fee; and
- Preliminary and Final Plat Creekside Estates Addition (2 copies).

Please contact me if you have any questions or concerns with these documents. We appreciate your assistance with the Creekside Estates Addition and look forward to continuing to work with you on the project.

Very truly yours,



Michael R. Young
mry@shuttleworthlaw.com

MRY:ac
Enclosures

Shuttleworth & INGERSOLL®

ATTORNEYS AT LAW • ESTABLISHED 1854

June 7, 2023

Prime Development Group, LLC
Attention: Mike Hayworth
531 Commercial Street, Suite 614
Waterloo, IA 50701
mikeh@rosemontcompanies.com

Re: Plat Opinion - Creekside Estates Addition, Marshall County, Iowa

Dear Mr. Hayworth:

We have examined the abstract of title that includes the following described real estate situated in Marshall County, Iowa:

Lot 7 and the West 206.3 feet of the South 410 feet of Lot 6 of the Southeast Quarter of the Southeast Quarter of Section 34, Township 84 North, Range 18 West of the 5th P.M., Marshall County, Iowa.

The above-described land is more particularly described as follows:

Beginning at the southeast corner of Section 34, Township 84 North, Range 18 West, Marshall County, Iowa, also being the southeast corner of said Lot 7; thence South 89 degrees 50 minutes 40 seconds West (assumed bearing) on the south line of the Southeast Quarter of said Section 34, also being the south line of said Lots 6 and 7, a distance of 762.30 feet to the southwest corner of said Lot 6; thence North 00 degrees 44 minutes 41 seconds West on the west line of said Lot 6; a distance of 410.00 feet to a point on the north line of the South 410 feet of said Lot 6; thence North 89 degrees 50 minutes 40 seconds East on said north line and on the north line of said Lot 7, a distance of 762.30 feet to the northeast corner of said Lot 7; thence South 00 degrees 44 minutes 41 seconds East on the east line of said Lot 7, also being the east line of said Southeast Quarter 410.00 feet to the point of beginning;

which real estate described above is being platted as Creekside Estates Addition, City of Marshalltown, Marshall County, Iowa.

The abstract consists of Entries 1 through 68, inclusive, and was last certified through Entry 68 on November 3, 2022, at 8:30 a.m. by Marshall County Abstract Company (Abstract No.

Shuttleworth & Ingersoll, P.L.C.
PO Box 2107
Cedar Rapids, IA 52406-2107

Phone: 319.365.9461
Fax: 319.365.8443
shuttleworthlaw.com

Cedar Rapids Office
115 3rd St. SE, Suite 500
Cedar Rapids, IA 52401

Coralville Office
327 2nd St., Suite 300
Coralville, IA 52241

23438). All citations in this opinion to recorded documents refer to the office of the Marshall County Recorder, unless otherwise indicated.

Based solely on this examination, we find legal title to said property to be in:

Prime Development Group, LLC

free and clear of liens and encumbrances except the following:

1. Open-End Mortgage from Prime Development Group LLC to Pinnacle Bank dated March 30, 2021, and recorded March 31, 2021, as Instrument No. 202100001761 (Entry 65).
2. Easements and restrictions of record.

Respectfully submitted,



ELIZABETH L. SOUER

Iowa Title Guaranty Member #10770

ELS:lms
File No. 33140-3

RESOLUTION NUMBER _____

A RESOLUTION ACCEPTING AND APPROVING THE
PRELIMINARY AND FINAL PLAT, CREEKSIDE ESTATES ADDITION,
CITY OF MARSHALLTOWN, MARSHALL COUNTY, IOWA

WHEREAS, the Plan and Zoning Commission of the City of Marshalltown, Iowa, did, on the ____ day of _____, 2023, at a regular meeting of the Plan and Zoning Commission, approve the attached Preliminary Plat and Final Plat, respectively, and recommend acceptance and approval thereof by the City Council of the City of Marshalltown, and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA, that the attached Preliminary Plat and Final Plat heretofore filed for the property to be known as:

**“CREEKSIDE ESTATES ADDITION,
CITY OF MARSHALLTOWN, MARSHALL COUNTY, IOWA”**

be and the same is hereby accepted and approved The Mayor and City Clerk are hereby authorized and directed to certify a copy of this Resolution to the Marshall County Recorder.

ADOPTED and passed this ____ day of _____, 2023.

Joel Greer, Mayor

Attest:

Alicia Hunter, City Clerk

CERTIFICATE

We, Joel Greer and Alicia Hunter, Mayor and City Clerk, respectively, of the City of Marshalltown, Marshall County, Iowa, do hereby certify that the above and foregoing is a true and correct typewritten copy of Resolution No. _____ duly and legally adopted by the City Council of the City of Marshalltown on the ____ day of _____, 2023.

IN WITNESS WHEREOF, I hereby sign my name and affix the official seal of the City of Marshalltown, Iowa, this ____ day of _____, 2023.

Alicia Hunter, City Clerk of Marshalltown, Iowa

Prepared by: Michael R. Young, Shuttleworth & Ingersoll, PLC, PO Box 2107, Cedar Rapids, IA 52406-2107; (319) 365-9461

CERTIFICATE OF COUNTY AUDITOR

I, Nan Benson, Auditor of Marshall County, Iowa, do hereby certify that I have examined the records of said County and do approve the name given to the subdivision plat of land described and laid out into lots designated as:

**“CREEKSIDE ESTATES ADDITION,
CITY OF MARSHALLTOWN,
MARSHALL COUNTY, IOWA.”**

This certificate is provided for the purpose of complying with the provisions of Section 354.11(6) of the Iowa Code.

Dated at Marshalltown, Iowa, this ____ day of _____, 2023.

Nan Benson
Auditor of Marshall County, Iowa

By: _____
_____, Deputy (*if applicable*)

Prepared by: Michael R. Young, Shuttleworth & Ingersoll, PLC, PO Box 2107, Cedar Rapids, IA 52406-2107; (319) 365-9461

CERTIFICATE OF COUNTY TREASURER

I, Nan Benson, Treasurer of Marshall County, Iowa, do hereby certify that I have examined the records of said County and find that the land described and laid out into lots on the Plat designated as

**“CREEKSIDE ESTATES ADDITION,
CITY OF MARSHALLTOWN,
MARSHALL COUNTY, IOWA”**

is free from all certified taxes and certified special assessments. This certificate is provided for the purpose of complying with the provisions of Section 354.11(5) of the Iowa Code.

Dated at Marshalltown, Iowa, this ____ day of _____, 2023.

Nan Benson
Treasurer of Marshall County, Iowa

By: _____
_____, Deputy (*if applicable*)

Prepared by: Michael R. Young, Shuttleworth & Ingersoll, PLC, PO Box 2107, Cedar Rapids, IA 52406-2107; (319) 365-9461

STATEMENT OF MORTGAGE HOLDER

Re: **CREEKSIDE ESTATES ADDITION, CITY OF MARSHALLTOWN,
MARSHALL COUNTY, IOWA**

STATE OF IOWA)
) ss:
COUNTY OF MARSHALL)

The undersigned, an officer of Pinnacle Bank, Marshalltown, Iowa, who is authorized to execute deeds and releases on behalf of said Bank, being duly sworn, does hereby state that:

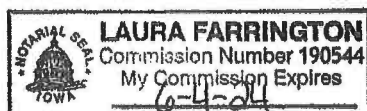
1. Pinnacle Bank is a mortgage holder of the real estate comprising the “*Creekside Estates Addition, City of Marshalltown, Marshall County, Iowa*,” under that certain Open-End Mortgage from Prime Development Group LLC, dated March 30, 2021 and filed for record March 31, 2021 as Instrument No. 202100001761 in the office of the Marshall County Recorder;
2. The platting of the captioned subdivision is prepared with Pinnacle Bank’s free consent and in accordance with its desires; and
3. Pinnacle Bank will release its mortgage lien for any areas within the captioned subdivision that are conveyed to the City of Marshalltown, Iowa and/or dedicated to the public following review and approval of the Final Plat for said subdivision.

Dated at Marshalltown, Iowa, this 9th day of June, 2023.

Pinnacle Bank

By Andrew Pool
Andrew Pool
Senior Vice President/Chief Credit Officer

This instrument was acknowledged before me on the 9th day of June, 2023, by Andrew Pool as Senior Vice President/Chief Credit Officer of Pinnacle Bank.



Laura Farrington
Laura Farrington
Notary Public for the State of Iowa

**DEED OF DEDICATION AND CONSENT OF OWNER TO
CREEKSIDE ESTATES ADDITION, MARSHALL COUNTY, IOWA**

THE UNDERSIGNED, Prime Development Group LLC, an Iowa limited liability company (the "Developer"), being the owner of the land described as shown on the attached **Exhibit "A"** does, in accordance with the provisions of Chapter 354 of the Iowa Code and the terms defined therein, acknowledge that the subdivision, as it appears on the Plat and related documents, has been prepared with its free consent, and in accord with its desire, said real estate to be hereafter known as and called:

**CREEKSIDE ESTATES ADDITION,
CITY OF MARSHALLTOWN,
MARSHALL COUNTY, IOWA**

(herein referred to as the "Addition").

I. DEDICATION OF STREETS AND EASEMENTS

1. The undersigned does hereby grant and convey to the City of Marshalltown, Iowa, its successors and assigns, and to any private corporation, firm or person furnishing utilities for the transmission and/or distribution of water, gas, electricity, communication service or cable television, perpetual easements for the erection, laying, building and maintenance of said services over, across, on and/or under the property as shown on the Plat of this Addition.

2. The undersigned does hereby dedicate and set apart for public use the streets shown on the Plat of the Addition. The streets, as shown, are dedicated and set apart for public use for street purposes.

II. RESTRICTIONS

The undersigned does further covenant and agree, for itself, its successors, and assigns, that the respective lots and tracts in said Plat shall be, and the same are hereby subject to the

following restrictions and easements, as fully and effectively as if the same were contained and set forth in each deed, contract, or mortgage that the undersigned or its successors in interest may hereafter make, and that such restrictions and easements shall run with the land, and with the described lots, all as follows:

1. Lot A is dedicated and reserved for use as a public right-of-way street to be known as "*Creekside Lane*." The Developer or its assignee shall have the sole authority to determine the extent to which the covenants, restrictions and easements shall apply to Outlot A and Outlot B.

2. Lots 1-25 in the Addition shall be known, described and used solely as residential lots and no structure shall be erected on any such residential building lot other than a dwelling, not to exceed two stories height, and attached private garage that is a minimum of one stall and 250 square feet in area and a maximum of three stalls and 1,600 square feet in area. All residential dwellings shall have customary siding and exterior surface coverings. Materials that may be used in the front elevation of the residential dwelling in the portion of such elevation that is not vinyl or aluminum siding shall include, but not be limited to, the following: brick, stone, stucco, EFIS, glass, natural wood, wood siding, or any other materials that have the same effect or appearance.

3. Any dwelling that shall be erected on any lot shall have a minimum setback from the front of the lot line as indicated on attached Plat. The minimum setback from each side lot line is five (5) feet, except as indicated on the attached Plat or as required by R-1 Zoning. All minimum setbacks will be required to meet or exceed R-1 Zoning.

4. Any lot in the Addition may be split or divided in any fashion to provide for more lot area when added to an adjoining lot.

5. No trailer, basement, tent, shack, garage, barn, or other out-building erected in the Addition shall at any time be used as a residence, temporarily or permanently, nor shall any residence of a temporary character be permitted on any lot in the Addition.

6. No residential dwelling shall be erected on any lot unless the design and location is in harmony with existing structures. Only one- and two-story dwellings may be constructed. One-story dwellings include single story, split-level, or split-foyer homes. Two-story dwellings shall include one and one-half story and two-story homes. No one-story dwelling shall be constructed on a lot with a fully enclosed first floor area of less than 1,000 square feet, exclusive of basement, garage and open porches. No two-story dwelling shall be constructed with a fully enclosed first floor area of less than 800 square feet and a total of 1,650 square feet in the dwelling, exclusive of basement, garage and open porches. A "story" shall be required to have a floor level which is at least one foot above ground level at all points. Any floor level which is less than one foot above ground level at all points shall be considered a basement level, and shall not be a "story." All residential dwellings shall be constructed with private, attached garages.

7. The owner of each lot, vacant or improved, shall keep his or her lot or lots free of weeds and debris.

8. No grading or other construction shall be performed on any lot in said Addition that blocks the flow of surface drainage water.

9. No obnoxious or offensive trade or activity shall be carried on upon any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

10. No old or used buildings shall be moved upon any of the lots in the Addition for any purpose and all buildings on any lot in the Addition shall be kept in a reasonable state of repair and upkeep.

11. No fencing shall be allowed which obstructs views. No privacy fences, snow fencing of any type or nature, barbed wire or woven wire shall be permitted at any time on any lot. Fencing may be black coated chain link. Notwithstanding the forgoing, all fencing must be approved in writing by Developer.

12. All outdoor swimming pools of any nature must be constructed "in ground." All "above ground" swimming pools of any nature shall not be permitted with the exception only to removable children's wading pools. All Jacuzzi, hot tubs, whirlpool spas or other items of such nature must be recessed or built-in with the heating and filtering equipment and elements completely enclosed by appropriate material and out of the public view.

13. Any footing tile drains and roof leaders should be expelled into the front or rear of the residential dwelling, and shall not be expelled into any sanitary sewer system or directly onto the street. Any sump pump system shall be attached to either the front street sub drain or the rear yard tile line, as provided in the utility easement for such purpose.

14. No radio station or short-wave operators of any kind shall operate from any lot which shall cause interference with audio or visual reception upon any other lot. No exterior radio antenna shall be erected or maintained in or on the property. No satellite TV antenna or "dish" may be maintained, constructed or erected on any lot unless it is constructed in the rear yard and at least twenty feet from any property line and is shielded from the public view by shrubbery and landscaping. No dish larger than 24" will be allowed.

15. No dwelling on any lot of said subdivision shall be occupied until the exterior is completed and finished and the interior substantially completed and finished. All buildings erected on any lot in the Addition shall be constructed in accordance with the Building, Plumbing, and Electrical Codes of the City of Marshalltown, Iowa.

16. No animals, poultry, or livestock of any variety shall be kept or raised, except that a total of two dogs or cats may be allowed and then only if they are not kept, bred, or maintained for any commercial purpose, such animals shall be kept under control so as not to constitute a public nuisance and must be kept in compliance with applicable zoning laws and regulations of

the City of Marshalltown, Marshall County, Iowa. No outdoor doghouses, kennels, runs, or tie-ups may be maintained on any lot in the Addition.

17. All driveways constructed on residential lots shall be paved with concrete or another hard surface and shall be at least the width of the garage. No unpaved or unsurfaced driveways shall be permitted.

18. Unless kept entirely enclosed in a permanent garage, the storage of trailers of any kind, whether camping, boat, house, utility, or otherwise, or any bus, camper, boat, semi-tractor, trailer, recreational vehicle, or truck of any kind except what is commonly described as a "pickup truck" or "passenger van" shall not be permitted on any lot or street within the Addition. "Storage" for purposes of this restriction means that either the vehicle or trailer does not have a current license or that it is left open to view from adjacent properties for two (2) or more days.

19. The undersigned and all persons and corporations hereafter acquiring any right, title, or interest in any of the lots in said Addition shall be taken and held to have agreed and covenanted with the owners of all other lots in this Addition and with the respective successors and assigns of all of the rest of such other lots to conform to and observe all of the foregoing covenants, restrictions and stipulations as to the use and construction or building thereon, for a period of 21 years from the date of filing of said Plat and this deed of dedication for record. Within the period of 21 years and in accordance with the Iowa Code §§ 614.24 and .25 or their successor provisions, these covenants, restrictions and stipulations may be extended for an additional period of 21 years upon compliance with Iowa Code §§ 614.24 and .25. In the event an extension of the covenants, restrictions and stipulations is not filed within the period of 21 years or successive 21-year periods, then the covenants, restrictions and stipulations contained herein shall terminate at the end of the existing period of 21 years.

20. If the parties hereto or any of them or their heirs or assigns shall violate or attempt to violate any of the covenants or restrictions herein, it shall be lawful for any other person or persons owning property in the Addition to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenants or restrictions and for the purpose of preventing such acts or to recover damages for such violations, or both, and for costs and reasonable attorney's fees as determined by the Court and not the statute.

21. Invalidity of any of these covenants by judgment, decree or court order, shall in no way affect any of the other provisions of this dedication and such other provisions shall remain in full force and effect.

22. A poured four-foot wide cement concrete sidewalk four inches thick and a hard surfaced driveway approach shall be installed during or immediately after the construction of a residential dwelling on a lot in the Addition, but before issuance of an Occupancy Permit from the City of Marshalltown, Iowa, or within 5 years of the transfer of said lot from the Developer to a purchaser, whichever is earlier. Said sidewalk shall be constructed across the full length of all street frontages of the lot and on corner lots, and extend to match the end of existing sidewalk(s) on adjoining lots where sidewalk already exists. Said sidewalk shall also be required

to be constructed across all street frontages of two or more adjoining lots, or portions thereof, when any owner has acquired said two or more adjoining lots, or portions thereof, upon construction upon one or more lots, or portions thereof, all as required by the City of Marshalltown, Iowa. The Owner(s) of each lot shall be jointly and severally responsible to keep in good order or to maintain the area between the curb-line and the property line abutting their property, including keeping said area free of holes, pitfalls, stumps of trees, fences, brick, stone, cement, stakes, posts, or rods to which a metal, plastic or similar receptacle designed to hold newspapers are affixed, private irrigation or sprinkler systems, retaining walls, landscaping brick, block, stone, timber, or other similar material, or any other similar obstructions. All mailboxes shall be clustered or grouped for the dwelling units, and shall not be placed between the curb line and the property line.

23. For the purpose of protecting and maintaining the integrity of the Addition, the Developer hereafter reserves the right to review all plans for construction of driveways and garages, and all building plans for any structure to be erected on any lot, and the proposed location thereof upon any lot, and any changes after the approval thereof, any remodeling, reconstruction, alteration to any structure upon any lot in the subdivision, shall require the approval in writing of the Developer, thereafter. Approval of such plans and specifications shall be evidenced by the written endorsement on such plans and specifications, a copy of which shall be delivered to the owner of the lot upon which construction or alteration is proposed. No earth-sheltered, geodesic dome, modular, or other radically unconventional housing will be allowed.

III. PUBLIC IMPROVEMENTS REQUIRED IN PLAT

1. The Street(s) shown on the attached plat, and referred to as Lot "A", will be brought to City grade and that the street will be thirty-one (31) feet, back of curb to back of curb, with approved hard surface pavement in accordance with the City of Marshalltown, Standard Specifications unless otherwise specified as per approved construction plans.

2. Sanitary sewer, together with the necessary manholes and sewer service lines to all lots in the plat will be provided.

3. That underground utilities, as required by the Subdivision Ordinance of the City of Marshalltown, Iowa, shall be installed.

4. That city water will be provided to all lots as required by the Marshalltown Municipal utilities.

5. That municipal fire hydrant(s) will be provided as required by the Marshalltown Public Safety Department.

6. That Storm sewer will be provided as specified by the City Engineer.

7. That handicap ramps will be provided as required by law.

8. That the work improvements called herein shall be in accordance with the specifications of the City of Marshalltown, Iowa, and performed under the supervision of the City Engineer. In the event that the Developer or its grantees and assigns fail to complete said work and improvements called for within one (1) year from the date of the acceptance of said final plat by the City of Marshalltown, Iowa, the City may then make improvements and assess the costs of the same to the respective lots. The undersigned, for themselves, their successors, grantees and assigns, waive all statutory requirements of notice of time and place of hearing and agree that the City may install said improvements and assess the total costs thereof against the respective lots.

9. That the City may perform said work, levy the cost thereof as assessments, and the undersigned agree that said assessments so levied shall be a lien on the respective lots with the same force and effect as though all legal provisions pertaining to the levy of such special assessments have been observed, and further authorize the City Clerk to certify such assessment to the County Auditor as assessments to be paid in installments as provided by law.

10. The Developer shall construct and install all required public improvements within the subdivision plat, to conform with approved construction plans which meet the specifications of the City of Marshalltown, Iowa. Such required public improvements shall meet the following requirements:

- (a) Shall be constructed and installed in a good and workmanlike manner;
- (b) Shall be free of defects in workmanship or materials;
- (c) Shall be free of any conditions that could result in structural or other failure of said improvements;
- (d) Shall be constructed and installed in accordance with the design standards and technical standards established for such public improvements by the City and by Marshalltown Utilities; and
- (e) Shall be constructed and installed in strict compliance with the minimum acceptable specifications for the construction of public improvements set forth in the Marshalltown Code of Ordinances, including without limitation, Chapter 24, Subdivisions, and as such specifications shall be recommended for approval by the City Engineer from time to time, and approved by the city council.

IN WITNESS WHEREOF, this instrument has been signed this 15th day of June, 2023.

Prime Development Group LLC

By: Michael Hayworth
Michael Hayworth, its Manager

STATE OF IOWA)
) ss.
COUNTY OF BLACK HAWK)

On this 15th day of June, 2023, before me, a Notary Public in and for the said State, personally appeared Michael Hayworth, as Manager of said limited liability company, and did swear that said instrument was signed on behalf of the said limited liability company by authority of its manager(s) voluntarily executed.

MICHAEL R. YOUNG
Commission Number 731479
My Commission Expires
November 12, 2025

Notary Public - State of Iowa

Exhibit "A"

Legal Description for Creekside Estates Addition

Lot 7 and the West 206.3 feet of the South 410 feet of Lot 6 of the Southeast Quarter of the Southeast Quarter of Section 34, Township 84 North, Range 18 West of the 5th P.M., Marshall County, Iowa.

The above described land is more particularly described as follows:

Beginning at the southeast corner of Section 34, Township 84 North, Range 18 West, Marshall County, Iowa, also being the southeast corner of said Lot 7; thence South 89 degrees 50 minutes 40 seconds West (assumed bearing) on the south line of the Southeast Quarter of said Section 34, also being the south line of said Lots 6 and 7, a distance of 762.30 feet to the southwest corner of said Lot 6; thence North 00 degrees 44 minutes 41 seconds West on the west line of said Lot 6; a distance of 410.00 feet to a point on the north line of the South 410 feet of said Lot 6; thence North 89 degrees 50 minutes 40 seconds East on said north line and on the north line of said Lot 7, a distance of 762.30 feet to the northeast corner of said Lot 7; thence South 00 degrees 44 minutes 41 seconds East on the east line of said Lot 7, also being the east line of said Southeast Quarter 410.00 feet to the point of beginning.

FINAL PLAT

Location: Creekside Estates Addition to Marshalltown, Marshall County, IA in Lot 7 and part of Lot 6, SE 1/4 - SE 1/4, Section 34-84-18.
PROPRIETOR: Prime Development Group
PLAT PREPARED FOR: Prime Development Group
PLAT PREPARED BY: Daniel L. Stueber
COMPANY NAME: ISG
OFFICE ADDRESS: 314 East 4th Street Waterloo, IA 50703
PHONE: 319-234-1515

SUBD. OF
LOT 6
S89°22'E (plat)
SE 1/4 - SE 1/4
NE Co



FOR RECORDER'S USE ONLY

Lot 7 and the West 206.3 feet of the South 410 feet of Lot 6 of the Southeast Quarter of the Southeast Quarter of Section 34, Township 84 North, Range 18 West of the 5th P.M., Marshall County, Iowa.

Beginning at the southeast corner of Section 34, Township 84 North, Range 18 West, Marshall County, Iowa, also being the southeast corner of said Lot 7; thence South 89 degrees 50 minutes 40 seconds West (assumed bearing) on the south line of the Southeast Quarter of said Section 34, also being the south line of said Lots 6 and 7, a distance of 762.30 feet to the southwest corner of said Lot 6; thence North 00 degrees 44 minutes 41 seconds West on the west line of said Lot 6, a distance of 410.00 feet to a point on the north line of the South 410 feet of said Lot 6; thence North 89 degrees 50 minutes 40 seconds East on said north line and on the north line of said Lot 7, a distance of 762.30 feet to the northeast corner of said Lot 7; thence South 00 degrees 44 minutes 41 seconds East on the east line of said Lot 7, also being the east line of said Southeast Quarter, 410.00 feet to the point of beginning.

Lots: 27

Iron Monument Found
Corner Set
(1/2" rebar w/gpc No. 19880)
Public Utility Easement
Drainage Easement
Trail Easement
Section Corner Found
Section Corner Set

VICINITY MAP
(NOT TO SCALE)

Washington Street

N

S 12th Street

NW 1/4 SE 1/4

NE 1/4 SE 1/4

SW 1/4 SE 1/4

SE 1/4 SE 1/4

P 6th Street

SITE

SE 1/4 SEC. 34, TWP. 84, RGE. 18
Marshall County, Iowa

THIS DOCUMENT IS THE PROPERTY OF I & S GROUP,
INC. AND MAY NOT BE USED, COPIED OR DUPLICATED
WITHOUT PRIOR WRITTEN CONSENT.

**CREEKSIDE
ESTATES
ADDITION**

MARSHALLTOWN IOWA

[illegible]

PROJECT NO.	21-25151
FILE NAME	25151 FPLAT
DRAWN BY	KH
DESIGNED BY	---
REVIEWED BY	---
ORIGINAL ISSUE DATE	6/19/23
CLIENT PROJECT NO.	-

TITLE

**FINAL
PLAT**

SHEET

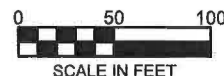
1 OF 1



(City of Marshalltown)

– S 1/4 Corner
Sec. 34-84-18
Found Mag Nail
SW Corner
Lo

$S89^{\circ}50'40''W$
1841.62



LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S0°09'20"E	98.25
L2	S89°50'40"W	91.30
L3	S66°20'08"W	18.31
L4	N89°52'28"W	88.46
L5	S0°09'20"E	15.00
L6	S89°52'28"E	91.55
L7	N66°20'08"E	18.35
L8	N89°50'40"E	314.18
L9	N0°09'20"W	15.00
L10	S89°50'40"W	206.00
L11	N0°09'20"W	98.25
L12	S13°41'11"E	132.46

LINE TABLE		
LINE #	DIRECTION	LENGTH
L13	S0°44'41"E	141.02
L14	S20°03'22"W	37.68
L15	S44°53'33"W	87.93
L16	S81°19'31"W	85.89
L17	N75°09'27"W	82.75
L18	N51°55'44"W	62.36
L19	S89°50'40"W	67.46
L20	N0°09'20"W	100.00
L21	S0°09'20"E	100.00
L22	S89°50'40"W	190.00
L23	N90°00'00"E	327.65
L24	N0°44'41"W	124.93

LINE TABLE		
LINE #	DIRECTION	LENGTH
L25	N24°16'40"E	20.69
L26	N0°09'20"W	141.16
L27	N0°09'20"W	160.00
L28	N0°09'20"W	160.00
L29	N0°09'20"W	160.00
L30	N0°09'20"W	160.00
L31	N0°09'20"W	160.00
L32	N0°09'20"W	160.00
L33	N0°09'20"W	160.00
L34	N0°09'20"W	160.00
L35	N0°09'20"W	160.00
L36	N0°09'20"W	160.00

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	255.85'	60.00'	244°18'56"	S32°08'16"W	101.59'
C2	51.18'	45.50'	64°27'04"	N57°55'48"W	48.53'
C3	36.09'	60.00'	34°27'56"	N42°56'14"W	35.55'
C4	31.39'	60.00'	29°58'30"	N75°09'27"W	31.03'
C5	31.39'	60.00'	29°58'30"	S74°52'03"W	31.03'
C6	31.39'	60.00'	29°58'30"	S44°53'33"W	31.03'
C7	31.39'	60.00'	29°58'30"	S14°55'03"W	31.03'
C8	31.39'	60.00'	29°58'30"	S15°03'27"E	31.03'
C9	31.39'	60.00'	29°58'30"	S45°01'57"E	31.03'
C10	31.42'	60.00'	30°00'00"	S75°01'12"E	31.06'
C11	55.61'	70.00'	45°30'54"	S67°14'33"W	54.16'
C12	23.76'	15.00'	90°44'41"	N44°37'39"E	21.35'

Plan and Zoning Commission

Mayor Signature _____

Attest

I hereby certify that this land surveying document was prepared by me and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

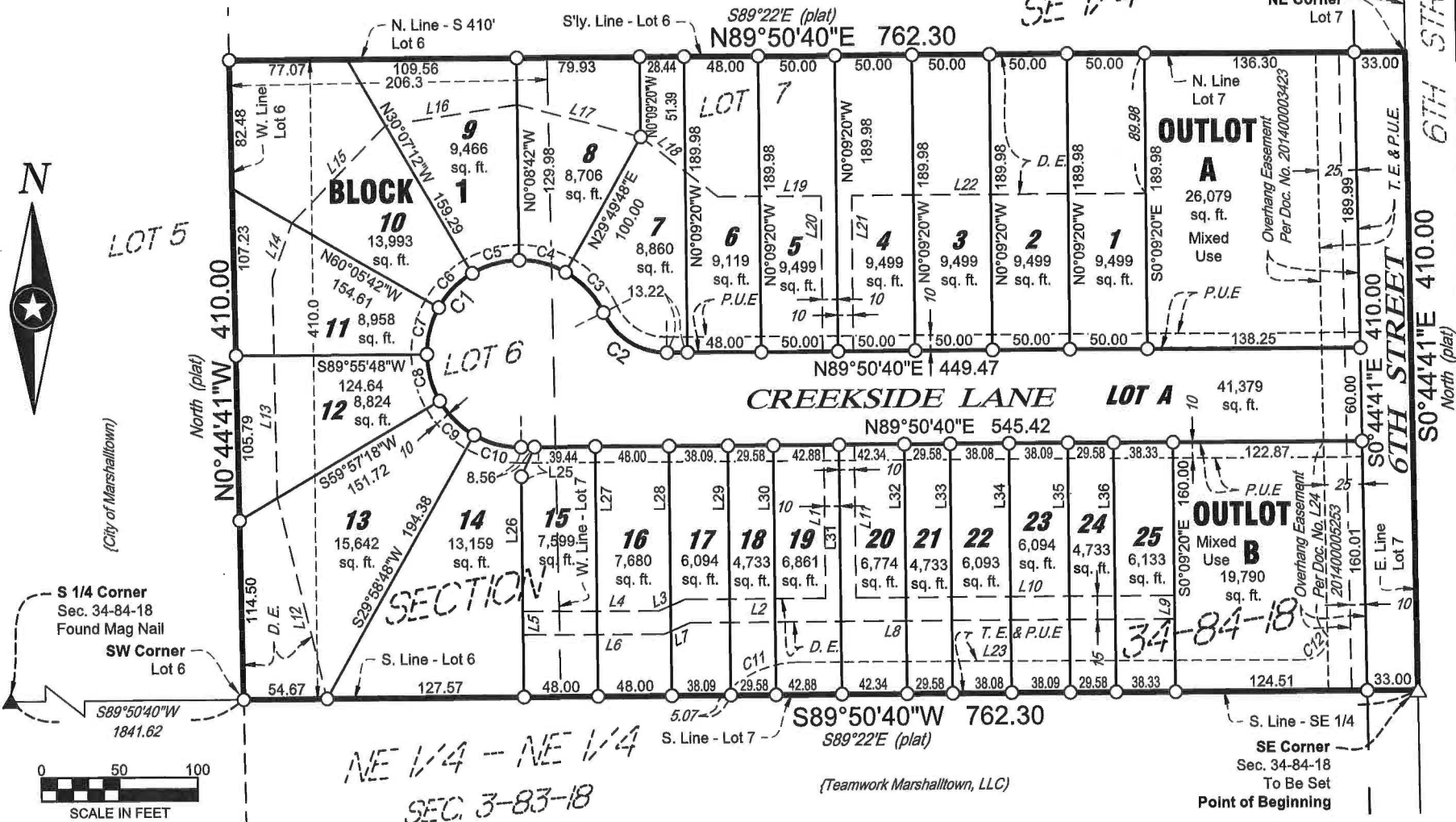


 6/19/23
Daniel L. Stueber Date:
License Number 19880
My License renewal date is December 31, 2023
Pages covered by this seal 1

INDEX LEGEND
FINAL PLAT
Location: Creekside Estates Addition to Marshalltown, Marshall County, IA in Lot 7 and part of Lot 6, SE 1/4 - SE 1/4, Section 34-84-18.
PROPRIETOR: Prime Development Group
PLAT PREPARED FOR: Prime Development Group
PLAT PREPARED BY: Daniel L. Stueber
COMPANY NAME: ISG
OFFICE ADDRESS: 314 East 4th Street Waterloo, IA 50703
PHONE: 319-234-1515

FINAL PLAT CREEKSIDE ESTATES ADDITION

SUBD. OF
LOT 6
(City of Marshalltown)
SE 1/4 - SE 1/4



DESCRIPTION:

Lot 7 and the West 206.3 feet of the South 410 feet of Lot 6 of the Southeast Quarter of the Southeast Quarter of Section 34, Township 84 North, Range 18 West of the 5th P.M., Marshall County, Iowa.

The above described land is more particularly described as follows:

Beginning at the southeast corner of Section 34, Township 84 North, Range 18 West, Marshall County, Iowa, also being the southeast corner of said Lot 7; thence South 89 degrees 50 minutes 40 seconds West (assumed bearing) on the south line of the Southeast Quarter of said Section 34, also being the south line of said Lots 6 and 7, a distance of 762.30 feet to the southwest corner of said Lot 6; thence North 00 degrees 44 minutes 41 seconds West on the west line of said Lot 6, a distance of 410.00 feet to a point on the north line of the South 410 feet of said Lot 6; thence North 89 degrees 50 minutes 40 seconds East on said north line and on the north line of said Lot 7, a distance of 762.30 feet to the northeast corner of said Lot 7; thence South 00 degrees 44 minutes 41 seconds East on the east line of said Lot 7, also being the east line of said Southeast Quarter, 410.00 feet to the point of beginning.

The above described parcel shall hereafter be know as Creekside Estates Addition. Streets and easements shown hereon are hereby dedicated for public use as noted.

SITE PLAN DATA:

Site Area: 7.17 acres
Zoning: R-1
Setbacks
Front - 25 feet
Back - 15 feet
Side - 6 feet
Lots: 27

LEGEND

- Iron Monument Found
- Corner Set (1/2" rebar w/gpc No. 19880)
- P.U.E. Public Utility Easement
- D.E. Drainage Easement
- T.E. Trail Easement
- ▲ Section Corner Found
- △ Section Corner Set

Plan and Zoning Commission

Mayor Signature

Attest

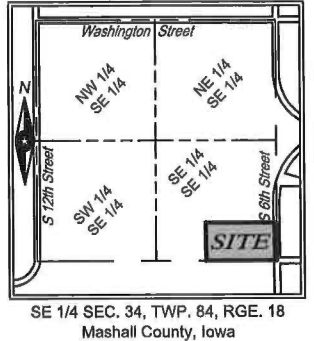
I hereby certify that this land surveying document was prepared by me and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.



Daniel L. Stueber
License Number 19880
My License renewal date is December 31, 2023
Pages covered by this seal 1



VICINITY MAP (NOT TO SCALE)



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PROJECT

CREEKSIDE ESTATES ADDITION

MARSHALLTOWN IOWA

REVISION SCHEDULE		
DATE	DESCRIPTION	BY

PROJECT NO.	21-25151
FILE NAME	25151 FPLAT
DRAWN BY	KH
DESIGNED BY	---
REVIEWED BY	---
ORIGINAL ISSUE DATE	6/19/23
CLIENT PROJECT NO.	---

TITLE

FINAL PLAT

SHEET

1

OF 1

MARSHALLTOWN

I O W A

TO: Plan and Zoning Commission

FROM: Hector Hernandez, City Planner

DATE: June 29, 2023 – Meeting Date / July 13, 2023 Public Hearing

SUBJECT: PUBLIC HEARING and RECOMMENDATION: Rezoning Request for 201 E Merle Hibbs Blvd, Parcel Number 8318-11-426-012

Policy Issue: A rezoning is an amendment to the Zoning Map, which is part of the Zoning Ordinance. Rezoning requests go before the Plan Zoning Commission for a review and public hearing where a recommendation is made to the City Council.

Request: RISE M LLC the owners of the lot at 201 E Merle Hibbs Blvd (Parcel Number 8318-11-426-012) have proposed to change the zoning from Mixed-use to General Commercial. The development use will be considered All Other Medical Facilities in Medical Facilities under the zoning ordinance.

Current Zoning Classification: The current zoning classification is Mixed-use. Mixed-Use has building standards which this proposal does not meet.

Comprehensive Plan Designation: Marshalltown 2030 Comprehensive plan has this zoned as low density residential for future land use. A proposed amendment to the Comprehensive Use Plan is recommended if this property is rezoned.

Staff Review: RISE M LLC is proposing a new outpatient clinic that will service for specialty health services for medical, outpatient, and/or professional services to Veterans. The building is intended use for Veteran's Affairs.

Zoning categories this proposal as Medical Facilities. Medical Facilities means a use category containing uses providing medical or surgical care to patients. Some uses may offer overnight care. Uses in this use category include: Acupuncture clinic; Blood or plasma center; Chiropractor; Drug, alcohol or psychiatric treatment center, out-patient; Hospice center; Hospital; Medical or dental office; and other uses meeting the definition of Medical Facilities according to the Zoning Administrator.

Use Category	Specific Use ¹	Cv = Conventional Cl = Cluster In = Infill	Residential								Mixed-Use		Nonresidential				Standards
			AS	RR	RL		RM		RH		MU	UC	GC	PI	REC	GI	
					Cv	Cl	Cv	In	Cv	In							
Medical Facilities	Hospital		--	--	--	--	--	--	S	S	--	--	--	P	--	P	156.C.005
	All Other Medical Facilities		--	--	--	--	--	--	S	S	P	P	P	P	--	P	156.C.005

All Other Medical Facilities are a Permitted Use in General Commercial zoning.

Housing & Community Development

24 North Center Street, Marshalltown, IA 50158 - Tel. (641) 754-5756 - Fax (641) 754-5742
The City of Marshalltown collaborates to provide a welcoming, safe, vibrant, and growing community.



Purple=General Commercial White=Mixed-Used Blue= Public Institution

Review Criteria.

In determining whether to approve, approve with conditions, or deny a Zone Change, the review bodies shall consider provisions of Subsection 156.J.002.5, Common Review Criteria, together with the following:

Property Dimensions. The dimensions of the subject property to accommodate reasonable development that complies with the requirements of this ZO, including parking, open space, and buffering requirements.

Need. The pace of development and the amount of vacant land currently zoned for comparable development in the vicinity of the subject property.

Hardship. A comparison of the hardship to the applicant with the relative gain to the public health, safety, and welfare.

Consistency. The proposed zone change is consistent with the Comprehensive Plan or Future Land Use Map and increase the likelihood of advancing the goals, objectives, and policies of the Comprehensive Plan Land Use Map, or another adopted area plan, including but not limited to redevelopment plans;

Compatibility. The range of uses allowed by the proposed zoning district will be compatible with the properties in the immediate vicinity of the subject property;

Suitability. The suitability of the subject property for the zoned purposes;

Changed Conditions. The character of the surrounding area is transitioning or being affected by other factors, such as traffic, a new school, adjoining uses, or environmental issues; and

Support. Nearby property owners are in support of, or do not oppose, the proposed map amendment.

Recommendation – The zoning officer recommends a rezoning to general commercial due to mixed-use zoning amendments not being ready to proceed. The zoning ordinance is pending a revised update under the mixed-use district building standards.

Housing & Community Development

24 North Center Street, Marshalltown, IA 50158 - Tel. (641) 754-5756 - Fax (641) 754-5742
The City of Marshalltown collaborates to provide a welcoming, safe, vibrant, and growing community.

Next Steps: Review the request based on the previous criteria is to make a recommendation to City Council on July 24, 2023. Staff is proposing the following schedule to rezone the property and meet the proposed construction schedule.

The proposed Council Schedule is:

1st Reading – July 24, 2023

2nd Reading & Public Hearing – August 14, 2023

3rd Reading – August 28, 2023 unless waived by the City Council.

Housing & Community Development

24 North Center Street, Marshalltown, IA 50158 - Tel. (641) 754-5756 - Fax (641) 754-5742
The City of Marshalltown collaborates to provide a welcoming, safe, vibrant, and growing community.

MARSHALLTOWN

— I O W A —

HOUSING & COMMUNITY DEVELOPMENT DEPARTMENT

36 North Center Street, Marshalltown, IA 50158

Ph: 641-754-5756 Fax: 641-754-5742

www.marshalltown-ia.gov

Rezoning Request Application Packet

Application: Applications will not be accepted unless complete. All required items must be submitted with the application. Failure to complete and submit all the required materials as a part of this application will result in a delay in accepting your application until it is complete.

Notifications: The City will place a sign on the property to notify the public that a rezoning request has been submitted. The sign includes the city's phone number so that concerned individuals will have an opportunity to learn about the proposal and can present information on this matter to the Commission and/or Council at the public hearing. A notice of public hearing is also published in the newspaper.

1. The burden of providing sufficient evidence to make the applicant's case shall be on the applicant in all cases.
2. The rezoning request must be considered by the Plan Zoning Commission and the City Council. Contact the Housing & Community Development Director for a schedule of the upcoming meetings. Please note the deadline dates for each meeting. The commission will review the request at a regularly scheduled meeting at least once prior to the public hearing. A public hearing must be held by the commission prior to making a recommendation to the City Council. The Plan Zoning Commission meets in the City Council Chambers at City Hall at 5:00 PM on the Thursday following the first Council meeting of the month.
3. The Marshalltown City Council meets on the 2nd and 4th Mondays of the month at 5:30 p.m. in the City Hall Council Chambers. According to Iowa Code, the rezoning requires three readings and a public hearing.
4. Under optimum conditions it takes about 4-6 months to rezone property if the issue is not controversial. Larger projects may require additional time.
5. Applicants are encouraged to provide all applicable information as early as possible to facilitate the process.

Date Submitted & Fee Paid: _____

Rezoning Request Application Form

36 N. Center Street, Marshalltown, IA 50158 Ph: 641-754-5756 Fax: 641-754-5742

www.marshalltown-ia.gov

All items listed must be submitted with this application:

Failure to complete and submit all the required materials as a part of this application will result in a delay in accepting your application until it is complete.

✓ **Legal description of the property.** The property owner must provide a copy of the full legal description. If you do not have a copy, you can obtain one from the Marshall County Recorder's Office for a fee. The tax description found on the County Assessor's website is not the full legal description.

✓ **Application fee.** A \$500 fee is required payable to "City of Marshalltown." The fee must be paid when the application is submitted to the Zoning Office.

Please type or print legibly in ink.

Property Address:

201 E Merele Hibbs Boulevard

Owner:

RISE M LLC

Mailing Address:

801 Burns St. Hawley, MN 56549

Phone:

701.899.2309

E-mail:

dfatland@c2construct.com

Current Zoning Classification:

MU - Mixed-Use

Current Use:

Agricultural

Proposed Zoning Classification:

GC - General Commercial

Proposed Use:

Medical

Please list the uses of surrounding properties:

Medical and Commercial (Walmart to the West of property and McFarland Clinic)

Signature and Date:



6/26/2023

\$7 chg.

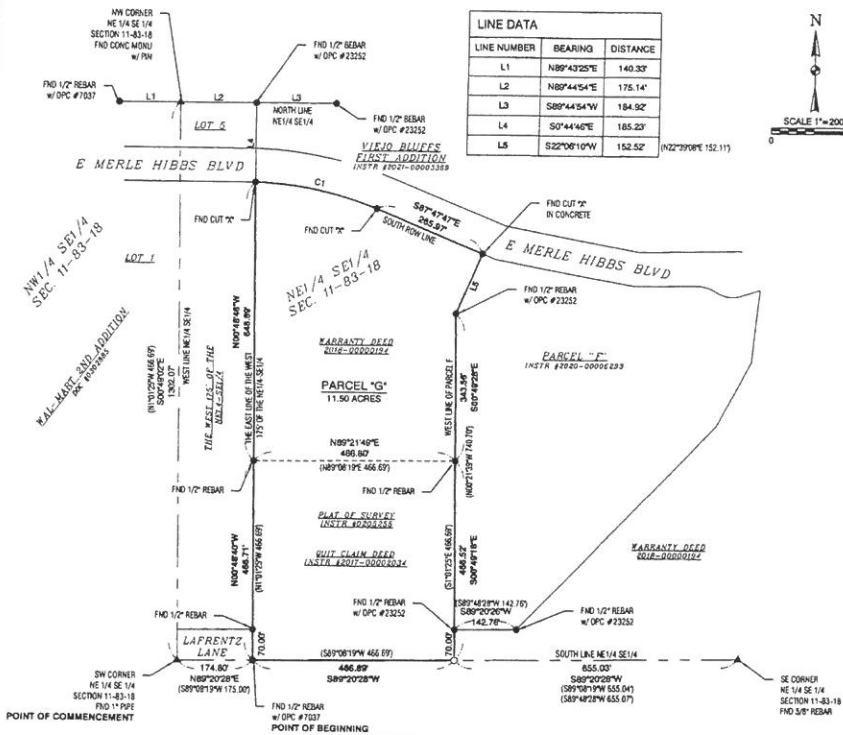
PLAT OF SURVEY

INDEX LEGEND	
LOCATION:	PARCEL "G" LOCATED IN THE NE 1/4 SEC 11, TOWNSHIP 83 NORTH, RANGE 18 WEST OF THE 5TH P.M., MARSHALL COUNTY, IOWA
PROPRIETOR:	STALZER FARMS INC.
REQUESTED BY:	DANIEL FATLAND
PREPARED BY:	CLAPSADLE-GARBER ASSOCIATES, INC.
RETURN TO:	16 EAST MAIN STREET, P.O. BOX 754, MARSHALLTOWN, IOWA 50158
	PHONE 841-760-0701
	CGA@CGACONSULTANTS.COM



Recorded 11/22/2022 at 10:37:03 AM
Amt: \$7.00 Charge Page 1 of 1
Revenue Tax
Marshall County Iowa
Nan Benson County Recorder
File 2022-00006062

LINE DATA		
LINE NUMBER	BEARING	DISTANCE
L1	N89°43'52"E	140.33'
L2	N89°44'54"E	175.14'
L3	S89°44'54"W	184.92'
L4	S07°44'40"E	185.23'
L5	S22°06'10"W	152.52'

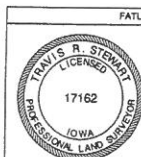


Curve Table					
CURVE DATA	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD
C1	289.78'	788.85'	21°02'44"	S79°19'37"E	288.13'
	(289.78')	(788.85')	(21°02'45")	(N77°52'14"W)	(288.13')

LEGAL DESCRIPTION:

PARCEL "G" LOCATED IN THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 83 NORTH, RANGE 18 WEST OF THE 5TH P.M., MARSHALL COUNTY, IOWA. MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11, TOWNSHIP 83 NORTH, RANGE 18 WEST OF THE 5TH P.M.; THENCE, N89°29'28"E 174.80' ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11 TO THE EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE, N07°48'40"W 486.71' ALONG THE EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11; THENCE, N07°48'40"W 646.89' CONTINUING ALONG THE EAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11 TO THE SOUTH RIGHT OF WAY LINE OF EAST MERLE HIBBS BOULEVARD; THENCE, SOUTHEASTERLY 289.78' ALONG THE ARC OF A 788.85' RADIUS CURVE, CONCAVE SOUTHWESTERLY, HAVING A CHORD BEARING OF S79°19'37"E AND A CHORD DISTANCE OF 288.13'; THENCE, S67°47'47"E 285.97' ALONG SAID SOUTH RIGHT OF WAY LINE TO THE NORTHEAST CORNER OF A CERTAIN PARCEL OF LAND DESCRIBED AS PARCEL "F" AND RECORDED IN INSTRUMENT NO. 2020-00002893 IN THE OFFICE OF THE RECORDER, MARSHALL COUNTY, IOWA; THENCE, S22°06'10"W 152.52' ALONG THE WEST LINE OF SAID PARCEL "F"; THENCE, S07°44'40"E 185.23' ALONG THE WEST LINE OF SAID PARCEL "F"; THENCE, S07°48'18"E 486.52' ALONG THE WEST LINE OF SAID PARCEL "F" TO A POINT ON THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 11; THENCE, S89°29'28"W 486.89' ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING, CONTAINING 11.50 ACRES. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

LEGEND: (1) = RECORDED AS	
▲	PLSS CORNER FOUND (see notes)
●	PARCEL OR LOT CORNER
△	PLSS CORNER - 1/2" DIAMETER x 30" IRON REBAR w/ORANGE PLASTIC ID CAP (#17162)
○	1/2" DIAMETER x 30" IRON REBAR w/ORANGE PLASTIC ID CAP (#17162)



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly Licensed Professional Land Surveyor under the laws of the State of Iowa.

Travis R. Stewart, P.L.S.
Iowa License Number 17162
My License Renewal Date is December 31, 2023
Pages or sheets covered by this seal: THIS SHEET



PROJECT NO. 79680
DATE OF SURVEY: 10-26-22
DRAWN BY: TMM
FIELD CHECK: SLS/HAT
SHEET NO: 1 OF 1