RESOLUTION

WHEREAS: in the E½ of Section 27, T73N, R38W, (Sherman Twp.), Montgomery County, Iowa, there exists a railroad siding track along the Chicago, Burlington and Quincy Railroad, and,

WHEREAS: this portion of railroad right-of-way is bounded on the East by a County highway and,

WHEREAS: this area of land is zoned as M-Industrial which requires a seventy-five (75) feet front yard depth, thereby prohibiting any construction adjacent to the said railroad siding track and,

WHEREAS: it is determined, by the Planning and Zoning Commission, to be in the public interest that such construction, which will permit use of the said railroad siding track, be allowed,

NOW, THEREFORE, BE IT RESOLVED: that the following information, to be known hereafter as Amendment No. 1 to the Montgomery County Zoning Ordinance, dated April 30, 1968, become Paragraph 2 of Item G in Section 12 of said Ordinance:

2. In the area immediately East of and adjacent to the railroad siding track in the E½ of Section 27, T73N, R38W, Montgomery County, Iowa, the required front yard depth shall be a minimum of one (1') foot from the existing highway right-of-way line.

This Amendment shall become effective when passed and published as provided by law.

Passed and adopted this 3rd day of June 1969.

ATTEST: John I. Lundgren — County Auditor, John I. Lundgren

Reuben C. Johnson — CHAIRMAN, Board of Supervisors, Reuben C. Johnson

FILE NO. 1293
BOOK 100 PAGE 506

1969 JUN 24 PM 2:55

GAL M. WELSER
RECORDER
MONTGOMERY CO., IOWA
No Fee

No Fee

FILE NO. 1294
BOOK 100 PAGE 503

1969 JUN 24 PM 2:56

OPAL M. NIELSEN
RECORDER
MONTGOMERY CO., IOWA

RESOLUTION

WHEREAS: an application for rezoning a parcel of land located in the E½ of the NW¼ and the SW¼ of the NE¼ of Section 23, T72N, R38W (Red Oak Twp.), Montgomery County, Iowa, from A-Agricultural to C-Commercial, has been filed with the Zoning Administrator, and,

WHEREAS: it is determined, by the Planning and Zoning Commission, to be in the public interest that such Zoning District Change be made,

NOW, THEREFORE, BE IT RESOLVED: that the following information, to be known hereafter as Amendment No. 2 to the Montgomery County Zoning Ordinance, dated April 30, 1968, be made a part of the said Zoning Ordinance and the Zoning District Boundaries be changed accordingly:

Amendment No. 2

Change the following described lands from A-Agricultural District to C-Commercial District, to wit:

A parcel of land located in the E½ of the NW¼ and the SW¼ of the NE¼ of Section 23, T72N, R38W of the 5th P. M., Montgomery County, Iowa, more particularly described as follows: Beginning at a point which is the intersecting of the North right of way line of relocated U. S. Highway 34 and the West line of the E½, NW¼ Section 23-72-38;

thence N 0° 40' 30" W 350.45 feet;
thence S 71° 27' E 361.70 feet;
thence S 10° 12' E 171.35 feet;
thence S 39° 38' E 194.80 feet;
thence S 64° 11' E 162.10 feet;
thence N 64° 24' E 48.80 feet;
thence S 61° 44' E 527.80 feet;
thence S 73° 21' E 243.92 feet;
thence S 9° 07' E 75.45 feet;
thence S 89° 23' W 443.05 feet;
thence N 60° 46' W 1089.50 feet; along the North right of way line of said U. S. Highway 34 to the point of beginning.

Containing 7.89 acres, more or less.

The West line of the NW¼ of Sec. 23-72-38 is assumed due North-South.

This amendment shall become effective when passed and published as provided by law.

Passed and adopted this 3rd day of June 1969

ATTEST: John I. Lundgren
County Auditor
John I. Lundgren

Reuben C. Johnson
CHAIRMAN, Board of Supervisors
Reuben C. Johnson

RESOLUTION

WHEREAS: an application for rezoning a parcel of land located in the W½ of Section 5, T71N, R36W (East Jackson Twp.), Montgomery County, Iowa, from A-Agriculture to M-Industrial, has been filed with the Zoning Administrator, and,

WHEREAS: it is determined, by the Planning and Zoning Commission, to be in the public interest that such Zoning District change be made,

NOW, THEREFORE, BE IT RESOLVED: that the following information, to be known hereafter as Amendment No. 3 to the Montgomery County Zoning Ordinance, dated April 30, 1968, be made a part of the said Zoning Ordinance and the Zoning District Boundaries be changed accordingly:

Amendment No. 3

Change the following described lands from A-Agriculture District to M-Industrial District, to wit:

A parcel of land located in the SW¼ of the NW¼ of Section 5, T71N, R36W of the 5th P. M., Montgomery County, Iowa, more particularly described as follows: Commencing at the W¼ Corner of Section 5, T71N, R36W of the 5th P. M. and running thence North 165.33 feet, thence East 40.0 feet to the place of beginning, thence North 211.3 feet, thence South 88°39' East 299.85 feet, thence South 51.5 feet, thence South 62°55' West 336.85 feet to the place of beginning. Containing 0.903 acres more or less.

Note: The West line of Sec. 5-71-36 is taken as due North and South.

This Amendment shall become effective when passed and published as provided by law.

Passed and adopted this 3rd day of June, 1969

ATTEST: John I. Lundgren — County Auditor — John I. Lundgren

Reuben C. Johnson — CHAIRMAN, Board of Supervisors — Reuben C. Johnson

FILE NO. 1295
BOOK 100 PAGE 510

1969 JUN 24 PM 2:56

OPAL M. NELSON
RECORDER
MONTGOMERY CO., IOWA
No Fee

RESOLUTION

WHEREAS: an application for rezoning a parcel of land located in the SW, SE of Section 27-73-38 (Sherman Twp.), Montgomery County, Iowa, from U-Unclassified to M-Industrial, has been filed with the Zoning Administrator, and,

WHEREAS: it is determined, by the Plan & Zoning Commission, to be in the public interest that such Zoning District Change be made,

NOW, THEREFORE, BE IT RESOLVED: that the following information to be known hereafter as Amendment No. 4 to the Montgomery County Zoning Ordinance, dated April 30, 1968, be made a part of the said Zoning Ordinance and the Zoning District Boundaries be changed accordingly:

Amendment No. 4

Change the following described lands from U-Unclassified District to M-Industrial District, to wit:

Sub-lot 1 of lot 2 of the SW, SE of Section 27-73-38, Montgomery County, Iowa.

This amendment shall become effective when passed and published as provided by law.

Passed and adopted this 9th day of September, 1969.

ATTEST John D. Lundgren
County Auditor

Ruben C. Johnson
CHAIRMAN, Board of Supervisors

FILE NO. 1728
BOOK 101 PAGE 62

1969 SEP -9 PM 2:56

CARL A. NELSEN
RECORDER
MONTGOMERY CO., IOWA

No Fee

RESOLUTION

WHEREAS: an application for rezoning a parcel of land located in the NE Corner of Section 19-72-38, (Red Oak Twp.), Montgomery County, Iowa, from M-Industrial to R-Residential, has been filed with the Zoning Administrator, and,

WHEREAS: it is determined, by the Plan & Zoning Commission, to be in the public interest that such Zoning District change be made,

NOW, THEREFORE, BE IT RESOLVED: that the following information to be known, hereafter, as Amendment No. 5, to the Montgomery County Zoning Ordinance, dated April 30, 1968, be made a part of the said Zoning Ordinance and the Zoning District Boundaries be changed accordingly:

Amendment No. 5

Change the following described lands from M-Industrial District to R-Residential District, to wit:

The East one (1) acre of the North ten (10) acres of the NE, NE of Section 19-72-38 (Red Oak Twp.), Montgomery County, Iowa.

This amendment shall become effective when passed and published as provided by law.

Passed and adopted this 7th day of October 1969

ATTEST: John D. Lundgren
County Auditor

CHAIRMAN, Board of Supervisors

FILE NO. 101 1822 178

No Fee

FILE NO. 1398
BOOK 109 PAGE 403
1972 AUG 1 AM 11:30
PAT ENGLAND
RECORDER
MONTGOMERY CO., IOWA
No Fee

RESOLUTION

WHEREAS: an application for rezoning a parcel of land located in the NE¼ of Section 22-72-38, (Red Oak Twp.), Montgomery County, Iowa, from A-Agricultural to C-Commercial, has been filed with the Zoning Administrator, and,

WHEREAS: it is determined, by the Plan & Zoning Commission, to be in the public interest, that such Zoning District change be made,

NOW, THEREFORE, BE IT RESOLVED: that the following information to be known, hereafter, as Amendment No. 6, to the Montgomery County Zoning Ordinance, dated April 30, 1968, be made a part of the said Zoning Ordinance, and the Zoning District Boundaries be changed accordingly:

Amendment No. 6

Change the following described lands from A-Agricultural to C-Commercial, to wit:

All of the S½, NE¼ of Section 22-72-38 (Red Oak Twp.) lying north of US Highway 34

This amendment shall become effective, when passed and published, as provided by law.

Passed and adopted this 28th day of July, 1972

ATTEST: John I. Lundgren
County Auditor
John I. Lundgren

Dale F. Lindner
CHAIRMAN, Board of Supervisors
Dale F. Lindner

FILE NO. 1397
BOOK 109 PAGE 402
1972 AUG 1 AM 11:30
PAT ENGLAND
RECORDER
MONTGOMERY CO., IOWA
No Fee

RESOLUTION

WHEREAS: an application for rezoning a parcel of land located in the SE, NE of Section 5-71-38, (Grant Twp.), Montgomery County, Iowa, from A-Agricultural to C-Commercial, has been filed with the Zoning Administrator, and,

WHEREAS: it is determined, by the Plan & Zoning Commission, to be in the public interest, that such Zoning District change be made,

NOW, THEREFORE, BE IT RESOLVED: that the following information to be known, hereafter, as Amendment No. 7, to the Montgomery County Zoning Ordinance, dated April 30, 1968, be made a part of the said Zoning Ordinance, and the Zoning District Boundaries be changed accordingly:

Amendment No. 7

Change the following described lands from A-Agricultural to C-Commercial, to wit:

The east 700' of the south 300' of the portion of the SE, NE of Section 5-71-38 (Grant Twp.) lying north of the public highway

This amendment shall become effective, when passed and published, as provided by law.

Passed and adopted this 28th day of July, 1972

ATTEST: John I. Lundgren
County Auditor
John I. Lundgren

Dale F. Lindner
CHAIRMAN, Board of Supervisors
Dale F. Lindner

RESOLUTION

WHEREAS: an application for rezoning a parcel of land, located in the SE, SE of Section 27-73-38, (Sherman Twp.), Montgomery County, Iowa, from A-Agricultural to M-Industrial, has been filed with the Zoning Administrator, and,

WHEREAS: it is determined by the Plan & Zoning Commission to be in the public interest, that such Zoning District change be made,

NOW, THEREFORE, BE IT RESOLVED: that the following information to be known, hereafter, as Amendment No. 8, to the Montgomery County Zoning Ordinance, dated April 30, 1968, be made a part of the said Zoning Ordinance, and the Zoning District Boundaries be changed accordingly:

Amendment No. 8

Change the following described lands from A-Agricultural to M-Industrial, to wit:

A parcel of land, located immediately south of Sub-Lots 1, 2, 3, 4, 5, and 6 of Lot 2, of the SE, SE of Section 27-73-38. Said parcels dimensions being 141 feet north and south, and 270 feet east and west, and located immediately east of Sub-Lot 2 of Sub-Lot 1, of Lot 1 of the said SE, SE of Section 27-73-38. Said parcel contains 0.9 acres.

This amendment shall become effective, when passed and published, as provided by law.

Passed and adopted this 12th day of December, 1972

ATTEST: John L. Lundgren
County Auditor
JOHN L. LUNDGREN

Dale F. Lindner
CHAIRMAN, Board of Supervisors
DALE F. LINDNER

SEAL OF MONTGOMERY COUNTY IOWA

FILE NO. 2191
BOOK 110 PAGE 803
1972 DEC. 19 AM 12:00
PAT ENGLAND
RECORDER
MONTGOMERY CO., IOWA
no Fee

FILE NO. 2910
BOOK 114 PAGE 709
1973 DEC 28 PM 2:30
PAT ENGLAND
RECORDER
MONTGOMERY CO., IOWA
No Fee

RESOLUTION

WHEREAS: an application for rezoning a parcel of land, located in the E½ of the NE¼ of Section 27, T73N, R38W (Sherman Twp.), Montgomery County, Iowa, from U-Unclassified to M-Industrial, has been filed with the Zoning Administrator, and,

WHEREAS: it is determined by the Plan & Zoning Commission, to be in the public interest, that such Zoning District Change be made,

NOW, THEREFORE, BE IT RESOLVED: that the following information to be known, hereafter, as Amendment No. 9, to the Montgomery County Zoning Ordinance, dated April 30, 1968, be made a part of the said Zoning Ordinance, and the Zoning District Boundaries be changed accordingly:

Amendment No. 9

Change the following described lands from U-Unclassified to M-Industrial, to wit:

A parcel of land, located in the E½ of the NE¼ of Section 27, T73N, R38W of the 5th P. M., Montgomery County, Iowa, more particularly described as follows: Commencing at the SE Corner of the NE¼ of Section 27, T73N, R38W, Montgomery County, Iowa; thence west 1,017.0'(feet); thence north 956.0'(feet) to the point of beginning; thence north 25° (degrees) 30'(minutes) east 511.0'(feet); thence south 69° (degrees) 30'(minutes) east 322.0'(feet); thence south 36° (degrees) 0'(minutes) west 400.0'(feet); thence south 87° (degrees) 0'(minutes) west 278.0'(feet) and containing 3 (three) acres, more or less.

Note: The south line of the NE¼ is taken east and west.

This amendment shall become effective, when passed and published, as provided by law.

Passed and adopted this 28th day of December, 1973

ATTEST: Viva M. Gustafson
Dep. County Auditor

JOHN I. LUNDGREN

Clifford Jones
CHAIRMAN, Board of Supervisors

CLIFFORD JONES

FILE NO. 2911
BOOK 114 PAGE 710
1973 DEC 28 PM 2:30
PAT ENGLAND
RECORDER
MONTGOMERY CO., IOWA
No Fee

RESOLUTION

WHEREAS: an application for rezoning a parcel of land, located in the NW¼ in Section 33, T72N, R37W (Frankfort Twp.), Montgomery County, Iowa, from A-Agricultural to C-Commercial, has been filed with the Zoning Administrator, and,

WHEREAS: it is determined by the Plan & Zoning Commission, to be in the public interest, that such Zoning District CHange be made,

NOW, THEREFORE, BE IT RESOLVED: that the following information to be known, hereafter, as Amendment No. 10, to the Montgomery County Zoning Ordinance, dated April 30, 1968, be made a part of the said Zoning Ordinance, and the Zoning District Boundaries be changed accordingly:

Amendment No. 10

Change the following described lands from A-Agricultural to C-Commercial, to wit:

The east, approximately eleven acres, of that portion, of the S½ of the NW¼ of Section 33, T72N, R37W, Montgomery County, Iowa, lying south of US Highway 34.

This amendment shall become effective, when passed and published, as provided by law.

Passed and adopted this 28th day of December, 1973.

ATTEST: Leona M. Bustafson
Dep County Auditor
JOHN I. LUNDGREN

Clifford Jones
Chairman, Board of Supervisors
CLIFFORD JONES

RESOLUTION

WHEREAS: an application for rezoning a parcel of land, located in the NE¼ of Section 12-73-38 (Sherman Twp.), Montgomery County, Iowa, from A-Agricultural to M-Industrial, has been filed with the Zoning Administrator, and,

WHEREAS: it is determined by the Plan & Zoning Commission, to be in the public interest, that such Zoning District Change be made,

NOW, THEREFORE, BE IT RESOLVED: that the following information to be known, hereafter, as Amendment No. 11, to the Montgomery County Zoning Ordinance, dated April 30, 1968, be made a part of the said Zoning Ordinance, and the Zoning District Boundaries be changed accordingly:

Amendment No. 11

Change the following described lands from A-Agricultural to M-Industrial, to wit:

Commencing at the NE Corner of the NE¼ of Section 12-73-38, Montgomery County, Iowa; thence South 3° 01' 30" East, 43.7 feet; thence South 86° 57' 30" West, 87.3 feet along the South right-of-way line of Iowa Highway No. 48, to the point of beginning; thence continuing South 86° 57' 30" West, along said South right-of-way line of Iowa Highway No. 48, 165.07 feet; thence South 3° 01' 30" East, 163.00 feet; thence North 86° 57' 30" East, 203.08 feet; thence North 16° 09' West, 167.36 feet to the point of beginning.

The above described parcel contains 0.689 acres more or less, and is subject to all easements of record.

The North line of the NE¼ of Section 12-73-38, Montgomery County, Iowa, is assumed to bear due East and West.

This amendment shall become effective, when passed and published, as provided by law.

Passed and adopted this 23rd day of April, 1974.

ATTEST: John I. Lundgren
County Auditor
JOHN I. LUNDGREN

Bert Thomas
Chairman, Board of Supervisors
BERT THOMAS

FILE NO. 1028
BOOK 116 PAGE 282
1974 JUNE 6 PM 4:34
PAT ENGLAND
RECORDER
MONTGOMERY CO. IOWA
no fee

FILE NO. 2284
BOOK 118 PAGE 132
1974 DEC. 27 PM 2:40
PAT ENGLAND
RECORDER
MONTGOMERY CO. IOWA
no fee

RESOLUTION

WHEREAS: an application for rezoning a parcel of land, located in the SW¼ of Section 19-72-38 (Red Oak Twp.), Montgomery County, Iowa, from M-Industrial to C-Commercial, has been filed with the Zoning Administrator, and,

WHEREAS: it is determined by the Plan & Zoning Commission, to be in the public interest, that such Zoning District Change be made,

NOW, THEREFORE, BE IT RESOLVED: that the following information to be known hereafter, as Amendment No. 12, to the Montgomery County Zoning Ordinance, dated April 30, 1968, be made a part of the said Zoning Ordinance, and the Zoning District Boundaries be changed accordingly:

Amendment No. 12

Change the following described lands from M-Industrial to C-Commercial, to wit:

The West 25.0 acres of the South 66.0 acres of the SW¼ of Section 19-72-38 (Red Oak Twp.), Montgomery County, Iowa, lying immediately north of and adjacent to Road H-34. = W 1000' of S 1089'

This amendment shall become effective, when passed and published, as provided by law.

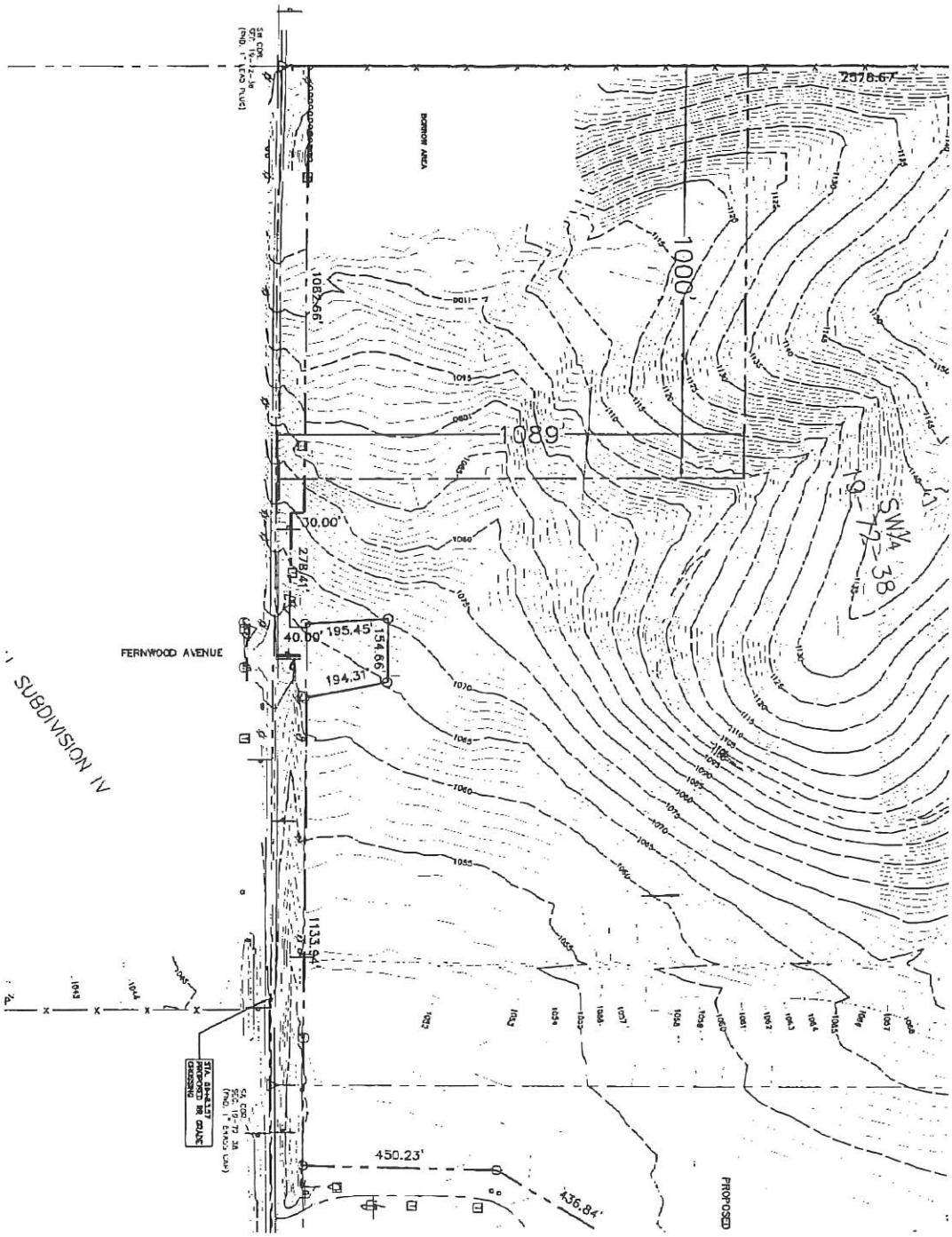
Passed and adopted this 4th day of June, 1974.

ATTEST: John I. Lundgren
County Auditor
JOHN I. LUNDGREN

Bert Thomas
Chairman, Board of Supervisors
BERT THOMAS

SEAL OF MONTGOMERY COUNTY IOWA

ATTN: KATHY



Received Time Feb. 8. 3:01PM

FILE NO. 2890
BOOK 118 PAGE 733
1975 APR 4 PM 4:50
PAT ENGLAND
RECORDER
MONTGOMERY CO., IOWA
No Fee

RESOLUTION

WHEREAS: an application for rezoning a parcel of land, located in the NW¼ of Section 12-71-37 (Scott Twp.), Montgomery County, Iowa, from A-Agricultural to C-Commercial, has been filed with the Zoning Administrator, and,

WHEREAS: it is determined by the Plan & Zoning Commission, to be in the public interest, that such Zoning District change be made,

NOW, THEREFORE, BE IT RESOLVED: that the following information to be known hereafter, as Amendment No. 13, to the Montgomery County Zoning Ordinance, dated April 30, 1968, be made a part of the said Zoning Ordinance, and the Zoning District Boundaries be changed accordingly:

Amendment No. 13

Change the following described lands from A-Agricultural to C-Commercial, to wit:

The West 462.0 feet of the North 462.0 feet of the NW NW of Section 12-71-37 (Scott Twp.).

This amendment shall become effective, when passed and published, as provided by law.

Passed and adopted this 14th day of MARCH, 1975

ATTEST _____ _____
County Auditor — Chairman, Board of Supervisors
KURT JOHNSON — DALE F. LINDNER

FILE NO. 3247
BOOK 119 PAGE 26
1975 MAY 6 PM 1:49
PAT ENGLAND, RECORDER
MONTGOMERY CO., IOWA
No Fee

RESOLUTION

WHEREAS: by State statute, all area, within two miles of the corporation limits of any city having a Plan Commission organized under Chapter 373, Code of Iowa, require subdivision plat approval by both city and county governments, and

WHEREAS: it is determined to be in the public interest to establish regulations and procedures of applying for and receiving approval of subdivision plats within this area, acceptable to both governmental jurisdictions,

NOW THEREFORE BE IT RESOLVED that the following information, to be known hereafter as Amendment No. 14 to the Montgomery County Zoning Ordinance, dated April 30, 1968 become a part of such Ordinance:

1. In Paragraph A, Section 3, Subdivision Regulations, delete "one (1) mile" and substitute "two (2) miles."

2. In Paragraph B, Section 3, Subdivision Regulations, delete all after "within" and substitute "two (2) miles of such a city, the county may accept and approve subdivisions and plats which are in reasonable compliance with current subdivision regulations as set forth by the Zoning Commission of such city."

3. That Paragraph D, 8 Of Section 5, Subdivision Regulations, be deleted and substitute, therefore, "any plat of ten (10) or more lots that cannot be served by a public sewer system shall use a central collection and treatment system subject to current design standards of the State Department of Health."

This Amendment shall become effective, when passed and published, as provided by law.

Passed and adopted this 4TH day of APRIL, 19 75.

Attest: [signature]
County Auditor
Kurt L. Johnson

[signature]
Chairman Board of Supervisors
Dale F. Lindner

FILE NO. 3248
BOOK 119 PAGE 28
1975 MAY 6 PM 1:49
PAT ENGLAND
RECORDER
MONTGOMERY CO., IOWA
No Fee

RESOLUTION

WHEREAS: the need exists for temporary locations of certain industrial plants, for periods of 12 months or less, as accessory units to other construction projects of short duration, and

WHEREAS: it would not be in the public interest to permanently reclassify such sites, and

WHEREAS: the rights of adjoining property owners to express their objections to such uses must be safeguarded,

NOW THEREFORE BE IT RESOLVED that the following information, to be known as Amendment No. 15 to the Montgomery County Zoning Ordinance, dated April 30, 1968, become a part of such Ordinance:

SECTION 14

TEMPORARY USES

The Zoning Administrator may issue a Temporary Use Permit to locate construction material producing places in any district subject to the following conditions;

A. A Temporary Use Permit shall be issued for a period of time not longer than one (1) calendar year.

B. An investigation shall be conducted regarding neighborhood, traffic conditions, public utility facilities and other matters pertaining to the general welfare.

C. Notice of the proposed usage will be given to all property owners within five hundred (500) feet of the boundary of the property on which the said temporary use is to be located. Should any of the aforesaid property owners notify the Zoning Administrator, in writing, within ten (10) days of notice, that an objection is expressed, and that a Public Hearing is requested, such a hearing shall be held by the Board of Adjustment to determine the validity of the objection.

   The Public Hearing shall be scheduled, notice given, and conducted as required in Section 17.

D. A performance bond in the amount of five thousand (5,000.00) dollars shall be filed with the Office of County Auditor, upon which funds can be drawn to accomplish restoration of the area affected should the applicant fail to do so at the expiration of the permit.

E. Should processes of law become necessary to remove the permit holder or his possessions from the property, all costs and expenses shall be borne by the permit holder or his surety.

This Amendment shall become effective, when passed and published, as provided by law.

Passed and adopted this 4TH day of APRIL, 19 75.

Attest: _____
County Auditor
Kurt L. Johnson

_____
Chairman, Board of Supervisors
Dale F. Lindner

R E S O L U T I O N

WHEREAS, an application for rezoning a parcel of land located in the SW SE of Section 9-72-38 (Red Oak Twp.), Montgomery County, Iowa, from A-Agricultural to C-Commercial has been filed with the Zoning Administrator; and

WHEREAS, it is governed by the Plan & Zoning Commission to be in the public interest, that such zoning district change be made;

NOW, THEREFORE, BE IT RESOLVED that the following information to be known hereafter as Amendment No. 16 to the Montgomery County Zoning Ordinance, dated April 30, 1968, be made a part of the said Zoning Ordinance and the Zoning District Boundaries be changed accordingly.

Amendment No. 16

Change the following described lands from A-Agricultural to C-Commercial to wit:

Lot 1 of the SW SE of Section 9-72-38 (Red Oak Twp.).

This Amendment shall become effective when passed and published as provided by law.

Passed and adopted this 6th day of May, 1975.

SEAL

Attest

Kurt L. Johnson - County Auditor

Dale F. Lindner - Chairman, Board of Supervisors

COUNTY

FILE NO. 3576
BOOK 119 PAGE 335
1975 JUNE 17 PM 1:58
PAT ENGLAND
RECORDER
MONTGOMERY CO. IOWA
no fee

R E S O L U T I O N

WHEREAS, an application for rezoning a parcel of land located in the SE SE of Section 31-73-38 (Sherman Twp.), Montgomery County, Iowa, from "A" Agricultural to "C" Commercial has been filed with the Zoning Administrator; and

WHEREAS, it is governed by the Plan & Zoning Commission to be in the public interest, that such zoning district change be made;

NOW, THEREFORE, BE IT RESOLVED that the following information to be known hereafter as Amendment No. 17 to the Montgomery County Zoning Ordinance, dated April 30, 1968, be made a part of the said Zoning Ordinance and the Zoning District Boundaries be changed accordingly.

Amendment No. 17

Change the following described lands from "A" Agricultural to "C" Commercial to wit:

Lot 1 of the SE SE of Section 31-73-38 (Sherman Twp.).

This Amendment shall become effective when passed and published as provided by law.

SEAL OF IOWA

Passed and adopted this 18th day of July, 1975.

Attest _____
Kurt L. Johnson, County Auditor

_____
Dale F. Lindner, Chairman, Board of Supervisors

FILE NO. 383
BOOK 120 PAGE 61
1975 AUG. 28 AM 9:49
PAT ENGLAND
RECORDER
MONTGOMERY CO. IOWA
no fee

RESOLUTION

WHEREAS, an application for rezoning a parcel of land located in the SW Corner of the NW¼ of Section 34-73-36 (Douglas Township), Montgomery County, Iowa, from "C" Commercial to "M" Industrial has been filed with the zoning administrator; and,

WHEREAS, it is determined by the Plan & Zoning Commission to be in the public interest, that such zoning district change be made;

NOW, THEREFORE, BE IT RESOLVED that the following information to be known hereafter as Amendment No. 18 to the Montgomery County Zoning Ordinance, dated April 30, 1968, be made a part of the said Zoning Ordinance and the Zoning District boundaries be changed accordingly.

Amendment No. 18

Change the following described lands from "C" Commercial to "M" Industrial to wit:

An approximate 4.0 acre square tract of land located in the SW Corner of the NW¼ of Section 34-73-36 (Douglas Township).

This amendment shall become effective when passed and published as provided by law.

PASSED AND ADOPTED this 27th day of August, 1976.

Attest: _____
Kurt L. Johnson, County Auditor

_____
Paul Cooper, Chairman Board of Supervisors

171 1980 800

No Fee

RESOLUTION

WHEREAS, an application for rezoning a parcel of land located in the SE Corner of that part of the NWSE of Section 23-72-38, lying East of US Highway 34 (Red Oak Township), Montgomery County, Iowa, from "A" Agricultural to "M" Industrial, has been filed with the Zoning Administrator; and,

WHEREAS, it is determined by the Plan & Zoning Commission to be in the public interest, that such zoning district change be made;

NOW, THEREFORE, BE IT RESOLVED that the following information to be known hereafter as Amendment No. 19 to the Montgomery County Zoning Ordinance, dated April 30, 1968, be made a part of the said Zoning Ordinance, and the Zoning District boundaries be changed accordingly.

Amendment No. 19

Change the following described lands from "A" Agricultural to "M" Industrial to wit:

A two (2) acre tract of land, located in the SE Corner of that part of the NWSE of Section 23-72-38, lying East of US Highway 34.

This amendment shall become effective when passed and published as provided by law.

PASSED AND ADOPTED THIS 25th day of January, 1977.

ATTEST:

Kurt L. Johnson, County Auditor

Thomas, Chairman - Board of Supervisors

171 1981 801

No Fee

Book 131 page 188

RESOLUTION

WHEREAS, an application for rezoning a parcel of land located in the W½ of the NW¼ of Section 20-72-38 (Red Oak Township), Montgomery County, Iowa, from "M" Industrial to "R" Residential, has been filed with the Zoning Administrator; and,

WHEREAS, it is determined by the Plan & Zoning Commission to be in the public interest, that such zoning district change be made;

NOW, THEREFORE, BE IT RESOLVED that the following information to be known hereafter as Amendment No. 20 to the Montgomery County Zoning Ordinance, dated April 30, 1968, be made a part of the said Zoning Ordinance, and the Zoning District boundaries be changed accordingly.

Amendment No. 20

Change the following described lands from "M' Industrial to "R" Residential to wit:

That part of the W½ of the NW¼ of Section 20-72-38, lying North of US Highway 34.

This amendment shall become effective when passed and published as provided by law.

PASSED AND ADOPTED THIS 30th day of May, 1978.

ATTEST: Kurt L. Johnson

Kurt L. Johnson, County Auditor

Dale Lindner

Dale Lindner, Chairman - Board of Supervisors

SEAL OF MONTGOMERY COUNTY IOWA

FILE NO. 882
BOOK 140 PAGE 386
1980 DEC 12 PM 2:37
PAT ENGLAND
RECORDER
MONTGOMERY CO. IOWA

RESOLUTION

WHEREAS, an application for rezoning a parcel of land located in the NESW of Section 29-72-38, Red Oak Township, Montgomery County, Iowa, from "R" Residential to "M" Industrial, has been filed with the Zoning Administrator; and,

WHEREAS, it is determined by the Board of Supervisors of Montgomery County, to be in the public interest, that such zoning district change be made;

NOW, THEREFORE, BE IT RESOLVED that the following information to be known hereafter as Amendment No. 21 to the Montgomery County Zoning Ordinance, dated April 30, 1968, be made a part of the said Zoning Ordinance, and the Zoning District boundaries be changed accordingly.

Amendment No. 21

Change the following described lands from "R" Residential to "M" Industrial to wit:

The South 3.5 acres of Sub Lot 3 of Lot 1 and Sub Lot 2 of Sub Lot 2 of Lot 1, all in the NESW of Section 29-72-38, Red Oak Township.

This amendment shall become effective when passed and published as provided by law.

Passed and Adopted this 12 day of December, 1980.

Bert Thomas

Bert Thomas, Chairman - Board of Supervisors

ATTEST:

Kurt L. Johnson, County Auditor

BOOK 177 PAGE 279
1982 JUL 13 AM 11:46
PAT ENGLAND
RECORDER
MONTGOMERY CO. IOWA
No Fee

RESOLUTION

WHEREAS, an application for rezoning a parcel of land located in the SESWNE of Section 32 T72N R38W, Red Oak Township, Montgomery County, Iowa, from "M" Industrial to "R" Residential, has been filed with the Zoning Administrator, and,

WHEREAS, it is determined by the Board of Supervisors of Montgomery County, to be in the public interest that such zoning district change be made,

NOW, THEREFORE BE IT RESOLVED, that the following information, to be known hereafter as Amendment No. 22 to the Montgomery County Zoning Ordinance, dated April 30, 1968, be made a part of the said Zoning Ordinance, and the Zoning District boundaries be changed accordingly.

Amendment No. 22

Change the following described lands from "M" Industrial to "R" Residential to wit:

The SESWNE of Section 32, T72N, R38W, Red Oak Township, Montgomery County, Iowa.

This amendment shall become effective when passed and published as provided by law.

Passed and adopted this 28th day of May, 1982.

David R. England
Chairman, Board of Supervisors

Donna Mae Smith
ATTEST

Donna Mae Smith
County Auditor

SEAL OF MONTGOMERY COUNTY IOWA

BOOK 144 PAGE 612
1982 JULY 28 AM 10:56
PAT ENGLAND
RECORDER
MONTGOMERY CO., IOWA
no Fee

RESOLUTION

WHEREAS, an application for rezoning a parcel of land located in the E½ of Section 9-72-37, Frankfort Township, Montgomery County, Iowa, from "A" Agriculture to "C" Commercial, has been filed with the Zoning Administrator, and,

WHEREAS: it is determined by the Board of Supervisors of Montgomery County, to be in the public interest that such zoning district change be made,

NOW, THEREFORE BE IT RESOLVED, that the following information, to be known hereafter as Amendment No. 23 to the Montgomery County Zoning Ordinance, dated April 30, 1968 be made a part of the said Zoning Ordinance and the Zoning district boundaries be changed accordingly.

Amendment No. 23

Change the following described lands from "A" Agricultural to "C" Commercial to wit:

Lot 1 of the SENE of Section 9-72-37 and Lot 1 of the NESE of Section 9-72-37. A tract of 5.47 acres, more or less.

This Amendment shall become effective when passed and published as provided by law.

Passed and adopted by this 18th day of June, 1982.

David R. England
Chairman, Board of Supervisors

Donna Mae Smith
Attest: Donna Mae Smith
County Auditor

MONTGOMERY COUNTY SEAL OF IOWA

FILE NO. 2260
BOOK 150 PAGE 197
1984 APR 30 PM 4:50
PAT ENGLAND
RECORDER
MONTGOMERY CO. IOWA
$ No. Fee

RESOLUTION

WHEREAS, an application for rezoning a parcel of land located in the SWNE Section 5-71-38, Grant Township, Montgomery County, Iowa, from "A" Agricultural to "M" Industrial, has been filed with the Zoning Administrator, and

WHEREAS: it is determined by the Board of Supervisors of Montgomery County, to be in the public interest that such zoning district change be made,

NOW, THEREFORE BE IT RESOLVED, that the following information, to be known hereafter as Amendment No. 24 to the Montgomery County Zoning Ordinance, dated April 30, 1968 be made a part of the said Zoning Ordinance and Zoning district boundaries be changed accordingly.

Amendment No. 24

Change the following described lands from "A" Agricultural to "M" Industrial to wit:

Beginning approximately 250' East of the NW Corner of the SWNE of 5-71-38, Grant Township, then South to the road right of way, then Southeasterly along the right of way 350', then North to the North Line of the SWNE, then West 340', containing approximately 3.3 acres.

This Amendment shall become effective when passed and published as provided by law.

Passed and adopted by this 13th day of March, 1984.

Chairman, Board of Supervisors

Attest: Donna Mae Smith
County Auditor

R E S O L U T I O N

WHEREAS, an application for rezoning a parcel of land located in the SW of Section 10-72-39, Garfield Twp, Montgomery County, Iowa, from "Agricultural" to "C" Commercial, has been filed with the Zoning Administrator, and

WHEREAS, it is determined by the Board of Supervisors of Montgomery County, to be in the public interest that such zoning district change be made,

NOW, THEREFORE BE IT RESOLVED, that the following information, to be known hereafter as Amendment No. 25 to the Montgomery County Zoning Ordinance dated April 30, 1968 be made a part of the said Zoning Ordinance and zoning district boundaries be changed accordingly.

Amendment No. 25

Change the following described lands from "A" Agricultural to "C" Commercial to wit:

The SW 5 square acres of the SWSW of Section 10-72-39, Garfield Twp.

This amendment shall become effective when passed and published as provided by law.

Passed and Adopted this 2nd day of April, 1985.

Leland L. Carmichael

Leland L. Carmichael
Chairman, Board of Supervisors

Donna Mae Smith

Attest: Donna Mae Smith
County Auditor

SEAL OF MONTGOMERY COUNTY IOWA

No Fee

FILE NO. 1869
BOOK 154 PAGE 219

1985 APR 26 PM 4:46

FILED AND
RECORDED
MONTGOMERY CO., IOWA

Amendment #26

ORDINANCE NO. 282

AIRPORT TALL STRUCTURE ZONING AMENDMENT

A ZONING ORDINANCE AMENDMENT REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH IN THE VICINITY OF THE RED OAK MUNICIPAL AIRPORT BY CREATING THE APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF: DEFINING CERTAIN TERMS USED HEREIN: REFERRING TO THE RED OAK MUNICIPAL AIRPORT HEIGHT ZONING MAP WHICH IS INCORPORATED IN AND MADE A PART OF THIS AMENDMENT: PROVIDING FOR ENFORCEMENT: AND IMPOSING PENALTIES. .

This Amendment is adopted pursuant to the authority conferred on the City of Red Oak and the Montgomery County Board of Supervisors by Iowa Statutes, Section 329. It is hereby found that an airport hazard endangers the lives and property of users of the Red Oak Municipal Airport, and property of users of the Red Oak Municipal Airport, and property or occupants of land in its vicinity.

ACCORDINGLY, IT IS DECLARED:

1) That the creation or establishment of an airport hazard is a public nuisance and an injury to the County served by the Red Oak Municipal Airport.

2) That it is necessary in the interest of the public health, public safety, and general welfare that creation of airport hazards be prevented; and

3) That this should be accomplished, to the extent legally possible, by proper exercise of the police power; and

4) That the prevention of the creation or establishment of airport hazards, and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which the City of Red Oak and Montgomery County may raise and expend public funds, as an incident to the operation of airports, to acquire land or property interests therein.

IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF RED OAK AND RESOLVED BY THE MONTGOMERY COUNTY BOARD OF SUPERVISORS AS FOLLOWS:

#26

SECTION I: SHORT TITLE

This Amendment shall be known and may be cited as "The Red Oak Municipal Airport Height Zoning Ordinance" or "Amendment No. 26 of the Montgomery County Zoning Ordinance".

SECTION II: DEFINITIONS

As used in this Amendment, unless the context otherwise requires:

1) AIRPORT - The Red Oak Municipal Airport

2) AIRPORT ELEVATION - The highest point of an airport's usable landing area measured in feet above mean sea level, which elevation is established to be 1,042 feet.

3) AIRPORT HAZARD - Any structure or tree or use of land which would exceed the federal obstruction standards as contained in fourteen code of federal regulations sections seventy-seven point twenty-one (77.21) and seventy-seven point twenty-three (77.23) and seventy-seven point twenty-five (77.25) as revised March 4, 1972, and which obstruct the airspace required for the flight of aircraft and landing or takeoff at an airport or is otherwise hazardous to such landing or taking off of aircraft.

4) AIRPORT PRIMARY SURFACE - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface of the runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

5) AIRSPACE HEIGHT - For the purpose of determining the height limits in all zones set forth in this ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

6) CONTROL ZONE - Airspace extending upward from the surface of the earth which may include one or more airports and is normally a circular area of 5 statute miles in radius, with extensions where necessary to include instrument approach and departure paths.

#24

7) INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing air navigation facilities or area type navigation equipment, for which an instrument approach procedure has been approved or planned.

8) MINIMUM DESCENT ALTITUDE - The lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.

9) MINIMUM ENROUTE ALTITUDE - The altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance between those fixes.

10) MINIMUM OBSTRUCTION CLEARANCE ALTITUDE - The specified altitude in effect between radio fixes on VOR airways, off-airway routes, or route segments which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within 22 miles of a VOR.

11) RUNWAY - A defined area on an airport prepared for landing and take-off of aircraft along its length.

12) VISUAL RUNWAY - A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a FAA approved airport layout plan, a military services approved military airport layout plan, or any planning document submitted to the FAA by competent authority.

SECTION III: AIRPORT ZONES AND AIRSPACE HEIGHT LIMITATIONS

In order to carry out the provisions of this Section, there are hereby created and established certain zones which are depicted on the Red Oak Municipal Airport Height Zoning Map. A structure located in more than one (1) zone of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

#26

1. Airport Height Zones

A. Horizontal Zone - The land lying under a horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by:

Swinging arcs of 5,000 feet radii from the center of each end of the primary surface of runways 17, 35, 5 and 23 and connecting the adjacent arcs by lines tangent to those arcs.

No structure shall exceed 150 feet above the established airport elevation in the horizontal zone, as depicted on the Red Oak Municipal Airport Height Zoning Map.

B. Conical Zone - The land lying under a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet. No structure shall penetrate the conical surface in the conical zone, as depicted on the Red Oak Municipal Airport Height Zoning Map.

C. Approach Zone - The land lying under a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. (NOTE: An approach surface is applied to each end of the runway based upon the type of approach available or planned for that runway end.)

1) The inner edge of the Approach Surface is 500 feet wide for Runways 17, 35, 5 and 23.

2) The outer edge of the approach zone is:

a) 1,250 feet for Runway 35.

b) 2,000 feet for Runways 17, 5 and 23.

3) The Approach Zone extends for a horizontal distance of 5,000 feet at a slope of 20 to 1 for Runways 17, 35, 5 and 23.

No structure shall exceed the approach surface to any runway, as depicted on the Red Oak Municipal Airport Height Zoning Map.

D. Transitional Zone - The land lying under those surfaces extending outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the Approach Surfaces.

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No structure shall exceed the Transitional Surface, as depicted on the Red Oak Municipal Airport Height Zoning Map.

E. No structure shall be erected in Montgomery County that raises the published Minimum Descent Altitude or Decision Height for an instrument approach to any runway, nor shall any structure be erected that causes the Minimum Obstruction Clearance Altitude or Minimum Enroute Altitude to be increased on any Federal Airway in Montgomery County.

SECTION IV: USE RESTRICTIONS

Notwithstanding any other provisions of this ordinance, no use may be made of land or water within the City of Red Oak or Montgomery County in such a manner as to interfere with the operation of any airborne aircraft. The following special requirements shall apply to each permitted use.

A. All lights or illumination used in conjunction with street, parking signs or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from the Red Oak Municipal Airport or in the vicinity thereof.

B. No operations from any use shall produce smoke, glare or other visual hazards within three (3) statute miles of any usable runway of the Red Oak Municipal Airport.

C. No operations from any use in the City of Red Oak or Montgomery County shall produce electronic interference with navigation signals or radio communications between the airport and aircraft.

SECTION V: LIGHTING

A. Notwithstanding the provisions of Section IV, the owner of any structure over 200 feet above ground level must install on the structure lighting in accordance with Federal Aviation Administration (FAA), Advisory Circular 70-7460-1D and amendments. Additionally, any structure, constructed after the effective date of this Ordinance and exceeding 949 feet above ground level, must install on that structure high intensity white obstruction lights in accordance withe Chapter 6 of FAA Advisory Circular 7460-1D and amendments.

B. Any permit or variance granted may be so conditioned as to require the owner of the structure or growth in question to permit the City of Red Oak and Montgomery County at its own expense to install, operate and maintain thereto such markers or lights as may be necessary to indicate to pilots the presence of an airspace hazard.

SECTION VI: VARIANCES

Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use his property in violation of any section of this Amendment, may apply to the Board of Adjustment for a variance from such regulations. No application for variance to the requirements of this Amendment may be considered by the Board of Adjustment unless a copy of the application has been submitted to the Red Oak Municipal Airport Commission or the Director of Aeronautics for his opinion as to the aeronautical effects of such a variance. If the Red Oak Airport Commission or the Director of Aeronautics does not respond to the Board of Adjustment within fifteen (15) days from receipt of the copy of the application, the Board may act on its own to grant or deny the variance.

SECTION VII: ADMINISTRATIVE AGENCY

It shall be the duty of the County Zoning Administrator to administer the regulations prescribed herein. Applications for permits and variances shall be made to the County Zoning Administrator upon a form furnished by him. Applications required by this Amendment to be submitted to the Administrative Agency shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted by the County Zoning Administrator.

SECTION VIII: PENALTIES

Each violation of this Amendment or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor, and be punishable by a fine of not more than five hundred dollars ($500.00) or imprisonment for not more than one year or both; and each day of violation continues to exist shall constitute a separate offense.

SECTION IX: CONFLICTING REGULATIONS

Where there exists a conflict between any of the regulations or limitations prescribed in this Amendment and any other

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regulations applicable to the same area, whether the conflict be with respect to height of structures, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

SECTION X: SEVERABILITY

If any provisions of this Amendment or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Amendment are declared to be severable.

SECTION XI: EFFECTIVE DATE

WHEREAS, the immediate operation of the provisions of this Amendment is necessary for the preservation of the public health, public safety, and general welfare, and an EMERGENCY is hereby declared to exist, and this Amendment shall be in full force and effect from and after its passage by THE MONTGOMERY COUNTY BOARD OF SUPERVISORS and the CITY COUNCIL OF THE CITY OF RED OAK, and publication and posting as required by law.

Adopted by the Montgomery County Board of Supervisors on this 17th day of December, 1985.

MONTGOMERY COUNTY BOARD OF SUPERVISORS

by Leland Carmichael
Leland Carmichael, Chairman

ATTEST:

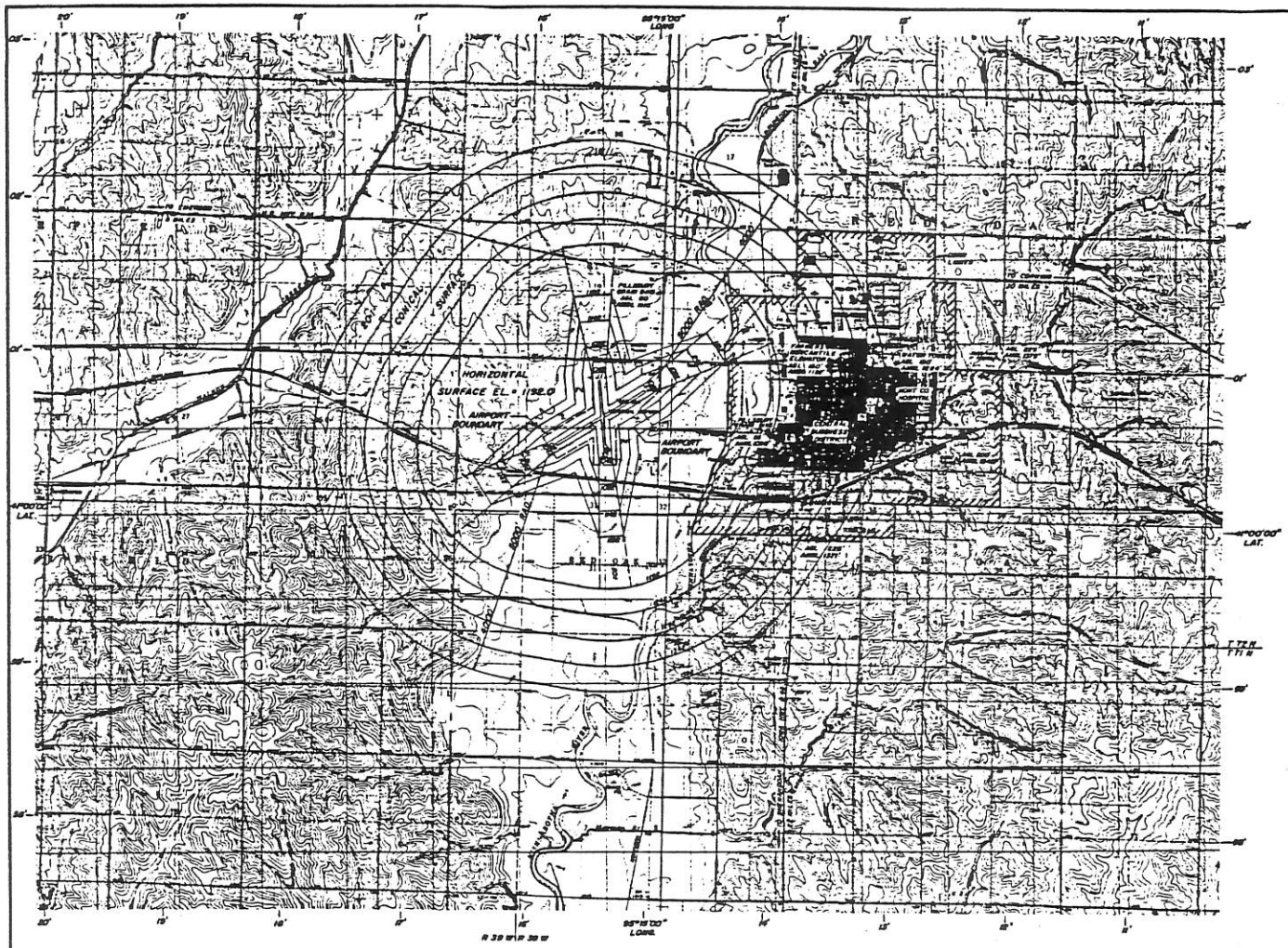
Donna Mae Smith
Donna Mae Smith,
County Auditor

CITY OF RED OAK, IOWA

by Ray Gustafson
Ray Gustafson, Mayor

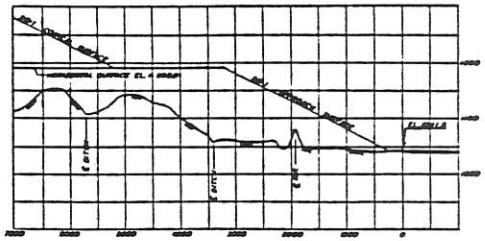
ATTEST:

Ronald A. Crisp
Ronald A. Crisp,
City Clerk

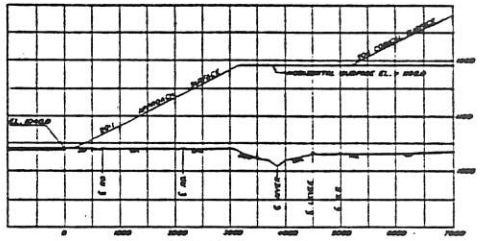


RUNWAY END PROFILES

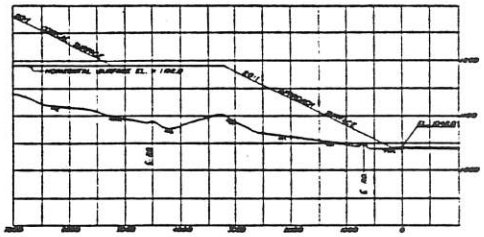
SCALE 1" = 1000' HORIZ. & 1" = 100' VERT.



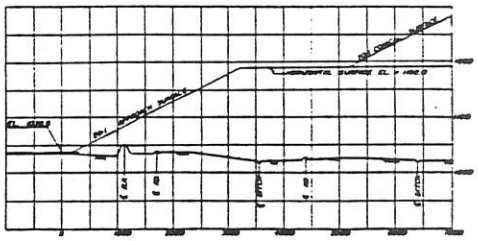
℄ SOUTHWEST APPROACH - R/W 08



℄ NORTHEAST APPROACH - R/W 26



℄ NORTH APPROACH - R/W 17



℄ SOUTH APPROACH - R/W 35

NO.	REVISIONS	BY	APP.	DATE

H. GENE McKEOWN & ASSOC.

DRAWN BY	DATE	APPROVED BY	DATE

RED OAK AIRPORT COMMISSION

RED OAK MUNICIPAL AIRPORT

RED OAK, IOWA

AIRPORT AIRSPACE DRAWING

SHEET 3 OF 10

#26

No Fee

FILE NO. 311
BOOK 159 PAGE 137

1986 AUG 15 AM 10:53

FILED FOR
RECORD
MONTGOMERY CO., IOWA

R E S O L U T I O N

WHEREAS, an application for rezoning a parcel of land located in the N 1/2 of the NW 1/4 of Section 24-72-39, Garfield Twp, Montgomery County, Iowa, from "A" Agricultural, to "C" Commercial, has been filed with the Zoning Administrator, and

WHEREAS, it is determined by the Board of Supervisors of Montgomery County, to be in the public interest that such zoning district change be made,

NOW, THEREFORE BE IT RESOLVED, that the following information, to be known hereafter as Amendment No. 27 to the Montgomery County Zoning Ordinance dated April 30, 1968, be made a part of the said Zoning Ordinance and zoning district boundaries be changed accordingly.

AMENDMENT NO. 27

Change the following described lands from "A" Agricultural to "C" Commercial to wit:

That portion of the N 1/2 of the NW 1/4 of Section 24-72-39, Garfield Twp, Montgomery County, lying North of U S Highway No 34.

This amendment shall become effective when passed and published as provided by law.

Passed and Adopted this 18th day of July, 1986.

for Donald McCrory
Chairman, Board of Supervisors

Attest : Donna Mae Smith
County Auditor

SEAL

No Fee

FILE NO. 1968
BOOK 171 PAGE 190

89 APR 21 PM 2:40

RESOLUTION

WHEREAS, an application for rezoning a parcel of land located in the west 750 feet of the south 500 feet of E 1/2 of the SE 1/4 of Section 15, Lincoln Township, Montgomery County, Iowa from "A" Agricultural to "C" Commercial, has been filed with the Zoning Administrator; and,

WHEREAS, it is determined by the Plan & Zoning Commission to be in the public interest, that such zoning district change be made;

NOW, THEREFORE, BE IT RESOLVED that the following information to be known hereafter as Amendment No. 27 to the Montgomery County Zoning Ordinance, dated April 30, 1968, be made a part of the said Zoning Ordinance, and the Zoning District boundaries be changed accordingly.

Amendment No. 27

Change the following described lands from "A" Agricultural to "C" Commercial to wit:

The west 750 feet of the south 500 feet of the E 1/2 of the SE 1/4 of Section 15-73-39, Lincoln Township.

This amendment shall become effective when passed and published as provided by law.

MONTGOMERY COUNTY IOWA

PASSED AND ACCEPTED THIS 23 DAY OF September, 1988.

ATTEST: Donna Mae Smith
Donna Mae Smith, County Auditor

Glen Carlson
Glen Carlson, Chairman - Board of Supervisors

No Fee

FILE NO. 1967
BOOK 171 PAGE 788

89 APR 21 PM 2:32

RESOLUTION

WHEREAS, an application for rezoning a parcel of land located in the SW 1/4 SW 1/4, except the west approximately 836', and the SE 1/4 SW 1/4 all in section 16 of Red Oak Township, Montgomery County, Iowa from "A" Agricultural to "I" Industrial has been filed with the Zoning Administrator; and,

WHEREAS, it is determined by the Plan & Zoning Commission to be in the public interest, that such zoning district change be made;

NOW, THEREFORE, BE IT RESOLVED that the following information to be known hereafter as Amendment No. 28 to the Montgomery County Zoning Ordinance, dated April 30, 1968, be made a part of the said Zoning Ordinance, and the Zoning Ordinance, and the Zoning District boundaries be changed accordingly.

Amendment No. 28

Change the following described lands from "A" Agricultural to "I" Industrial to wit:

The Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section No. 16 in Township No. 72 North, Range No. 38 West of the 5th P.M., Montgomery County, Iowa; and the SE 1/4 SW 1/4 of Section 16, T-72N, R-38W, Montgomery County, Iowa; and the SW 1/4 SW 1/4 of Section 16, T-72N, R-38W, excepting therefrom a parcel of land located in the SW 1/4 SW 1/4 of Section 16, T-72N, R-38W, Montgomery County, Iowa, described as follows: Beginning at the southwest corner of said SW 1/4 SW 1/4 16-72-38; thence north 1317.4 feet along the west line of said SW 1/4 SW 1/4 16-72-38; thence South 88 54' E 475.3 feet along the north line of said SW 1/4 SW 1/4 16-72-38; thence S 1 46' W 1319.5 feet to a point on the south line of said SW 1/4 SW 1/4 16-72-38: thence north 88 38' west 434.9 feet along the south line of said SW 1/4 SW 1/4 16-72-38 to the point of beginning. Said parcel containing 13.77 acres more or less including highway right of way on the west and county road right of way on the south; also excepting therefrom the following described real property; Beginning at the Southwest corner of said SW 1/4 SW 1/4 16-72-38; thence south 88 38' East 434.9 feet along the south line of the SW 1/4 SW 1/4 16-72-38 to the point of beginning; thence continuing south 88 38' East 397.2 feet along the south line of the SW 1/4 SW 1/4;

thence North 1321.5 feet; thence North 88 54′ West 356.8 feet; thence south 1 46′ West 1319.5 feet to the point of beginning. Said parcel containing 11.43 acres more or less including county right of way on the South. And also excepting therefrom all land located in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section No. 16 in Township No. 72 North, Range No. 38, West of the 5th P.M., Montgomery County, Iowa.

This amendment shall become effective when passed and published as provided by law.

PASSED AND ACCEPTED THIS 20TH DAY OF APRIL, 1989

ATTEST: Carol A. Magneson, Deputy
Donna Mae Smith, County Auditor

Jack Bell
Jack Bell, Chairman
Board of Supervisors

SEAL OF MONTGOMERY COUNTY IOWA

FILE NO. 247
BOOK 173 PAGE 204

89 AUG 15 AM 10:02

RESOLUTION

WHEREAS: an application for rezoning a parcel of land located in the NW 1/4 of Section 20, T-72N, R-38W, Red Oak Township, Montgomery County, Iowa, from "R" Residential to "C" Commercial, has been filed with the Zoning Administrator, and

No Fee

WHEREAS: it has been determined by this Plan & Zoning Commission to be in the Public's interest to make this zoning change for that portion of the lands requested by this petition and lying in the West 1/2 of the NW 1/4 of said section,

NOW, THEREFORE, BE IT RESOLVED that the following information be hereafter known as Amendment No. 29 to the Montgomery County Zoning Ordinance, and that the Zoning District boundaries be changed accordingly.

Amendment # 29

Change the following described lands from "R" Residential, to "C" Commercial, to wit:

All of that portion of the west 1/2 of the NW 1/4 of Section 20, T-72N, R-38 west of the 5th P.M., lying north of the north right of way line of the relocated Highway 34, EXCEPTING LOTS 1, 5 and the north approximately 194 feet of Lot 6. ALSO EXCEPTING a tract adjoining Lot 1 on the south, and Lots 2 and 3 on the west, being 395 feet east and west and 370 feet north and south.

This amendment shall become effective when passed and published as provided by law.

Passed and accepted this 15th day of August, 1989.

Jack Bell
BOARD OF SUPERVISORS
JACK BELL, CHAIRMAN

ATTEST Donna Mae Smith
DONNA MAE SMITH, AUDITOR
By Carrie A. Magneson, deputy

RESOLUTION

WHEREAS: An application to change certain land from the "A" Agricultural district to "R" Residential district has been filed with the Montgomery County Zoning Commission.

AND WHEREAS: It has been determined by the Zoning Commission to be in the public's interest to allow this request.

NOW THEREFORE, BE IT RESOLVED: That the following be hereafter known as amendment Number 30 to the Montgomery County Zoning Ordinance, and that the district boundaries be changed accordingly.

AMENDMENT #30

Change the following described lands from "A" Agricultural to "R" Residential, to wit: A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 72 NORTH, RANGE 38 WEST OF THE 5TH P.M., MONTGOMERY COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE NW 1/4, NW 1/4 OF SEC 26-72-38; THENCE N0°00'00"E ALONG THE WEST LINE OF THE NW 1/4, NW 1/4 OF SEC 26-72-38 A DISTANCE OF 136.00 FEET TO THE POINT OF BEGINNING; THENCE N0°00'00"E ALONG THE WEST LINE OF THE NW 1/4, NW 1/4 OF SEC 26-72-38 A DISTANCE OF 128.00 FEET; THENCE N90°00'00"E A DISTANCE OF 97.73 FEET; THENCE N79°36'40"E A DISTANCE OF 183.00 FEET; THENCE N90°00'00"E A DISTANCE OF 242.27 FEET; THENCE N89°36'37"E A DISTANCE OF 441.12 FEET, THENCE S0°00'00"W A DISTANCE OF 108.00 FEET; THENCE S32°13'55" A DISTANCE OF 168.59 FEET; THENCE S89°36'37"W A DISTANCE OF 142.00 FEET; THENCE N89°14'58"W A DISTANCE OF 100.51 FEET; THENCE N75°55'15"W A DISTANCE OF 112.06 FEET; THENCE N0°00'00"E A DISTANCE OF 20.00 FEET; THENCE S90°00'00"W A DISTANCE OF 200.00 FEET; THENCE N79°37'27"W A DISTANCE OF 216.54 FEET; THENCE S90°00'00"W A DISTANCE OF 107.00 FEET TO THE POINT OF BEGINNING. CONTAINING 4.40 ACRES INCLUDING COUNTY ROAD RIGHT OF WAY ALONG THE WEST SIDE.

This amendment shall become effective when passed and published as required by law.

Passed and accepted this 11th day of February, 1992.

Melvin G. Berlin
Board of Supervisors
Montgomery County, Iowa

Donna Mae Smith
ATTEST: Donna Mae Smith
Montgomery County Auditor

Auditor 1 original
Engineer 1 original

92697/COUNTY\RESOL3 (Pg 10)

RESOLUTION-94-69-9

WHEREAS: An application to rezone a parcel of land located in Lot 2 in the S1/2, SE1/4,NE1/4, and also the SW1/4,SW1/4, NE1/4 of Section 32-T72N-R38W, Red Oak Township, Montgomery County, Iowa from "M" Industrial to "R" Residential has been filed with the Zoning Administration.

AND WHEREAS: The Montgomery County Zoning Commission held the required public hearing on May 17, 1994, following which they approved this change and recommended that the Board of Supervisors make the requested amendment.

BE IT THEREBY RESOLVED: That the following information be hereafter known as Amendment No. 30 to the Montgomery County Zoning Ordinance and that the Zoning District boundaries be changed accordingly.

Amendment No. 30

Change the following described lands from "M", Industrial to "R", Residential, to wit:

Lot 2 in the S1/2,SE1/4,Ne1/4, and also the SW1/4,Sw1/4,Ne1/4 of Section 32-T72N-R38W, Red Oak Township, Montgomery County, Iowa

This amendment shall become effective when passed and published as required by law.

PASSED AND ADOPTED this 9th day of June, 1994

Bernard Palmquist

Bernard Palmquist, Chair
Montgomery County Board of Supervisors

Attest: Donna Mae Smith
Donna Mae Smith, Auditor

94311\county\resol5(20)

#30 A

RESOLUTION APPROVING PLAT
OF
LEONARD SUBDIVISION
IN MONTGOMERY COUNTY, IOWA

WHEREAS, a proposed final plat of Leonard Subdivision in Montgomery County, Iowa, been presented to the Board of Supervisors of Montgomery County, Iowa, and

WHEREAS, said Plat is accompanied by the Dedication of the Proprietors, and

WHEREAS, the Plat appears to be in good and proper form and that such subdivison, as platted, would be in the best interests of Montgomery County if the same were approved by this Board, and

WHEREAS, the Board of Supervisors of Montgomery County, Iowa, does approve of said Plat of Leonard Subdivision in the County of Montgomery, Iowa,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF Montgomery County, Iowa, that the Plat of Leonard Subdivision in Montgomery County, Iowa, as presented, is hereby approved in its entirety and that the Chairman and Supervisors of the County of :gomery are hereby directed to certify to this Resolution, which shall be affixed to said Plat.

With all members of the Board of Supervisors voting in favor thereof, this Resolution is duly adopted on this 1 day of Sept, 1994.

Bernard Palmquist
Board of Supervisors
Montgomery County, Iowa

Avery Boose

Duraine Long

Legal Description:
A parcel of land located in part of the SW1/4 NE1/4 of Section 32, Township 72 North, Range 38 West of the 5th Principal Meridian, Montgomery County, Iowa, being more fully described as follows:
Commencing at the Southeast Corner of said SW1/4 NE1/4 and the Point of Beginning; thence N90°00'00"W along the South line of said SW1/4 NE1/4 a distance of 1326.52 feet to the Southwest Corner of said SW1/4 NE1/4; thence N00°37'00"W along the West line of said SW1/4 NE1/4 a distance of 365.01 feet; thence N90°00'00"E a distance of 1327.27 feet to the East line of said SW1/4 NE1/4; thence S00°29'56"E along said East line a distance of 365.00 feet to the Point of Beginning. Said parcel contains 11.12 acres, more or less, including presently established County road right-of-way (1.00 acres).
Note: The South line of the SW1/4 NE1/4 of said Section 32 is assumed to bear N90°00'00"W for this description.

RESOLUTION-94-69-77

WHEREAS; An application to rezone a parcel of land located in the NW corner of NE1/4, NE1/4 of Section 07-T71N-R36W, East Township, Montgomery County, Iowa from "A" Agricultural to "C" Commercial has been filed with the Zoning Administration.

AND WHEREAS: The Montgomery County Zoning Commission held the required public hearing on October 12, 1994, following which they approved this change and recommended that the Board of Supervisors make the requested amendment.

BE IT THEREBY RESOLVED: That the following information be hereafter known as Amendment 31 to the Montgomery County Zoning Ordinance and that the Zoning District boundaries be changed accordingly.

Amendment No. 31

Change the following described lands from "A", Agricultural to "C", Commercial, to wit:

Lots 37, 38, 39, 50, 51, 52 in the NW Corner of NE1/4, NE1/4, of Section 07-T71N-R36W, East Township, Montgomery County, Iowa.

This amendment shall become effective when passed and published as required by law.

PASSED AND ADOPTED this 18th day of October, 1994

Bernard Palmquist

Bernard Palmquist, Chair
Montgomery County Board of Supervisors

Attest: Donna Mae Smith

Donna Mae Smith, Auditor

94401\zoning\wise

RESOLUTION-96-69-4

WHEREAS: An application to rezone a parcel of land located on a portion of the SW1/4 NW1/4 of section 1, T-71N, R-38W, Grant Township, Montgomery County, Iowa from "A" Agricultural to "I" Industrial has been filed with the Zoning Administration.

AND WHEREAS: The Montgomery County Zoning Commission held the required public hearing on December 28, 1995, following which they approved this change conditionally and recommended that the Board of Supervisors make the requested amendment with the following stipulations.

1. Mike Brogan DBA Brogan's Wood Products, Manufacturing operating with a maximum of five employees.
2. Chemical runoff of zero.
3. Any change in operation or ownership shall constitute the zoning to revert back to Agricultural.

BE IT THEREBY RESOLVED: That the following information be hereafter known as Amendment #32C to the Montgomery County Zoning Ordinance and that the Zoning Districts be changed accordingly.

Amendment No. 32C

Change the following described lands from "A" Agricultural to "I" Industrial, to wit:

A part of the SW1/4 NW1/4 of Section 1, Township 71 North, Range 38 West of the 5th P.M., Montgomery County, Iowa, described as follows: Commencing at the Southwest corner of the NW1/4 of Section 1-71-38; thence North 0 degrees 0 minutes East along the West line of said NW1/4 379.34 feet to the point of beginning; thence continuing North 0 degrees 0 minutes East 238.18 feet; thence North 90 degrees 0 minutes East 365.77 feet; thence South 0 degrees 0 minutes West 238.18 feet; thence South 90 degrees 0 minutes West 365.77 feet to the point of beginning. The above described tract contains 2.00 acres, including county right of way.

This amendment shall become effective when passed and published as required by law.

PASSED AND ADOPTED this 30th day of January, 1996.

Leland L. Carmichael

Leland Carmichael, Chair
Montgomery County Board of Supervisors

Attest: Donna Mae Smith

Donna Mae Smith, Auditor

RESOLUTION-96-69-9

WHEREAS: An application to rezone a parcel of land located in the SW1/4,SW1/4 of Section 23-T72N-R-38W, Red Oak Twp., Montgomery County, Iowa from "A" Agricultural to "R" Residential has been filed with the Zoning Administrator.

AND WHEREAS: The Montgomery County Zoning Commission held the required public hearing on November 22, 1994 and November 28, 1994, following which they approved this change and recommended that the Board of Supervisors make the requested amendment.

BE IT THEREBY RESOLVED: That the following information be hereafter known as Amendment No. 33 to the Montgomery County Zoning Ordinance and that the Zoning District boundaries be changed accordingly.

Amendment No. 33

Change the following described lands from "A" Agricultural to "R" Residential, to wit:

SW1/4-SW1/4 of Section 23, T-72N, R-38W, Red Oak Twp., Montgomery County, Iowa. The above described tract contains 40 acres.

This amendment shall become effective when passed and published as required by law.

PASSED AND ADOPTED this 21st day of May, 1996.

Leland L. Carmichael

Leland Carmichael, Chairman
Montgomery County Board of Supervisors

Attest: Donna Mae Smith

Donna Mae Smith, Auditor

RESOLUTION-96-69-11

WHEREAS: An application to rezone a parcel of land located on a portion of the NW1/4SW1/4, Section 33, T-72N, R-38W of the 5th P.M., Montgomery County Iowa from "A" Agricultural to "R" Residential has been filed with the Zoning Administration.

AND WHEREAS: The Montgomery County Zoning Commission held the required public hearing on May 20, 1996, following which they approved this change and recommended that the Board of Supervisors make the requested amendment.

BE IT THEREBY RESOLVED: That the following information be hereafter known as Amendment #34 to the Montgomery County Zoning Ordinance and that the Zoning Districts be changed accordingly.

Amendment No. 34

Change the folowing described lands from "A" Agricultural to "R" Residential, to wit:

Lots 2-9

The South 851 feet of the NW1/4 of the SW1/4 and the North 10 acres of the SW1/4SW1/4, Section 33, T-72N, R-38W of the 5th P.M., Montgomery County, Iowa; containing 22.2 acres more or less.

This amendment shall become effective when passed and published as required by law.

PASSED AND ADOPTED this 13th day of June, 1996.

Leland Carmichael

Leland Carmichael, Chairman
Montgomery County Board of Supervisors

Attest: Donna Mae Smith

Donna Mae Smith, Auditor

compaq\zoning\lewissub(2)

RESOLUTION-96-69-

WHEREAS: An application to rezone a parcel of land located on a portion of the NW1/4SW1/4, Section 33, T-72N, R-38W of the 5th P.M., Montgomery County Iowa from "A" Agricultural to "C" Commercial has been filed with the Zoning Administration.

AND WHEREAS: The Montgomery County Zoning Commission held the required public hearing on May 20, 1996, following which they approved this change and recommended that the Board of Supervisors make the requested amendment.

BE IT THEREBY RESOLVED: That the following information be hereafter known as Amendment #35 to the Montgomery County Zoning Ordinance and that the Zoning Districts be changed accordingly.

Amendment No. 35

Change the following described lands from "A" Agricultural to "C" Commercial, to wit:

Lot 1:

The North 790 feet of the NW1/4 of the SW1/4, Section 33, T-72N, R-38W of the 5th P.M., Montgomery County, Iowa; containing approximately 22.8 acres more or less.

This amendment shall become effective when passed and published as required by law.

PASSED AND ADOPTED this 13th day of June, 1996.

Leland Carmichael, Chairman
Montgomery County Board of Supervisors

Attest: Donna Mae Smith
Donna Mae Smith, Auditor

AMENDMENT TO ZONING ORDINANCE

SECTION 4
DEFINITIONS

AMENDMENT 36

Farm:

An area of ~~ten (10)~~ **thirty-five (35)** acres or more which is used for the growing of the usual farm products such as vegetables, fruits, trees and grain and their storage on the area as well as for the raising thereon of the usual farm poultry and farm animals. The term "farming" includes the operating of such an area for one (1) or more of the above uses including the necessary accessory uses for treating or storing the produce; provided, however, that the operation of such accessory uses shall be secondary to that of the normal farming activities and provided further that farming does not include the feeding of garbage or offal to swine or other animals.

First Reading July 9, 1996

Second Reading July 11, 1996

Third Reading July 16, 1996

This amendment shall become effective when passed and pub lished as required by law.

PASSED AND ADOPTED THIS 16th day of July, 1996.

Leland Carmichael, Chairman
MONTGOMERY COUNTY BOARD OF SUPERVISORS

ATTEST:

Donna Mae Smith, Auditor

No Fee

854
COUNTY, IOWA
RECORD
9-26-96
9:59 A.M. P.M.
ENGLAND, Recorder
Book 209 Page 185

RESOLUTION-96-69-

WHEREAS: An application to rezone a parcel of land located on a portion of sublot 2 of the E 3.04 acre of the North 5.04 acres of lot 4, North 4.33 acres of lot 5, of the irregular of the NW1/4 of SW1/4 of Sec. 29, T-72N, R-38W, Red Oak Township, Montgomery County, Iowa from:

"R" Residential to "C" Commercial has been filed with the Zoning Administration.

AND WHEREAS: The Montgomery County Zoning Commission held the required public hearing on July 22, 1996, following which they approved this change and recommended that the Board of Supervisors make the requested amendment.

BE IT THEREBY RESOLVED: That the following information be hereafter known as Amendment #37 to the Montgomery County Zoning Ordinance and that the Zoning Districts be changed accordingly.

Amendment No. 37

Change the following described lands from "R" Residential to "C" Commercial, to wit:

Sublot 2 of the E 3.04 acre of the North 5.04 acres of lot 4, North 4.33 acres of lot 5, of the irregular of the NW1/4 of SW1/4 of Sec. 29, T-72N, R-38W, Red Oak Township, Montgomery County, Iowa; containing approximately 7.37 acres more or less.

This amendment shall become effective when passed and published as required by law.

PASSED AND ADOPTED this 15th day of August, 1996.

Avery Boose vice-chairman
Leland Carmichael, Chairman
Montgomery County Board of Supervisors

Attest: Donna Mae Smith
Donna Mae Smith, Auditor

MONTGOMERY COUNTY IOWA

RESOLUTION-96-69-18

WHEREAS: An application to rezone a parcel of land located as the SW1/4SW1/4NE1/4 of Section 16, T-72N, R-39W, Garfield Township, of the 5th P.M., Montgomery County, Iowa from:

"A" Agricultural to "C" Commercial has been filed with the Zoning Administration.

AND WHEREAS: The Montgomery County Zoning Commission held the required public hearing on Tuesday, November 12, 1996, following which they approved this change and recommended that the Board of Supervisors make the requested amendment.

BE IT THEREBY RESOLVED: That the following information be hereafter known as Amendment #38C the Montgomery County Zoning Ordinance and the Zoning Districts be changed accordingly with the following stipulations.

Amendment No. 38C

Change the following described lands from "A" Agricultural to "C" Commercial, to wit:

SW1/4SW1/4NE1/4 of Section 16, T-72N, R-39W, Garfield Township, Montgomery County, Iowa.

With the following stipulations:

1. Michael Wood only is allowed to operate a used car business, non-transferable.
2. Operate as a used car business only.
3. Limited to total of fifteen (15) cars at any given time.
4. Change the land described per **Amendment #25** (SW 5 square miles of the SWSW of Section 10, T-72N, R-39W, Garfield Twp.) from "C" Commercial back to "A" Agricultural.
5. Any change in operation or ownership shall constitute the zoning to revert back to "A" Agricultural.

This amendment shall become effective when passed and published as required by law.

PASSED AND ADOPTED this 5th day of December, 1996.

Leland L. Carmichael

Leland Carmichael, Chairman
Montgomery County Board of Supervisors

Attest: Donna Mae Smith

Donna Mae Smith, Auditor

compaq\zoning\woodresl

RESOLUTION NO. 96-69- 20

WHEREAS: An application to rezone a parcel of land located in Section 33, T-72N, R-36W, Washington Township, Montgomery County, Iowa.

AND WHEREAS: The Montgomery County Zoning Commission held the required public hearing on December 12, 1996, following which they approved this change conditionally and recommended that the Board of Supervisors make the requested amendment with the following stipulations.

1. Sell salvage materials only.
2. Abandonment of its use will cause the zoning to revert back to previous zoning "A" Agricultural.

BE IT THEREBY RESOLVED: That the following information be hereafter known as Amendment #39C to the Montgomery County Zoning Ordinance and that the Zoning Districts be changed accordingly.

Amendment No. 39C

Change the following described lands from "A" Agricultural to "M" Industrial, to wit:

The North Half of the NW1/4 NE1/4, excepting therefrom all that part of the N1/2 NW1/4 NE1/4 lying West of the established right of way of U.S. Highway 71 and lying North of the established creek; and the West 7 acres of the North half of the NE1/4 NE1/4, all in Section 33, Township 72 North, Range 36, West of the 5th P.M., Montgomery County, Iowa from "A" Agricultural to "M Industrial has been filed with the Zoning Administration.

PASSED AND ADOPTED this 9th day of January, 1997.

Leland L. Carmichael

Leland Carmichael, Chairman
Montgomery County Board of Supervisors

Attest: Connie Magneson

Connie Magneson, Auditor

RESOLUTION APPROVING PLAT
OF
LEWIS ESTATE SUBDIVISION I
IN MONTGOMERY COUNTY, IOWA

WHEREAS, a proposed final plat of Lewis Estates Subdivision I in Montgomery County, Iowa been presented to the Board of Supervisors of Montgomery County, Iowa and

WHEREAS, said Plat is accompanied by the Dedication of the Proprietors, and

WHEREAS, the Plat appears to be in good and proper form and that such subdivision, as platted, would be in the best interest of Montgomery County if the same were approved by this Board, and

WHEREAS, the Board of Supervisors of Montgomery County, Iowa, does approve of said Plat of Lewis Estates Subdivision I in Montgomery County, Iowa as presented, is hereby approved in its entirety and that the Chairman and Supervisors of the County of Montgomery are hereby directed to certify to this Resolution, which shall be affixed to said Plat.

With all member of the Board of Supervisors voting in favor thereof, this Resolution is duly adopted on this 24 day of September, 1998.

Leland Carmichael
Chairman Board of Supervisors
Montgomery County, Iowa

Clyde A. Jones

Steve Ratcliff

A tract of land located in the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) and the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section Thirty-three (33), Township Seventy-two (72) North, Range Thirty-eight (38) West of the Fifth Principal Meridian, Montgomery County, Iowa, more particularly described as follows:

The Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4), except Parcel "A" thereof; and the North 10 acres of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) all in Section Thirty-three (33), Township Seventy-two (72) North, Range Thirty-eight (38) West of the Fifth Principal Meridian, Montgomery County, Iowa, containing 47.15 acres more or less.

NOTE: The West line of the Northwest Quarter Southwest Quarter Section 33, Township 72 North, Range 38 West is taken North-South.

RESOLUTION 98-69-47

WHEREAS: An application to rezone a parcel of land located on part of the North 4 acres of Lot 3 and the West 2 acres of the North 5.04 acres of Lot 4, NW1/4SW1/4 of section 29, T-72N, R-38W (Red Oak Twp), of the 5th P.M., Montgomery County, Iowa from :

"R" Residential to "C" Commercial has been filed with the Zoning Administrator.

AND WHEREAS: The Montgomery County Zoning Commission held the required public hearing on August 4, 1998, following which they approved this change and recommended that the Board of Supervisors make the requested amendment.

BE IT HEREBY RESOLVED: That the followng information be hereafter known as Amendment # 40 to the Montgomery County Zoning Ordinance and that the Zoning Districts be changed accordingly.

Amendment No. 40

Change the following described lands from "R" Residential to "C" Commercial, to wit:

Part of the North 4 acres of Lot 3 and the West 2 acres of the North 5.04 acres of Lot 4, NW1/4SW1/4 of section 29, T-72N, R-38W (Red Oak Twp), of the 5th P.M., Montgomery County, Iowa; containing approximately 5.00 acres more or less.

This amendment shall become effective when passed and published as required by law.

PASSED AND ADOPTED this 6th day of August, 1998

Leland L Carmichael

Leland Carmichael, Chairman
Montgomery County Board of Supervisors

Attest: Connie Magneson

Connie Magneson, Auditor

zoning/shook(7)

RESOLUTION 00-69-13

WHEREAS: An application to rezone a parcel of land located in the NE1/4, NE1/4 of section 8, -71N, R-38W, Grant Twp, of the 5th P.M., Montgomery County, Iowa from:

"A" Agricultural to "M" Industrial has been filed with the Zoning Administrator.

AND WHEREAS: The Montgomery County Zoning Commission held the required public hearing on September 11, 2000, following which they approved this change and recommended that the Board of Supervisors make the requested amendment.

BE IT HEREBY RESOLVED: That the following information be hereafter known as Amendment #41 to the Montgomery County Zoning Ordinance and that the Zoning Districts be changed accordingly.

Amendment No. 41

Change the following described lands from "A" Agricultural to "M" Industrial to wit:

Beginning at a point lying 871.69′ East and 32.47′ South of the NW corner of said NE1/4NE1/4; thence S85°22′11″E a distance of 231.80′; thence S66°34′40″E a distance of 114.68′; thence S00°26′57″E a distance of 312.00′; thence S09°33′33″W a distance of 677.40′; thence S01°04′03″W a distance of 51.68′; thence S51°39′46″W a distance of 58.33′; thence N75°38′44″W a distance of 130.78′; thence S70°28′30″W a distance of 28.30′; thence S77°16′20″W a distance of 68.98′; thence N02°05′47″E a istance of 1125.12′ to the point of beginning, containing 7.98 acres.

This amendment shall become effective when passed and published as required by law.

PASSED AND ADOPTED this 3 day of October, 2000

Clyde A. Jones

Clyde Jones, Chairman
Montgomery County Board of Supervisors

Attest: Connie Magneson

Connie Magneson, Auditor

Zoning/agfsresol

INST. 2159
FEE PAID N/C
BOOK 240 PAGE 55

01 FEB 20 PM 2:59

JoAnn Butler Good
Montgomery Co. Recorder
Red Oak, IA

RESOLUTION 00-69-16

WHEREAS: An application to rezone a parcel of land located in the SW1/4, NW1/4 of section 33, T-72N, R-38W, Red Oak Township, of the 5th P.M., Montgomery County, Iowa from:

"A" Agricultural to "C" Commercial has been filed with the Zoning Administrator.

AND WHEREAS: The Montgomery County Zoning Commission held the required public hearing on November 17, 2000, following which they approved this change and recommended that the Board of Supervisors make the requested amendment.

BE IT HEREBY RESOLVED: That the following information be hereafter known as Amendment #42 to the Montgomery County Zoning Ordinance and that the Zoning Districts be changed accordingly.

Amendment #42

hange the following described lands from "A" Agricultural to "C" Commercial to wit:

The SW1/4, NW1/4 of section 33, T-72N, R-38W of the 5th P.M. except the North 250' of the SW1/4, NW1/4 of section 33, T-72N, R-38W of the 5th P.M. within the Red Oak City Limits. Approximately 30 acres.

This amendment shall become effective when passed and published as required by law.

PASSED AND ADOPTED this 28 day of November, 2000.

Clyde A. Jones

Clyde Jones, Chairman
Montgomery County Board of Supervisors

Attest: Connie Magneson
Connie Magneson, Auditor

Engineer PMM
Auditor ____
Zoning/amend42

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Book 253 Page 788

RESOLUTION 01-69-17

WHEREAS: An application to rezone a parcel of land located in the SW1/4, NW1/4 of Section 33, T-71N, R-38W, Grant Township, of the 5th P.M., Montgomery County Iowa from:

"A" Agriculture to "C" Commercial has been filed with the Zoning Administrator.

AND WHEREAS: The Montgomery County Zoning Commission held the required public hearing on October 29, 2001, following which they approved this change and recommended that the Board of Supervisors make the requested amendment.

BE IT HEREBY RESOLVED: That the following information be hereafter known as Amendment #43 to the Montgomery County Zoning Ordinance and that the Zoning Districts be changed accordingly.

Amendment #43

Change the following described lands from "A" Agriculture to "C" Commercial to wit:

Parcel "A" of the SW1/4, NW1/4 of Section 33, T-71N, R-38W, of the 5th P.M., Montgomery County, Iowa. Containing approximately 1.67 acres.

This amendment shall become effective when passed and published as required by law.

PASSED AND ADOPTED this 8th day of Nov, 2001.

Steve Ratcliff

Steve Ratcliff, Chairman
Montgomery County Board of Supervisors

Attest: Connie Magneson

Connie Magneson, Auditor

Engineer ____
Auditor ____
Zoning/tracy(6)

Thomas E. Stamets, Stamets & Wearin, P.C., 508 N. Fourth Street Red Oak, IA (712) 623-5484

RESOLUTION NO. 19

RESOLUTION OF MONTGOMERY COUNTY, IOWA, APPROVING FINAL PLAT OF INDUSTRIAL SUBDIVISION V, MONTGOMERY COUNTY, IOWA

BE IT RESOLVED, by the Board of Supervisors of Montgomery County, Iowa:

WHEREAS, there has been submitted to this Board the final plat of Industrial Subdivision V, Montgomery County, Iowa, which subdivision plat has been reviewed by this governing body and is found to conform to the requirements of county subdivision ordinances;

NOW THEREFORE, BE IT RESOLVED that the final plat of Industrial Subdivision V, Montgomery County, Iowa, is hereby approved.

BE IT FURTHER RESOLVED that the dedication to the public by the proprietors of all lands within the plat designated for streets, alleys, walkways, parks, open areas, school property or other public use is hereby approved;

BE IT FURTHER RESOLVED that the Montgomery County Auditor shall certify a copy of this Resolution which shall be recorded

with the final plat of the Subdivision.

Dated this 07 day of October, 2004.

Leland Carmichael
CHAIRPERSON

ATTEST:

Janet Magnesen
COUNTY AUDITOR

RESOLUTION 05-69-8

WHEREAS: An application to rezone a parcel of land located in the E1/2 of the SE1/4 of Section 23, T-72N, R-38W, Red Oak Township, Montgomery County Iowa from:
"A" Agriculture to "C" Commercial has been filed with the Zoning Administrator.

AND WHEREAS: The Montgomery County Zoning Commission held the required public hearing on March 28, 2005, following which they approved this change conditionally and recommended that the Board of Supervisors make the requested amendment with the following stipulations:

1. The business, known as "The Paint Shop", will be the only business to exist in this five (5) acres tract of land.
2. If "The Paint Shop" ceases to exist, then the 5 acres will revert back to Agriculture "A" zoned land.

BE IT HEREBY RESOLVED: That the following information be hereafter known as Amendment #44 to the Montgomery County Zoning Ordinance and that the Zoning Districts be changed accordingly.

Amendment #44

Change the following described lands from "A" Agriculture to "C" Commercial, to wit:

Commencing at the SE corner of the SE1/4 -23 - 72- 38; thence North along the East line of the SE1/4 989 feet to the point of beginning, thence North 468.1 feet along the East line of the SE1/4 -23 - 72 - 38; thence West 596 feet; thence South 204.2 feet to a point on the North right of way line of Highway U.S. 34; thence S 59 degrees 53' East along the North right of way line of Highway U.S. 34 592 feet; thence North 56 degrees 51' East 60.4 feet along the Highway right of way; thence East 33 feet to the point of beginning containing 5 acres, more or less (Red Oak Twp), Montgomery County, Iowa.

Said zoning change is conditional on the following:

1. The business, known as "The Paint Shop", will be the only business to exist in this five (5) acres tract of land.
2. If "The Paint Shop" ceases to exist, then the 5 acres will revert back to Agriculture "A" zoned land.

This amendment shall become effective when passed and published as required by law.

PASSED AND ADOPTED this 14th day of April, 2005.

Bryant Amos, Chairman
Montgomery County Board of Supervisors

Attest: Joni K. Ernst
Joni K. Ernst, Auditor

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Document 2005 2091 Type 06 067 Pages 1
Date 4/14/2005 Time 10:03 AM
Rec Amt $.00

JOANN BUTLER GOOD, COUNTY RECORDER
MONTGOMERY IOWA

RESOLUTION 05-69-8

WHEREAS: An application to rezone a parcel of land located in the E1/2 of the SE1/4 of Section 23, T-72N, R-38W, Red Oak Township, Montgomery County Iowa from:
"A" Agriculture to "C" Commercial has been filed with the Zoning Administrator.

AND WHEREAS: The Montgomery County Zoning Commission held the required public hearing on March 28, 2005, following which they approved this change conditionally and recommended that the Board of Supervisors make the requested amendment with the following stipulations:

1. The business, known as "The Paint Shop", will be the only business to exist in this five (5) acres tract of land.
2. If "The Paint Shop" ceases to exist, then the 5 acres will revert back to Agriculture "A" zoned land.

BE IT HEREBY RESOLVED: That the following information be hereafter known as Amendment #44 to the Montgomery County Zoning Ordinance and that the Zoning Districts be changed accordingly.

Amendment #44

Change the following described lands from "A" Agriculture to "C" Commercial, to wit:

Commencing at the SE corner of the SE1/4 -23 - 72- 38; thence North along the East line of the SE1/4 989 feet to the point of beginning, thence North 468.1 feet along the East line of the SE1/4 -23 - 72 - 38; thence West 596 feet; thence South 204.2 feet to a point on the North right of way line of Highway U.S. 34; thence S 59 degrees 53' East along the North right of way line of Highway U.S. 34 592 feet; thence North 56 degrees 51' East 60.4 feet along the Highway right of way; thence East 33 feet to the point of beginning containing 5 acres, more or less (Red Oak Twp), Montgomery County, Iowa.

Said zoning change is conditional on the following:

1. The business, known as "The Paint Shop", will be the only business to exist in this five (5) acres tract of land.
2. If "The Paint Shop" ceases to exist, then the 5 acres will revert back to Agriculture "A" zoned land.

This amendment shall become effective when passed and published as required by law.

PASSED AND ADOPTED this 14th day of April, 2005.

Bryant Amos, Chairman
Montgomery County Board of Supervisors

Attest:
Joni K. Ernst, Auditor

SEAL OF MONTGOMERY COUNTY IOWA

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Book 301 Page 470-475

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ORDINANCE NO. 2006-5

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF MONTGOMERY COUNTY, IOWA, BY ADDING A NEW CHAPTER ENTITLED AIRPORT TALL STRUCTURE ZONING REGULATIONS

Be it enacted by the Board of Supervisors of Montgomery County, Iowa:

SECTION 1. Ordinance #282, "Airport Tall Structure Zoning Amendment" of the Code of Ordinances of Montgomery County, Iowa, 1985, is repealed, and the following adopted in lieu thereof:

____ DEFINITIONS. As used in this Amendment, unless the context otherwise requires:

1. "Airport" means the Red Oak Municipal Airport

2. "Airport elevation" means the highest point of an airport=s usable landing area measured in feet above mean sea level, which elevation is established to be 1045.0 feet.

3. "Airport hazard" means any structure or tree or use of land which would exceed the federal obstruction standards as contained in Chapter 14, Code of Federal Regulations, Sections 77.21, 77.23 and 77.25, (14 C.F.R. 77.21, 77.23 and 77.25), as revised March 4, 1972, and which obstruct the airspace required for the flight of aircraft and landing or takeoff at an airport or is otherwise hazardous to such landing or taking off of aircraft.

4. "Airport primary surface" means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface of the runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

5. "Airspace height" means for the purpose of determining the height limits in all

zones set forth in this ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

6. "Control zone" means airspace extending upward from the surface of the earth which may include one or more airports and is normally a circular area of 5 statute miles in radius, with extensions where necessary to include instrument approach and departure paths.

7. "Instrument runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities or area type navigation equipment, for which an instrument approach procedure has been approved or planned.

8. "Minimum descent altitude" means the lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.

9. "Minimum en route altitude" means the altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance between those fixes.

10. "Minimum obstruction clearance altitude" means the specified altitude in effect between radio fixes on VOR airways, off-airway routes, or route segments which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within 22 miles of a VOR.

11. "Runway" means a defined area on an airport prepared for landing and take-off of aircraft along its length.

12. "Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a FAA approved airport layout plan, a military services approved military airport layout plan, or any planning document submitted to the FAA by competent authority.

13. "Structure" means when used in this chapter means and includes both animate and inanimate objects.

____ CONFLICTING REGULATIONS. Where there exists a conflict between any of the regulations or limitations prescribed in this ordinance and the regulations or limitations prescribed in another ordinance applicable to the same area, whether the conflict be with respect to height of structures, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

____ AIRPORT ZONES AND AIRSPACE HEIGHT LIMITATIONS. In order to carry out the provisions of this Section, there are hereby created and established certain zones

which are depicted on the Red Oak Municipal Airport Height Zoning Map. A structure located in more than one zone of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. Airport Height Zones

A. Horizontal Zone - The land lying under a horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of runways 5 and 23 and connecting those arcs by lines tangent to those arcs.

(1) No structure shall exceed 150 feet above the established airport elevation in the horizontal zone, as depicted on the Red Oak Municipal Airport Height Zoning Map.

B. Conical Zone - The land lying under a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet. No structure shall penetrate the conical surface in the conical zone, as depicted on the Red Oak Municipal Airport Height Zoning Map.

C. Approach Zone - The land lying under a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. (NOTE: An approach surface is applied to each end of the runway based upon the type of approach available or planned for that runway end.)

(1) a. The inner edge of the Approach Surface is 250 feet wide for Runways 13 and 31.

b. The inner edge of the Approach Surface is 500 feet wide for Runways 17, 35, 5 and 23.

(2) The outer edge of the Approach Zone is:

a. 1,250 feet wide for Runways 13 and 31.

b. 2,000 feet wide for Runways 17 and 35.

c. 3,500 feet wide for Runways 5 and 23.

(3) a. The Approach Zone extends for a horizontal distance of 5,000 feet at a slope of 20 to 1 for Runways 17, 35, 13 and

b. The Approach Zone extends for a horizontal distance of 10,000 feet at a slope of 34 to 1 for Runways 5 and 23.

(4) No structure shall encroach upon the approach zone to any runway, as those zones are depicted on the Red Oak Municipal Airport Height Zoning Map.

D. Transitional Zone - The land lying under those surfaces extending outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the of the airport primary surface and from the sides of the Approach Surfaces.

(1) No structure shall encroach upon the Transitional Surface of any runway, as those surfaces are depicted on the Red Oak Municipal Airport Height Zoning Map.

E. No structure shall be erected in Montgomery County that raises the published Minimum Descent Altitude or Decision Height for an instrument approach to any runway, nor shall any structure be erected that causes the Minimum Obstruction Clearance Altitude or Minimum En route Altitude to be increased on any Federal Airway in Montgomery County.

____ USE RESTRICTIONS. Notwithstanding any other provisions of this ordinance, no use may be made of land or water within the City of Red Oak or Montgomery County in such a manner as to interfere with the operation of any airborne aircraft. The following special requirements shall apply to each permitted use.

A. All lights or illumination used in conjunction with street, parking signs or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from the Red Oak Municipal Airport or in the vicinity thereof.

B. No operations from any use shall produce smoke, glare or other visual hazards within three (3) statute miles of any usable runway of the Red Oak Municipal Airport.

C. No operations from any use in the City of Red Oak or Montgomery County shall produce electronic interference with navigation signals or radio communications between the airport and aircraft.

____ OBSTRUCTION MARKING AND LIGHTING.

A. Notwithstanding the provisions of Section IV, the owner of any structure

over 200 feet above ground level must install on the structure lighting in accordance with Federal Aviation Administration (FAA), Advisory Circular 70-7460-2K and amendments. Additionally, any structure, constructed after the effective date of this Ordinance and exceeding 949 feet above ground level, must install on that structure high intensity white obstruction lights in accordance with Chapter 6 of FAA Advisory Circular 70-7460-2K and amendments.

B. Obstruction Marking and Lighting B Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain upon it, at the owner=s expense, such markings and lights as may be deemed necessary. If deemed proper by the Board of Adjustment, this condition may be modified to require the owner to permit the City of Red Oak and Montgomery County at its own expense, to install, operate, and maintain upon it the necessary markings and lights.

____ VARIANCES AND SPECIAL EXCEPTIONS. Any person occupying property within an area affected by this ordinance desiring to erect a new structure or increase the height of any existing structure, or permit the growth of any tree, or use property other than in accordance with the regulations prescribed in this Ordinance, must apply to the Zoning Board of Adjustment of the City of Red Oak for a special exception or a variance from such regulations. The application for special exception or for variance must be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. The special exception or variance shall be allowed where it is found that the conditions for granting a special exception or variance as set forth in the zoning ordinances of the City of Red Oak have been satisfied, and additionally, that granting the special exception or variance will not create a hazard to air navigation and will be in accordance with the spirit of this ordinance. Additionally, no application for either a special exception or for a variance from the requirements of this ordinance may be considered by the Board of Adjustment unless and until a copy of the application has first been furnished to the Red Oak Airport Commission for advice and comment. If the Red Oak Airport Commission does not respond to the application within forty-five (45) days after receipt, the Board of Adjustment may act on its own to either grant or deny the application.

____ ADMINISTRATIVE AGENCY. It shall be the duty of the Zoning Administrator of each local government entity having jurisdiction to administer the regulations prescribed herein. Applications for permits shall be made to the applicable Zoning Administrator upon a form furnished by the Administrator. However, applications for special exceptions or variances shall be made to the Zoning Administrator of the City of Red Oak upon a form furnished by the Administrator. Applications submitted to the applicable Zoning Administrator shall be promptly considered and either granted or

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denied. Applications for action to the Board of Adjustment shall be forthwith transmitted by the Zoning Administrator.

____ PENALTIES. Each person violating this Ordinance or any regulation, order or ruling promulgated hereunder shall commit a simple misdemeanor and a municipal infraction, and upon conviction may be punished accordingly under city or county ordinances or state law. If punished under ordinances of the City of Red Oak, Sections 1.10 and 4.01 through 4.03, Code of Ordinances, as amended, shall apply. Each day a violation continues to exist shall constitute a separate offense.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Adopted by the Montgomery County Board of Supervisors on this 30th day of November, 20 06 .

MONTGOMERY COUNTY BOARD OF SUPERVISORS

By: James R. Parker
James Parker, Chairperson

ATTEST: Joni K. Ernst
Joni K. Ernst, County Auditor

I certify that the foregoing was published as Ordinance No. 2006-5 on the 7th day of December, 2006, in the Villisca Review and on the 12th day of December, 2006 in the Red Oak Express.

Joni K. Ernst
COUNTY AUDITOR

Book 304 Page 371
Document 2007 1967 Type 06 067 Pages 1
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RESOLUTION 07-69-12

RESOLUTION ESTABLISHING SUBDIVISION FEES

BE IT REMEMBERED at a regular meeting of the Board of Supervisors of Montgomery County, Iowa held on the 19th day of April, 2007 the following order was adopted:

WHEREAS, the Board of Supervisors of Montgomery County has voted to amend the Subdivision Ordinance Establishing Subdivision Fees, Section 8 Fees, of the Montgomery County Subdivision Ordinance dated April 30, 1968

WHEREAS, this resolution establishing subdivision fees becomes effective with the passage of this resolution:

THEREFORE BE IT RESOLVED by the Montgomery County Board of Supervisors that the following fee structure be established and becomes effective April 26, 2007.

SUBDIVISION FEE SCHEDULE

Minor Subdivision	$ 50.00
Major Subdivision	
Preliminary Plat	$150.00
Final Plat	$150.00

PASSED AND APPROVED THIS 26th day of April, 2007.

James R. Parker, Chairman
Montgomery County Board of Supervisors

ATTEST:

Joni K Ernst, Auditor
Montgomery County

Book 305 Page 559-560
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CARLEEN BRUNING, COUNTY RECORDER
MONTGOMERY IOWA

ORDINANCE 2007-2

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF MONTGOMERY COUNTY, IOWA, BY AMENDING THE MONTGOMERY COUNTY ZONING ORDINANCE DATED SEPTEMBER 9, 1997

WHEREAS: it is determined to be in the public interest to establish regulations and procedures of applying for and receiving approval of wind energy installations

BE IT ENACTED by the Board of Supervisors of Montgomery County, Iowa, that the following become a part of the Montgomery County Zoning Ordinance dated September 7, 1997:

Section 19, Board of Adjustment

J. Wind Energy Installation

In any zoning district, a special use permit may be granted to allow wind energy conversion system, including such devices as wind charger, windmill, or wind turbine; subject to the following conditions:

1. The distance from any tower support base to any tower support base of another wind energy device under other ownership shall be a minimum of five rotor distances figured by the size of the largest rotor.
2. The wind energy system operation shall not cause interference to the radio and television reception on adjoining property.
3. All equipment used for installation shall follow an approved route to the site. The route shall be approved by the County Engineer.
4. To limit climbing access to the tower, a fence six feet high with a locking portal may be required around the tower base or the tower climbing apparatus shall be limited to no more than 12 feet from the ground, or the tower may be mounted on a roof top.
5. The setback distances from all lot lines to any tower support base shall be determined according to the following set back table:

SETBACK TABLE

Rotor Diameter	Setback Distance 1	Minimum Lot Area 2
5 feet	100 feet	1 Acre
10 feet	165 feet	2.5 Acres
15 feet	220 feet	4.5 Acres
20 feet	270 feet	6.75 Acres
25 feet	310 feet	9.0 Acres
30 feet	340 feet	10.75 Acres
35 feet or larger	365 feet	12.25 Acres

1 Setback distance will be increased to the tower height, if greater than the height in this column

2 Where there are several towers under single ownership, the minimum lot areas may be adjusted down provided the minimum setback distances are met on all perimeter units. In addition, the landing areas for all internal towers and rotors shall be within the property owned by the operator.

6. Data pertaining to the machine's turbine safety and stability shall be filed with the application. Such data shall include turbine safety and acceptance results from tests conducted by a qualified individual or organization based upon standards set by the U.S. department of Energy (DOE), Electric Power Research Institute (EPRI) Utility Wind Turbine Verification Program. U.S. Department of Energy – EPRI Wind Turbine Verification Program Electric Power Research Institute – 3412 Hillview Avenue, Palo Alto, California 94304

7. The applicant shall provide covenants, easements, or similar documentation from the abutting owners providing access to wind sufficient for its adequate operation, unless adequate accessibility to the wind is provided on site.

8. The wind energy system shall also comply with the height limitations set forth in the Airport Tall Structure Zoning Regulations. If the wind energy system is within the "control zone" as defined within said Tall Structure Ordinance, applicant shall be required to show evidence of obtaining a special exception permit from the City of Red Oak Board of Adjustment as required in said ordinance.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect from and after the date that it is passed by the Montgomery County Board of Supervisors, properly signed, published, and has met all other requirements by law.

James R. Parker, Chairman
Montgomery County Board of Supervisors

SEAL OF MONTGOMERY COUNTY IOWA

ATTEST:

Joni K Ernst, Auditor
Montgomery County

First reading: May 17, 2007
Second reading: May 24, 2007
Third reading and passage: May 31, 2007

Published June 7, 2007 Villisca Review
June 12, 2007 Red Oak Express

Book 311 Page 521
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RESOLUTION 08-10

WHEREAS: An application to rezone a parcel of land located the west 25 acres of the south 66 acres of the SW1/4 of 19-72-38 (Red Oak Twp) Montgomery County, Iowa from: "C" Commercial to "M" Industrial has been filed with the Zoning Administrator.

AND WHEREAS: The Montgomery County Zoning Commission held the required public hearing on February 11, 2008, following which they approved this change.

BE IT HEREBY RESOLVED: That the following information be hereafter known as Amendment #47 to the Montgomery County Zoning Ordinance and that the Zoning Districts be changed accordingly.

Amendment #47

Change the following described lands from "C" Commercial to "M" Industrial, to wit: For property located the west 25 acres of the south 66 acres of the SW1/4 of 19-72-38 (Red Oak Twp) Montgomery County, Iowa, lying immediately north of and adjacent to H-34 (200TH Street).

This amendment shall become effective when passed and published as required by law.

PASSED AND ADOPTED this 28th day of February, 2008.

James R. Parker, Chairman
Montgomery County Board of Supervisors

Attest: Joni K. Ernst
Joni K. Ernst, Auditor

SEAL OF MONTGOMERY COUNTY IOWA

Book 2011 Page 1297

Document 2011 1297 Type 06 067 Pages 1
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CARLEEN BRUNING, COUNTY RECORDER
MONTGOMERY IOWA

RESOLUTION 11-20

WHEREAS: An application to rezone a parcel of land located at NW NE PCL B of 10-73-38 (Sherman Twp) of Montgomery County, Iowa from: "A" Agricultural to "M" Industrial has been filed with the Zoning Administrator.

AND WHEREAS: The Montgomery County Zoning Commission held the required public hearing on August 9, 2011, following which they approved this change.

BE IT HEREBY RESOLVED: That the following information is hereafter known as Amendment #48 to the Montgomery County Zoning Ordinance and that the Zoning Districts be changed accordingly.

Amendment #48

Change the following described lands from "A" Agricultural to "M" Industrial, to wit: For property located at NW NE PCL B of 10-73-38 (Sherman Twp) of Montgomery County, Iowa.

This amendment shall become effective when passed and published as required by law.

PASSED AND ADOPTED this 25th day of August, 2011.

Bryant Amos, Chairman
Montgomery County Board of Supervisors

Attest: _____
Ted Schoonover, Montgomery County Auditor

SEAL OF MONTGOMERY COUNTY IOWA