

Recorded: 11/29/2023 at 3:58:57.0 PM
County Recording Fee: \$22.00
Iowa E-Filing Fee: \$3.41
Combined Fee: \$25.41
Revenue Tax:
Delaware County, Iowa
Daneen Schindler RECORDER
BK: 2023 PG: 3000

STATEMENT RE: AGREEMENT FOR NONCONFORMING USE (LIVESTOCK)

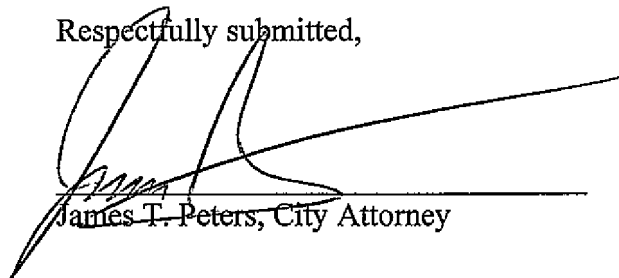
Preparer Information: James T Peters, 309 First St. E, Independence, IA 50644, Phone: 319-334-9992
Return Document To: James T Peters, 309 First St. E, Independence, IA 50644

Lot 1 of the Subdivision of the East part of the Northwest $\frac{1}{4}$ of Section 29, Township 90 North, Range 4, West of the 5th P.M. South of and adjoining Block 3, Baker's Addition to Greeley, Iowa and East of and adjoining the East boundary line of the Chicago, Milwaukee, & St. Paul Railroad, as shown by plat recorded in Book A Plats, Page 61, except the East 160 feet thereof; and that part of Lots 23 and 24, Block 3, and of the alley lying between said Lots, of Baker's Addition to Greeley, Iowa, according to plat recorded in Book 19, L.D., Page 10, described as commencing at the Southeast corner of said Lot 24, and running thence North 85 feet, thence West to the East line of the Chicago, Milwaukee, & St. Paul Railroad right-of-way, thence southeasterly along said right-of-way to the South line of said Lot 23, thence East to the point of beginning, except the East 160 feet thereof

I, James T. Peters, hereby state under penalty of perjury as follows:

1. That I am the City Attorney for the City of Greeley, Iowa.
2. That in my role as City Attorney for the City of Greeley, Iowa, I participated in negotiations to address a non-conforming use of the above-described property.
3. That the attached agreement regarding livestock and prior non-conforming use was properly executed by the owners of the above-described real estate and approved by the City of Greeley, Iowa.
4. This document is placed of record to provide notice to all parties and all heirs and assigns of the parties with regard to the status of the non-conforming use of the property.

Respectfully submitted,


James T. Peters, City Attorney

AGREEMENT REGARDING LIVESTOCK AND PRIOR NONCONFORMING USE

The undersigned, Joseph F. Bolsinger and Wanda J. Bolsinger and City of Greeley, Iowa, state and agree as follows:

1. That Joseph F. Bolsinger and Wanda J. Bolsinger, hereinafter referred to "Bolsinger" are the owners of property locally known as 117 S Front Street, more specifically described as follows:

Lot 1 of the Subdivision of the East part of the Northwest ¼ of Section 29, Township 90 North, Range 4, West of the 5th P.M. South of and adjoining Block 3, Baker's Addition to Greeley, Iowa and East of and adjoining the East boundary line of the Chicago, Milwaukee, & St. Paul Railroad, as shown by plat recorded in Book A Plats, Page 61, except the East 160 feet thereof; and that part of Lots 23 and 24, Block 3, and of the alley lying between said Lots, of Baker's Addition to Greeley, Iowa, according to plat recorded in Book 19, L.D., Page 10, described as commencing at the Southeast corner of said Lot 24, and running thence North 85 feet, thence West to the East line of the Chicago, Milwaukee, & St. Paul Railroad right-of-way, thence southeasterly along said right-of-way to the South line of said Lot 23, thence East to the point of beginning, except the East 160 feet thereof

2. City of Greeley has adopted various ordinances which restrict and regulate location of livestock within the City Limits of Greeley, Iowa.
3. The current City Ordinance prohibits the following livestock from being kept within the City limits Greeley, Iowa;
 - Any animal belonging to the bovine, bovidae, caprine, equine, ovine, Camelidae, waterfowl, porcine species, peafowl, ostriches, rheas, emus, farm deer as defined in Section 170.1, or poultry.
4. Bolsinger has in the past housed goats on the property. Such use may be characterized as a prior nonconforming use. To clarify and address the nature and extent of any permitted nonconforming use of the property owned by Bolsinger for housing of goats, the parties have entered into this agreement.
5. The above-described property shall be permitted to continue a nonconforming use of the property for placement of not to exceed 20 goats on the premises. The rights conferred by this nonconforming use shall terminate in the event the use of the premises for storage of not more than 20 goats has ceased for a period of 180 days or more.

6. This agreement shall be recorded in the office of the Delaware County Recorder to serve as a formal record of the rights conferred and recognized by this agreement.

Joseph F. Bolsinger
Joseph F. Bolsinger

Wanda J. Bolsinger
Wanda J. Bolsinger

City of Greeley, Iowa

Dave Kruse
By: Dave Kruse, Mayor

ORDINANCE NO. 0223-1

AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF GREELEY, IOWA, REGARDING LIVESTOCK AND POULTRY

BE IT ENACTED by the City Council for the City of Greeley, Iowa:

SECTION 1. The Code of Ordinances of the City of Greeley, Iowa, is amended by repealing Chapter 4-1-9 and adopting the following:

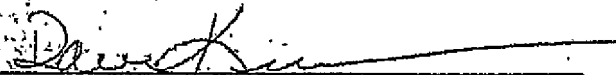
4-1-9 LIVESTOCK: It is unlawful for a person to keep livestock, poultry, or fowl within the City of Greeley except by written consent of the City Council. "Livestock" means an animal belonging to the bovine, bovidae, caprine, equine, ovine, camelidae, waterfowl, or porcine species; peafowl; ostriches, meas, emus; farm deer as defined in section 170.1; or poultry; Iowa Code § 717.1(4)

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. 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 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council the 14th day of February, 2023, and approved this 14th day of February, 2023.

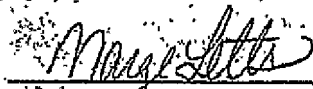

Dave Kruse, Mayor

1st Reading 02/14/2023

2nd Reding Waived

3rd Reading Waived

ATTEST: I certify that the foregoing was published as Ordinance # 0223-1 on the 22nd day of February, 2023.


Marge Letts, City Clerk