

RESOLUTION NO. 474

RESOLUTION WAIVING RIGHT TO REVIEW  
PAT COTA AND MARY MCGUIRE-COTA SUBDIVISION PLAT

WHEREAS, Pat Cota and Mary McGuire Cota, the proprietors of certain real estate fully described in the plat of survey attached hereto to which plat and description are incorporated herein by this reference, has made application to the Council of the City of Harpers Ferry, Iowa, for review and approval of said plat, which constitutes a subdivision plat, under the provisions of Iowa Code Chapter 354 and Municipal Code Chapter 165; and,

WHEREAS, it can be shown that strict compliance with the requirements of Municipal Code Chapter 165 would result in extraordinary hardship to the subdivider because of unusual topography or other conditions, the Council may vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured; and,

WHEREAS, the Council recognizes that a variance is required for the subdivision in order to comply with the City's minimum lot size requirement; and,

WHEREAS, the Council has considered said subdivision plat and determined that said subdivision will have no appreciable impact on community development or the provision of public improvements or services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Harpers Ferry, Iowa:

Section 1. That the Council, pursuant to Iowa Code Section 354.8 and Municipal Code Section 165.12, hereby waives the right to review the Pat Cota and Mary McGuire-Cota subdivision plat, a copy of which is attached hereto, which plat of survey sets forth a proposed subdivision consisting of the following described real estate:

Lot One (1) of Lot Three (3) in Block Two (2) of the deCoteau Subdivision, in the City of Harpers Ferry, Allamakee County, Iowa containing 4,846 square feet, more or less, and more particularly described by metes and bounds as follows:

Commencing at the West  $\frac{1}{4}$  Corner of Section 24, Township 97 North, Range 3 West of the 5<sup>th</sup> P.M.; thence N 02°-23'-49" W, 1171.43 feet along the west line of the NW $\frac{1}{4}$  of said Section 24; thence N 88°-18'-17" E, 1649.26 feet along the south line of the NW $\frac{1}{4}$ -NW $\frac{1}{4}$  and the south line of the NE $\frac{1}{4}$ -NW $\frac{1}{4}$  of said Section 24; thence N 01°-16'-26" W, 100.17 feet; thence N 40°-42'-33" E, 40.00 feet to the Point of Beginning; thence N 40°-42'-33" E, 40.76 feet; thence N 49°-06'41" W, 120.01 feet; thence S 40°-42'-33" W, 40.00 feet along the easterly right-of-way line of Ripley Street in the City of Harpers Ferry, Iowa; thence S 48°-44'-55" E, 120.01 feet to the Point of Beginning. Said described parcel of land contains 4,846 square feet, more or less. Bearings are based on the Iowa State Plane Coordinate System North Zone (1401) Horizontal NAD 83 (2011).

Lot Two (2) of Lot Three (3) in Block Two (2) of deCoteau Subdivision, in the City of Harpers Ferry, Allamakee County, Iowa containing 2,423 square feet, more or less, and more particularly described by metes and bounds as follows:

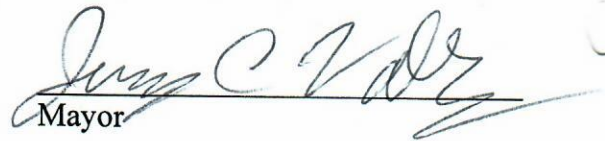


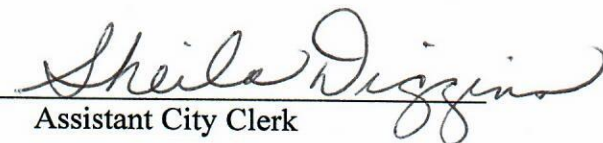
Commencing at the West ¼ Corner of Section 24, Township 97 North, Range 3 West of the 5<sup>th</sup> P.M.; thence N 02°-23'-49" W, 1171.43 feet along the west line of the NW1/4 of said Section 24; thence N 88°-18'-17" E, 1649.26 feet along the south line of the NW1/4-NW1/4 and the south line of the NE1/4-NW1/4 of said Section 24; thence N-01°-16'-26" W, 100.17 feet; thence N 40°-42'-33" E, 80.76 feet to the Point of Beginning; thence N 40°-42'-33" E, 20.38 feet; thence N 49°-17'-27" W, 120.00 feet; thence S 40°-42'-33" W, 20.00 feet along the easterly right-of-way line of Ripley Street in the City of Harpers Ferry, Iowa; thence S 49°-06'-41" E, 120.01 feet to the Point of Beginning. Said described parcel of land contains 2,423 square feet, more or less. Bearings are based on the Iowa State Plane Coordinate System North Zone (1401) Horizontal NAD 83 (2011).

Section 2. That the City, pursuant to Municipal Code Section 165.26, hereby grants a variance for the subdivision, which is conditioned on the requirement that the subdivided lots can only be purchased by adjoining landowners and can never be sold as separate lots.

Section 3. That the Clerk shall furnish a certified copy of this Resolution to the subdivider or his agent who shall be responsible to record the plat and this Resolution in the office of the Allamakee County Recorder and furnish evidence of such recording as provided by Municipal Code Section 165.17.

Passed by the Council and approved by the Mayor this 11<sup>th</sup> day of April, 20  .

  
Mayor

Attest:   
Assistant City Clerk

#### CITY CLERK' S CERTIFICATION

I, Sheila, the duly appointed Assistant City Clerk of the City of Harpers Ferry, Iowa, hereby certify that the resolution attached hereto is a true and correct copy of Resolution No. 474 passed by the Council and approved by the Mayor of the City of Harpers Ferry on April 11, 2022, according to the records of the City under my custody and control as City Clerk.

  
Sheila Diggins, Assistant City Clerk

(MUNICIPAL SEAL)