

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: 4/26/23

Weekly Agenda Date: 5/2/23

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Daniel Priestley, CED Zoning Co

WORDING FOR AGENDA ITEM:

a.Motion to receive the final staff report and the Zoning Commission's recommendation from their 4/24/23 meeting to approve the final plat of Niemeyer Addition, a minor subdivision to Woodbury County, Iowa.
b.Motion to accept and approve the Niemeyer Addition, a minor subdivision to Woodbury County, Iowa.

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

The Supervisors will receive the Woodbury County Planning and Zoning (P&Z) Commission's recommendation and final staff report on said plat and shall approve, approve with conditions, or disapprove the plat. The Board may table the matter with the consent of the subdivider. Approval shall be in the form of a resolution to be certified as part of the final plat.

BACKGROUND:

Marilyn Niemeyer, as Trustee of the Edwin O. Niemeyer Revocable Trust has filed for a one (1) lot minor subdivision on the property identified as Parcel #894607100006. This subdivision application (Niemeyer Addition) is being considered concurrently with a Conditional Use Permit application to use the proposed 4.500 acres for Mosher Landscaping which provides landscaping and other services. This proposal has been properly noticed in the Sioux City Journal Legals Section on April 8, 2023. The neighbors within 1000 FT have been duly notified via a April 14, 2023 letter about the April 24, 2023 Zoning Commission Public Hearing. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. The Woodbury County Engineer found the proposal in compliance with Iowa Code closure requirements and found that the new lot has adequate access. The Engineer did reference the consistency with the legal description and stated that the remaining land will need to receive a driveway permit unless an easement agreement is included. After clarification, both parties have made arrangements via a purchase agreement. The purchase agreement states "after closing, buyer agrees to grant access easement to Seller, and any documents ancillary thereto, so that Seller can access its adjoining real estate" Extraterritorial review, as required by Iowa Code 354.9, was completed by the City of Sioux City on March 27, 2023 with the passage of City Council Resolution No. 2023-0311. This property is located in the Agricultural Preservation (AP) Zoning District and is not located in the Special Flood Hazard Area (SFHA). Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. Staff recommends approval. On April 24, 2023, the Woodbury County Zoning Commission voted 4-0 to recommend the approval of the Niemeyer Addition to the Board of Supervisors.

FINANCIAL IMPACT:

0

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

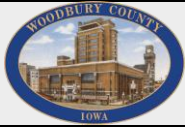
Yes No

RECOMMENDATION:

Receive the final staff report and P&Z Commission's recommendation from their 4/24/23 meeting.
Approve the final plat and authorize the Chairman to sign the resolution.

ACTION REQUIRED / PROPOSED MOTION:

- a. Motion to receive the final staff report and the Zoning Commission's recommendation from their 4/24/23 meeting to approve the final plat of Niemeyer Addition, a minor subdivision to Woodbury County, Iowa.
- b. Motion to accept and approve the Niemeyer Addition, a minor subdivision to Woodbury County, Iowa.



WOODBURY COUNTY COMMUNITY & ECONOMIC DEVELOPMENT

620 Douglas St. · Sixth Floor · Sioux City, IA 51101 · Phone: 712.279.6609 · Fax: 712.279.6530 · Web: woodburycountyiowa.gov

Daniel J. Priestley, MPA – Zoning Coordinator · dpriestley@woodburycountyiowa.gov

Dawn Norton – Senior Clerk · dnorton@woodburycountyiowa.gov

FINAL REPORT – APRIL 26, 2023

MARILYN NIEMEYER, AS TRUSTEE OF THE EDWIN O. NIEMEYER REVOCABLE TRUST NIEMEYER ADDITION – MINOR SUBDIVISION PROPOSAL

APPLICATION DETAILS:

Owner(s): Marilyn Niemeyer, as Trustee of the Edwin O. Niemeyer Revocable Trust
Application Type: Minor Subdivision (1 Lot)
Subdivision Name: Niemeyer Addition
Application Date: March 30, 2023
Subdivision Area: 4.500 Acres
Legal Notice Date: April 8, 2023
Stakeholder (1000') Letter Date: April 14, 2023
Zoning Commission Public Hearing Date: April 24, 2023
Board of Supervisors Agenda Date: May 2, 2023

PROPERTY DETAILS:

Parcel(s): 894607100006
Township/Range: T89N R46W (Concord Township)
Section: 7
Quarter: SW ¼ of the NW ¼
Zoning District: Agricultural Preservation (AP)
Floodplain District: Zone X (Not in Floodplain)
Address: 1130 Barker Avenue, Sioux City, IA 51108

TABLE OF CONTENTS:

Summary, Aerial, Plat Excerpt & Recommendation
Application
Final Plat
Review Criteria
Extraterritorial Review
Legal Notification
Adjacent Owners' Notification
Stakeholder Comments
Supporting Documentation

SUMMARY

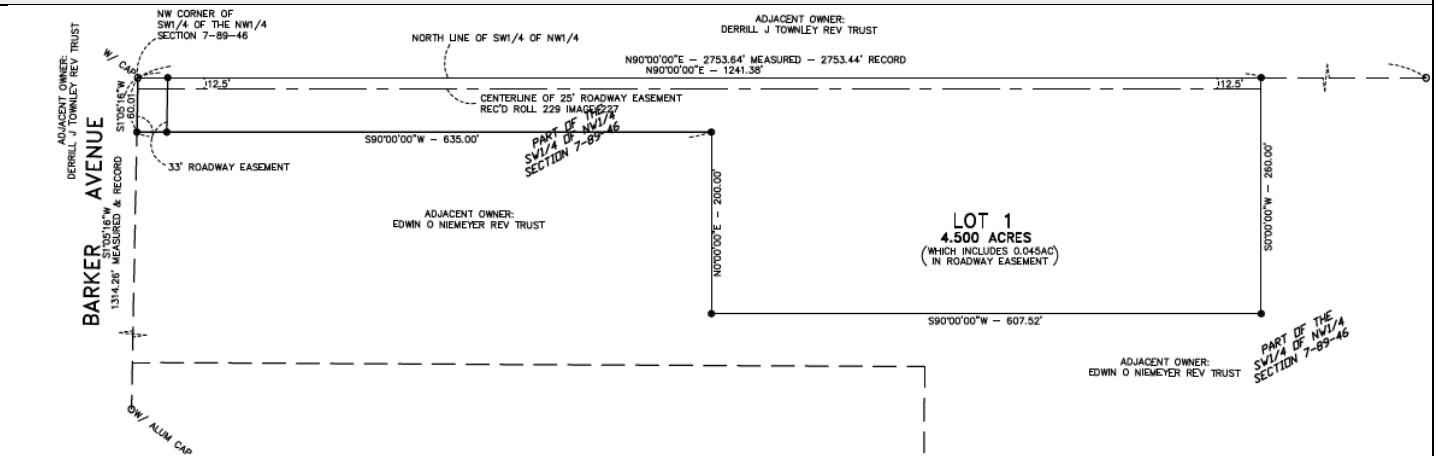
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AERIAL MAP



Parcel ID 894607100006 Alternate ID 883590 Owner Address NIEMEYER EDWIN O REVOCABLE TRUST
Sec/Twp/Rng 7-89-46 Class A 4125 FREMAR DR
Property Address 1130 BARKER AVE Acreage 60.53 SIOUX CITY, IA 51104
District 0057
Brief Tax Description EX AN IRREG TCT BEG AT SW CORNER SW NW THEC N 402.10 FT THEC E 1433.46 FT TO PT OF BEG; THEC NELY 481.46 FT THEC SELY 361.90 FT THEC S WLY 481.46 FT THEC NWLY 361.90 FT TO PT OF BEG AND EX S 1019 FT W 875 FT SW NW S 1/2 NW 1/4 7-89-46
(Note: Not to be used on legal documents)

PLAT EXCERPT



ZONING COMMISSION AND STAFF RECOMMENDATION

On April 24, 2023, the Woodbury County Zoning Commission voted 4-0 to recommend the approval of the Niemeyer Addition to the Board of Supervisors. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. Staff also recommends approval of the proposal.

Minutes – Woodbury County Zoning Commission Meeting – April 24, 2023

The Zoning Commission (ZC) meeting convened on the 24th of April at 6:00 PM in the first-floor boardroom in the Woodbury County Courthouse. The meeting was also made available via teleconference.

ZC Members Present:	Chris Zant, Corey Meister, Jeff O'Tool, Tom Bride
County Staff Present:	Dan Priestley, Dawn Norton
Public Present:	Doyle Turner, Leo Jochum, John Daniels, Sid Mosher, Matt Mosher, Adam Larson, Bill Holland, Dakin Schultz, Jason Klemme, Aaron Vargas (via teleconference)

Call to Order

Chair Chris Zant formally called the meeting to order at 6:01 PM.

Public Comment on Matters Not on the Agenda

None

Approval of Previous Meeting Minutes – March 27, 2023

O'Tool motioned. Second: Meister. Motion carried: 4-0.

Public Hearing: Niemeyer Addition, Minor Subdivision Proposal on Parcel #894607100006

Priestley read the preliminary report and staff recommendation into the record. Marilyn Niemeyer, as Trustee of Edwin O. Niemeyer Revocable Trust has filed a one (1) lot minor subdivision on parcel #894607100006. This subdivision application is being considered concurrently with a Condition Use Permit application to use the proposed 4.500 acres for Mosher Landscaping which provides landscaping and other services. This proposal has been properly noticed in the Sioux City Journal Legals Section on April 8, 2023. Neighbors within 1000 FT have been duly notified via an April 14, 2023 letter about the April 24, 2023 Zoning Commission Public Hearing. Appropriate stakeholders including government agencies, utilities and organization have been notified and have been requested to comment. The Woodbury County Engineer found the proposal in compliance with Iowa Code closure requirements and found the new lot has adequate access. The Engineer did reference the consistency with the legal description and stated the remaining land will need to receive a driveway permit unless an easement agreement is included. After clarification, both parties have made arrangements via purchase agreement. The purchase agreement states, "after closing, buyer agrees to grant access easement to Seller, and any ancillary thereto, so that Seller can access its adjoining real estate". Extraterritorial review, as required by Iowa Code 354.9, was completed by the City of Sioux City on March 27, 2023, with the passage of City Council Resolution No. 2023-0311. This property is located in the Agricultural Preservation (AP) Zoning District and is not located in the Special Flood Hazard Areas (SFHA). Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. Priestley noted extraterritorial review was completed, the City of Sioux City is not currently planning on annexing but may in the future when city water is available in that area. Motion to close public hearing: O'Tool. Second: Meister. Motion approved 4-0. Motion to recommend the approval of the Niemeyer Addition to the Board of Supervisors: O'Tool. Second: Meister. Motion carried 4-0.

Review of Conditional Use Permit Application: Landscaping Services, Nursery Business, and Other Related Uses, Etc., on Parcel #894607100006

Priestley read into record the summary of the Conditional Use Permit Proposal. Marilyn Niemeyer, as Trustee of the Edwin O. Niemeyer Revocable Trust (Owner) and Sid Mosher (Applicant) has filed for a conditional use permit application to use the property for landscaping and nursery on a portion of the property identified as Parcel #894607100006 and referenced above. Although horticultural production (including nurseries & greenhouses) are principally allowed uses in the AP Zoning District, a conditional use permit is required for similar landscaping uses such as tree services, sand and gravel storage, and feed and seed sales, fertilizer storage/distribution/application, and other related uses to a landscaping business. This conditional use permit application is being considered concurrently with a one-lot minor subdivision application to establish a 4.5-acre lot. This proposal has been properly noticed in the Sioux City Journal Legals Section on April 15, 2023. The neighbors within 1000 FT have been duly notified via April 14, 2023 letter about the May 1, 2023 Board of Adjustment Public Hearing. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. This property is located in the Agricultural Preservation (AP) Zoning District and is not located in the Special Flood Hazard Area (SFHA). Based on the information received and the requirements set forth in the Zoning Ordinance, the proposal meets the appropriate criteria for approval. Staff recommends

invoked for farms to utilize solar energy as a means of supporting their operation by being primarily adapted agricultural purposes. As noted, the Woodbury County Zoning Ordinance prohibits commercial large-scale electrical energy generation (not including wind) in each zoning district except for General Industrial (GI). Within the GI Zoning District, a conditional use permit application is required to be reviewed by the Zoning Commission and considered for approval by the Board of Adjustment. Under this policy, utility scale solar panel systems are prohibited on farmland (and all districts except GI) unless a farming operation uses them under the parameters of the agricultural exemption as enumerated in Iowa Code 335.2. If there is no agricultural exemption and the landowner resides on agricultural land, the ordinance prohibits electric energy generation (not including wind). If a landowner desires to use several acres of land in the Agricultural Preservation (AP) Zoning District, they would first need to achieve a rezone from the AP to the GI Zoning District. However, since spot zoning by convention is not a widely accepted practice, and that much of the future land use map does not provide for industrial activities in agricultural areas (see Future Land Use Map below), the chances are minimal for the zoning designation to change in order to consider a commercial solar conditional use permit on AP zoned land. The Commission discussed some potential paths to address solar including focusing on amending the private systems to be allowed as an accessory use via building permit. They also discussed the possibility of making the consideration of the conditional use permit an option in the Agricultural Preservation (AP) Zoning District. Leo Jochum and Doyle Turner offered comments about solar including the CSR ratings. Jochum discussed potential areas in the county that could facilitate solar. Turner offered concerns about the CSR and suggested the siting of solar from a slope standpoint instead. The Commission discussed having a public hearing next month to consider amendments to the zoning ordinance.

Information/Discussion: Summary of Proposed Revisions to Woodbury County Ordinance #56:

Priestley informed the Commission that the Board of Supervisors are looking toward amending the wind energy ordinance, Ordinance #56. The proposed public hearing dates are May 9, 16 and 23. The proposal is to amend portions of Woodbury County Ordinance #56: an amendment to modify section 6.1.A: wind turbines set back requirements to increase certain setback requirements in the ordinance regulating commercial wind energy conversion systems in unincorporated Woodbury County. Amendment #1: On page 10, Section 6.1.A, to repeal and replace the Wind Turbine Set Back Requirement for the City Limits Protected Area from 600 feet to 2 miles. Amendment #2: On page 10, Section 6.1.A, to repeal and replace the Wind Turbine Set Back Requirement for the Public Conservation Protected Area from 600 feet or 110% of total height (whichever is greater) to 2,640 feet or 4.5x tower height (whichever is greater).

Information/Discussion: Woodbury County Comprehensive Plan 2040 Update

SIMPCO will present a draft version of the 2040 Comprehensive Plan at an Open House on Wednesday, April 26th from 5:00 – 6:30 in the basement meeting room of the courthouse to review the plan and receive comments on the future development of Woodbury County. Everyone is encouraged to attend and offer input.

Public Comment on Matters Not on the Agenda

None

Commissioner Comment or Inquiry

None

Staff Update

Iowa State University Extension and Outreach will provide a Zoning Training session on April 27, 2023 at the Hilton Garden Inn on April 27, 2023. Board of Supervisors, Zoning Commission, and Board of Adjustment members are invited to attend. The Federal government is getting closer to implementation of the new FEMA maps. The 90-day appeal period will be up through July 24, 2023.

Adjourn

Motion by O'Tool. Second: Meister. Carried 4-0. The meeting adjourned at 7:29 PM.

approval. Motion by Meister to recommend approval of the conditional use request to allow for this property to be used as a landscaping and nursery business with associated uses including tree services, sand and gravel storage, feed and seed sales, fertilizer storage/distribution/application, and other uses related to a landscaping business. Second: O'Tool. Motion carried 4-0.

Review of Conditional Use Permit Application: Vendor Sales of Alcohol During RAGBRAI on Parcel #894407100006, 2590 110th St., Merville, IA 51039

Priestley read the proposed Conditional Use Permit proposal into the record. Backpack Brewing (Applicant) and property owners Chad and Tara Schmitt have filed for a Conditional Use Permit application to sell alcohol during RAGBRAI's visit through Woodbury County on July 23, 2023. The proposed sales site is on Parcel #894407100006. The parcel is located in the Agricultural Preservation (AP) Zoning District and is not located in the floodplain. The Woodbury County Board of Supervisors approved Ordinance #69, effective November 16, 2022, authorizing this request as a conditional use in the AP District. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, the proposal meets the appropriate criteria for approval. Staff recommends approval. Aaron Vargas spoke on behalf of Backpack Brewing. Motion by O'Tool to recommend approval and forward to Board of Adjustment the conditional use permit application to allow sales of alcohol only during the Special Event of RAGBRAI on July 23, 2023 with the condition that the property owner/applicant shall obtain all necessary federal, state, and local permits including, but not limited to liquor licensing; and the permit shall terminate at 11:59 PM CT on July 23, 2023. Second: Bride. Motion carried 4-0.

Review of Conditional Use Permit Application: Temporary Borrow Pits on Two Proposed Borrow Areas: Borrow Area #1: Parcels(s) 884704200001 & 884704200003; Borrow Area #2: Parcel(s): 884702100006

JB Holland Construction, Inc. (Applicant) and property owners Eric Hennings and Donald Hennings of the Hennings Joint Trust have filed for a Conditional Use Permit application to establish temporary borrow sites to remove earthen materials to be used in Phase 1 and 2 of the east bound Highway 20 project (IDOT Project #17-97-020-010). The proposed temporary borrow areas are located on Parcel #884704200001, Parcel #884704200003 and Parcel #884702100006. Both parcels are located on the south side of Highway 20. Each parcel is currently used as farm ground. The proposed cut area on Parcel #884704200001 and Parcel #884704200003 is 8-10 acres. The work area is 10 acres and the total excavation for export is 100,000-150,000 yds³. The proposed cut area on Parcel #884702100006 is 8-10 acres. The work area is 10 acres, and the total excavation for export is 100,000-150,000 yds³. The parcels are located in the Agricultural Preservation (AP) Zoning District and a portion of Parcel #884702100006 is located in the floodplain. However, this area will not be a part of the borrow site. The applicants have provided the necessary documentation for storm water management, soil erosion, dust control, haul routes, traffic entrances, hours of operation, and duration of operations. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinance, staff recommends approval of Temporary Borrow Area #2 with the condition that an archeological study be completed for the area and approval of Temporary Borrow Area #1 with the condition that an archeological study also be completed for the area and that approval is contingent on a written agreement between Magellan Midstream Partners L.P. and the property owners and applicants that the active pipeline be removed at the location before any borrow activity can proceed. Without a verified written agreement, it is recommended by staff to deny the application for Temporary Borrow Area #1. Pipeline agreement has not been made as of April 24, 2023. Bill Holland stated the area is currently farmland, after completion of the project, area will be graded and returned to farmland. Motion by O'Tool to recommend approval of Temporary Borrow Area #2 with the condition that the final archaeological study be completed for the area and with the condition that approval is contingent on a written agreement between Magellan Midstream Partners L.P., the property owners, and applicants that the pipeline be removed at the location before any borrow activity can proceed. Without a verified written agreement, it is recommended to deny the application for Temporary Borrow Area #1. Second: Meister. Motion carried 4-0.

Information/Discussion: Woodbury County Solar Energy Requirements Review for Possible Changes to Zoning Ordinance

Priestley informed the Commission that on April 4, 2023, the Woodbury County Board of Supervisors directed zoning to evaluate solar power in the unincorporated areas of the county. Solar energy generation can be classified into two categories including personal or private and utility scale systems. The permitting or allowed use of solar panels in Woodbury County is three-fold. First, utility solar scale systems are only allowed for consideration as a conditional use in the General Industrial (GI) Zoning District. They are prohibited in all of the other zoning classifications. Second, personal or private systems are considered in each zoning district via the conditional use permit process. Lastly, it is possible that the Agricultural Exemption in Iowa Code 335.2 could be

CERTIFICATE OF WOODBURY COUNTY ZONING COMMISSION

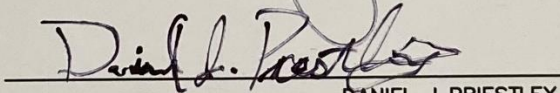
WE DO HEREBY CERTIFY THAT WE ARE THE CHAIR AND THE COORDINATOR OF THE PLANNING & ZONING COMMISSION, WOODBURY COUNTY, IOWA, AND WE FURTHER CERTIFY THAT THE SAID ZONING COMMISSION DID TAKE UNDER ADVISEMENT THE ATTACHED PLAT AND THAT SAID ZONING COMMISSION DID ON

THE 24 DAY OF April, 2023
RECOMMEND TO THE WOODBURY COUNTY BOARD OF SUPERVISORS
THE ACCEPTANCE AND APPROVAL OF SAID SUBDIVISION

DATED April 24, 2023



CHRISTINE ZELLMAR ZANT, CHAIR
WOODBURY COUNTY ZONING COMMISSION



DANIEL J. PRIESTLEY
PLANNING & ZONING COORDINATOR
WOODBURY COUNTY ZONING COMMISSION

APPLICATION

WOODBURY COUNTY, IOWA
MINOR SUBDIVISION APPLICATION

Applicant: MARILYN NIEMEYER, AS TRUSTEE OF THE EDWIN O. NIEMEYER REVOCABLE TRUST

Name of Owner

Mailing Address: 4250 FREMAR DRIVE SIoux CITY IOWA 51104-1413
Street City or Town State and Zip + 4

Property Address: 1130 BARKER AVENUE SIoux CITY IOWA 51108-8008
Street City or Town State and Zip + 4

Ph/Cell #: (712) 259-7345 E-mail Address: MISTI.NIEMEYER@GMAIL.COM

To subdivide land located in the SW1/4 NW 1/4 Quarter of Section Seven (7)

Civil Township Eighty-nine (89) North GIS Parcel # Part 8946 0710 0006

Name of Subdivision: NIEMEYER ADDITION

Subdivision Area in Acres 4.500 Number of Lots One (1)

Attachments:

1. Eight (8) copies of grading plans; if required.
2. Eight (8) copies of final plats (Complete per Section 4.01 of the Subdivision Ordinance).
3. An attorney's opinion of the abstract.
4. A Certified abstractor's certificate to include:
 - a. Legal description of proposed subdivision.
 - b. Plat showing clearly the boundaries of the subdivision.
 - c. A list of names, mailing addresses (including the ZIP + 4), and legal descriptions of all property owners within 1000'.

Surveyor: DOUGLAS J. MORDHORST, MLS & ASSOCIATES Ph/Cell: (712) 258-6844

Attorney: ALEX S. BERENSTEIN, CRARY HUFF Ph/Cell: (712) 224-7573

I hereby grant permission to the Woodbury County Zoning Staff and elected or appointed officials to conduct on-site inspections.

Owner's Signature: *Marilyn Niemeyer*
Zoning Director: *[Signature]*

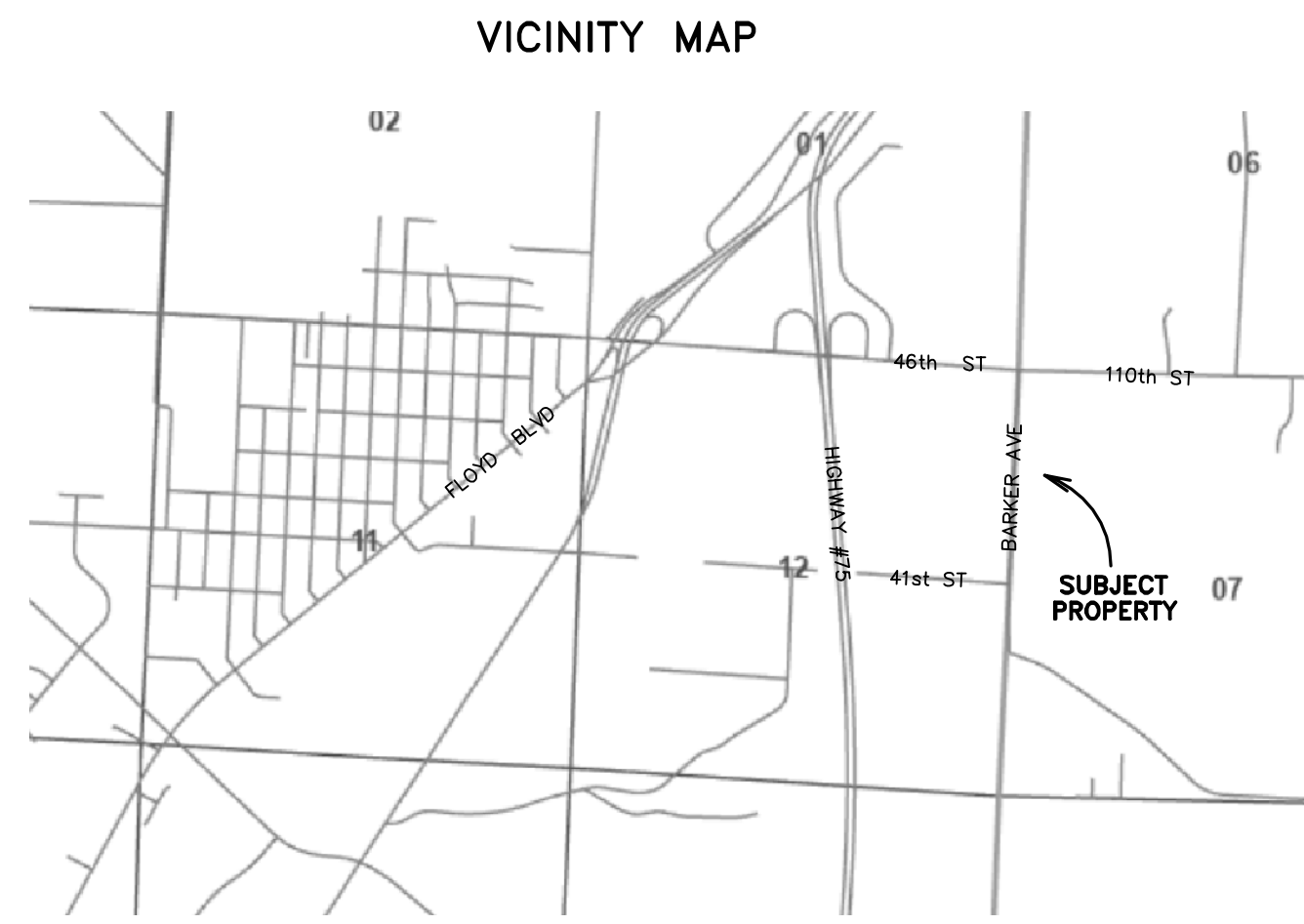
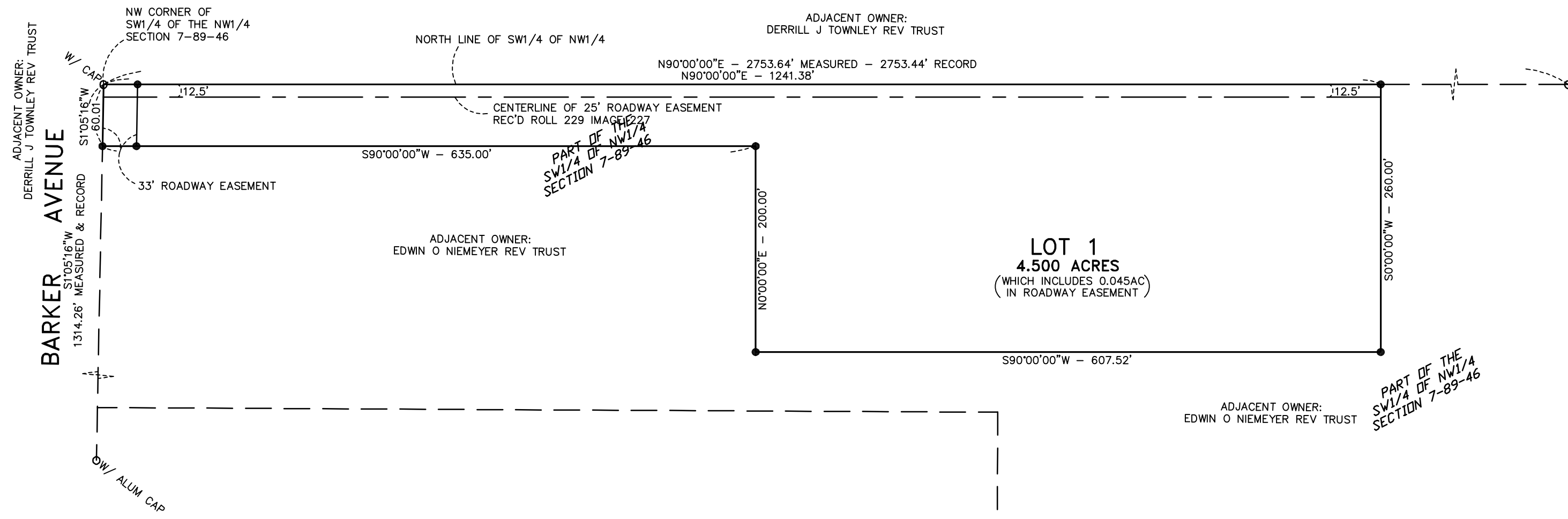
For Office Use Only:

Zoning District AP Flood District X Date 3/30/23 No. 6847

Application Fee 4 Lots or less (\$300*+ Additional Fees) \$ 300 CR#134117
5 Lots or more (\$300* plus \$5 per lot + Additional Fees)

*Owner(s)/applicant(s) shall pay the additional costs associated with the processing, printing, and the mailing of notifications of the public hearings when the number of mailings required exceeds 30. The owner(s)/applicant(s) shall pay the additional costs of the legal publication notice(s) in newspaper(s) when the fees exceed \$100.00.

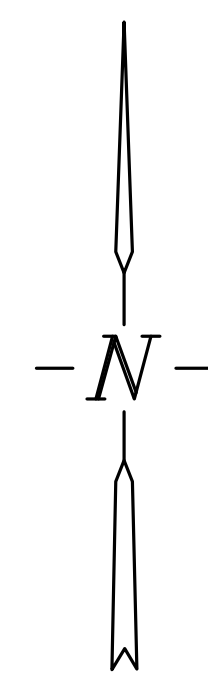
FINAL PLAT OF
NIEMEYER ADDITION
 A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA



LEGAL DESCRIPTION

All that part of the Southwest ¼ of the Northwest ¼ of Section 7, Township 89 North, Range 46 West of the Fifth Principal Meridian, Woodbury County, Iowa, described as follows:

Beginning at the Northwest corner of said Southwest ¼ of the Northwest ¼ of said Section 7; thence North 90° 00' 00\"/>



OWNERS & SUBDIVIDERS:
 EDWIN O NIEMEYER REVOCABLE TRUST
 4125 FREMAR DRIVE
 SIOUX CITY, IA 51104

LAND SURVEYOR:
 DOUGLAS J. MORDHORST
 MLS & ASSOCIATES, P.L.C.
 703 DOUGLAS STREET
 SIOUX CITY, IOWA

SCALE: 1" = 100'

SHEET 1 OF 2

NOTES

- ZONING DISTRICT:**
 AP: AGRICULTURAL PRESERVATION
- BULK REGULATIONS:**
 MINIMUM LOT WIDTH: 200'
 MINIMUM LOT SIZE: 2 ACRES
 MINIMUM FRONT YARD: 100'
 SIDE YARDS: 10', 20' OR 50'
 DEPENDENT ON USE**
 MINIMUM REAR YARD: 50'
 DEPENDENT ON USE**
 MAXIMUM HEIGHT: 45'
 MAXIMUM STORIES: NO LIMIT
- ** OTHER REGULATIONS APPLY. SEE SUBDIVISION ORDINANCES FOR DETAILS
- LOT TO BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.
- ELECTRICAL:** WOODBURY COUNTY REC
 1495 HUMBOLT AVE.
 MOVILLE, IOWA 51039
- TELEPHONE:** LOT PRESENTLY NOT SERVED BY LANDLINE PHONE SERVICE
- TOTAL AREA IN ADDITION: 4.500 ACRES

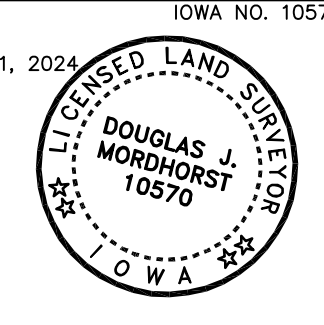
CERTIFICATION

I, DOUGLAS J. MORDHORST, A DULY LICENSED LAND SURVEYOR UNDER THE PROVISIONS OF THE LAWS OF THE STATE OF IOWA, HOLDING CERTIFICATE NO. 10570, DO HEREBY CERTIFY THAT THE PLAT OF NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA, IS A TRUE REPRESENTATION OF A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE SAME IS LOCATED UPON AND COMPRISES THE WHOLE OF THE ATTACHED DESCRIBED PROPERTY.

I DO HEREBY CERTIFY THAT THERE ARE CONTAINED IN SAID DESCRIPTION THE LOT DESCRIBED IN THE ADDITION PLATTED; THAT THE SAME ARE OF THE DIMENSIONS, NUMBER, NAMES AND LOCATIONS AS SHOWN ON SAID PLAT AND THAT IRON STAKES WERE DRIVEN AT EACH CORNER OF EVERY LOT EXCEPT AS NOTED ON SAID PLAT.

DATED AT SIOUX CITY, IOWA:

DOUGLAS J. MORDHORST
 LICENSE NUMBER 10570
 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2024
 2 SHEETS COVERED BY THIS SEAL
 PLOT DATE: MARCH 29, 2023



LEGEND

- INDICATES FOUND ROD UNLESS OTHERWISE INDICATED
- INDICATES SET 1/2" x 30" IRON PIN W/ CAP #10570

COUNTY: WOODBURY
 SECTION: 7 TOWNSHIP: T 89N RANGE: R 46W
 ALIQUOT PART: SW1/4 OF NW1/4
 CITY:
 SUBDIVISION: NIEMEYER ADDITION
 BLOCK:
 LOT: 1
 PROPRIETOR: EDWIN O NIEMEYER REVOC TRUST
 REQUESTED BY: ALEX BERENSTEIN

PREPARED BY
MLS & ASSOCIATES, PLC
 703 DOUGLAS STREET
 SIOUX CITY, IOWA 51101
 (712) 258-6844
 MLSSURVEYING@GMAIL.COM

FINAL PLAT OF
NIEMEYER ADDITION
A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA

SHEET 2 OF 2
PLOT DATE: MARCH 29, 2023

ANNEXATION AGREEMENT CERTIFICATE

THE PROPERTY INCLUDED ON THE ATTACHED PLAT IS SUBJECT TO AN ANNEXATION AGREEMENT RECORDED ON
ROLL _____ AND PAGE _____ OF THE WOODBURY COUNTY RECORDER'S OFFICE

DEDICATION

THE EDWIN O. NIEMEYER REVOCABLE TRUST IS THE OWNER OF THE REAL ESTATE DESCRIBED IN THE ATTACHED SURVEYOR'S CERTIFICATE AND HAS IN THE PURSUANCE OF LAW, CAUSED SAID DESCRIBED REAL ESTATE DESCRIBED IN THE ATTACHED SURVEYOR'S CERTIFICATE, AND HAS IN PURSUANCE OF LAW, CAUSED SAID DESCRIBED REAL ESTATE TO BE SURVEYED, STAKED AND PLATTED INTO LOTS AS IS PARTICULARLY SHOWN AS SET FORTH IN THE ATTACHED PLAT AND SAID CERTIFICATE OF DOUGLAS MORDHORST, PLS, A LICENSED SURVEYOR WHO SURVEYED AND PLATTED THE REAL ESTATE TO BE KNOWN AS NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA, AND THAT THE SAME IS PREPARED WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES AS OWNER AND PROPRIETOR THEREOF.

EXECUTED AT _____ IOWA THIS _____ DAY OF _____ 20_____

MARILYN NIEMEYER, TRUSTEE OF THE EDWIN O NIEMEYER REVOCABLE TRUST

STATE OF IOWA }SS
WOODBURY COUNTY }

ON THIS _____ DAY OF _____, 2023, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE OF IOWA, PERSONALLY APPEARED MARILYN NIEMEYER, TO ME PERSONALLY KNOWN, WHO BEING BY ME DULY SWORN DID SAY THAT THE PERSON IS THE TRUSTEE OF THE EDWIN O. NIEMEYER REVOCABLE TRUST, THE TRUSTEE ACKNOWLEDGED EXECUTION OF THE INSTRUMENT TO BE THE VOLUNTARY ACT AND DEED OF THE TRUST BY IT AND BY THE TRUSTEE VOLUNTARILY EXECUTED

NOTARY PUBLIC IN AND FOR THE STATE OF IOWA

TITLE OPINION

COUNTY AUDITOR AND RECORDER WOODBURY COUNTY, IOWA

Dear Sir/Madam:

We have this date examined a complete abstract to Title, pursuant to Iowa Code Section 354.11(1)(c) to property which includes in its entirety, property described in the legal description on the plat of: Niemeyer Addition a Minor Subdivision in Woodbury County, Iowa last certified by Engleson Abstract Co., Inc.,

dated _____, 2023 at 8:59 a.m. and from said abstract find good and merchantable title to said premises vested in Marilyn Niemeyer, as Trustee of the Edwin O. Niemeyer Revocable Trust, subject to the following, liens, limitations and exceptions:

1. A Right of Way Agreement in favor of Socony-Vacuum Oil Company, Inc., dated May 6, 1941, filed August 6, 1941, in Book 154, Page 195, and assigned to Magnolia Pipe Line Company, dated November 30, 1959, filed January 25, 1960, in Book 937, Page 195.
2. A Right of Way Agreement in favor of Iowa Public Service Company, dated February 27, 1959, filed April 21, 1959, in Book 909, Page 434
3. A Right of Way Easement in favor of Woodbury County Rural Electric Cooperative Association, dated August 23, 1976, filed August 30, 1976, in Roll 53, Image 1694.
4. A Right of Way and Easement Agreement, dated March 20, 1990, filed April 20, 1990, in Roll 229, Image 227, as shown on the plat.
5. All certified real estate taxes and special assessments due and payable have been paid. Real estate taxes and special assessments not certified are a lien in an undetermined amount.

DATED: _____ 2023

ALEX S. BERENSTEIN
ATTORNEY AT LAW

CERTIFICATE OF PLANNING AND ZONING COMMISSION

WE DO HEREBY CERTIFY THAT WE ARE THE CHAIRPERSON AND DIVISION MANAGER, RESPECTIVELY, OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIOUX CITY, IOWA, AND WE DO FURTHER CERTIFY THAT SAID PLANNING AND ZONING COMMISSION DID TAKE UNDER ADVICE THE ATTACHED PLAT OF NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA, AND THAT SAID PLANNING AND ZONING

COMMISSION DID ON THE _____ DAY OF _____, 20_____, RECOMMEND TO THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, THE ACCEPTANCE AND APPROVAL OF THE PLAT OF SAID SUBDIVISION.

DATED _____
ANDREW GLISAR, CHAIRPERSON

DATED _____
JILL WANDERSCHIED
NEIGHBORHOOD SERVICES MANAGER

CITY COUNCIL RESOLUTION NO. _____

RESOLUTION ACCEPTING AND APPROVING THE PLAT OF NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA.

WHEREAS, THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIOUX CITY, IOWA, HAS RECOMMENDED THE ACCEPTANCE AND APPROVAL OF SAID PLAT, NOW, THEREFORE BE, AND IT IS, RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, THAT SAID PLAT OF NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA, AS HERETO ATTACHED AND FORMING PART OF THIS RESOLUTION BE, AND THE SAME HEREBY IS, ACCEPTED AND APPROVED

PASSED _____
ROBERT E. SCOTT, MAYOR

APPROVED _____
ATTEST: LISA McCARDLE, CITY CLERK

STATE OF IOWA }SS
WOODBURY COUNTY }

I, THE UNDERSIGNED, CLERK OF THE CITY OF SIOUX CITY, IOWA, DO HEREBY CERTIFY THAT THE FOREGOING IS A FULL, TRUE, AND CORRECT COPY OF A RESOLUTION ACCEPTING AND APPROVING SAID PLAT OF NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA, WHICH SAID RESOLUTION WAS ADOPTED BY THE CITY

COUNCIL OF SAID CITY ON THE _____ DAY OF _____, 20_____, AND APPROVED BY THE MAYOR OF SAID CITY ON SAID DATE ALL AS FULL, TRUE, AND COMPLETE AS THE SAME APPEARS OF RECORD IN THE OFFICE OF SAID CITY CLERK

DATED _____

ROBERT E. SCOTT, MAYOR

LISA McCARDLE, CITY CLERK

AUDITOR'S APPROVAL OF SUBDIVISION NAME OR TITLE

THE COUNTY AUDITOR HEREBY ACCEPTS AND APPROVES THE NAME OR TITLE OF SAID SUBDIVISION PLAT (AS REQUIRED BY IOWA CODE SECTION 354.6(2)).

DATED _____

PATRICK F. GILL
WOODBURY COUNTY AUDITOR
BY: DIANE SWOBODA PETERSON, DEPUTY

COUNTY ENGINEERS CERTIFICATE

I, MARK NAHRA, P.E., THE COUNTY ENGINEER OF WOODBURY COUNTY, IOWA, DO HEREBY CERTIFY THAT I HAVE REVIEWED THE ATTACHED PLAT AND HAVE MATHEMATICALLY COMPUTED THE ERROR OF CLOSURE OF THE PLAT PERIMETER AND OF THE LOTS CONTAINED THEREIN, AND FIND THAT SAID PLAT CONFORMS WITH THE CLOSURE REQUIREMENTS OF THE WOODBURY COUNTY SUBDIVISION ORDINANCE FOR THE UNINCORPORATED AREA OF WOODBURY COUNTY, IOWA.

DATED _____

MARK NAHRA, P.E.
WOODBURY COUNTY ENGINEER

BOARD OF SUPERVISORS RESOLUTION

RESOLUTION NUMBER: _____
RESOLUTION ACCEPTING AND APPROVING NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA.

WHEREAS, THE OWNER AND PROPRIETOR DID ON

THE _____ DAY OF _____, 20_____, FILE WITH THE WOODBURY COUNTY ZONING COMMISSION A CERTAIN PLAT DESIGNATED AS NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA; AND

WHEREAS, IT APPEARS THAT SAID PLAT CONFORMS WITH ALL OF THE PROVISIONS OF THE CODE OF THE STATE OF IOWA AND ORDINANCES OF WOODBURY COUNTY, IOWA, WITH REFERENCE TO THE FILING OF SAME; AND

WHEREAS, THE ZONING COMMISSION OF WOODBURY COUNTY, IOWA HAS RECOMMENDED THE ACCEPTANCE AND APPROVAL OF SAID PLAT; AND

WHEREAS, THE COUNTY ENGINEER OF WOODBURY COUNTY, IOWA HAS RECOMMENDED THE ACCEPTANCE AND APPROVAL OF SAID PLAT.

NOW THEREFORE, BE, AND IT IS HEREBY RESOLVED BY THE WOODBURY COUNTY BOARD OF SUPERVISORS, WOODBURY COUNTY, STATE OF IOWA, THAT NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA BE, AND THE SAME IS HEREBY ACCEPTED AND APPROVED, AND THE CHAIRPERSON AND SECRETARY OF THE WOODBURY COUNTY BOARD OF SUPERVISORS, WOODBURY COUNTY, STATE OF IOWA, ARE HEREBY DIRECTED TO FURNISH TO THE OWNER AND PROPRIETOR A CERTIFIED COPY OF THIS RESOLUTION AS REQUIRED BY LAW.

PASSED AND APPROVED THIS _____ DAY OF _____, 20_____.

MATTHEW UNG
CHAIRPERSON OF BOARD OF SUPERVISORS
WOODBURY COUNTY, IOWA

ATTEST: _____
PATRICK F GILL
SECRETARY

CERTIFICATE OF WOODBURY COUNTY ZONING COMMISSION

WE DO HEREBY CERTIFY THAT WE ARE THE CHAIR AND THE COORDINATOR OF THE PLANNING & ZONING COMMISSION, WOODBURY COUNTY, IOWA, AND WE FURTHER CERTIFY THAT THE SAID ZONING COMMISSION DID TAKE UNDER ADVICE THE ATTACHED PLAT AND THAT SAID ZONING COMMISSION DID ON

THE _____ DAY OF _____, 20_____, RECOMMEND TO THE WOODBURY COUNTY BOARD OF SUPERVISORS THE ACCEPTANCE AND APPROVAL OF SAID SUBDIVISION

DATED _____

CHRISTINE ZELLMAR ZANT, CHAIR
WOODBURY COUNTY ZONING COMMISSION

DANIEL J PRIESTLEY
PLANNING & ZONING COORDINATOR
WOODBURY COUNTY ZONING COMMISSION

TREASURERS CERTIFICATE OF TAXES AND SPECIAL ASSESSMENTS

I, THE UNDERSIGNED, TREASURER OF WOODBURY COUNTY, IOWA, DO HEREBY CERTIFY THAT THE LAND DESCRIBED IN THE ATTACHED AND FOREGOING SURVEYOR'S CERTIFICATE IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS.

DATED _____

TINA M. BERTRAND, TREASURER
WOODBURY COUNTY, IOWA

CERTIFICATE OF COUNTY ASSESSOR

I, _____, HEREBY CERTIFY THAT ON THE _____ DAY OF _____, 20_____, A COPY OF THIS PLAT WAS FILED IN THE COUNTY ASSESSOR'S OFFICE

DATED _____

JULIE CONOLLY
COUNTY ASSESSOR

AUDITOR & RECORDER'S CERTIFICATE OF RECORDING

STATE OF IOWA }SS DOCKET NO: _____ FILED FOR
WOODBURY COUNTY }

RECORD, THIS _____ DAY OF _____, 20_____,

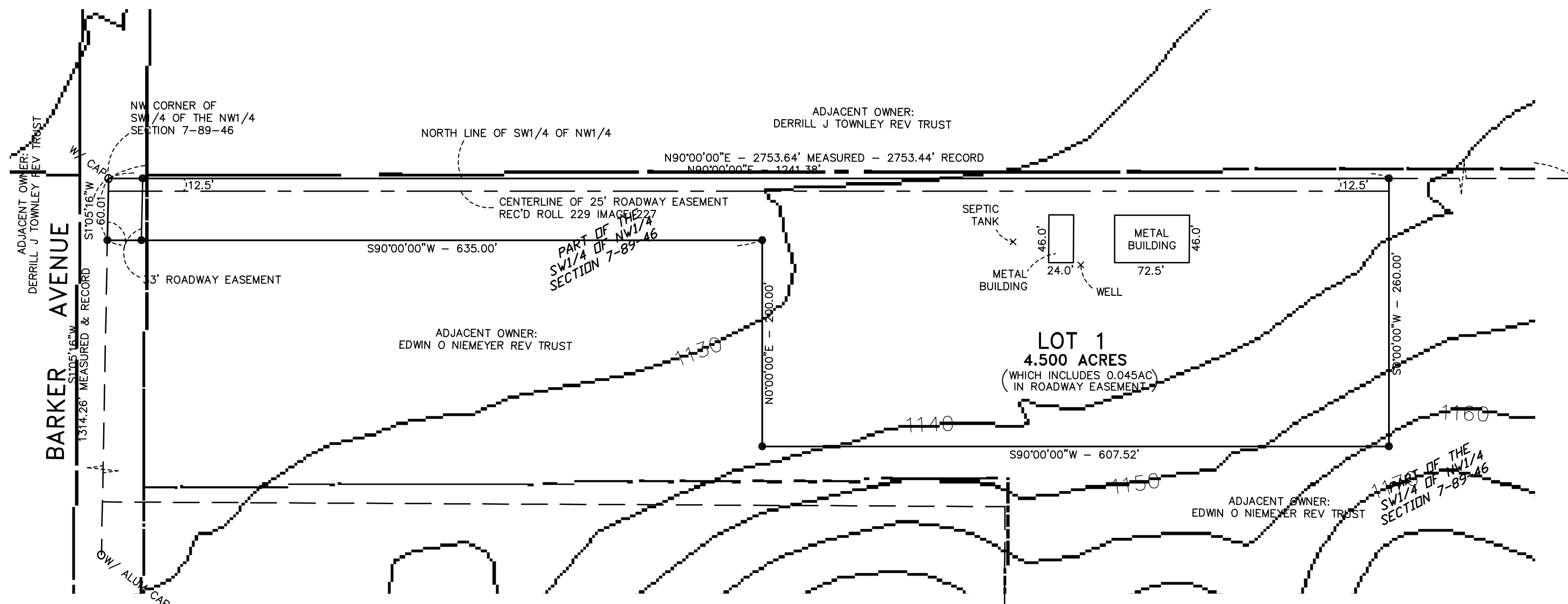
AT _____ O'CLOCK _____ M. RECORDED IN PLAT ENVELOPE _____ INDEXED AND DELIVERED TO THE COUNTY AUDITOR OF WOODBURY COUNTY, IOWA.

DATED _____

PATRICK F. GILL
WOODBURY COUNTY AUDITOR & RECORDER
BY: DIANE SWOBODA PETERSON, DEPUTY

PREPARED BY
MLS & ASSOCIATES, PLC
703 DOUGLAS STREET
SIOUX CITY, IOWA 51101
(712) 258-6844
MLSSURVEYING@GMAIL.COM

TOPOGRAPHIC MAP OF
NIEMEYER ADDITION
 A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA



VICINITY MAP

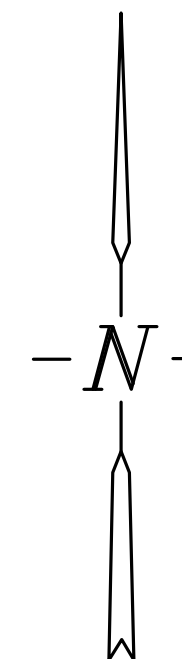


LEGAL DESCRIPTION

All that part of the Southwest 1/4 of the Northwest 1/4 of Section 7, Township 89 North, Range 46 West of the Fifth Principal Meridian, Woodbury County, Iowa, described as follows:
 Beginning at the Northwest corner of said Southwest 1/4 of the Northwest 1/4 of said Section 7; thence North 90° 00' 00" East along the North line of said Southwest 1/4 of the Northwest 1/4 for 1241.38 feet; thence South 0° 00' 00" East for 260.00 feet; thence South 90° 00' 00" West for 607.52 feet; thence North 0° 00' 00" East for 200.00 feet; thence South 90° 00' 00" West for 635.00 feet to the West line of said Southwest 1/4 of the Northwest 1/4; thence North 1° 05' 16" East along said West line for 60.01 feet to the point of beginning.
 Said described parcel contains 4.500 acres, more or less, which includes 0.045 acres in roadway easement.

OWNERS & SUBDIVIDERS:
 EDWIN O NIEMEYER REVOCABLE TRUST
 4125 FREMAR DRIVE
 SIOUX CITY, IA 51104

LAND SURVEYOR:
 DOUGLAS J. MORDHORST
 MLS & ASSOCIATES, P.L.C.
 703 DOUGLAS STREET
 SIOUX CITY, IOWA



SCALE: 1" = 100'
 0 100 200
 SHEET 1 OF 2

NOTES

ZONING DISTRICT:
 AP: AGRICULTURAL PRESERVATION

BULK REGULATIONS:
 MINIMUM LOT WIDTH: 200'
 MINIMUM LOT SIZE: 2 ACRES
 MINIMUM FRONT YARD: 100'
 SIDE YARDS: 10', 20' OR 50'
 DEPENDENT ON USE**
 MINIMUM REAR YARD: 50'
 DEPENDENT ON USE**
 MAXIMUM HEIGHT: 45'
 MAXIMUM STORIES: NO LIMIT

** OTHER REGULATIONS APPLY. SEE SUBDIVISION ORDINANCES FOR DETAILS

LOT TO BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.

ELECTRICAL: WOODBURY COUNTY REC
 1495 HUMBOLT AVE.
 MOVILLE, IOWA 51039

TELEPHONE: LOT PRESENTLY NOT SERVED BY LANDLINE PHONE SERVICE

TOTAL AREA IN ADDITION: 4.500 ACRES

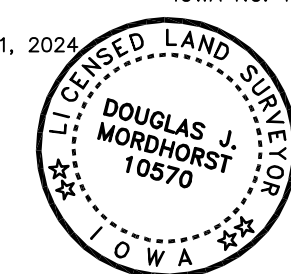
CERTIFICATION

I, DOUGLAS J. MORDHORST, A DULY LICENSED LAND SURVEYOR UNDER THE PROVISIONS OF THE LAWS OF THE STATE OF IOWA, HOLDING CERTIFICATE NO. 10570, DO HEREBY CERTIFY THAT THE PLAT OF NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA, IS A TRUE REPRESENTATION OF A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE SAME IS LOCATED UPON AND COMPRISES THE WHOLE OF THE ATTACHED DESCRIBED PROPERTY.

I DO HEREBY CERTIFY THAT THERE ARE CONTAINED IN SAID DESCRIPTION THE LOT DESCRIBED IN THE ADDITION PLATTED; THAT THE SAME ARE OF THE DIMENSIONS, NUMBER, NAMES AND LOCATIONS AS SHOWN ON SAID PLAT AND THAT IRON STAKES WERE DRIVEN AT EACH CORNER OF EVERY LOT EXCEPT AS NOTED ON SAID PLAT.

DATED AT SIOUX CITY, IOWA:

DOUGLAS J. MORDHORST IOWA NO. 10570
 LICENSE NUMBER 10570
 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2024
 2 SHEETS COVERED BY THIS SEAL
 PLOT DATE: FEBRUARY 10, 2023



LEGEND

- INDICATES FOUND ROD UNLESS OTHERWISE INDICATED
- INDICATES SET 1/2" x 30" IRON PIN W/ CAP #10570

COUNTY: WOODBURY
 SECTION: 7 TOWNSHIP: T 89N RANGE: R 46W
 ALIQUOT PART: SW1/4 OF NW1/4
 CITY:
 SUBDIVISION: NIEMEYER ADDITION
 BLOCK:
 LOT: 1
 PROPRIETOR: EDWIN O NIEMEYER REVOC TRUST
 REQUESTED BY: ALEX BERENSTEIN

PREPARED BY
MLS & ASSOCIATES, PLC
 703 DOUGLAS STREET
 SIOUX CITY, IOWA 51101
 (712) 258-6844
 MLSSURVEYING@GMAIL.COM

CED STAFF - REVIEW CRITERIA (SUBDIVISION ORDINANCE)	
The County's Zoning and Subdivision Ordinances require certain actions from County staff and the Planning and Zoning Commission. Per these requirements, CED staff:	
	shall review a subdivision application for completeness and for approval of a final plat by ensuring it is submitted in accordance with the standards for a subdivision plat per Iowa Code.
	Staff reviewed the subdivision application, deemed it complete, and verified the final plat's conformance to the County's Zoning Ordinance, Subdivision Ordinance, and the Code of Iowa, all as required by law.
	shall accept payment of applicable fees, and distribute copies of the final plat to the Planning & Zoning Commission, the appropriate county departments and public utilities; and
	Staff received the application fee and the account is paid-in-full. Staff also distributed copies of the application, final plat, and other materials to all relevant stakeholders as required.
	shall coordinate with the County Engineer who shall review the final plat to determine conformance with the engineering design standards of these regulations and to verify accuracy of the legal descriptions and survey data; and
	Staff have received written confirmation that the County Engineer has reviewed and determined that the final plat conforms to the engineering and design standards of these regulations, and he has verified the accuracy of the legal descriptions and survey data.
	shall review the final plat to determine conformance with the design standards of these regulations and with the required form of the plat and related documents; and
	Staff verified that the final plat conforms to the design standards of these regulations, as well as the required form of the final plat.
	shall assure conformance with the goals and objectives of the County's General Plan, the CED staff may make recommendations for conditions for approval including use restrictions required to preserve and improve the peace, safety, health, welfare, comfort, and convenience of the future residents of the subdivision and neighboring properties.
	Staff attest to the final plat conforming to the goals and objectives of the county plan. Staff recommends approval of the final plat.

ZONING COMMISSION - REVIEW CRITERIA (SUBDIVISION ORDINANCE)	
The County's Zoning and Subdivision Ordinances require certain actions from County staff and the Planning and Zoning Commission. Per these requirements, the Planning and Zoning Commission:	
	shall conduct a public hearing on a final plat for a minor subdivision. Notice of the date, time and location of the hearing will be mailed to the owners of all property within 1,000 feet for the subject property not less than four nor more than twenty days prior to the date of the hearing; and
	Staff have ensured that the legal requirements have been met for publicly noticing this public hearing, all as required by law. Staff have also ensured the notice requirement for adjacent landowners within 1000 FT have also been met.
	shall review the final plat and the staff reports and other information presented to determine whether the plat conforms to the ordinances, general plan and other policies of the county; and
	Staff have compiled, reviewed, and analyzed all relevant materials to determine whether the plat conforms to the ordinances, general plan, and other policies of the County, or not. Staff provided this information in a "Staff Report" format and made them available to the Commission well in advance of the required public hearing. The Commission also held a public hearing to review, analyze, and discuss the final plat and other relevant information.
	may recommend specific conditions for approval including use restrictions required to preserve and improve the peace, safety, health, welfare, comfort, and convenience of the future residents of the subdivision and neighboring properties; and
	Staff does not recommend any specific conditions for this final plat. However, specific conditions (if any) may be recommended by the Commission.
	shall forward a report of its finding and a recommendation to the Board of Supervisors. The recommendation shall be in the form of a resolution to be certified as part of the final plat materials. A copy of the report and the resolution shall also be forwarded to the property owner, the subdivider and the land surveyor for the subdivision.
	During its required public hearing on the final plat, the Board of Supervisors will receive the final staff report and the Commission's recommendation on said plat and shall approve, approve with conditions, or disapprove the plat. The Supervisors may table the matter with the consent of the subdivider. Approval shall be in the form of a resolution to be certified as part of the final plat. Staff will coordinate with the subdivider and land surveyor to ensure all copies and recordings are submitted and received, all as required by law.

EXTRATERRITORIAL REVIEW – CITY RESOLUTION TO BE RECORDED WITH FINAL PLAT
Extraterritorial review, as required by Iowa Code 354.9, was completed by the City of Sioux City on March 27, 2023 with the passage of City Council Resolution No. 2023-0311.

RESOLUTION NO. 2023 - 0311
with attachments

RESOLUTION ACCEPTING AND APPROVING THE "FINAL PLAT OF NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA", A ONE LOT AGRICULTURAL SUBDIVISION LOCATED AT 1130 BARKER AVENUE, WITHIN THE CITY OF SIOUX CITY'S TWO-MILE EXTRATERRITORIAL SUBDIVISION JURISDICTION.

WHEREAS, the City has received a request from The Edwin O. Niemeyer Trust for approval of the "Final Plat of Niemeyer Addition, a Minor Subdivision to Woodbury County, Iowa"; and

WHEREAS, the Planning and Zoning Commission on March 14, 2023, recommended approval of the Final Plat.

NOW, THEREFORE, BE, AND IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY IOWA that said "Final Plat of Niemeyer Addition, a Minor Subdivision to Woodbury County, Iowa", as hereto attached and forming part of this Resolution, be, and the same is hereby accepted and approved, and the Mayor and the City Clerk be and they are hereby directed to furnish to the proprietors a certified copy of this resolution, as required by law.

PASSED AND APPROVED: March 27, 2023

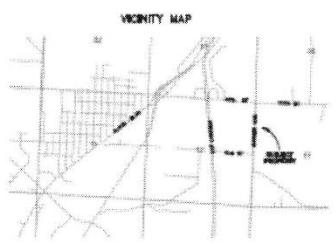
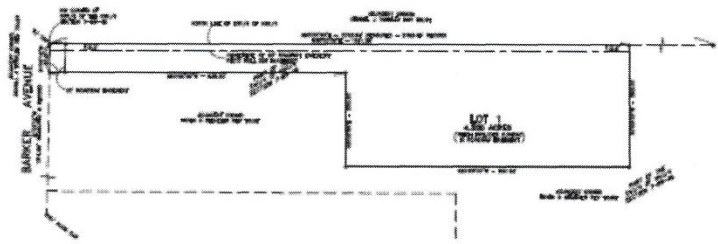


Robert E. Scott, Mayor

ATTEST: 

Lisa L. McCardle, City Clerk

**FINAL PLAN OF
NIEMEYER ADDITION
A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA**



LEGAL DESCRIPTION
 A certain parcel of land in Woodbury County, Iowa, containing 2.80 acres, more or less, situated in the NE 1/4 of Sec. 24, T. 134 N., R. 23 W., 5th Meridian, Iowa, and is described as follows:
 Beginning at the NW corner of the NE 1/4 of Sec. 24, T. 134 N., R. 23 W., 5th Meridian, Iowa, and running North 89° 59' 59" West 100.00 feet to a point, then South 89° 59' 59" West 100.00 feet to a point, then East 89° 59' 59" North 100.00 feet to a point, then North 89° 59' 59" East 100.00 feet to the NW corner of the NE 1/4 of Sec. 24, T. 134 N., R. 23 W., 5th Meridian, Iowa, containing 2.80 acres, more or less.

SCALE: 1" = 100'
 SHEET 1 OF 2

NOTES

- 1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
- 2. THIS PLAN IS SUBJECT TO ALL RECORDS OF RECORDS IN THE PUBLIC RECORDS OF WOODBURY COUNTY, IOWA.
- 3. THIS PLAN IS SUBJECT TO ALL RECORDS OF RECORDS IN THE PUBLIC RECORDS OF WOODBURY COUNTY, IOWA.
- 4. THIS PLAN IS SUBJECT TO ALL RECORDS OF RECORDS IN THE PUBLIC RECORDS OF WOODBURY COUNTY, IOWA.
- 5. THIS PLAN IS SUBJECT TO ALL RECORDS OF RECORDS IN THE PUBLIC RECORDS OF WOODBURY COUNTY, IOWA.
- 6. THIS PLAN IS SUBJECT TO ALL RECORDS OF RECORDS IN THE PUBLIC RECORDS OF WOODBURY COUNTY, IOWA.
- 7. THIS PLAN IS SUBJECT TO ALL RECORDS OF RECORDS IN THE PUBLIC RECORDS OF WOODBURY COUNTY, IOWA.
- 8. THIS PLAN IS SUBJECT TO ALL RECORDS OF RECORDS IN THE PUBLIC RECORDS OF WOODBURY COUNTY, IOWA.
- 9. THIS PLAN IS SUBJECT TO ALL RECORDS OF RECORDS IN THE PUBLIC RECORDS OF WOODBURY COUNTY, IOWA.
- 10. THIS PLAN IS SUBJECT TO ALL RECORDS OF RECORDS IN THE PUBLIC RECORDS OF WOODBURY COUNTY, IOWA.

CERTIFICATION

I, the undersigned, being a duly qualified and licensed Professional Engineer in the State of Iowa, do hereby certify that the foregoing is a true and correct copy of the original plan of the subdivision as shown to me by the applicant, and that the same conforms to the requirements of the laws of the State of Iowa relating to the subdivision of land.

DATE OF THIS CERTIFICATE: _____

PROFESSIONAL ENGINEER: _____

STATE OF IOWA: _____

LEGEND

- BOUNDARY LINE
- EASEMENT
- RIGHT OF WAY

DATE: _____
 DRAWN BY: _____
 CHECKED BY: _____
 APPROVED BY: _____

PREPARED BY:
M/S & ASSOCIATES, PLLC
 700 SOUTH 4TH STREET
 DES MOINES, IOWA 50319
 (515) 281-8888
 M/S&A@M/S&A.COM



EXTRATERRITORIAL DEVELOPMENT AGREEMENT

THIS AGREEMENT made on _____ by and between The Edwin O. Niemeyer Revocable Trust of 4250 Fremar Drive, Sioux City, Iowa, (hereinafter "Developer") and the City of Sioux City, Iowa, 405 6th Street, Sioux City, Iowa (hereinafter "City").

RECITALS

WHEREAS, Developer has proposed to subdivide and develop the following described real property (hereinafter "Property"):

All that part of the Southwest ¼ of the Northwest ¼ of Section 7, Township 89 North, Range 46 West of the Fifth Principal Meridian, Woodbury County, Iowa, described as follows:

Beginning at the Northwest corner of said Southwest ¼ of the Northwest ¼ of said Section 7; thence North 90° 00' 00" East along the North line of said Southwest ¼ of the Northwest ¼ for 1241.38 feet; thence South 0° 00' 00" East for 260.00 feet; thence South 90° 00' 00" West for 607.52 feet; thence North 0° 00' 00" East for 200.00 feet; thence South 90° 00' 00" West for 635.00 feet to the West line of said Southwest ¼ of the Northwest ¼; thence North 1° 05' 16" East along said West line for 60.01 feet to the point of beginning.

Said described parcel contains 4.500 acres, more or less, which includes 0.045 acres in roadway easement.

and

WHEREAS, the Property lies within the jurisdiction of the City pursuant to Section 354.8 et. seq. and Section 414.23, The Code; and

WHEREAS, the Parties wish to set forth their various obligations and conditions in conjunction with such development and subdivision.

AGREEMENT

NOW, THEREFORE, IT IS AGREED between the City and Developer as follows:

1. Annexation Process: Developer shall, within ninety (90) days of receiving written notice from the City that the Property qualifies for annexation to the City under Chapter 368, The Code, commence and pursue the statutory process for the voluntary annexation of the Property to the City. Developer shall coordinate annexation efforts with the City and shall pursue such annexation in a diligent manner.

The City agrees that it shall provide said written notice to Developer only at such time as, in the City's sole and unreviewable discretion, it has the capacity to extend water and sanitary sewer service to the Property.

2. City Services and Utilities:
 - A. At such time that the City shall determine that it is appropriate and feasible, Developer shall voluntarily petition City, pursuant to Section 384.41, The Code, for the construction of the following public improvements by City to be paid for by special assessments levied upon the Property:
 - (1) Water, including water mains and connections;
 - (2) Sanitary sewer pipes and mains within or abutting the subdivision only;

(3) Storm sewer drainage systems;

- (4) Paving of streets within the subdivision or which abut the subdivision and provide access to the lot or lots therein.

Said improvements shall be connected to any existing utility systems in the subdivision.

B. The City agrees to a moratorium for the connection to the following systems:

- (1) Water system - ___ years from the date of _____
(2) Sanitary sewer system - ___ years from the date of _____

3. Binding Effect: The Parties agree that this Agreement shall be filed for record in the County in which the Property is located and shall be binding on Developer, its heirs, successors and assigns in title to the Property or any part thereof.

4. Notice: Any notice required or made herein shall be made in writing by certified mail to each party at the following addresses:

A. City of Sioux City, Iowa
ATTN: City Manager
405 6th Street
Sioux City, Iowa 51101

B. Edwin O. Niemeyer Rev. Trust
ATTN: Alex S. Berenstein
329 Pierce St., #200
Sioux City, IA 51101

C. Each Party may designate in writing to the other Party all changes in name of the person(s) and/or address(es) to whom or which any notice is to be delivered.

IN WITNESS WHEREOF, the Parties have executed this Agreement the date and year first above written.

CITY OF SIOUX CITY, IOWA
"City"


"Developer"

By: _____

By: Marilyn Niemeyer

Title: _____

Title: Trustee of the Edwin O. Niemeyer
Revocable Trust

Attest: _____

Title: _____

STATE OF IOWA)
 : ss.
COUNTY OF WOODBURY)

On this _____ day of _____, 2023, before me, a Notary Public duly commissioned and qualified in and for said County and State, personally appeared _____, _____ of the City of Sioux City, Iowa, and _____ of said City, each being to me personally known to be the identical persons and officers named in the foregoing instrument, who executed the same under and by virtue of the authority vested in them by the City Council of said City, and each for himself acknowledged the execution thereof to be his voluntary act and deed for the purposes herein expressed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal at Sioux City, Iowa, the day and year last above written.

(SEAL)

NOTARY PUBLIC in and for said COUNTY and STATE

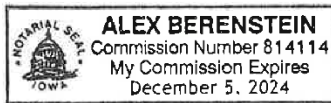
STATE OF IOWA)
 : ss.
COUNTY OF WOODBURY)

On this 29 day of MARCH, 2023, before me, the undersigned a Notary Public in and for said State, personally appeared Marilyn Niemeyer, as Trustee of the Edwin O. Niemeyer Revocable Trust, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

(SEAL)

A. Berenstein

NOTARY PUBLIC in and for said COUNTY and STATE



SIoux CITY ACTION

SHEET 2 OF 2
PLOT DATE: MARCH 29, 2023

CERTIFICATE OF PLANNING AND ZONING COMMISSION

WE DO HEREBY CERTIFY THAT WE ARE THE CHAIRPERSON AND DIVISION MANAGER, RESPECTIVELY, OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIOUX CITY, IOWA, AND WE DO FURTHER CERTIFY THAT SAID PLANNING AND ZONING COMMISSION DID TAKE UNDER ADVISEMENT THE ATTACHED PLAT OF NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA, AND THAT SAID PLANNING AND ZONING

COMMISSION DID ON THE 14th DAY OF MARCH, 2023 RECOMMEND TO THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, THE ACCEPTANCE AND APPROVAL OF THE PLAT OF SAID SUBDIVISION.

DATED 4-14-2023 [Signature]
ANDREW GLISAR, CHAIRPERSON

DATED March 27 2023 [Signature]
JILL WANDERSCHIED
NEIGHBORHOOD SERVICES MANAGER
MARTIN & DOUGHERTY
Economic & Community DEVELOPMENT DIRECTOR

CITY COUNCIL RESOLUTION NO. 2023-0311

RESOLUTION ACCEPTING AND APPROVING THE PLAT OF NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA.

WHEREAS, THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIOUX CITY, IOWA, HAS RECOMMENDED THE ACCEPTANCE AND APPROVAL OF SAID PLAT. NOW, THEREFORE BE, AND IT IS, RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA, THAT SAID PLAT OF NIEMEYER ADDITION, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA, AS HERETO ATTACHED AND FORMING PART OF THIS RESOLUTION BE, AND THE SAME HEREBY IS, ACCEPTED AND APPROVED

PASSED MARCH 27 2023 [Signature]
ROBERT E. SCOTT, MAYOR

APPROVED MARCH 27 2023 [Signature]
ATTEST: LISA MCGARDLE, CITY CLERK
Heidi Farnens, Deputy City Clerk

STATE OF IOWA }
}SS

ANNEXATION AGREEMENT CERTIFICATE

THE PROPERTY INCLUDED ON THE ATTACHED PLAT IS SUBJECT TO AN ANNEXATION AGREEMENT RECORDED ON

ROLL 23-02197 AND PAGE _____ OF THE WOODBURY COUNTY RECORDER'S OFFICE

WHEREAS THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIOUX CITY, IOWA, HAS RECOMMENDED THE ACCEPTANCE AND APPROVAL OF THE FOREGOING PLAT, AND THE CITY COUNCIL OF SAID CITY HAS THEREFORE ACCEPTED AND APPROVED SAID PLAT OF NEARLY ADJUTANT, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA, AS HEREIN ATTACHED, AND THE SAME HEREBY IS ACCEPTED AND APPROVED

PASSED MARCH 27 2013

Robert E. Scott
ROBERT E. SCOTT, MAYOR

APPROVED MARCH 27 2013

Heidi W. ...
ATTEST: Heidi W. ...
Heidi W. ...
City Clerk

STATE OF IOWA }
WOODBURY COUNTY }

I, THE UNDERSIGNED, CLERK OF THE CITY OF SIOUX CITY, IOWA, DO HEREBY CERTIFY THAT THE FOREGOING IS A FULL, TRUE, AND CORRECT COPY OF A RESOLUTION ACCEPTING AND APPROVING SAID PLAT OF NEARLY ADJUTANT, A MINOR SUBDIVISION TO WOODBURY COUNTY, IOWA, WHICH SAID RESOLUTION WAS ADOPTED BY THE CITY

COUNCIL OF SAID CITY ON THE 27th DAY OF MARCH 2013
AND APPROVED BY THE MAYOR OF SAID CITY ON SAID DATE ALL AS FULL, TRUE AND COMPLETE AS THE SAME APPEARS OF RECORD IN THE OFFICE OF SAID CITY CLERK

DATED MARCH 27 2013

Robert E. Scott
ROBERT E. SCOTT, MAYOR

Heidi W. ...
ATTEST: Heidi W. ...
Heidi W. ...
City Clerk

AUDITOR'S APPROVAL OF SUBDIVISION NAME OR TITLE

THE COUNTY AUDITOR HEREBY ACCEPTS AND APPROVES THE NAME OR TITLE OF SAID SUBDIVISION PLAT (AS REQUIRED BY IOWA LAW SECTION 354.8(2)).

DATED _____

LEGAL NOTIFICATION – ZONING COMMISSION PUBLIC HEARING

Published in the Sioux City Journal Legals section on **April 8, 2023**.

***** Proof of Publication *****

STATE OF IOWA
COUNTY OF WOODBURY

The undersigned, of said County, being duly sworn, on oath states the undersigned is an employee of the Sioux City Journal printed and published by Journal Communications, in Sioux City in said County and issued daily and Sunday

Woodbury County Community & Economic Development

620 DOUGLAS ST, 6TH FLOOR - DAN PRIESTLEY
SIOUX CITY IA 51101

ORDER NUMBER 57903

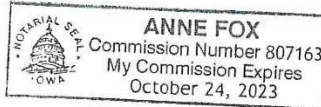
Subscribed and sworn before me in Sioux City, in said County,

this 10th day of April, 2023.

Shelby Gimsley

[Signature] Notary Public

In and for Woodbury County.



Section: Legal

Category: 015 Attorneys & Legals

PUBLISHED ON: 04/08/2023

TOTAL AD COST: 22.25

FILED ON: 4/10/2023

**NOTICE OF A PUBLIC HEARING REGARDING
A MINOR SUBDIVISION PROPOSAL
BEFORE THE WOODBURY COUNTY ZONING
COMMISSION**

The Woodbury County Zoning Commission will hold a public hearing on the following item hereafter described in detail on April 24, 2023 at 6:00 PM or as soon thereafter as the matter may be considered. Said hearing will be held in the Board of Supervisors' Meeting Room, Number 104, County Courthouse, 620 Douglas Street, Sioux City, Iowa. Copies of said item may now be examined at the office of the Woodbury County Community and Economic Development, on the 6th Floor of said courthouse by any interested persons. All persons who wish to be heard in respect to this matter should appear at the aforesaid hearing in person or call: 712-454-1133 and enter the Conference ID: 516 721 135# during the meeting to listen or comment. However, it is recommended to attend in person as there is the possibility for technical difficulties with phone and computer systems.

Item One (1)
PROPOSED MINOR SUBDIVISION: To be known as Niemeier Addition, a one-lot minor subdivision in a 4,500-acre portion of Section 7, T89N R46W (Concord Township) in the SW ¼ of the NW ¼ on Parcel #89460710006. The parent parcel abuts the corporate boundary of Sioux City along Barker Avenue. The property is located in the Agricultural Preservation (AP) Zoning District. Owner/Applicant: Marilyn Niemeier, as Trustee of the Edwin O. Niemeier Revocable Trust, 1130 Barker Avenue, Sioux City, IA 51103.

PROPERTY OWNER(S) NOTIFICATION – 1000 FEET

The 8 property owners within 1,000 FT; and listed within the certified abstractor's affidavit; were notified by a **April 14, 2023** letter of the public hearing before the Woodbury County Zoning Commission on **April 24, 2023**.

As of **April 19, 2023**, the Community and Economic Development office has received the following comments. The names of the property owners are listed below.

When more comments are received after the printing of this packet, they will be provided at the meeting.



Name	Address	City	State	Zip	COMMENTS:
Marilyn Niemeyer, Trustee of the Edwin O. Niemeyer Revocable Trust	4250 Fremar Dr.	Sioux City	IA	51104	No comments.
Justine B. Barkley	1140 Barker Ave.	Sioux City	IA	51108	See letter below
Mark W. Zenk	1152 Barker Ave.	Sioux City	IA	51108	See letter below.
Hunter A. Rockman	1176 Barker Ave.	Sioux City	IA	51108	See letter below.
Derrill J. Townley, Trustee of the Derrill J. Townley Revocable Trust	1414 110th St.	Sioux City	IA	51108	
Edward Townley and Marie Townley	1418 110th St.	Sioux City	IA	51108	See letter below.
City of Sioux City	405 6th St.	Sioux City	IA	51102-0447	No comments.
Michael J. Barkley and Mary E. Barkley	5701 41st St.	Sioux City	IA	51108	See letter below.

March 31, 2023

Woodbury County Zoning Commission and Board of Adjustment
Woodbury County Court House
620 Douglas St. #600
Sioux City, IA 51104

Regarding: Support for Approval of Mosher Landscaping's plan to locate to 1130 Barker Avenue

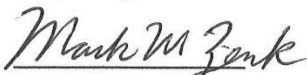
Folks:

This letter is to communicate positive support for the plans of Mosher Landscaping to locate its business to property at 1130 Barker Avenue, including support for Mosher's zoning application being presented to you.

I am familiar with the property and have been advised of Mosher's plans for it. Mosher Landscaping will be an excellent addition to the neighborhood area and will fit in well.

Thank you for registering my support for the Mosher landscaping project.

Very truly,


Mark W. Zenk

1152 Barker Ave.
Sioux City, IA. 51108

March 31, 2023

Woodbury County Zoning Commission and Board of Adjustment
Woodbury County Court House
620 Douglas St. #600
Sioux City, IA 51104

Regarding: Support for Approval of Mosher Landscaping's plan to locate to 1130 Barker Avenue

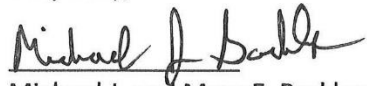
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Very truly,



Michael J. and Mary E. Barkley

5701 41st St.
Sioux City, IA. 51108

March 30, 2023

Woodbury County Zoning Commission and Board of Adjustment
Woodbury County Court House
620 Douglas St. #600
Sioux City, IA 51104

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Very truly,



Justine B. Barkley

1140 Barker Ave.
Sioux City, IA. 51108

March 31, 2023

Woodbury County Zoning Commission and Board of Adjustment
Woodbury County Court House
620 Douglas St. #600
Sioux City, IA 51104

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Very truly,



Hunter A. Rockman

1176 Barker Ave.
Sioux City, IA. 51108

April 2
March ____, 2023

Woodbury County Zoning Commission and Board of Adjustment
Woodbury County Court House
620 Douglas St. #600
Sioux City, IA 51104

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Very truly,



Edward and Marie Townley

1418 110th St.
Sioux City, IA. 51108

March 31, 2023

Woodbury County Zoning Commission and Board of Adjustment
Woodbury County Court House
620 Douglas St. #600
Sioux City, IA 51104

Regarding: Support for Approval of Mosher Landscaping's plan to locate to 1130 Barker Avenue

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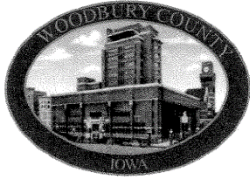
Very truly,


Derril / Don Townley

1414 110th St.
Sioux City, IA. 51108

STAKEHOLDER COMMENTS

911 COMMUNICATIONS CENTER:	No comments.
CITY OF SIOUX CITY	No comments.
FIBERCOMM:	No comments.
IOWA DEPARTMENT OF NATURAL RESOURCES (IDNR):	No comments.
LONGLINES:	No comments.
LUMEN:	No comments.
MAGELLAN PIPELINE:	No comments.
MIDAMERICAN ENERGY COMPANY (Electrical Division):	I have reviewed the following minor subdivision application for MEC electric: We have no conflicts. – Casey Meinen, 4/3/23
MIDAMERICAN ENERGY COMPANY (Gas Division):	No comments.
NATURAL RESOURCES CONSERVATION SERVICES (NRCS):	No comments.
NORTHERN NATURAL GAS:	No comments.
NORTHWEST IOWA POWER COOPERATIVE (NIPCO):	No comments.
NUSTAR PIPELINE:	I confirmed this has no impact to our pipeline. Thanks – Matt McGee, 3/31/23
SIOUXLAND DISTRICT HEALTH DEPARTMENT:	No comments.
WIATEL:	No comments.
WOODBURY COUNTY ASSESSOR:	No comments.
WOODBURY COUNTY CONSERVATION:	No comments.
WOODBURY COUNTY EMERGENCY MANAGEMENT:	No comments.
WOODBURY COUNTY EMERGENCY SERVICES:	No comments.
WOODBURY COUNTY ENGINEER:	SEE REVIEW MEMO BELOW
WOODBURY COUNTY RECORDER:	I see no issues with this subdivision. Thank you – Diane Swoboda Peterson, 3/31/23
WOODBURY COUNTY RURAL ELECTRIC COOPERATIVE (REC):	No comments.
WOODBURY COUNTY SOIL AND WATER CONSERVATION DISTRICT:	The WCSWCD has no comments regarding this proposed sub-division. – Neil Stockfleth, 3/31/23
WOODBURY COUNTY TREASURER:	Taxes are current at this time. Please note that subdivision would need to be completed prior to certification of taxes which generally takes place at the beginning of August each year. Additionally, I did find a retracement plat of survey filed 1/31/23 that records the roadway easement that we discussed. – Tina Bertrand, 3/31/23



Woodbury County Secondary Roads Department

759 E. Frontage Road • Merville, Iowa 51039
Telephone (712) 279-6484 • (712) 873-3215 • Fax (712) 873-3235

COUNTY ENGINEER
Mark J. Nahra, P.E.
mnahra@sioux-city.org

ASSISTANT TO THE COUNTY ENGINEER
Benjamin T. Kusler, E.I.T.
bkusler@sioux-city.org

SECRETARY
Tish Brice
tbrice@sioux-city.org

To: Dan Priestley, Woodbury County Zoning Coordinator

From: Mark J. Nahra, County Engineer

Date: April 7, 2023

Subject: Niemeyer Addition – a minor subdivision application

The Secondary Road Department has reviewed the information provided for the above referenced subdivision forwarded with your memo dated March 31, 2023.

I am offering the following comments for your consideration.

- We checked the closure on the plat and found it in compliance with the requirements for the full subdivision of 1 in 10,000 and 1 in 5,000 for each lot as required by Section 355.8 of the Code of Iowa. We noted that the description and the plat are inconsistent in the description of the east lot line. The plat illustration shows the line bearing to be S 0 degrees W, 260.00 feet, while the legal description shows the line as S 0 degrees E. While the bearing is the same regardless, the description should be consistent with the description.
- I reviewed the individual lot for access. The existing driveway has adequate sight distance and can be used for access for the lot. Access for the remaining land will need to be a new driveway permit application unless an easement agreement is to be included. The documentation was silent on the planned access for the remaining parcel outside lot 1.
- I have no other concerns or issues with this minor subdivision application.

If there are any more questions or issues that arise later, please contact this office.

Cc: File

PARCEL REPORT

3/31/23, 11:02 AM

Beacon - Woodbury County, IA / Sioux City - Parcel Report: 894607100006

Beacon™ Woodbury County, IA / Sioux City

Summary

Parcel ID 894607100006
Alternate ID 883590
Property 1130 BARKER AVE
Address SIOUX CITY IA 51106
Sec/Twp/Rng 7-89-46
Brief EX AN IRREG TCT BEG AT SW CORNER SW NW THEC N 402.10 FT THEC E 1433.46 FT TO PT OF BEG: THEC
Tax Description NELY 481.46 FT THEC SELY 361.90 FT THEC SWLY 481.46 FT THEC NWLY 361.90 FT TO PT OF BEG AND EX S
1019 FT W 875 FT SW NW S 1/2 NW 1/4 7-89-46
(Note: Not to be used on legal documents)
Deed Book/Page [2020-13775 \(10/27/2020\)](#)
Gross Acres 60.53
Net Acres 60.53
Adjusted CSR Pts 3075.32
Zoning AP - AGRICULTURAL PRESERVATION
District 0057 CONCORD/SIOUX CITY
School District SIOUX CITY COMM
Neighborhood N/A



Owner

Deed Holder
[Niemeyer Edwin O Revocable Trust](#)
[4125 Fremar Dr](#)
Sioux City IA 51104
Contract Holder
Mailing Address
Niemeyer Marilyn
4250 Fremar Dr
Sioux City IA 51104

Land

Lot Area 60.53 Acres ; 2,636,687 SF

Residential Dwellings

Residential Dwelling
Occupancy Single-Family / Owner Occupied
Style 1 Story Frame
Architectural Style N/A
Year Built 1994
Condition Normal
Roof Asph / Hip
Flooring
Foundation TILE
Exterior Material METAL SIDING
Interior Material Drwl
Brick or Stone Veneer
Total Gross Living Area 1,104 SF
Main Area Square Feet 1104
Attic Type None;
Number of Rooms 4 above; 0 below
Number of Bedrooms 2 above; 0 below
Basement Area Type Full
Basement Area 1,104
Basement Finished Area
Plumbing 1 Standard Bath - 3 Fi;
Appliances
Central Air Yes
Heat Yes
Fireplaces
Porches
Decks
Additions
Garages Basement Stall - 2 stalls;

Agricultural Buildings

Plot #	Type	Description	Width	Length	Year Built	Building Count
0	Steel Utility Building	MACHINE SHED	46	72	1994	1

Sales

Date	Seller	Buyer	Recording	Sale Condition - NUTC	Type	Multi Parcel	Amount
10/26/2020	NIEMEYER EDWIN O & MARILYN	NIEMEYER EDWIN O REVOCABLE TRUST	2020-13775	Quit Claim Deed	Deed		\$0.00

Valuation

	2023	2022	2021	2020	2019
Classification	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture	Ag Dwelling / Agriculture
+ Assessed Land Value	\$100,250	\$77,880	\$77,880	\$73,590	\$73,590
+ Assessed Building Value	\$6,890	\$5,750	\$5,750	\$5,250	\$5,250
+ Assessed Dwelling Value	\$188,920	\$143,470	\$143,470	\$120,810	\$120,810
= Gross Assessed Value	\$296,060	\$227,100	\$227,100	\$199,650	\$199,650
- Exempt Value	\$0	\$0	\$0	\$0	\$0
= Net Assessed Value	\$296,060	\$227,100	\$227,100	\$199,650	\$199,650

Sioux City Special Assessments and Fees

[Click here to view special assessment information for this parcel.](#)

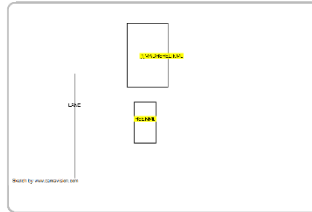
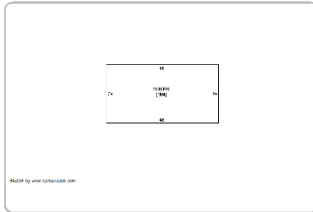
Woodbury County Tax Credit Applications

[Apply for Homestead, Military or Business Property Tax Credits](#)

Photos



Sketches



No data available for the following modules: Commercial Buildings, Yard Extras, Permits, Sioux City Tax Credit Applications.

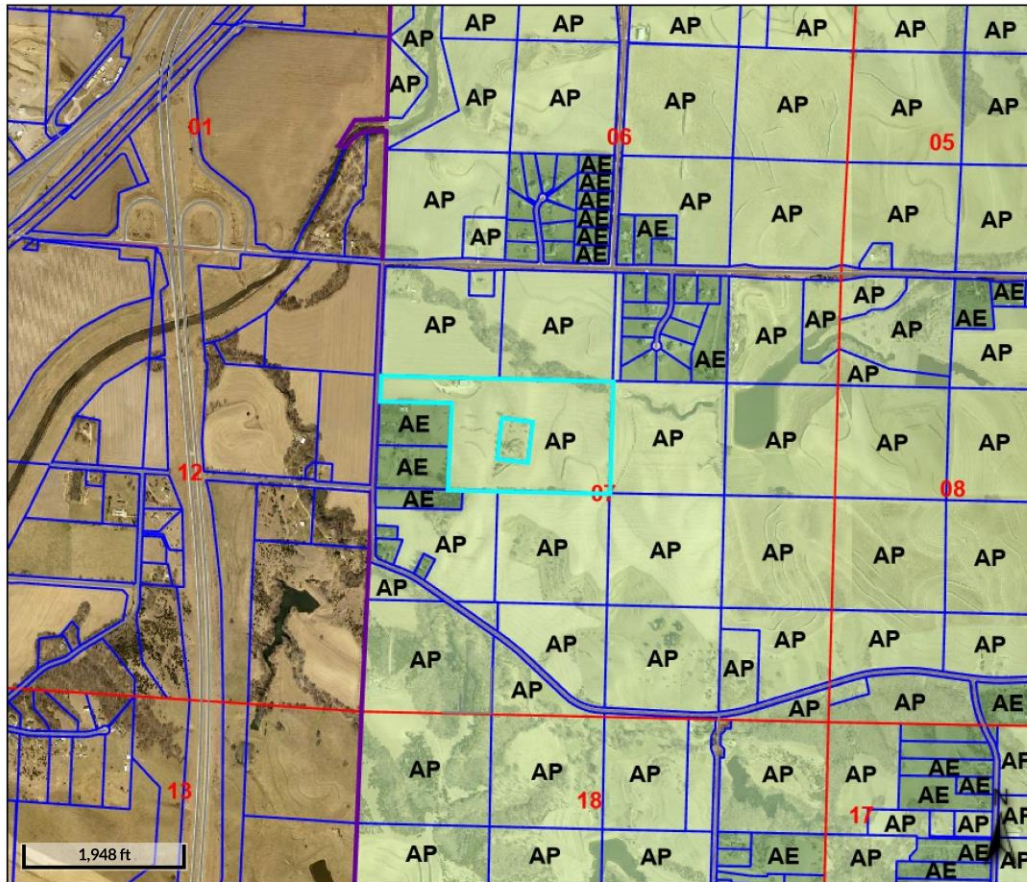


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[Last Data Upload: 3/30/2023, 8:08:57 PM](#)

ZONING MAP

Beacon™ Woodbury County, IA / Sioux City



Overview



Legend

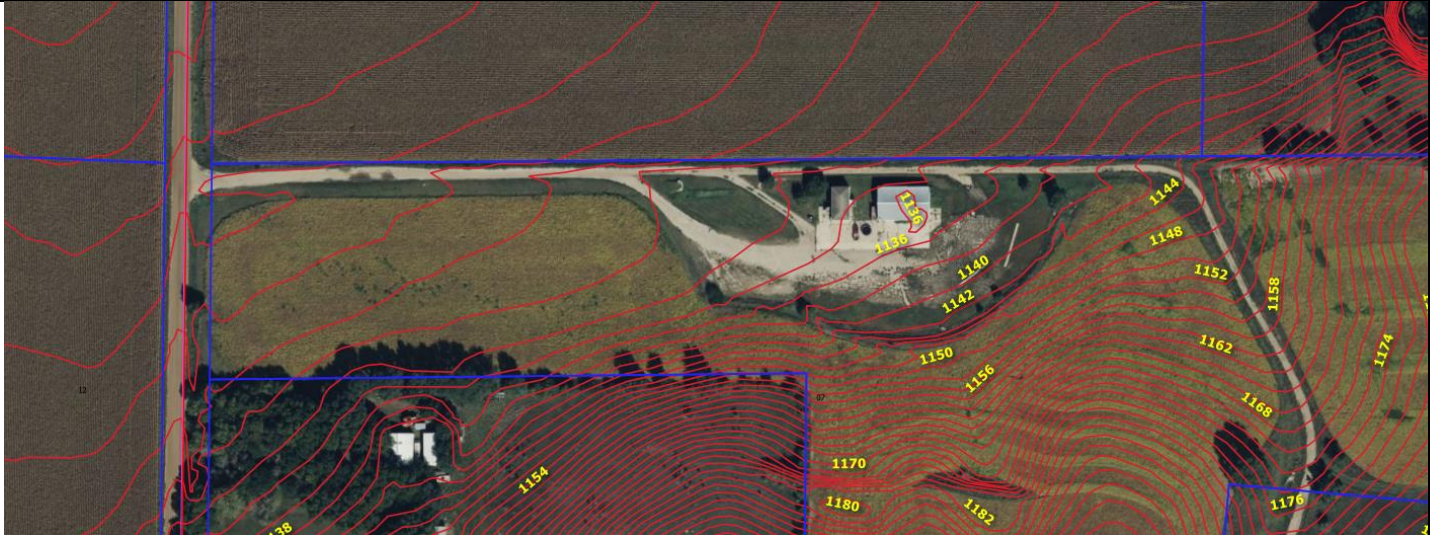
- Roads
 - ▭ Corp Boundaries
 - ▭ Townships
 - ▭ Sections
 - ▭ Parcels
- County Zoning
- AE
 - AP
 - GC
 - GC-PD
 - GI
 - LI
 - LI-PD
 - SR
 - WR

Parcel ID	894607100006	Alternate ID	883590	Owner Address	NIEMEYER EDWIN O REVOCABLE TRUST
Sec/Twp/Rng	7-89-46	Class	A		4125 FREMAR DR
Property Address	1130 BARKER AVE	Acreage	60.53		SIoux CITY, IA 51104
	SIoux CITY				
District	0057				
Brief Tax Description	EX AN IRREG TCT BEG AT SW CORNER SW NW THEC N 402.10 FT THEC E 1433.46 FT TO PT OF BEG: THEC NELY 481.46 FT THEC SELY 361.90 FT THEC S WLY 481.46 FT THEC NWLY 361.90 FT TO PT OF BEG AND EX S 1019 FT W 875 FT SW NW S 1/2 NW 1/4 7-89-46				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 3/31/2023
 Last Data Uploaded: 3/30/2023 9:08:57 PM

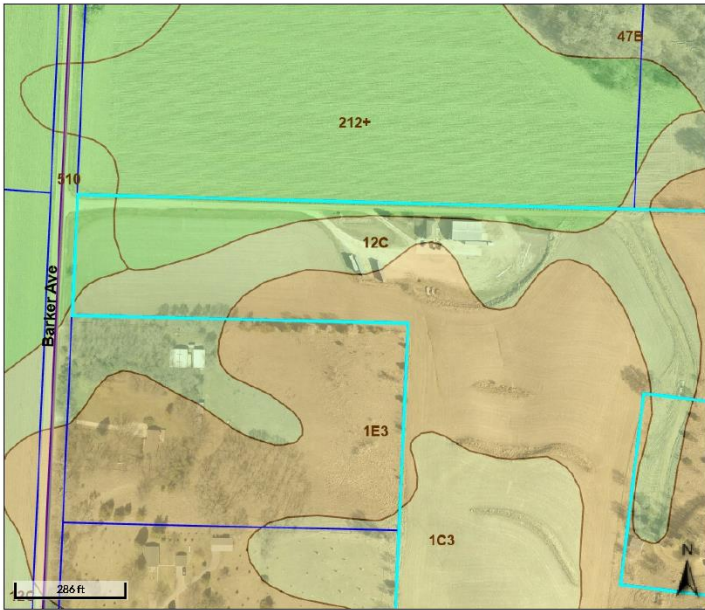
Developed by Schneider GEOSPATIAL

ELEVATION



SOIL REPORT

Beacon™ Woodbury County, IA / Sioux City



Overview



Legend

- Roads
- Soils
 - 0.000000 - 5.000000
 - 5.000001 - 20.000000
 - 20.000001 - 30.000000
 - 30.000001 - 40.000000
 - 40.000001 - 50.000000
 - 50.000001 - 60.000000
 - 60.000001 - 70.000000
 - 70.000001 - 80.000000
 - 80.000001 - 90.000000
 - 90.000001 - 100.000000
- Corp Boundaries
- Townships
- Parcels

Parcel ID	894607100006	Alternate ID	883590	Owner Address	NIEMEYER EDWIN O REVOCABLE TRUST
Sec/Twp/Rng	7-89-46	Class	A		4125 FREMAR DR
Property Address	1130 BARKER AVE	Acres	60.53		SIOUX CITY, IA 51104
	SIOUX CITY				
District	0057				
Brief Tax Description	EX AN IRREG TCT BEG AT SW CORNER SW NW THEC N 402.10 FT THEC E 1433.46 FT TO PT OF BEG; THEC NELY 481.46 FT THEC SELY 361.90 FT THEC S WLY 481.46 FT THEC NWLY 361.90 FT TO PT OF BEG AND EX S 1019 FT W 875 FT SW NW S 1/2 NW 1/4 7-89-46				

(Note: Not to be used on legal documents)

Summary

Parcel ID 894607100006
 Gross Acres 60.53
 ROW Acres 0.00
 Gross Taxable Acres 60.53
 Exempt Acres 0.00
 Net Taxable Acres 60.53 (Gross Taxable Acres - Exempt Land)
 Average Unadjusted CSR2 54.75 (3313.83 CSR2 Points / 60.53 Gross Taxable Acres)

Agland Active Config 2017 CSR2

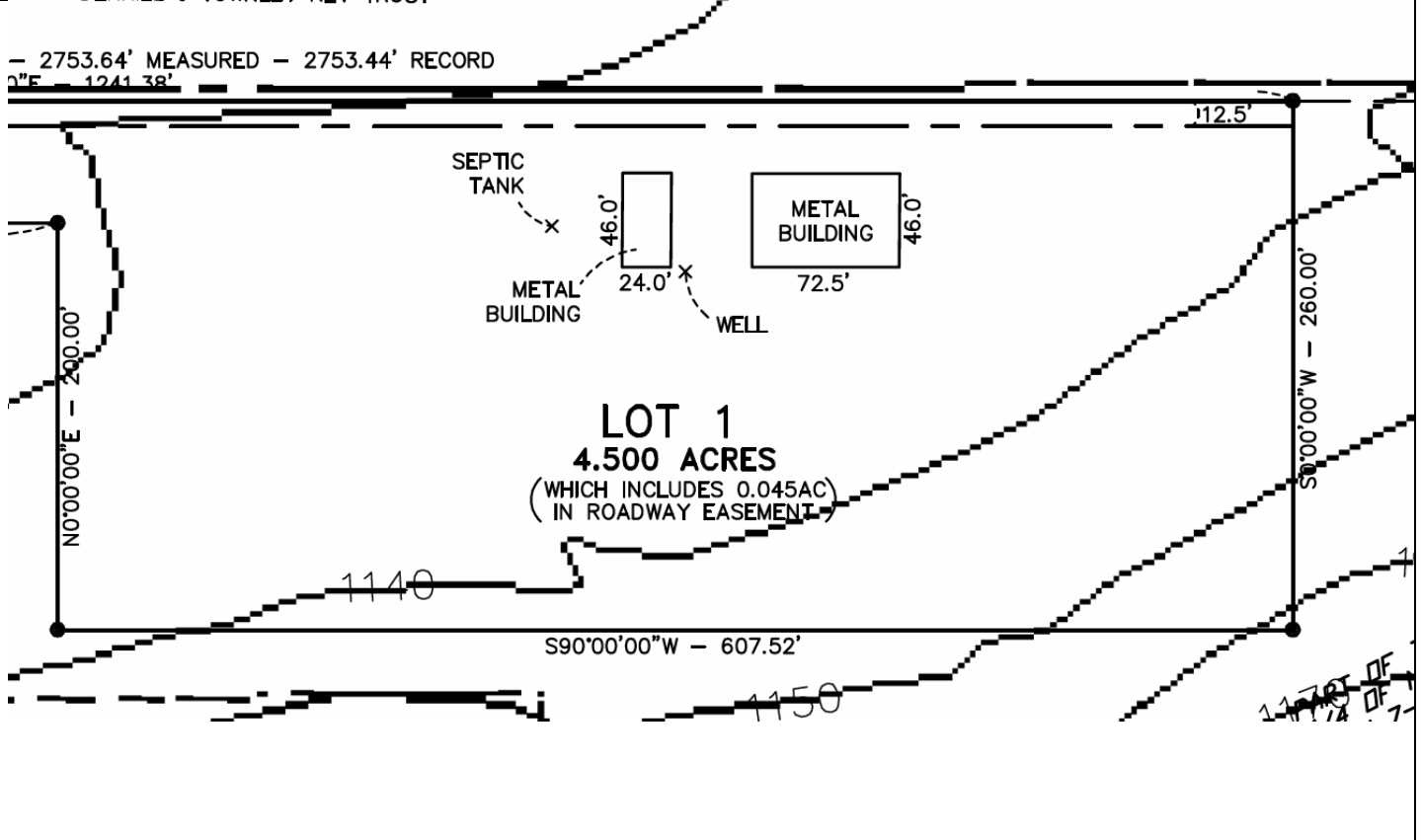
Sub Parcel Summary

Description	Acres	CSR2	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	50.56	53.97	2,728.72	2,728.72
Non-Crop	9.97	58.69	585.11	346.60
Total	60.53		3,313.83	3,075.32

Soil Summary

Description	SMS	Soil Name	CSR2	Adjusted Acres	Unadjusted CSR2 Points	Adjusted CSR2 Points
100% Value	510	MONONA SILT LOAM, BENCH, 0 TO 2 PERCENT SLOPES	96.00	0.45	43.20	43.20
100% Value	12B	NAPIER SILT LOAM, 2 TO 5 PERCENT SLOPES	93.00	9.82	913.26	913.26
100% Value	212+	KENNEBEC SILT LOAM, 0 TO 2 PERCENT SLOPES, OCCASIONALLY FLOO	90.00	1.02	91.80	91.80
100% Value	12C	NAPIER SILT LOAM, 5 TO 9 PERCENT SLOPES	89.00	5.36	477.04	477.04
100% Value	47B	NAPIER-RAWLES COMPLEX, 2 TO 5 PERCENT SLOPES	85.00	0.56	47.60	47.60
100% Value	10D2	MONONA SILT LOAM, 9 TO 14 PERCENT SLOPES, MODERATELY ERODED	60.00	2.18	130.80	130.80
100% Value	1C3	IDA SILT LOAM, 5 TO 9 PERCENT SLOPES, SEVERELY ERODED	58.00	7.70	446.60	446.60
100% Value	1D3	IDA SILT LOAM, 9 TO 14 PERCENT SLOPES, SEVERELY ERODED	32.00	11.14	356.48	356.48
100% Value	1E3	IDA SILT LOAM, 14 TO 20 PERCENT SLOPES, SEVERELY ERODED	18.00	12.33	221.94	221.94
Non-Crop	510	MONONA SILT LOAM, BENCH, 0 TO 2 PERCENT SLOPES	96.00	0.10	9.60	4.79
Non-Crop	12B	NAPIER SILT LOAM, 2 TO 5 PERCENT SLOPES	93.00	0.01	0.93	0.47
Non-Crop	212+	KENNEBEC SILT LOAM, 0 TO 2 PERCENT SLOPES, OCCASIONALLY FLOO	90.00	1.18	106.20	54.68
Non-Crop	12C	NAPIER SILT LOAM, 5 TO 9 PERCENT SLOPES	89.00	2.19	194.91	100.92
Non-Crop	47B	NAPIER-RAWLES COMPLEX, 2 TO 5 PERCENT SLOPES	85.00	1.75	148.75	78.82
Non-Crop	1C3	IDA SILT LOAM, 5 TO 9 PERCENT SLOPES, SEVERELY ERODED	58.00	0.88	51.04	33.46
Non-Crop	1D3	IDA SILT LOAM, 9 TO 14 PERCENT SLOPES, SEVERELY ERODED	32.00	0.30	9.60	9.38
Non-Crop	1E3	IDA SILT LOAM, 14 TO 20 PERCENT SLOPES, SEVERELY ERODED	18.00	3.56	64.08	64.08
Total				60.53	3,313.83	3,075.32

WELL & SEPTIC LOCATIONS



ROLL 229 PAGE 227

RIGHT-OF-WAY AND EASEMENT AGREEMENT

Whereas, Franklyn F. Conley and Lorraine F. Conley, husband and wife, (Conley) are owners of the real estate described as:

The S 1/2 of the NW 1/4 of Section 7, Township 89, North of Range 46, except the South 500 feet of the West 875 feet, in the County of Woodbury and State of Iowa;

and,

Whereas, Frances P. Geuss and Linda L. Geuss, husband and wife, (Geuss) are owners of the real estate described on Exhibit A, attached hereto, and by reference incorporated herein (Parcel B), and,

Whereas, Conley, their heirs and assigns, and Geuss, their heirs and assigns, desire to create an easement over Parcel A for the benefit of Parcel B, it is therefore agreed by and between the undersigned that:

- 1. The rights created herein shall be perpetual and run with the land for the benefit of Parcel B.
2. The easement shown on Exhibit A shall be used for a driveway for ingress and egress to Parcel B for the sole and exclusive benefit of Parcel B.
3. The owners of Parcel B shall maintain said easement at their sole expense and the owners of Parcel A shall have no duty or obligation to maintain said easement.
4. No fence shall be erected on either side of said easement and no gate shall be erected where said easement enters the west side of Parcel A.

March 20, 1990

March 20, 1990

Francis P. Geuss
Francis P. Geuss

Franklyn F. Conley
Franklyn F. Conley

Linda L. Geuss
Linda L. Geuss

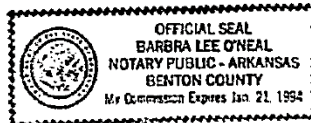
Lorraine F. Conley
Lorraine F. Conley

STATE OF ARKANSAS)
)SS
COUNTY OF BENTON)

On this 20 day of March, 1990, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Franklyn F. Conley and Lorraine F. Conley, husband and wife, to me known to be the identical persons named in and who executed the within and foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

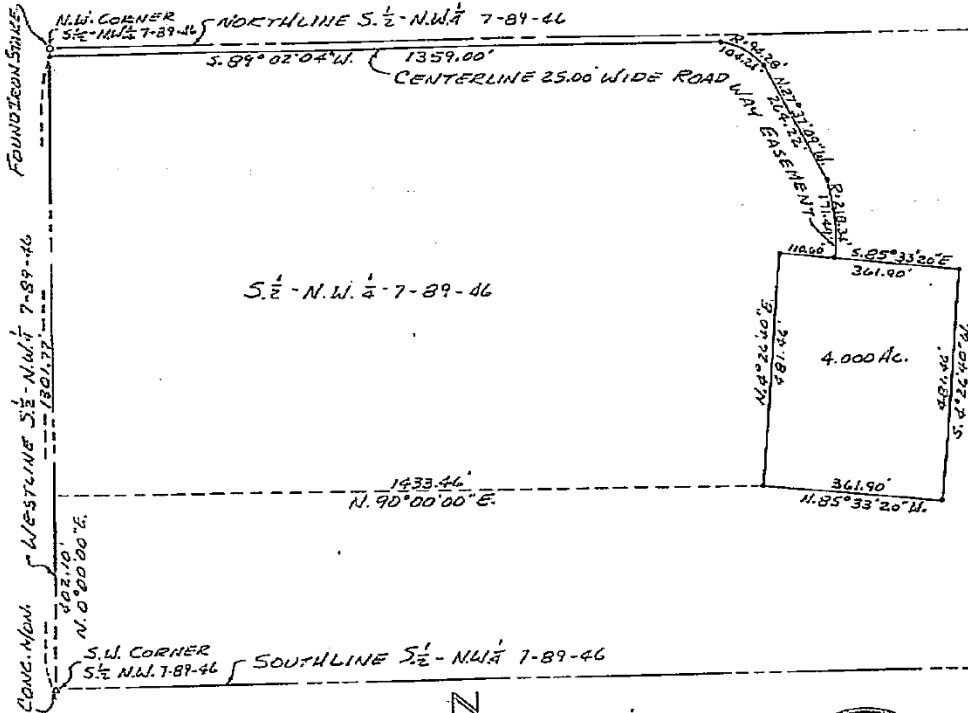
12427
Doc. No. Fee \$ 15.00
WOODBURY COUNTY, IOWA - Filed for Record
7:09 PM Mo. April 20 Yr. 1990
MOSE YANNEY, RECORDER
By [Signature] Deputy

Barbra Lee O'Neal
Notary Public in and for
the State of Arkansas



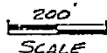
SURVEY PLAT SHOWING PART OF THE S. 1/2 OF THE N.W. 1/4 OF SECTION 7 T89N, R46W. OF THE 5TH P.M. WOODBURY COUNTY, IOWA.

REQUESTED BY: FRANKLYN CONLEY, HIWASSE A&K.



I hereby certify that this plat, map, survey or report was made by me or under my direct personal supervision and that I am a duly licensed land surveyor under the laws of the State of Iowa.

Leoland V. Fagan
 Leoland V. Fagan, Reg. No. 5542
 Date: JAN 5, 1989



SCALE
 = IRON STAKE SET

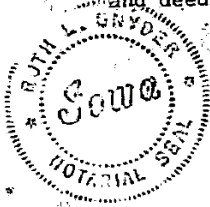


LEGAL DESCRIPTION

PART OF THE S. 1/2 OF THE N.W. 1/4 OF SECTION 7, TOWNSHIP 89 NORTH, RANGE 46 WEST OF THE 5TH PRINCIPAL MERIDIAN, WOODBURY COUNTY, IOWA, DESCRIBED AS FOLLOWS; COMMENCING AT THE S.W. CORNER OF SAID S. 1/2 OF THE N.W. 1/4 THENCE N. 0°00'00" E. ALONG THE WESTLINE OF SAID S. 1/2 OF THE N.W. 1/4 FOR 402.10 FEET; THENCE N. 90°00'00" E. FOR 1433.46 FEET TO THE POINT OF BEGINNING; THENCE N. 4°26'40" E. FOR 481.46 FEET; THENCE S. 85°33'20" E. FOR 361.90 FEET; THENCE S. 4°26'40" W. FOR 481.46 FEET; THENCE N. 85°33'20" W. FOR 361.90 FEET TO THE POINT OF BEGINNING. CONTAINING 4.000 ACRES. TOGETHER WITH A 25.00 FOOT WIDE ROADWAY EASEMENT, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS; COMMENCING AT THE NORTHWESTERLY CORNER OF THE BEFORE DESCRIBED PARCEL; THENCE S. 85°33'20" E. ALONG THE NORTHERLY LINE OF SAID BEFORE DESCRIBED PARCEL FOR 110.60 FEET TO THE POINT OF BEGINNING, AND THE CENTERLINE OF SAID 25.00 FOOT WIDE ROADWAY EASEMENT; THENCE NORTHERLY ALONG SAID CENTERLINE AND A 218.34 FOOT RADIUS CURVE CONCAVE WESTERLY FOR 171.99 FEET, SAID CURVE HAVING A CHORD BEARING OF N. 5°07'08" W. AND A CHORD LENGTH OF 167.12 FEET; THENCE N. 27°37'09" W. ALONG SAID CENTERLINE FOR 264.22 FEET; THENCE NORTHWESTERLY ALONG SAID CENTERLINE AND A 94.28 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY FOR 104.24 FEET, SAID CURVE HAVING A CHORD BEARING OF N. 59°17'34" W. AND A CHORD LENGTH OF 99.01 FEET; THENCE S. 89°02'04" W. ALONG SAID CENTERLINE FOR 1359.00 FEET TO A POINT ON THE WESTLINE OF SAID S. 1/2 OF THE N.W. 1/4, SAID POINT BEING N. 0°00'00" E. AND 1301.77 FEET FROM THE SW. CORNER OF SAID S. 1/2 OF THE N.W. 1/4, SAID POINT ALSO BEING THE END OF SAID ROADWAY DESCRIPTION.

STATE OF IOWA)
)SS
COUNTY OF WOODBURY)

On this 14th day of ~~March~~ April, 1990, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Francis P. Geuss and Linda L. Geuss, husband and wife, to me known to be the identical persons named in and who executed the within and foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.



Ruth L. Snyder
Notary Public in and for
the State of Iowa Ruth L. Snyder
My Commission Expires 8-29-90

ACCESS CLARIFICATION

Daniel Priestley

From: John Daniels <john@danielsosborn.com>
Sent: Monday, April 17, 2023 11:14 AM
To: Daniel Priestley
Cc: Sid Mosher; Alex Berenstein
Subject: Re: Access to Niemeyer Property after Subdivision
Attachments: Mosher.Niemeyer purchase agmt excerpt re easement for future access.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from **OUTSIDE** of the organization. Please verify the sender and use caution if the message contains any attachments, links, or requests for information as this person may NOT be who they claim. **If you are asked for your username and password, please call WCICC and DO NOT ENTER any data.**

Dan,

Attached is excerpt from the parties' purchase agreement referencing the agreed-upon plan to provide access to the balance of the Niemeyer property via new access easement. While the agreement references granting the easement after closing, I'm thinking that as a practical matter the easement agreement will be prepared, executed and filed contemporaneously with the deed and other closing documents. Closing will follow all zoning and subdivision final approvals.

I believe this should suffice to satisfy the engineer's comments; let me know if there's any further follow up or other comments.

Thank you.

John D.

John D. Daniels, Attorney
Daniels Osborn Law Firm, PLC
600 4th St.-#302
Sioux City, IA 51102
712.253.1807
john@danielsosborn.com

conform to standards adopted by the Department of Natural Resources. Seller agrees to pay for all necessary repairs to the septic system identified by the inspector's report. Seller shall attach the inspection report to the Groundwater Hazard Statement to be filed at closing.


22. CLOSING COSTS.

- a. Seller shall be responsible for the following: the cost of the preliminary abstract continuation; one-half of the closing and escrow fee for the sale portion of the transaction; the transfer tax payable to the Woodbury County Recorder upon the filing of the deed; Seller's attorney fees.
- b. Buyer shall be responsible for the following: the cost of the title opinion; one-half of the closing and escrow fee for the sale portion of the transaction; the cost of any fees associated with obtaining a mortgage loan or similar financing; the cost of any inspections required by Buyer or Buyer's lender; the filing fee payable to the Woodbury County Recorder for the filing of the deed and mortgage.

23. ACCESS EASEMENT. After closing, Buyer agrees to grant an access easement to Seller, and any documents ancillary thereto, so that Seller can access its adjoining real estate.

Dated as of the Effective Date.

SELLER


Marilyn Niemeyer, as Trustee of the
Edwin O. Niemeyer Revocable Trust

BUYER

MOSHER ASSET MANAGEMENT, LLC


Sid Mosher, Manager