

AN ORDINANCE to amend the Official Zoning Map of Butler County, Iowa, by rezoning and changing the district classification of certain property located in the East 1/2 of the Southwest 1/4 of Section 33, Washington Township, Butler County, Iowa from the present A-1 Agricultural District to an M Industrial District

Be it Ordained by the Board of Supervisor's Butler County, Iowa:

Section 1. The Official Zoning Map of Butler County, Iowa be and the same is hereby amended by rezoning and changing the district classification of certain property located in the East 1/2 of the Southwest 1/4, Section 33, Washington Township, Butler County more fully described as follows:

South 1,620 feet of said East 1/2 of the Southwest 1/4 except the West 175 feet thereof and except the South 108 feet thereof and except the Southeast 6.3 acres of the Northeast 1/4 of the Northwest 1/4 and except the Northeast 5.0 acres of the Southeast 1/4 of the Northwest 1/4 of said Section 33.

from an A-1 Agricultural district to the M Industrial District.

Section 2. This ordinance and the zoning granted by the terms hereof are subject to the following imposed additional conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance by all owners of said property and are binding upon the owners and their successors, heirs and assigns as follows:

- a. The owner or industry making use of the property shall provide a verbal or written notice to the adjoining property owners who reside within 1/4 mile of the above described property of any blasting to be received at least 24 hours in advance of said blasting.
- b. The Industry making use of the property shall be restricted to the operation of a lime or rock quarry and items related to the production of lime products
- c. The industry making use of the property shall do the following:
 - 1. Place a notice in the Official County Newspapers and the Ackley World Journal notifying truckers using the above quarry to enter and exit the quarry from Highway #20 then

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STATE OF IOWA BUTLER COUNTY
 FILED FOR RECORD THE 19 DAY OF Aug 1997 AT 1:30 O'CLOCK
 P. M. BOOK 40 PAGE 438-441
 FILE NO. 433 FEE None
Craig J. Franken RECORDER
 by J. J.

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north on Cedar Avenue to 335th Street then east to the quarry entrance.

2. Hold a meeting once a year with all truckers to inform them to use the ingress and egress route as listed in #1 above.
3. Place dust control in front of residences on 335th Street east of the quarry site 3 times per year when the residence is occupied

Section 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Section 4. A violation of this ordinance shall be a County infraction.

Section 5. The County Auditor is hereby authorized and directed to cause certified copies of this ordinance, the Acceptance of Rezoning Ordinance and proof of publication of this ordinance to be properly filed in the office of the Recorder of Butler County, Iowa.

Adopted this 11th day of August 1997 by vote of the Butler County Board of Supervisors. Ayes 3 Nays 0.

Motion made by Creeden seconded by Wedeking to waive the second and third required reading of the proposed changes to the County Zoning Ordinance. Motion carried. Ayes 3 Nays 0.



Mel Bakker, Chairman
Butler County Board of Supervisors

ATTEST:



Donald G. Johnson, Auditor

ACCEPTANCE OF REZONING ORDINANCES

We , the undersigned, being duly sworn, upon oath, do state:

(1) We are the sole owners of property described as the East 1/2 of the Southwest 1/4 of Section 33, Township 90 North, Range 18 West of the 5th P.M., Butler County, Iowa. And we have requested the Butler County Board of Supervisors to rezone the South 1,620 feet of said East 1/2 of the Southwest 1/4 except the West 175 feet thereof and except the South 108 feet thereof and except the Southeast 6.3 acres of the Northeast 1/4 of the Northwest 1/4 and except the Northeast 5.0 acres of the Southeast 1/4 of the Northwest 1/4 of said Section 33.

(2) In the event Butler County acts to rezone the property from the existing A-1 Agricultural District to M or Industrial District, we agree and accept on behalf of the owners to the imposition of the following conditions, to run with the land and be binding upon all successors, heirs and assigns as part of the ordinance rezoning the property.

- a. The owner or industry making use of the property shall provide a verbal or written notice to the adjoining property owners who reside within 1/4 mile of the above described property of any blasting to be received at least 24 hours in advance of said blasting.
- b. The Industry making use of the property shall be restricted to the operation of a lime or rock quarry and items related to the production of lime products
- c. The industry making use of the property shall do the following:
 1. Place a notice in the Official County Newspapers and the Ackley World Journal notifying truckers using the above quarry to enter and exit the quarry from Highway #20 then north on Cedar Avenue to 335th Street then east to the quarry entrance.
 2. Hold a meeting once a year with all truckers to inform them to use the ingress and aggress route as listed in #1 above.
 3. Place dust control in front of residences on 335th Street east of the quarry site 3 times per year when the residence is occupied

(3) In the event the Property is hereafter rezoned to a district classification different from M "Industrial", then this Acceptance shall be immediately terminated on the effective date of such rezoning, and the conditions agreed to herein shall be rendered null and void, provided, if there be

ACCEPTANCE

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any such rezoning to a more restricted zoning classification, any then legal actual use of such real estate shall become a legal non-conforming use.

(4) The words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Genevieve Neymeyer
Genevieve Neymeyer

State of Iowa)
) ss:
County of Butler)

BE IT REMEMBERED that on this 11 day of ^{Aug}~~July~~, 1997, before me, the undersigned, a Notary Public in and for Butler County, Iowa, personally appeared Genevieve Neymeyer to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.



Rosemary Trees
Notary Public in and for the State of Iowa

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