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Document 2018 1735 Type 06 018 Pages 7
Date 6/21/2018 Time 11:01:11AM
Rec Amt \$37.00

Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

PREPARED BY AND RETURN TO: ^{DS}LINDA GAUL, CITY CLERK, CITY OF EARLVILLE, 19 NORTHERN
AVENUE, EARLVILLE, IA 52041 PH. 563-923-3365

CERTIFICATE of the CITY CLERK

STATE OF IOWA)

) SS:

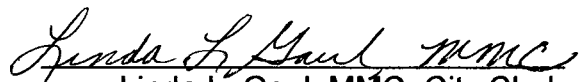
COUNTY OF DELAWARE)

I, Linda L Gaul, do hereby certify that I am the duly appointed, qualified, City Clerk of the City of Earlville, Iowa, in the County aforesaid, and as such City Clerk, I have in my possession or have access to the records of the proceedings of the City Council. I do further state that the hereto attached **Special Use Permit Restrictions Imposed** for Ronald and Evelyn Batterton is a true and correct copy of the original.

In Testimony Whereof, I hereunto set my hand and official seal of the City of Dubuque, Iowa.

Dated at Earlville, Iowa, on this 18 day of June, 2018.




Linda L. Gaul, MMC, City Clerk

SPECIAL USE PERMIT, RESTRICTIONS IMPOSED

Grantor: City of Earlville

Grantee: Ronald and Evelyn Batterton

REQUEST FOR SPECIAL USE PERMIT
ATTACHMENT A – RESTRICTIONS IMPOSED

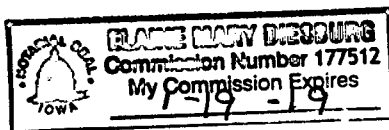
The special use permit requested by Ronald S. Batterton and Evelyn Batterton on April 9, 2018, which was set for public hearing on May 14, 2018, known as Special Permit # 1052, is conditionally granted by the City of Earlville with the condition that the nonconforming use shall only be allowed for as long as the Ronald S. Batterton or Evelyn Batterton reside there. Within sixty (60) days of both Ronald S. Batterton and Evelyn Batterton ceasing to reside in the Mobile home, as defined by City Code Chapter 121 in 2018, for thirty (30) consecutive days, the special use permit shall expire. At that time, the heirs, successors, or assigns of Ronald S. Batterton or Evelyn Batterton, shall remove the Mobile home from the property. This special use permit is personal to Ronald S. Batterton and Evelyn Batterton exclusively. This special use permit shall not be assignable, inheritable, or freely transferrable. As consideration for this special permit, Ronald S. Batterton and Evelyn Batterton agree that they or their respective estate shall pay for any reasonable attorney fees incurred by the City to enforce this agreement.

Ronald S Batterton
Ronald S. Batterton

Evelyn Batterton
Evelyn Batterton

STATE OF IOWA, COUNTY OF DELAWARE

On this 18th day of May, 2018, before me, this record was acknowledged before me by Ronald S. Batterton and Evelyn Batterton.



Elaine Mary Desburey
Notary Public

CITY OF EARLVILLE

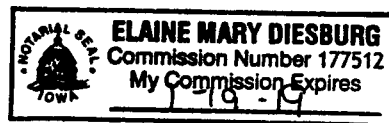
[Signature]
Mayor/Mayor Protem

[Signature]
City Clerk

STATE OF IOWA, COUNTY OF DELAWARE

On this 21st day of May, 2018, before me, Elaine Mary Diesburg, a Notary Public in and for the State of Iowa, personally appeared Dan Wheeler and Linda Gaul, to me known personally, and who, being duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Earlville, an Iowa Municipality, that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by the authority of the City Council, as contained in the Special Permit # 1052, conditionally approved by the City Council on the 14th day of May, 2018, and that Dan Wheeler and Linda Gaul acknowledge the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

Elaine Mary Diesburg
Notary Public



CITY OF EARLVILLE
REQUEST FOR SPECIAL PERMIT

Date Requested 4-12-18
Hearing Date _____

1. Name of Applicant (property owner) Ronald S. B. Horton
Mailing Address 403 E 9th St Earlville, Ia Phone 563-608-0821
52041

The special permit requested is (setback, frontage, use, or other) _____
MOBILE HOME IN RESTRICTED RESIDENTIAL ZONE

on property zoned Restricted Residential at 403 E 4TH ST
and legally described as LOTS 5 & 6
BLK 15 NOTTINGHAM
in Earlville, Delaware County, Iowa.

2. Guidelines for considering special permit – applicant please acknowledge / initial
- a. ARB The special permit will not be detrimental to or endanger the public health, safety or general welfare of the City.
 - b. ARB The special permit will not be injurious to use and enjoyment of existing property nor diminish or impair property values.
 - c. ARB The establishment of special permit will not impede the development or improvement of the surrounding property.
 - d. ARB Adequate utilities and public services have been or will be provided as required.
 - e. ARB Adequate measures have been taken to minimize traffic congestion in the public streets
 - f. ARB This special permit in all other respects conforms to all other applicable regulations and codes of the City.
3. Has any previous application or appeal been filed/requested in connection with these premises? YES

Signature of Applicant: Ronald S. B. Horton Date: 4-12-18

Received by [Signature] (City Clerk) Date: 4/18/18

Date/Time Hearing (Earlville City Council) Scheduled: 4-5-14-18

Fee (\$50.00) Received by City Clerk ☒ Yes ☐ No Date Received: 4--18

Office Use:

Date of Hearing: 5-14-18

Council Present: Salon, Kelluphand, Smock, Gibbs

Notes:

3. Restrictions Imposed:

See Attachment A - Restrictions Imposed
Nonconforming use allowed for as long as
Ronald Batterson or Emily Batterson reside in
the Model Home.

Acknowledgement by property owner of Restrictions Imposed:

Ronald A Batterson

Date: 5-18-2018

4. Decision by the Earlville City Council: Approve ☒ Disapprove ☐

Date: 5-14-2018

[Signature]
Mayor / Mayor Protem

[Signature]
City Clerk

PERMIT NUMBER: 1052 SPECIAL

Permit Fee: 174

Pymt. Type: CK 4182

CITY PORTION

CITY OF EARLVILLE, IOWA

CERTIFICATE OF OCCUPANCY AND BUILDING PERMIT

A permit is hereby issued to Rev BATTERSON in accordance with the provisions set out in application attached.

The issuance of this permit in no way relieves the responsibility for complying with local, state, and federal laws, ordinances, regulations, or other requirements applicable. This permit does not authorize the use of streets, alleys or sidewalks for the depositing of building materials.

Date 4-16-18 ROBERT PETERS
Administrative Officer

REJECTED DUE TO THE RESIDENCE BEING
A MOBILE HOME PER RESTRICTED RESIDENCE
ORDINANCE
3-29-18
Special permit approved 5/14/18 - with restrictions
conditions - by

APPLICANT PORTION

CITY OF EARLVILLE Commercial ☒ Residential Industrial

BUILDING: Addition Remodel Repair OTHER:

Owner of Property Rev BARTON Phone 678-9821

Address of property 403 E 4th ST Mailing:

Legal Description of property: Lot No. 5 & 6 Block No. 15

Of Subdivision NORTHAM

Application is hereby made for a permit as herein indicated for the purpose herein set forth, and subject to all the provisions of the State, Federal Laws and City Ordinances. Any plans are made a part hereof.

Date of Application 03-29-2018 Applicant Ronald S Battista

PERMIT NUMBER: 1052 SPECIAL

Permit Fee: \$174.00 Pymt. Type: CK A4182

Size of Lot 132x122 Distance to front 25' to rear 75'

Purpose of Bldg. RESIDENCE Side E/W N. S. 25' Side E/W N. S. 27'

Kind of Construction FRAME Frame Semi-fireproofed Fire Proofed No. Stories

Size of Building 16x80 Square Feet 1280 @ \$50/SF \$64,000

Bldg Contractor Basement Yes No X ype

Plumbing Contractor Type of heat GAS

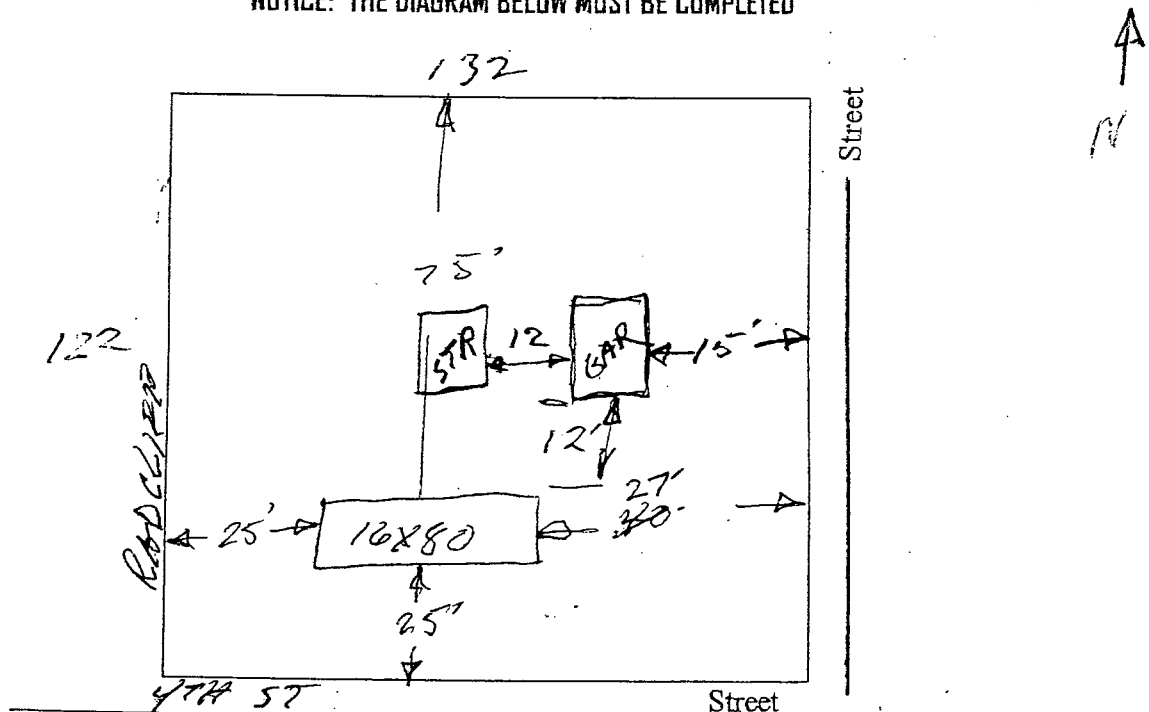
Electrical Contractor

For information on State Electrical inspection and permit call: 1-866-923-1082 or www.dps.state.ia.us/fm/electrician/index.shtml

Utility Connection Permits Necessary: Water Sewer Electric Other

It is compulsory that you or your contractor notify the Administrative Officer before the footings are poured so an inspection can be made to verify the correct placement of same as per approval granted

NOTICE: THE DIAGRAM BELOW MUST BE COMPLETED



Draw plan of proposed building, including overhang of old buildings on same lot, of buildings on adjoining lots, of true lot lines. Give distances of proposed building from lot lines and adjoining buildings. Property Owner is responsible to assure correctness of property lines.