

**• An Amendment to Ordinance Title VI No 2 to Correct Typographical Errors in the Legal Description**

**BE IT HEREBY ORDAINED** this 13<sup>th</sup> day of October, 1997, by the Board of Supervisors of Butler County, Iowa that this Ordinance, Title VI, No. 2 as recorded in Book 40 pages 438 to 441 of Butler County Records Office is hereby amended as follows:

1. The 2nd paragraph under section 1 on page 1 is hereby repealed and shall now read as follows:

The South 1620 feet of said East 1/2 of the Northwest 1/4 except the West 150 feet thereof and except the South 108 feet thereof and except the Southeast 6.3 acres of the Northeast 1/4 of the Northwest 1/4 and except the Northeast 5.0 acres of the Southeast 1/4 of the Northwest 1/4 of said Section 33.

2. All other sections of Ordinance Title VI, No. 2 not affected by this amendment are reaffirmed.

This Amendment is adopted this 13<sup>th</sup> day of October, 1997 by vote of the Butler County Board of Supervisors. Ayes 3 Nays 0.

Motion made by Neal Wedeking, seconded by Mike Creeden to waive the second and third required reading of the proposed amendment. Motion carried Ayes 3 Nays 0.

Mel Bakker  
Mel Bakker, Chairman  
Butler County Board of Supervisors

ATTEST:

Donald G. Johnson  
Donald G. Johnson, Auditor

994

I P C	RECORDING FEE \$ <u>NO FEE</u>	FILED FOR RECORD THE <u>14</u> DAY OF	STATE OF IOWA, BUTLER COUNTY:
	TRANSFER FEE \$ _____	<u>October</u> 19 <u>97</u> AT <u>2:10</u> O'CLOCK <u>P.</u> M. BOOK <u>41</u> PAGE <u>7-9</u>	<u>Craig Johnson</u> Recorder By _____ Deputy

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## ACCEPTANCE OF REZONING ORDINANCES

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

(1) We are the sole owners of property described as the East 1/2 of the Northwest 1/4 of Section 33, Township 90 North, Range 18 West of the 5th P.M., Butler County, Iowa. And we have requested the Butler County Board of Supervisors to rezone the South 1,620 feet of said East 1/2 of the Northwest 1/4 except the West 150 feet thereof and except the South 108 feet thereof and except the Southeast 6.3 acres of the Northeast 1/4 of the Northwest 1/4 and except the Northeast 5.0 acres of the Southeast 1/4 of the Northwest 1/4 of said Section 33.

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

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

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

ACCEPTANCE

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

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

Genevieve Neymeyer  
Genevieve Neymeyer

State of Iowa            )  
                                  ) ss:  
County of Butler        )

BE IT REMEMBERED that on this 10<sup>th</sup> day of October, 1997, before me, the undersigned, a Notary Public in and for Butler County, Iowa, personally appeared Genevieve Neymeyer, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.



Patricia Lupkes  
Notary Public in and for the State of Iowa

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