

RESOLUTION NO 495

RESOLUTION APPROVING VARIANCE FOR PROPERTY EXCHANGE BETWEEN
DENNIS WALDRON AND HERB AND KAREN PLATTEN

WHEREAS, Dennis Waldron and Herb and Karen Platten, who own adjoining pieces of property along Sandy Point Road in the City of Harpers Ferry, Iowa, are requesting approval of mutual plats of survey which, upon execution of final real estate documents, will result in an exchange of pieces of their respective properties; and,

WHEREAS, the plat of survey commissioned by Dennis Waldron sets forth a property description to go to Herb and Karen Platten as follows:

Lot Seven (7) of Lot Three (3) in Government Lot One (1) in Section Twenty-six (26), Township Ninety-seven (97) North, Range Three (3) West of the Fifth Principal Meridian, in the City of Harpers Ferry, Allamakee County, Iowa, containing 1,051 square feet, more or less, and more particularly described by metes and bounds as follows:

Commencing at the Northeast Corner of Section 26, Township 97 North, Range 3 West of the 5th P.M.; thence S 87°-21'-01" W, 293.89 feet along the north line of the NE1/4 of said Section 26; thence S 34°-47'-49" W, 94.59 feet along the southeasterly right-of-way line of Sandy Point Road in the City of Harpers Ferry, Iowa to the Point of Beginning; thence S 34°-47'-49" W, 14.09 feet along the southeasterly right-of-way line of said Sandy Point Road; thence S 54°-06'-41" E, 129.21 feet; thence N 45°-24'-13" W, 49.57 feet; thence N 49°-26'-03" W, 80.75 feet to the Point of Beginning;

and

WHEREAS, the plat of survey commissioned by Herb and Karen Platten sets forth a property description to go to Dennis Waldron as follows:

Lot One (1) of Lot Four (4) in Government Lot One (1) in Section Twenty-six (26), Township Ninety-seven (97) North, Range Three (3) West of the Fifth Principal Meridian, in the City of Harpers Ferry, Allamakee County, Iowa, containing 107 square feet, more or less, and more particularly described by metes and bounds as follows:

Commencing at the Northeast Corner of Section 26, Township 97 North, Range 3 West of the 5th P.M.; thence S 87°-21'-01" W, 293.89 feet along the north line of the NE1/4 of said Section 26;

thence S 34°-47'-49" W, 108.68 feet along the southeasterly right-of-way line of Sandy Point Road in the City of Harpers Ferry, Iowa; thence S 54°-06'-41" E, 129.21 feet to the Point of Beginning; thence S 54°-06'-41" E, 37.96 feet; thence S 47°-37'-48" W, 5.76 feet; thence N 45°-24'-13" W, 37.22 feet to the Point of Beginning;

and

WHEREAS, the properties in question do not currently conform to the standards set forth in Municipal Code Section 165.20 regarding design standards for lots, and, following the proposed property exchange, will remain in non-conformity with the aforementioned standards; and,

WHEREAS, it can be shown that strict compliance with the requirements of Municipal Code Chapter 165 would result in extraordinary hardship to the property owners 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 property exchange in order to comply with the City's minimum lot size requirement; and,

WHEREAS, the Council has considered said plat of survey and determined that said property exchange 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 City, pursuant to Municipal Code Section 165.26, hereby grants a variance from the design lot standards for the adjoining property owners' property exchange.

Section 2. That the Clerk shall furnish a certified copy of this Resolution to the property owners or their respective agents, 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 8th day of January, 2024.

Jerry Valley

Mayor

Kelli Melcher

Attest: _____
City Clerk