

MARSHALLTOWN

IOWA

PLAN AND ZONING COMMISSION

Notice of Regular Meeting

Wednesday, January 17, 2024 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

Vacant

2. Select Chair Person

3. Approve Meeting Minutes From July 13, 2023

Documents:

[07132023_PZ_MIN_FINAL.PDF](#)

4. REVIEW And RECOMMENDATION To The City Council Of Final Plat For Edgewood Industrial Park Addition

Documents:

[EDGEWOOD FINAL.PDF](#)

[2023-12-22 - 119531 - FINAL PLAT - EDGEWOOD EXTENSION, FIRST ADDITION.PDF](#)

[\(1\) CERTIFICATE OF AUDITOR \(EDGEWOOD INDUSTRIAL PARK ADDITION\) \(SCL 1.11.24\).PDF](#)

[\(2\) CERTIFICATE OF TREASURER \(EDGEWOOD INDUSTRIAL PARK ADDITION\) \(SCL 1.11.24\).PDF](#)

[\(3\) DEDICATION OF PLAT \(EDGEWOOD INDUSTRIAL PARK ADDITION\) \(SCL 1.11.24\).PDF](#)

[\(4\) ATTORNEY CERTIFICATE \(EDGEWOOD INDUSTRIAL PARK ADDITION\) \(SCL 1.12.24\).PDF](#)

[\(5\) RESOLUTION APPROVING FINAL PLAT \(EDGEWOOD INDUSTRIAL PARK](#)

ADDKTION) (SCL 1.11.24) JLS (1).PDF
(6) CLERK CERTIFICATE (EDGEWOOD INDUSTRIAL PARK ADDITION) (SCL
1.11.24).PDF
TITLE REPORT UPDATE 1.11.24 (EDGEWOOD INDUSTRIAL PARK).PDF
INDUSTRIAL SUBDIVISION PRELIMINARY TITLE OPINION - UPDATED
LEGAL.PDF

5. Amendment Of The Comprehensive Plan Land Use Map For 8318-11-426-012 (201 E Merle Hibbs Blvd) To General Commercial (GC)

Documents:

111723_PZ_MEMO_AMEND COMPREHENSIVE PLAN_201 E MERLE HIBBS
BLVD.PDF

6. Discussion On Zoning Ordinance Mixed-Use (MU)

MISSION STATEMENT

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

Plan and Zoning Commission

Meeting Minutes – July 13, 2023

Meeting was called to order at 5:00 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 6/29/2023

Minutes are approved as distributed.

3. Review and Recommendation to City Council of Preliminary and Final Plat for Bennetts 2nd Addition

Staff presentation, Hector Hernandez-Morales presented information on the subdivision. Hector also requested approval with any adjustments made to the subdivision name since it has not been finalized. Boston asked on why the subdivision is required on this lot which Hernandez-Morales indicated that this lot has previously been divided in the last ten years which would require a subdivision. Boston added that the lot needs to be taken care of since the lot has over grown trees and lawn is not maintained.

Matt Garber, the President and CEO of CGA, presented on behalf of the owner for Bennetts 2nd Addition. Also provided an updated preliminary and final plat.

Wittkop motion to recommend subdivision for Bennetts 2nd Action. Casady seconded the motion. All Aye. Motion Carried.

4. Review and Recommend to City Council of Final Plat for Creekside Estates Addition

Staff presentation, Hector Hernandez-Morales presented the subdivision request. Hector also requested approval with any adjustments made to the subdivision name since it has not been finalized. Boston had concerns with the sidewalk not being on the final plat which staff said sidewalk is not required to be on the final plat but will be required once construction of homes begin.

Brodin motion to recommend subdivision for Creekside Estates Addition. Wittkop seconded the motion. All Aye. Motion Carried.

5. Public Hearing and Recommendation to City Council for Rezoning Request of 201 E Merle Hibbs Blvd

Chair declared the public hearing opened. The following public comments were received. Amanda Accola, Key Account Manager at Alliant Energy who was in favor of the expediated rezoning efforts of the VA Clinic. This development would be an asset to the Veterans in the community. John Hall, the president of Chamber of Commerce, was in support of the VA Clinic development. Hall said that the development team has been working on the site plan since October of 2022. John Hall would like to expediate the process and said the public hearing has been set for July 24 for the city council meeting. Chair declared the public hearing closed.

The commission member Boston asked on how Mixed Use (MU) district would not be appropriate for this development. Hernandez-Morales said the building standards such as parking being located on the rear of the development would not allow this type of development. Boston said that this rezoning makes sense since the McFarland Clinic is located next to this lot and Walmart is also located next to it. Boston requested that staff update the land usage in the comprehensive plan as well as present the concerns of the mixed-use district for next meeting.

Brodin motion to recommend for 201 W Merle Hibbs, Rise M LLC. Seconded by Casady 4-0. Meeting Adjourned at 5:17 pm.

MARSHALLTOWN

I O W A

TO: Plan Zoning Commission

FROM: Hector Hernandez-Morales, City Planner

DATE: January 17 – Meeting Date

RE: **Edgewood Industrial Park -Final Plat**
From: City of Marshalltown
Subject: Final Plat

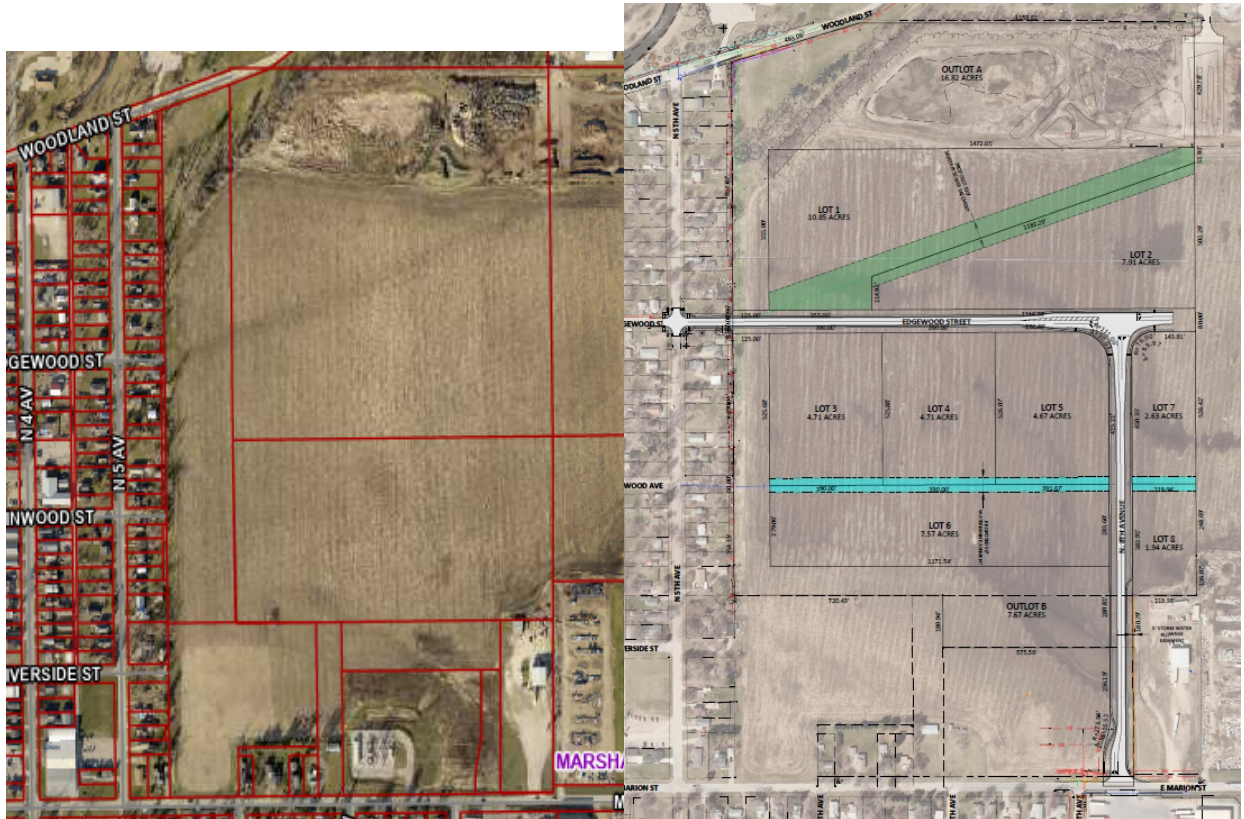
Policy Issue: The final plat of East Edgewood is comprised of 8 different parcels and 2 outlots, for industrial development. This subdivision lots are located in General Industrial (GI). The lots all meet minimum standards of General Industrial (GI). All proposed lot sizes meet the minimum standards for this General Industrial (GI).

The Bulk requirements are

Building Height	75 feet maximum The maximum number of stories and/or height of an apartment, commercial, or mixed-use buildings may be increased by Special Use Permit as set forth in Section 156.C.005, Special Use Permit Standards.
Common Civic or Open Space / Landscape Surface Area Ratio	10% Minimum common civic or open space is calculated based on a percentage of the overall subdivision and applies to residential and mixed-use districts. Landscape surface area ratio is calculated based on a percentage of the lot and applies to nonresidential developments
Minimum Lot size (Area or Width)	N/A
Setbacks	Front 30FT, Side Street 15FT, Side 10 FT, and Rear 10FT. For nonresidential uses, applies if adjacent to a residential use or zoning district. 0' for nonresidential uses if adjacent to any other use or zoning district.

Background:

The proposed subdivision is currently owned by the city of Marshalltown, and is zoned General Industrial. The City of Marshalltown is selling these parcels to developers that plan to develop industrial development.



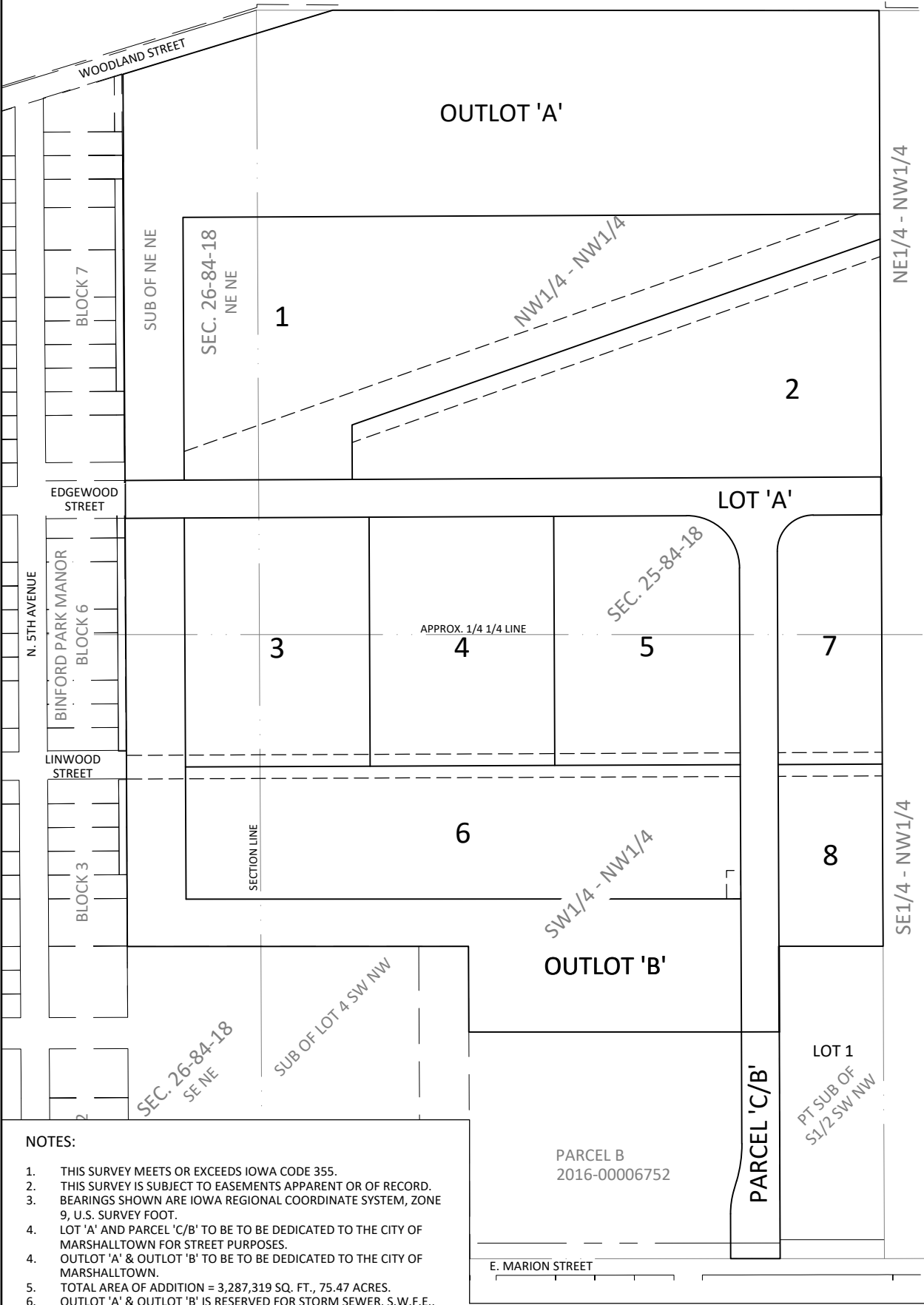
Recommendation: Approval of Final Plat. The Final Plat meets all the GI minimum requirements.

INDEX LEGEND	
LOCATION	PART OF THE NW NW & SW NW OF, SEC. 25-84N-18W AND THE NE NE & SE NE OF SEC. 26-84N-18W, CITY OF MARSHALLTOWN, MARSHALL COUNTY, IOWA
REQUESTOR:	CITY OF MARSHALLTOWN
PROPRIETOR:	CITY OF MARSHALLTOWN
SURVEYOR:	LUKE D. AHRENS, P.L.S. #24413
SURVEYOR COMPANY:	BOLTON & MENK, INC.
RETURN TO:	LUKE D. AHRENS, BOLTON & MENK, INC. 1519 BALTIMORE DR., AMES, IA 50010 (515)-233-6100

FOR RECORDER USE ONLY

FINAL PLAT - EDGEWOOD INDUSTRIAL PARK ADDITION

PART OF THE NW NW & SW NW OF, SEC. 25, T84N, R18W AND THE NE NE & SE NE OF SEC. 26-84-18, CITY OF MARSHALLTOWN, MARSHALL COUNTY, IOWA



LEGAL DESCRIPTION:

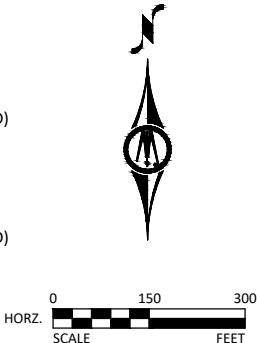
A PART OF THE WEST HALF (W1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 25, AND THE EAST HALF (E1/2) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 26, ALL IN TOWNSHIP 84 NORTH, RANGE 18 WEST OF THE 5TH P.M., CITY OF MARSHALLTOWN, MARSHALL COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 25; THENCE S00°14'40"E, 1976.18 FEET ALONG THE EAST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 25; THENCE S89°59'07"W, 220.00 FEET; THENCE S00°14'12"E, 659.67 FEET TO THE NORTH RIGHT-OF-WAY LINE OF EAST MARION STREET; THENCE S89°58'12"W, 104.50 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE; THENCE N00°14'12"W, 94.67 FEET TO THE BEGINNING OF A 174.50 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY; THENCE 50.30 FEET NORTHEASTERLY ALONG SAID CURVE, LONG CHORD BEARS N08°01'16"E, 50.13 FEET; THENCE N16°16'44"E, 20.86 FEET TO THE BEGINNING OF A 275.50 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY; THENCE 79.41 FEET NORTHERLY ALONG SAID CURVE, LONG CHORD BEARS N08°01'16"E, 79.14 FEET; THENCE N00°14'10"W, 236.19 FEET TO THE NORTH LINE OF PARCEL 'B', INSTRUMENT #2016-00006752; THENCE S89°58'21"W, 575.59 FEET ALONG SAID NORTH LINE; THENCE N00°15'58"W, 180.94 FEET; THENCE S89°59'07"W, 720.43 FEET TO THE EAST LINE OF BINFORD PARK MANOR; THENCE N00°15'10"W, 354.15 FEET ALONG SAID EAST LINE; THENCE N00°21'10"W, 60.00 FEET ALONG SAID EAST LINE; THENCE N00°18'33"W, 500.00 FEET ALONG SAID EAST LINE; THENCE N00°15'34"W, 60.08 FEET ALONG SAID EAST LINE; THENCE N00°16'26"W, 867.83 FEET ALONG SAID EAST LINE TO THE SOUTH RIGHT-OF-WAY LINE OF WOODLAND STREET; THENCE N73°01'59"E, 463.08 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 25; THENCE S89°58'13"E, 1,153.81 FEET ALONG SAID NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 25 TO THE POINT OF BEGINNING.

LINE TABLE		
LINE #	LENGTH	BEARING
L2	125.00'	N89° 44' 04"E
L3	125.00'	N89° 44' 04"E
L4	143.91'	N89° 44' 04"E
L5	80.00'	S0° 14' 40"E
L6	236.19'	N0° 14' 10"W
L7	20.86'	N16° 16' 44"E
L8	94.67'	N0° 14' 12"W
L9	104.50'	S89° 58' 12"W
L10	180.79'	S0° 14' 12"E
L11	60.00'	N0° 21' 10"W
L12	52.93'	S0° 14' 40"E
L13	136.07'	S0° 14' 40"E
L14	60.08'	N0° 15' 34"W
L15	161.19'	N89° 58' 13"W
L16	220.08'	S89° 58' 12"W
L17	114.92'	N0° 15' 56"W
L18	49.05'	S0° 49' 46"E

- NOTES:
- THIS SURVEY MEETS OR EXCEEDS IOWA CODE 355.
 - THIS SURVEY IS SUBJECT TO EASEMENTS APPARENT OR OF RECORD.
 - BEARINGS SHOWN ARE IOWA REGIONAL COORDINATE SYSTEM, ZONE 9, U.S. SURVEY FOOT.
 - LOT 'A' AND PARCEL 'C/B' TO BE TO BE DEDICATED TO THE CITY OF MARSHALLTOWN FOR STREET PURPOSES.
 - OUTLOT 'A' & OUTLOT 'B' TO BE TO BE DEDICATED TO THE CITY OF MARSHALLTOWN.
 - TOTAL AREA OF ADDITION = 3,287,319 SQ. FT., 75.47 ACRES.
 - OUTLOT 'A' & OUTLOT 'B' IS RESERVED FOR STORM SEWER, S.W.F.E., P.U.E., & PEDESTRIAN EASEMENTS COVERING THE ENTIRETY OF THE LOT.

- LEGEND:
- FOUND 1/2" REBAR (UNLESS OTHERWISE NOTED)
 - SET 1/2" x 24" REBAR WITH PINK PLASTIC CAP #24413 (UNLESS OTHERWISE NOTED)
 - SET 5/8" REBAR WITH PINK PLASTIC CAP #24413 (UNLESS OTHERWISE NOTED)
 - ▲ SECTION CORNER FOUND AS NOTED
 - △ SET 1/2" x 24" REBAR WITH PINK PLASTIC CAP #24413 (UNLESS OTHERWISE NOTED)
 - (R) RECORDED DIMENSION
 - P.U.E. PUBLIC UTILITY EASEMENT
 - S.W.F.E. STORM WATER FLOWAGE EASEMENT



PLANNING & ZONING COMMISSION
MAYOR SIGNATURE
ATTEST

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CH LENGTH	CH BEARING
C1	174.41'	111.00'	90° 01' 43"	157.02'	S45° 15' 05"E
C2	119.34'	76.00'	89° 58' 16"	107.45'	S44° 44' 56"W
C3	79.41'	275.50'	16° 30' 56"	79.14'	N8° 01' 16"E
C4	50.30'	174.50'	16° 30' 56"	50.13'	N8° 01' 16"E

FINAL PLAT - EDGEWOOD INDUSTRIAL PARK ADDITION

PART OF THE NW NW & SW NW OF, SEC. 25, T84N, R18W AND THE NE NE & SE NE OF SEC. 26-84-18, CITY OF MARSHALLTOWN, MARSHALL COUNTY, IOWA



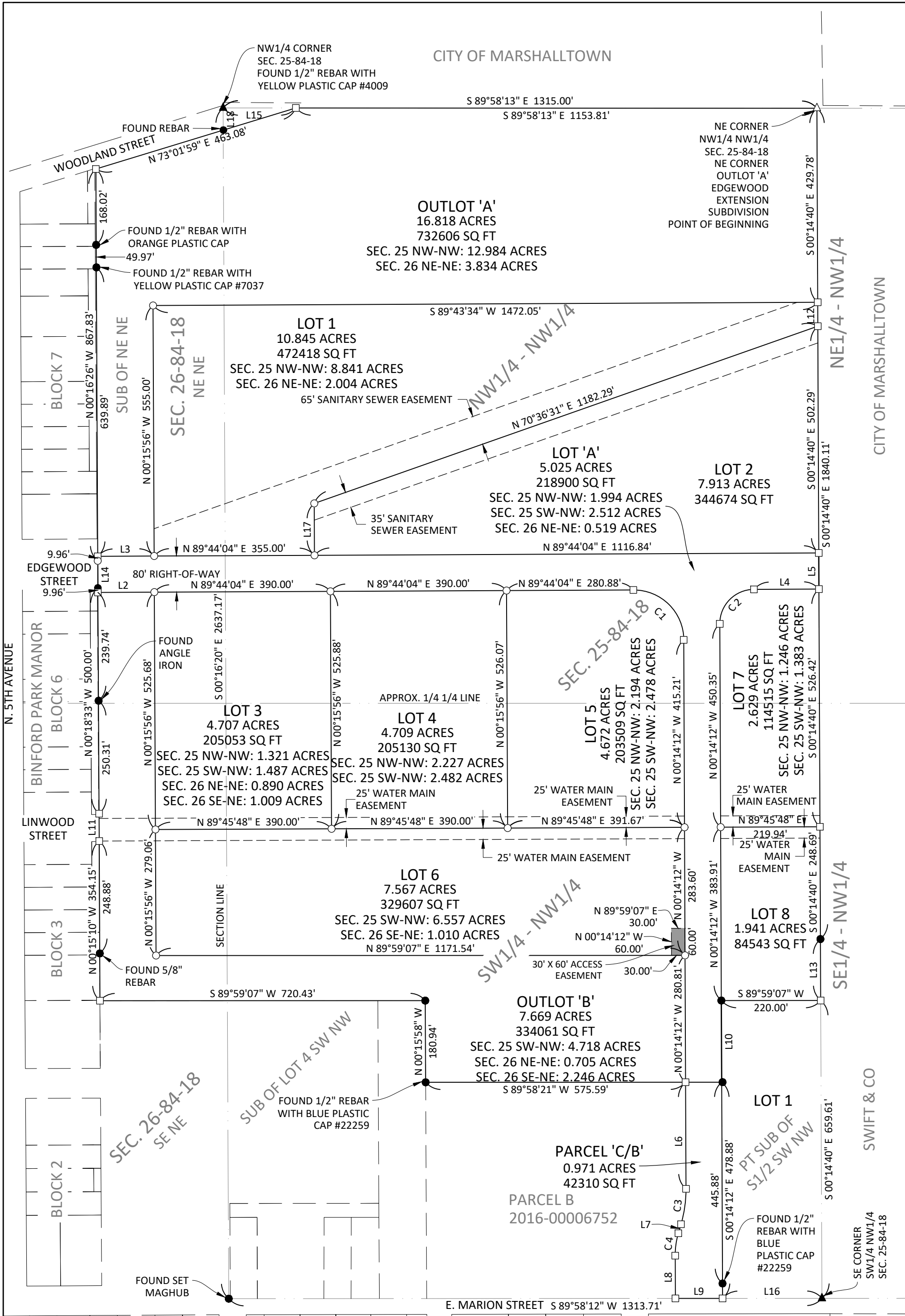
I hereby certify that this land surveying document was prepared by me and the related field work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa

LUKE D. AHRENS L.S.
LICENSE NUMBER 24413 DATE: 12/31/2023
MY LICENSE RENEWAL DATE IS 12/31/2023
PAGES OR SHEETS COVERED BY THIS SEAL:
PAGES 1 THROUGH 2



1519 BALTIMORE DRIVE
AMES, IA 50010
(515) 233-6100

SHEET
1
OF
2



FINAL PLAT - EDGEWOOD INDUSTRIAL ADDITION
PART OF THE NW NW & SW NW OF, SEC. 25, T84N, R18W AND THE NE NE & SE NE OF
SEC. 26-84-18, CITY OF MARSHALLTOWN, MARSHALL COUNTY, IOWA

**BOLTON
& MENK**

1519 BALTIMORE DRIVE
AMES, IA 50010
(515) 233-6100

SHEET
2
OF
2

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JOB NUMBER: A13.119531

Prepared by: Steven C. Leiding of Lynch Dallas, P.C.
526 Second Avenue SE, Cedar Rapids, IA 52406 Phone: (319) 365-9101
Return To: City of Marshalltown, 24 N Center St, Marshalltown, IA 50158

**MARSHALL COUNTY AUDITOR'S CERTIFICATE
(Iowa Code §354.11)**

I hereby certify that I am the duly elected, qualified and acting Auditor of Marshall County, Iowa.

The name of **EDGEWOOD INDUSTRIAL PARK ADDITION**, which is located in the City of Marshalltown, Iowa, is sufficiently succinct and unique and may be used for the name of a subdivision in Marshall County, Iowa, under Section 354.6(2), Code of Iowa.

This certificate is provided for the sole purpose of complying with Iowa Code §354.11.

Dated this _____ day of January 2024.

Nan Benson
County Auditor
Marshall County, Iowa

Prepared by: Steven C. Leiding of Lynch Dallas, P.C.
526 Second Avenue SE, Cedar Rapids, IA 52406 Phone: (319) 365-9101
Return To: City of Marshalltown, 24 N Center St, Marshalltown, IA 50158

**MARSHALL COUNTY TREASURER'S CERTIFICATE
(Iowa Code §354.11)**

I certify I am Treasurer of Marshall County, Iowa; that I have examined the records in my office and find that the below-described real estate, being part of Parcels 8418-25-101-002, 8418-25-151-001, 8418-26-229-015, 8418-25-151-015, and 8418-25-151-018, is free from certified taxes and certified special assessments:

A PART OF THE WEST HALF (W1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 25, AND THE EAST HALF (E1/2) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 26, ALL IN TOWNSHIP 84 NORTH, RANGE 18 WEST OF THE 5TH P.M., CITY OF MARSHALLTOWN, MARSHALL COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 25; THENCE S00°14'40"E, 1976.18 FEET ALONG THE EAST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 25; THENCE S89°59'07"W, 220.00 FEET; THENCE S00°14'12"E, 659.67 FEET TO THE NORTH RIGHT-OF-WAY LINE OF EAST MARION STREET; THENCE S89°58'12"W, 104.50 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE; THENCE N00°14'12"W, 94.67 FEET TO THE BEGINNING OF A 174.50 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY; THENCE 50.30 FEET NORTHEASTERLY ALONG SAID CURVE, LONG CHORD BEARS N08°01'16"E, 50.13 FEET; THENCE N16°16'44"E, 20.86 FEET TO THE BEGINNING OF A 275.50 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY; THENCE 79.41 FEET NORTHERLY ALONG SAID CURVE, LONG CHORD BEARS N08°01'16"E, 79.14 FEET; THENCE N00°14'10"W, 236.19 FEET TO THE NORTH LINE OF PARCEL 'B', INSTRUMENT #2016-00006752; THENCE S89°58'21"W, 575.59 FEET ALONG SAID NORTH LINE; THENCE N00°15'58"W, 180.94 FEET; THENCE S89°59'07"W, 720.43 FEET TO THE EAST LINE OF BINFORD PARK MANOR; THENCE N00°15'10"W, 354.15 FEET ALONG SAID EAST LINE; THENCE N00°21'10"W, 60.00 FEET ALONG SAID EAST LINE; THENCE N00°18'33"W, 500.00 FEET ALONG SAID EAST LINE; THENCE N00°15'34"W, 60.08 FEET ALONG SAID EAST LINE; THENCE N00°16'26"W, 867.83 FEET ALONG SAID EAST LINE TO THE SOUTH RIGHT-OF-WAY LINE OF WOODLAND STREET; THENCE N73°01'59"E, 463.08 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 25; THENCE S89°58'13"E, 1,153.81 FEET ALONG SAID NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 25 TO THE POINT OF BEGINNING.

This certificate is provided for the sole purpose of complying with Iowa Code §354.11.

Dated this ____ day of January 2024.

Deann S. Tomlinson
County Treasurer
Marshall County, Iowa

Prepared by: Steven C. Leidinger of Lynch Dallas, P.C.
526 Second Avenue SE, Cedar Rapids, IA 52406 Phone: (319) 365-9101
Return To: City of Marshalltown, 24 N Center St, Marshalltown, IA 50158

**CERTIFICATE OF OWNER
AND
DEDICATION OF PLAT OF EDWOOD INDUSTRIAL PARK ADDITION,
A SUBDIVISION IN THE CITY OF MARSHALLTOWN,
MARSHALL COUNTY, IOWA**

The City of Marshalltown, Iowa, an Iowa municipal corporation, does hereby certify it is the owner of the real estate included in the plat of **EDGEWOOD INDUSTRIAL PARK ADDITION**, in the City of Marshalltown, Marshall County, Iowa, as shown and described on the Final Plat attached hereto as Exhibit "A."

The undersigned hereby certifies said plat was made at the owner's request and the subdivision of said real estate, as it appears on said plat, is with the owner's free consent and in accordance with the owner's desire as evidenced by the City Council's approval of the Final Plat as set forth in Resolution 2024-____.

The undersigned further reserves for the public the streets, public utility easements, storm water flowage easements, and pedestrian easements in said subdivision as set forth on the Final Plat.

Dated this ____ day of January 2024.

CITY OF MARSHALLTOWN, IOWA,
an Iowa municipal corporation

By: _____
Joel T.S. Greer, Mayor

STATE OF IOWA,
COUNTY OF MARSHALL, ss:

This instrument was acknowledged before me on the ____ day of January 2024, by **Joel T.S. Greer**, as Mayor for the City of Marshalltown, Iowa known to me to be the same individual named in and who executed the foregoing document and acknowledged that he executed the same as his voluntary act and deed on behalf of the City of Marshalltown.

Notary Public in and for said State

Attest: _____
Alicia Hunter, City Clerk

STATE OF IOWA,
COUNTY OF MARSHALL, ss:

This instrument was acknowledged before me on the _____ day of January 2024, by **Alicia Hunter**, as City Clerk for the City of Marshalltown, Iowa known to me to be the same individual named in and who executed the foregoing document and acknowledged that she executed the same as her voluntary act and deed on behalf of the City of Marshalltown.

Notary Public in and for said State

Prepared by: Steven C. Leiding of Lynch Dallas, P.C.
526 Second Avenue SE, Cedar Rapids, IA 52406 Phone: (319) 365-9101
Return To: City of Marshalltown, 24 N Center St, Marshalltown, IA 50158

**ATTORNEY OPINION
(Iowa Code §354.11)**

The undersigned, an Iowa licensed attorney, representing the CITY OF MARSHALLTOWN, IOWA, an Iowa municipal corporation, has examined the abstract of title to the following described real estate, upon which real estate EDGEWOOD INDUSTRIAL PARK ADDITION will be platted, said abstract having been last certified by Marshall County Abstract Company to January 1, 2024 at 10:30 A.M.:

A PART OF THE WEST HALF (W1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 25, AND THE EAST HALF (E1/2) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION 26, ALL IN TOWNSHIP 84 NORTH, RANGE 18 WEST OF THE 5TH P.M., CITY OF MARSHALLTOWN, MARSHALL COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 25; THENCE S00°14'40"E, 1976.18 FEET ALONG THE EAST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 25; THENCE S89°59'07"W, 220.00 FEET; THENCE S00°14'12"E, 659.67 FEET TO THE NORTH RIGHT-OF-WAY LINE OF EAST MARION STREET; THENCE S89°58'12"W, 104.50 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE; THENCE N00°14'12"W, 94.67 FEET TO THE BEGINNING OF A 174.50 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY; THENCE 50.30 FEET NORTHEASTERLY ALONG SAID CURVE, LONG CHORD BEARS N08°01'16"E, 50.13 FEET; THENCE N16°16'44"E, 20.86 FEET TO THE BEGINNING OF A 275.50 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY; THENCE 79.41 FEET NORTHERLY ALONG SAID CURVE, LONG CHORD BEARS N08°01'16"E, 79.14 FEET; THENCE N00°14'10"W, 236.19 FEET TO THE NORTH LINE OF PARCEL 'B', INSTRUMENT #2016-00006752; THENCE S89°58'21"W, 575.59 FEET ALONG SAID NORTH LINE; THENCE N00°15'58"W, 180.94 FEET; THENCE S89°59'07"W, 720.43 FEET TO THE EAST LINE OF BINFORD PARK MANOR; THENCE N00°15'10"W, 354.15 FEET ALONG SAID EAST LINE; THENCE N00°21'10"W, 60.00 FEET ALONG SAID EAST LINE; THENCE N00°18'33"W, 500.00 FEET ALONG SAID EAST LINE; THENCE N00°15'34"W, 60.08 FEET ALONG SAID EAST LINE; THENCE N00°16'26"W, 867.83 FEET ALONG SAID EAST LINE TO THE SOUTH RIGHT-OF-WAY LINE OF WOODLAND STREET; THENCE N73°01'59"E, 463.08 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 25; THENCE S89°58'13"E, 1,153.81 FEET ALONG SAID NORTH LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 25 TO THE POINT OF BEGINNING.

It is the opinion of the undersigned the CITY OF MARSHALLTOWN, IOWA, is the proprietor and owner of the real estate under examination, pursuant to a Warranty Deed dated August 11, 1986, and filed for record as Microfile 1531-1986-7; Trustees Deed dated August 24, 1988, and filed September 3, 1998, in Microfile 9805898; and Warranty Deed dated and filed March 16, 2022 in Book 2022, Page 1290, all in

the Office of the Marshall County Recorder, and that the CITY OF MARSHALLTOWN, IOWA'S title is subject to no mortgages, liens, or other encumbrances of record.

This certificate is provided for the sole purpose of complying with Iowa Code §354.11.

A handwritten signature in blue ink, appearing to read "Steven C. Leiding", is written over a horizontal line.

STEVEN C. LEIDINGER, AT0011301

LYNCH DALLAS, P.C.

526 Second Avenue SE

P.O. Box 2457

Cedar Rapids, Iowa 52406-2457

Telephone 319.365.9101

Facsimile 319.365.9512

E-Mail sleidinger@lynchdallas.com

RESOLUTION NO. _____

RESOLUTION APPROVING THE FINAL PLAT OF EDGEWOOD INDUSTRIAL PARK ADDITION AND ACCEPTING THE DEDICATION OF THE PUBLIC LANDS AND PUBLIC IMPROVEMENTS IDENTIFIED THEREIN

WHEREAS, the City of Marshalltown, Iowa is an incorporated City within Marshall County, Iowa; and

WHEREAS, the City of Marshalltown has submitted the Final Plat of Edgewood Industrial Park Addition (“Addition”) for review and final approval; and

WHEREAS, the City of Marshalltown Planning & Zoning Board previously reviewed the Preliminary Plat of Edgewood Industrial Park Addition and recommended its approval, the Council subsequently approving same; and

WHEREAS, the Council finds that the public improvements were installed in substantial compliance with the Preliminary Plat, that the City Engineer performed periodic observation of the public improvements during installation and has taken steps to inspect the public improvements after installation, and that the City Engineer has no objection to the City of Marshalltown approving the final plat and accepting the dedication of the public improvements, including roadways; retention and detention basins; and water, sanitary sewer, and storm sewer improvements located as specified on the Final Plat; and

WHEREAS, the Council finds, based upon the above and foregoing, that the Final Plat of Edgewood Industrial Park Addition should be approved as presented, and that all public land and improvements proposed to be dedicated, should be accepted as public improvements, to be maintained and preserved by the City of Marshalltown for the use, enjoyment, and benefit of the citizens of Marshalltown; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of Marshalltown, Iowa, does hereby approve the Final Plat of Edgewood Industrial Park Addition and accepts the dedication of all public improvements, including roadways; retention and detention basins; and water, sanitary sewer, and storm sewer improvements located as specified on the Final Plat, all of same having been dedicated to public use and enjoyment by the City of Marshalltown, as subdivider, along with the dedication to the City of all public easements shown upon the Final Plat.

PASSED and **APPROVED** by the City Council of the City of Marshalltown, Iowa, on the ____ day of January 2024.

Joel T.S. Greer, Mayor

ATTEST:

Alicia Hunter, City Clerk

Prepared By/Return to: Alicia Hunter, City of Marshalltown, Iowa,
24 N Center Street, Marshalltown, IA 50158 Phone: (641) 754-5701

CERTIFICATE OF CITY CLERK

STATE OF IOWA, COUNTY OF MARSHALL, ss:

I, Alicia Hunter, City Clerk of the City of Marshalltown, Iowa, do hereby certify that the attached Resolution No. 2024-____ and any attachments thereto, are true and complete copies of the original instruments filed in the Office of the City Clerk of Marshalltown, Iowa. I further certify that the date set forth on the attached Resolution is the date said action was taken by the City Council of the City of Marshalltown, Iowa.

Signed and dated this ____ day of January 2024.

Alicia Hunter, City Clerk

STATE OF IOWA,
COUNTY OF MARSHALL, ss:

Subscribed and sworn to before me by Alicia Hunter, in her capacity as City Clerk of the City of Marshalltown, Iowa on this ____ day of January 2024.

Notary Public in and for said State

GAP SEARCH

FOR: LYNCH DALLAS, P.C.

ATTN: Michelle Barnes

E-MAIL: mbarnes@lynchdallas.com

ABSTRACT NO.: 25620

LEGAL DESCRIPTION: THE EAST 19 ACRES OF THE NORTHEAST QUARTER, **EXCEPT** THE SOUTH 660 FEET AND **EXCEPT** WOODLAND STREET, SECTION 26, TOWNSHIP 84 NORTH, RANGE 18 WEST OF THE 5TH P.M., MARSHALL COUNTY, IOWA; **AND** THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, **EXCEPT** THE SOUTH 660 FEET IN SECTION 25, TOWNSHIP 84 NORTH, RANGE 18 WEST OF THE 5TH P.M., MARSHALL COUNTY, IOWA; **AND** LOT 1, **EXCEPT** EAST 220 FEET OF THE NORTH 620 FEET, LOT 1 OF LOT 2, AND LOT 3, **EXCEPT** THE WEST 105 FEET, SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 25, ALL **EXCEPT** PARCEL 'B' AS SHOWN IN AMENDED PLAT OF SURVEY RECORDED IN DOCUMENT #2016-00006752; **AND** PARCEL 'C' OF 'B' IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 25, AS SHOWN IN PLAT OF SURVEY RECORDED IN DOCUMENT #2022-00000805, ALL OF THE RECORDS OF THE AUDITOR- RECORDER'S OFFICE, MARSHALL COUNTY, IOWA; **AND** THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 25, **EXCEPT** WOODLAND STREET, MARSHALL COUNTY, IOWA.

SELLERS/MORTGAGORS: City of Marshalltown

DATE & TIME OF PRIOR SEARCH: 9/5/2023 @ 4:50 P.M.

DATE AND TIME OF THIS CERTIFICATION: 1/11/2024 @ 10:30 A.M.

We have made a search of the Mechanics' Notice and Lien Registry maintained by the Iowa Secretary of State for Marshall County, Iowa, for unexpired Notice and Lien Postings for the effective dates of within Certificate indexed against:

TAX PARCEL #: 8418-26-229-015; 8418-25-151-018; 8418-25-151-015;
8418-25-151-001; 8418-25-101-002

And find: **NONE**

No certification is made as to Mechanic's Liens or Notices which are not properly posted to the said Registry.

ADDITIONALLY We have made a search of the Iowa Judicial Branch Online Court Services, and we make NO Certification as to the accuracy of the records of the Iowa Court System.

The undersigned, acting in its capacity as an Abstractor for the State of Iowa certifies the appropriate records have been searched and that no matters affecting title to the property described have been entered except for the following:

MARSHALL COUNTY IOWA COUNTY/MUNICIPAL MUTUAL AID AGREEMENT filed November 20, 2023 in DOCUMENT #2023-00004557.

MARSHALL COUNTY ABSTRACT COMPANY

By: *Jacki Brown*

Janet Fienup

From: Michelle Barnes <mbarnes@lynchdallas.com>
Sent: Monday, January 8, 2024 3:43 PM
To: Marshall County Abstract Company
Subject: Request for lien search Abstract No 25620

Janet-

On behalf of the City of Marshalltown, would you please prepare a lien search from the last continuation to present at your earliest convenience for Abstract No. 25620?

Please let me know if you need any additional information. Thank you!

Legal:

THE EAST 19 ACRES OF THE NORTHEAST QUARTER, EXCEPT THE SOUTH 660 FEET AND EXCEPT WOODLAND STREET, SECTION 26, TOWNSHIP 84 NORTH, RANGE 18 WEST OF THE 5TH P.M., MARSHALL COUNTY, IOWA; AND

THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, EXCEPT THE SOUTH 660 FEET IN SECTION 25, TOWNSHIP 84 NORTH, RANGE 18 WEST OF THE 5TH P.M., MARSHALL COUNTY, IOWA; AND

LOT 1, EXCEPT EAST 220 FEET OF THE NORTH 620 FEET, LOT 1 OF LOT 2, AND LOT 3, EXCEPT THE WEST 105 FEET, SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 25, ALL EXCEPT PARCEL 'B' AS SHOWN IN AMENDED PLAT OF SURVEY RECORDED IN DOCUMENT #2016-00006752; AND

PARCEL 'C' OF 'B' IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 25, AS SHOWN IN PLAT OF SURVEY RECORDED IN DOCUMENT #2022-00000805, ALL OF THE RECORDS OF THE AUDITOR - RECORDER'S OFFICE, MARSHALL COUNTY, IOWA; AND THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 25, EXCEPT WOODLAND STREET, MARSHALL COUNTY, IOWA, FROM ROOT OF TITLE

Michelle D. Barnes

Paralegal
Lynch Dallas, P.C.
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Cedar Rapids, Iowa 52406-2457
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[Click here to Upload Files](#)

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PATRICK J. O'CONNELL
AMY L. REASNER
SHAWNA M. SCHAMBERGER
WILFORD H. STONE
DAVID L. WENZEL

MAILING ADDRESS:
P.O. Box 2457
Cedar Rapids, IA 52406-2457

September 1, 2023

City of Marshalltown, Iowa

Re: Our File No.: 135716.002

To whom it may concern,

I have examined an Abstract of Title last certified to by Marshall County Abstract Company to June 9, 2023, at 8:00 A.M. and containing entries 1-30 for the following described premises:

THE EAST 19 ACRES OF THE NORTHEAST QUARTER, **EXCEPT** THE SOUTH 660 FEET AND **EXCEPT** WOODLAND STREET, SECTION 26, TOWNSHIP 84 NORTH, RANGE 18 WEST OF THE 5TH P.M., MARSHALL COUNTY, IOWA; **AND**

THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, **EXCEPT** THE SOUTH 660 FEET IN SECTION 25, TOWNSHIP 84 NORTH, RANGE 18 WEST OF THE 5TH P.M., MARSHALL COUNTY, IOWA; **AND**

LOT 1, **EXCEPT** EAST 220 FEET OF THE NORTH 620 FEET, LOT 1 OF LOT 2, AND LOT 3, **EXCEPT** THE WEST 105 FEET, SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 25, ALL **EXCEPT** PARCEL 'B' AS SHOWN IN AMENDED PLAT OF SURVEY RECORDED IN DOCUMENT #2016-00006752; **AND**

PARCEL 'C' OF 'B' IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 25, AS SHOWN IN PLAT OF SURVEY RECORDED IN DOCUMENT #2022-00000805, ALL OF THE RECORDS OF THE AUDITOR - RECORDER'S OFFICE, MARSHALL COUNTY, IOWA; **AND** THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 25, **EXCEPT** WOODLAND STREET, MARSHALL COUNTY, IOWA, FROM ROOT OF TITLE

and based entirely upon my examination of the abstract, I find title to be in:

THE CITY OF MARSHALLTOWN, IOWA

under a Warranty Deed from **Richard Arney and Muriel Arney**, Grantors to City of Marshalltown, Grantees, shown at Entry 16 and dated August 11, 1986, and filed September 19, 1986, in Microfile 1531-1986-7, in the office of the Marshall County Recorder; under a Trustees Deed from **Williams Trust**, Grantor to City of Marshalltown, Grantees, shown at Entry 19 and dated August 24, 1998, and filed September 3, 1998, in Microfile 9805898, in the office of the Marshall County Recorder; under a Warranty Deed from **Interstate Power and Light Company**, Grantor to City of Marshalltown, Grantees, shown at Entry 27 and dated and filed March 16, 2022, in the office of the Marshall County Recorder.

subject to the following:

I. MORTGAGES

NONE.

II. JUDGMENTS

NONE.

III. TAXES

At Entry 30, the abstractor notes that all prior taxes are paid and that general property taxes are now shown as exempt, and no tax set up. (Parcel # 8418-25-151-018)

At Entry 30, the abstractor notes that property taxes payable September 30, 2022 and March 30, 2023 total \$2,800.

Both installments are paid as of the date of certification of the abstract. (Parcel #s 8418-26-229-015, 8418-25-151-015, 8418-25-151-001, and 8418-25-101-002)

IV. CONTRACTS

V. OTHER

A. MISCELLANEOUS

Your attention is directed to the following entries which you may wish to make further investigation thereof:

Abstractor's Certificate - (Mechanic's Notice and Lien Registry: the abstractor notes a search (as of the date of the Certificate of this abstract) of the Mechanic's Notice and Lien Registry maintained by the Iowa Secretary of State for *Marshall* County, Iowa, for Mechanic's Lien(s) only, indexed against property described above and reports finding none. The absence of posted notices or liens cannot be relied upon as proof that there are no parties with mechanic's lien rights. You should always undertake independent inquiry and investigation as to the possibility of the evidence of mechanic's lien rights and obtain waivers prior to closing if necessary);

Entry 20 (Overhang Easement as part of Resolution #00-265 Approving same with anchor and guy rights dated September 1, 2000, and filed October 27, 2000, in the office of the *Marshall* County Recorder as Microfile #9914853);

Entry 23 and 24 (Road Easement filed December 7, 2016 and December 12, 2016 as documents #2016-00006697 and #2016-00006752, respectively, in the office of the *Marshall* County Recorder);

Entry 26 (Public Utility Easement as part of an Acquisition in Fee Plat filed February 15, 2022, as document #2022-00000805, in the office of the *Marshall* County Recorder); and

Entry 28 (Electric Equipment Easement dated April 23, 2023, filed May 17, 2023, as document #2023-00001765 in the office of the *Marshall* County Recorder).

C. DOCUMENTS WHICH NEED TO BE OBTAINED AND FILED

NONE

CAUTIONS

This opinion is made expressly subject to easements that may be evident by usage; any rights or claims of parties in possession not shown of record; to defects of title, if any, which may be disclosed by an accurate survey of the premises; to possible mechanic's liens not shown of record and which may have priority over any deed or mortgage; to any special assessments which have not been certified to the County Auditor; to any zoning, building, fire and health ordinance regulating and restricting the use of the property; and to any limitations imposed upon the property in the event it lies within a flood plain. You should take notice of all these matters.

Thank you for allowing me to read this abstract for you and to be of service to you.

Respectfully submitted,



Shawna M. Schamberger

SMS/ec

MARSHALLTOWN

I O W A

TO: Plan Zoning Commission

FROM: Hector Hernandez, City Planner

DATE: January 17, 2024 Meeting

RE: **Recommendation to amend the Comprehensive Plan of 2030 for the Property 201 E Merle Hibbs Blvd 8318-11-426-012 to General Commercial (GC).**

Policy Issue: The City has adopted previously adopted the Comprehensive Plan of 2030. Currently the Comprehensive Plan shows this area as Low Density Residential. The area to the North, East and South is Low Density Residential. Area to the West is Low Density Residential. North is also Medium Density Residential.



Recommendation: Based on proposed development of the area the Plan Zoning Commission will review and make a recommendation to the City Council to amend the Comprehensive Plan of 2030. The highlighted area is proposed to change to General Commercial (GC).

Background: The Comprehensive Plan is a guide for future development and may be amended as development occurs throughout the City. This amendment would support the rezoning request and allow for development of the area.

Budget Impact: None

If you have questions please do not hesitate to contact me at 641-754-5756 or e-mail me at hhernandez@marshalltown-ia.gov