



## City Attorney's Office

515 Clark Avenue, P. O. Box 811  
Ames, IA 50010

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October 20, 2011

The Honorable Ann Campbell, Mayor,  
and Members of the City Council  
of the City of Ames, Iowa

Re: Proposed Ordinance to repeal incorrect legal description in rezoning ordinance

Dear Mayor and Council:

The attached proposed ordinance arises from the recent Rezoning from Urban Core Medium Density Residential (UCRM) to Hospital-Medical (H-M) of several parcels of land generally near Carroll and 12<sup>th</sup>. During that rezoning process, the maps and other procedural steps correctly depicted which properties were involved. The final step in that process was the adoption of the rezoning ordinance, which was the document that contained the written legal description of the area which the maps had shown.

Unfortunately, it was brought to our attention after the ordinance was finally adopted that the legal description for the rezoned area contained several errors. Among those was a scrivener's error that made reference to "the north 50' of the east 161.5' of Emery's Subdivision". This legal description is actually a small slice of the municipal cemetery property, an area that no one had any intention to include. Although this description was in the earlier rezoning ordinance, that alone does not actually rezone the cemetery parcel because none of the other steps legally necessary for a rezoning had occurred for that piece of land. Therefore, no corrective rezoning of the cemetery is necessary.

However, it is important and useful to remove this erroneous language from the adopted ordinance as its affirmative removal will clarify the City's zoning map as well as other land records for the future.

The attached ordinance is before you to accomplish that objective. Your favorable consideration of this proposed ordinance is requested.

Sincerely,

Judy K. Parks  
Assistant City Attorney

**DO NOT WRITE IN THE SPACE ABOVE THIS LINE, RESERVED FOR RECORDER**

Prepared by: Judy K. Parks, City of Ames Legal Department, 515 Clark Avenue, Ames, Iowa 50010 (Phone: 515-239-5146)

Address Tax Statement To: City of Ames, Iowa, 515 Clark Avenue, Ames, Iowa 50010

Return to Ames City Clerk, Box 811, Ames, IA 50010

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO REPEAL A PORTION OF ORDINANCE 4073 OF THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY DELETING FROM THE REAL ESTATE DESCRIBED THEREIN THE REFERENCE TO THE NORTH 50' OF THE EAST 161.5' OF EMERY'S SUBDIVISION, FOR THE PURPOSES OF CLARIFICATION AND CORRECTION OF AN INACCURATE LEGAL DESCRIPTION; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.**

**BE IT HEREBY ORDAINED** by the City Council for the City of Ames, Iowa, that:

Section One. Whereas the rezoning of certain property described in Ordinance 4073 erroneously included the north 50' of the east 161.5' of Emery's Subdivision, which land had not been intended for inclusion and which was therefore omitted from all notices and maps as would have been required for the rezoning of that particular to take effect; now therefore,

Section Two. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing from Ordinance 4073 the portion of Section 1 of that ordinance the words as follows:

“ the north 50' of the east 161.5' of Emery's Subdivision”.

Section Three. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Four. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor