

**Barnesville City Council
Regular Meeting
March 14, 2005**

Mayor Bauer called this meeting to order at 7:00 p.m. Present were Mayor Bauer and Council members Charles Martinson, Del Ellefson, Roger Cooper, Chad Hagen, Kim Simonsen and Guy Swenson. Others in attendance were COO Michael Brethorst, EDA Director Karen Lauer, Police Chief Dean Ernst, Public Works Superintendent Dave Riddering, General Manager Gerald Dow, Deputy Clerk Jeri Davis, Les LaFayette from People Services, Youth Alive representative Erica Maligan, Paul Skatvold from McLarnan, Hannaher, Skatvold law firm, Pam Aakre from the Record Review, and members of the Boy Scout Troop #604.

Mayor Bauer stated that the first item on the agenda was the pledge of allegiance. All rose to recite the pledge of allegiance.

Mayor Bauer asked if there were any additional items for the agenda. There were no additional agenda items. Mayor Bauer stated that he would be removing the Universal Service Fund Fees item on the agenda.

03-14-05-01

Motion by Mr. Simonsen and second by Mr. Ellefson to approve the consent agenda. Motion carried. The following items were included in the consent agenda:

- 1)
Approval of the February 14, 2005 regular council minutes and the February 17, 2005 Public Hearing minutes.
- 2)
Department head reports
- 3)
Finance report-approval of check numbers 14556 - 14579, 52706 – 52822 and 145779 - 145780 in the amount of \$392,857.95, and EFT payments in the amount of \$117,681.88.
- 4)
Park Board reappointment of Carol Dodge with her term to expire on December 2007.
- 5)
Removal of Roy Cross from the Park Board
- 6)
Appointment of Kelly Froslic to the Park Board with her term to expire on December 2006.
- 7)
Approval to hire Brent Enge for the full time position for the Park Department with an hourly wage of \$10.00 per hour.
- 8)

First reading of Ordinance Number 2005-5.

9)

First reading of Ordinance Number 2005-6.

10)

First reading of Ordinance Number 2005-7.

11)

Approval of the recommended golf board wages.

12)

Accept the resignation of Police Officer Brian Mosher

13)

Approval of the following travel:

a.

Dave Riddering and Shane Durenky

b.

Joel Haugrud

c.

Michael Brethorst

d.

Gerald Dow

e.

Jeri Davis

Mayor Bauer next introduced Mr. Paul Skatvold who was filling in for City Attorney Mike Hannaher.

Mayor Bauer next called on Erica Malligan to present the Youth Alive report to the council. Erica Malligan presented the Youth Alive report to the council.

03-14-05-02

Motion by Mr. Ellefson and second by Mr. Hagen to approve the boards and commission reports. Motion carried.

Mayor Bauer next asked if there were any citizens present to be heard. There were none.

Mayor Bauer next called on Ms. Cheryl Sapp, the Medical Reserve Corps Coordinator with Clay County. Ms. Sapp discussed with council members the Medical Reserve Corps program. Ms. Sapp stated that the program is in the initial stages of the program presently and they are looking for people to assist in the case of an emergency. Ms. Sapp asked council members if they had any questions for her. Council members had no further questions at this time. Mayor Bauer thanked Ms. Sapp for speaking to the council.

03-14-05-03

Motion by Mr. Ellefson and second by Mr. Swenson to approve the second reading of the truck parking ordinance. Motion carried.

Ordinance 2005 - 4

An ordinance amending Chapter 9 (Parking Regulations)

sec. 9.20. Ordinance 2005 – 1: shall replace in whole with the following:

Subd. 1. Definition.

A. “Truck” – A vehicle designed to haul commodities with a gross vehicle weight of more than 9,000 gross vehicle weight.

B. “Weight Restrictions of City Streets” -- 10,000 lbs max. axle wt.

Subd. 2. It is unlawful to park a detached semi-trailer upon any street, City-owned parking lot, or other public property except such as are specifically designated by the Council by resolution and sign-posted.

Subd. 3. It is unlawful to park a truck, truck-trailer, tractor-trailer or truck-tractor within an area zoned as a residential district except for the purpose of loading or unloading the same, and then only during such time as is reasonably necessary for such activity.

Provided however, that a truck under the legal Weight Restrictions of City Streets, may be parked at the resident of the owner, for plug-in availability only, from November 1st until road restrictions are placed on roads by the Minnesota Department of Transportation each spring.

Subd. 4. It is unlawful to park a truck upon any street in the business district except streets as specifically designated by the Council by resolution and sign-posted, but parking of such truck for a period of not more than twenty (20) minutes shall be permitted in such space for the purpose of necessary access to abutting property while actively loading or unloading when such access cannot reasonably be secured from an alley or from an adjacent street where truck parking is not so restricted.

Subd. 5. It is unlawful to diagonally park a truck or other vehicle using or equipped with a trailer, or extended body or other extension or projection beyond the original length of such vehicle, or any passenger bus, along any street except for a time sufficient to load or unload, and in such case, only parallel parking shall be permitted. Provided, however, that a truck may stand backed up to the curb if the weight or bulk of the load makes parallel parking impracticable, but then only for a period of time sufficient to load or unload.

Subd. 6. It is unlawful to park within the City, any vehicle or trailer equipped with a tank used to transport or store anhydrous ammonia or related toxic products.

Subd. 7. Parking of commercial vehicles is permitted in duly designated and sign-posted

loading zones, and in alleys, for a period of up to twenty (20) minutes, provided that such alley parking does not prevent the flow of traffic therein, all of which shall be for the purpose of access to abutting or adjacent property while actively loading or unloading.

Subd. 8. Idling of semi-tractors is not allowed in residential zones between the hours of 9 pm and 6 am unless they are attached to a trailer and actively loading or unloading. Idling of semi-tractors is allowed for a period of 20 minutes between the hours of 6 am and 9 pm unless they are attached to a trailer and actively loading and unloading during which they are allowed to idle.

Subd. 9. Violations of this Ordinance shall be punished as a petty misdemeanor.

Subd. 10. This ordinance shall take effect and be in force 30 days from and after its publication.

Approved this 14th day of March, 2005.

KENNETH J. BAUER
Mayor

ATTEST: _____
MICHAEL M. BRETHORS T
Chief Operations Officer

03-14-05-04

Motion by Mr. Cooper and second by Mr. Martinson to approve the second reading of the sign ordinance per planning commission minutes. Motion carried.

AN ORDINANCE RESCINDING ARTICLE 4, SECTION 17 OF THE BARNESVILLE ZONING ORDINANCE (SECTION 17 REGULATING SIGNAGE) SECTION 17.00 PERTAINING TO AND REGULATING SIGNAGE SHALL BE REPLACED IN WHOLE WITH ORDINANCE 2005-01

**ORDINANCE REWRITE – 1/03/05
ARTICLE 4 - SUPPLEMENTARY DISTRICT REGULATIONS**

**SECTION 17.00
SIGNAGE**

17.01 General: The purpose of this section is to protect, insure, maintain and regain the

natural and scenic beauty and attractiveness of the roadsides throughout the city. By the construction of public roads, the public has created views to which the public retains a right-of-view and it is the intent of these standards to prevent the taking of that right. Signs are recognized as accessory uses and are permitted in all districts subject to the regulations of this Ordinance.

Some general provisions of the sign ordinance include the following:

a. All permanent sign installations require a building permit except for political signs, temporary signs, identification signs, construction signs, and real estate signs 16 square feet or less of aggregate signage (i.e. front and back total).

b. No sign shall be allowed that is a hazard to the public health, safety, convenience, welfare, or that prevents ingress or egress, from any door, window or fire escape; that tends to accumulate debris as a fire hazard; or that is attached to a standpipe or fire escape.

c. The regulations contained herein do not apply to signs painted, attached by adhesive, or otherwise attached directly to or visible through windows and glass portions of doors.

d. No sign may be erected that, by reason of position, shape, movement, color or any other characteristic, interferes with the proper functioning of a traffic sign or signal or otherwise constitutes a traffic hazard. No signs shall be permitted which would interfere with traffic control.

e. Private traffic circulation signs and traffic warning signs in alleys, parking lots, or in other hazardous situations may be allowed on private property, provided that such individual signs to not exceed 3 square feet and are utilized exclusively for the purposes intended.

f. Signs are prohibited within the public right-of-way of any street or easement except in those commercially zoned areas where buildings are built up to the street right-of-way. In those areas, signs may project out from the building but must leave at least eight feet clear below the sign, must be set back at least one foot from a vertical line drawn above the curb, and must not exceed 32 square feet in area.

g. Any sign which constitutes a hazard to traffic including, but not limited to, signs located within the sight triangle of an intersection, which shall be within thirty feet (30') of an intersecting curb line of an intersection, if it shall impede vision between a height of thirty inches (30") and eight feet (8').

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???? h.? ?????? In any zoning district, animal displays, lights directed skyward, pieces of sculpture, fountains, or other displays or features which do not clearly fall within the definition of a sign, but which direct attention to a product, place, activity, institution, organization or business shall be considered a conditional use.

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???? i.? ??????? Signs giving off an intermittent or rotating beam or ray of light shall be prohibited.

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???? j.? ??????? No sign shall contain any indecent or offensive picture or written matter.? The Zoning Officer shall be given the authority to determine offensive nature.? The Planning Commission will decide any appeal.

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???? k.? ?????? In all zoning districts, one identification sign shall be required per building except accessory structures and residential buildings which shall only be required to display the street address or property number.

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l.???????

It is the obligation of the installer of any sign to check for any or all underground utilities and services before excavating for sign foundations.

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17.02?? Definitions :

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a.?????

Banner sign ? a temporary sign made of durable, weather resistant fabric or other non-rigid material, with no framework.

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b.?????

Business sign - a sign which directs attention to a business, commodity, or to a commodity service or entertainment sold or offered upon the premises where such a sign is located.

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c.?????

Electronic sign - a sign that utilizes LCD or similar technology to display time, temperature or messages on either a fixed or moving basis, using words and/or graphics..

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???? d.? ?????? Illuminated sign - a sign characterized by the use of artificial light, projecting through its surface(s), internally illuminated, or reflecting off its surfaces(s).

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e.?????

Off-Premise Advertising Sign ? any sign which directs attention to a business, profession, product, service, activity or entertainment not conducted, sold or offered on the premises upon which the sign is located.

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f.???????

Political sign - a sign that sponsors a particular candidate for a particular election.

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g.?????

Portable sign ? any sign which is constructed so as to be movable, either by skids, wheels, truck or other conveyance; any sign which does not have a permanent foundation or is otherwise permanently fastened to the ground and/or which is not wired for electricity in accordance with this code.? When on a trailer, the removal of the wheels or undercarriage does not place the sign in another category; neither does the anchoring of the sign by means of concrete blocks, sandbags, or other types of temporary anchors.

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????? h.? Real Estate sign - a sign which offers a structure or lot for sale, rent, or trade.

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17.03?? Banner Signs.? Temporary advertisement signs in the form of durable, weather resistant banners may be erected with a temporary sign permit, provided:

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????? a.????????? The total area of all temporary signs in the form of banners must not exceed 200 square feet and two signs per building.

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b.?????

Banners are allowed to be displayed on existing fences, accessory buildings, and principal building facades providing they meet the setback requirements.

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c.??????

In a multi-tenant structure the banner must not exceed the width of the front of the space to be occupied or 200 square feet, whichever is less.

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d.?????

?Each business is allowed a maximum of 20 permits in a calendar year.? Each permit will be for 90 days.? No temporary sign permit will be issued to any business or institution found guilty of violating the provisions of the temporary sign ordinance more than once in the previous calendar year.

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17.04?? Business Signs

In commercial and industrial districts, on-site signs shall be permitted according to the following provisions :

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????? a.? ?????? One monument or freestanding sign and one wall mounted sign identifying the premises shall be allowed.? In structures with joint tenancy and individual outside entrances, each tenant can have its own wall sign.

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????? b.? ?????? The maximum height of any freestanding sign shall be 25 feet from the ground to the top of the sign.? A conditional use permit may be considered for taller signs.

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????????????? c.? There is no setback required from the edge of the road right-of-way to the nearest portion of any freestanding sign.? Side yard setback is the same as for the

building.

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d.?????

The total area of freestanding signage shall not exceed 100 square feet.?

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e.?????

Wall signs may not exceed a maximum of five (5) square feet for every linear foot of building frontage.? This formula applies to buildings with either single or joint tenancy.

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17.05?? Construction Signs

Construction signs shall not exceed 32 square feet in area.? Such signs shall be removed when the project is complete.

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17.06?? Home-Based Business Signs

Individuals conducting a bona fide home-based business will be allowed one wall-mounted sign not to exceed an aggregate of 8 square feet? facing the street and one free standing sign not to exceed 8 square feet aggregate

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17.07?? Illuminated Signs

Illuminated signs may be permitted by conditional use.? Illuminated signs shall be diffused or indirect so as not to direct rays of light into adjacent property or onto public way which obstructs the view adjacent properties and or signage.?

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17.08?? Motion Signs

???????????? Motion signs are permitted by conditional use in C-1, C-2 and I-1 zoning areas.

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17.09?? Off-Premise Signs

Off-Premise signs are permitted with the permission of affected property owner and said sign does not exceed the allowed signage for the parcel where the sign is located.

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17.10?? Political Signs

Political signs are allowed in any district, on private property, with the consent of the owner of the property.? Such signs must be removed within 7 days following the date of the election or elections to which they are applied and may be displayed no earlier than 2 months before such date.

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17.11?? Portable Signs

An annual portable sign permit must be obtained from the City of Barnesville at a cost of \$15 prior to placement of a portable sign. Portable signs may be used for a period not to exceed thirty (30) days at a time.? Upon removal of the portable sign it must be at least fourteen (14) days before a portable sign may be used at that location, provided that portable signage on that site does not exceed fifty-six (56) days within one calendar year.

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a.?????

Portable signs may only be used in C-1, C-2 and I-1 zoning areas.

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b.? No portable sign may exceed sixty (60) square feet in area per side, with the sign face to not exceed six feet (6?) in height or ten feet (10?) in width, and may not exceed eight feet (8?) in overall height.

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17.12???

R-1 and R-2 Residential Signs

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a.??????

Residential signs shall not exceed 8 square feet in area and bear only the name and address of the occupants of premises.

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b.?????

No dimension of a sign may be more than three times the other dimension.

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c.??????

The maximum height of any freestanding sign shall be eight (8) feet as measured from the ground to the top of the sign.

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17.13?? R-3 Residential Signs

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a.??????

One free-standing, monument or wall sign, not greater than forty-eight (48) square feet per face indicating the name and/or address of the building, as well as vacancy information.? Signs from forty-eight (48) to sixty-three (63) square feet per face may be allowed with a Conditional Use Permit.

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17.14?? Real Estate Signs

Real estate signs for individual lots or structures may be placed in any yard provided such signs are not closer than 10 feet to any property line and they do not exceed 16 square feet.

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Real estate signs may be erected for the purpose of selling or promoting a single-family or multiple-family residential project of ten or more dwelling units provided:

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a.? ?????? Such signs shall not exceed 100 square feet in area.

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????? b.? Only one such sign shall be erected on each road frontage with a maximum of 2 such signs per project.

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????? c.? Such signs shall be removed from the project when it is totally completed, sold, or leased.

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????? d.? Such signs shall not be located closer than 25 feet to any neighboring residence.

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17.15?? Roof Signs

????? Roof signs are permitted only by conditional use in C-1, C-2 and I-1 districts.

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17.16?? Sign Maintenance

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????? a.? All signs and sign structures must be kept in good repair and in a proper state of maintenance, including, but not limited to, replacing lamps, replacing ballasts in freestanding signs, replacing transformers in building signs, painting the poles of freestanding signs, replacing or repairing the sign faces, replacing torn banners, and replacement of sign fasteners.?

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b.? ?????? Area around sign - the owner or lessee of any sign shall keep the grass, weeds, or other growth cut and the area free from refuse between the sign and the street and also for a distance of 6 feet behind and at the end of said sign.

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17.17?? Obsolete Signs

Any sign which no longer advertises a bona fide business conducted or a product sold shall be taken down and removed by the owner, agent or person having the beneficial use of the building or land upon which the sign may be found within 30 days after written notice from the Zoning Officer.

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17.18?? Unsafe or Dangerous Signs

Any sign which becomes structurally unsafe or endangers the safety of a building or premises or endangers the public safety as determined by the building inspector, shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure, or land upon which the sign is located within 10 days after written notifications from the Zoning Officer.

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17.19?? Violations

If the Zoning Officer finds any sign in violation of this ordinance, a written notice will be issued to the owner and/or tenant specifying the violation and allowing fourteen (14) days to correct or remove the violation. If the violation is not corrected or discontinued within that time period, the owner and/or tenant of the property will be guilty of a misdemeanor, and each day of violation after the initial time period as specified by written notice constitutes a separate offense.

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WHEREUPON such ordinance was duly declared passed, adopted and approved on this 14th day of March, 2005.

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?? Kenneth J. Bauer
?? Mayor

ATTEST:
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Michael M. Brethorst
Chief Operations Officer

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03-14-05-05?????????

Motion by Mr. Martinson and second by Mr. Ellefson to approve the first reading of the rezone of the Clay County Fairgrounds.

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ORDINANCE

NO. _____

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**AN ORDINANCE AMENDING
ORDINANCE NO.XXXXXX PERTAINING
TO ZONING
IN THE CITY OF BARNESVILLE**

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THE CITY COUNCIL OF THE CITY OF BARNESVILLE DOES ORDAIN:

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???????????? SECTION ONE:????????? That existing chapter 11 the Barnesville City Code is hereby amended by adding the following:

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E 605.71' OF OUTLOTS? C-30,D-30, E-30 & W? 293.1' OF F-30 CITY OF BARNESVILLE 30 137 45

&

LOTS 1 TO 6, Block 7 BARNESVILLE CITY

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is rezoned from R-2 (Urban Residential) District Public Zone.

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???????????? SECTION TWO:????????? This Ordinance shall take effect and be in force one week from and after its publication.

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????????????? Adopted this _____? Day of _____, 2005

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03-14-05-06????????

Motion by Mr. Martinson and second by Mr. Hagen to approve the first reading of the sidewalk ordinance.? Council member Del Ellefson asked council members to talk to people and asked for feedback from others at the next council meeting.? The sidewalks would be maintained by homeowners.? Motion carried.

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**????????????? REGUATING ICE AND SNOW ON PUBLIC SIDEWALKS)
SECTION 7.05 PERTAINING TO ICE AND SNOW ON PUBLIC SIDEWALKS
BE REPLACED IN WHOLE WITH:**

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?ORDINANCE 2005-XX

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**THE COUNCIL OF THE CITY OF BARNESVILLE, MINNESOTA DOES
ORDAIN:**

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SECTION ONE: That Section 7.05 of the Barnesville City Code be amended by deleting the whole thereof and inserting in lieu thereof the following:?

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SEC. 7.05.?????? PUBLIC SIDEWALKS

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Subd. 1.?????????? Public Sidewalk Requirements.??? Public sidewalks are required in all areas of the City zoned C-1, as well as other areas deemed necessary by the Council which may include but not limited to school property, church property, residential and business properties not in C-1. Sidewalks are optional in other areas of the City. All newly platted residential developments from the effective date of this Ordinance will have sidewalks as part of the design and development of the plat which meet the DOT Standards and Specifications for Construction.?? Sidewalk construction, repair, replacement, or removal where not required, are the responsibility of the abutting property owner, and before commencing any such work, a permit must be obtained from the City Administrator.?

Subd. 2.?????????? Sidewalk Repair.??? The owner of any property in the city which has a public sidewalk abutting said property shall keep the sidewalk in good repair and in safe condition for pedestrians. Repairs shall be made in strict accordance with specifications and standards on file in the office of the Streets and Parks Superintendent, which are based on DOT Standards and Specifications for Construction, 1995 Edition. Before commencing such repair, the property owner shall obtain a permit form the City Administrator.

Subd. 3.?????????? Enforcement.????? If by inspection by City personnel or by discovery through citizen complaints, the sidewalk is found to be in need of repairs to make it safe for pedestrians, the City shall serve notice to the property owner and order the owner to have the sidewalk repaired and made safe within 30 days of the notification, and stating

that if the property owner fails to do so, the repairs will be made by the City, either by contractor or by City crews, and that the expense thereof must be paid by the owner at 100% of the cost, and that if unpaid it will be made a special assessment against the property concerned.

Subd. 4. Snow and Ice on Public Sidewalks. All snow and ice remaining on public sidewalks in all zones are hereby declared to constitute a public nuisance and shall be abated by the owner or tenant of the abutting property within twenty-four (24) hours after such snow or ice has ceased to be deposited.

Subd. 5. City to Remove Snow and Ice. The City may cause to be removed from all Public sidewalks in zone C-1 and C-2 and other areas deemed necessary by the City Council, beginning twenty-four (24) hours after snow or ice has ceased to fall, all snow and ice which may be discovered thereon, and it shall keep a record of the cost of such removal and the private property adjacent to which such accumulations were found and removed.

Subd. 6. Cost of Removal to be assessed. The City shall bill the property owner 100% of the cost of the snow and ice removal, if after 30 days, the property owner fails to pay said billing, the City Administrator shall upon direction of the Council, and on the receipt of the information provided for in the previous subdivision, extend the cost of such removal of snow or ice as a special assessment against the lots or parcel of ground abutting on walks which were cleared, and such special assessments shall at the time of certifying taxes to the County Auditor be certified for collection as other special assessments are certified and collected.

Subd. 7. Civil Suit for Cost of Removal. The City Administrator shall, in the alternative, upon direction of the Council, bring suit in a court of competent jurisdiction to recover from the persons owning the land adjacent to which sidewalks were cleared, as provided in subdivision 5 hereof, the cost of such clearing and the cost and disbursement of a civil action therefore.

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SECTION TWO: This ordinance shall take effect and be in force 30 days from and after its publication. ?

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Approved this ____ day of _____, 2005.

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?? KENNETH J. BAUER

?? Mayor

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ATTEST: _____

?? MICHAEL M. BRETHORST

?? Chief Operations Officer

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03-14-05-07?????????

Motion by Mr. Ellefson and second by Mr. Hagen to approve the first reading of the annexation of certain properties located in Humboldt Township, to the City of Barnesville.? Motion carried.

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??? O R D I N A N C E

??? N O. XXXX

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????????????? AN ORDINANCE PROVIDING FOR THE ANNEXATION OF CERTAIN PROPERTIES LOCATED IN HUMBOLDT TOWNSHIP, CLAY COUNTY, TO THE CITY OF BARNESVILLE, CLAY COUNTY MINNESOTA, PURSUANT TO MINNESOTA STATUTE 414.033

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THE CITY COUNCIL OF THE CITY OF BARNESVILLE DOES ORDAIN:

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????????????? SECTION ONE:? That Harvey Gilbertson and Ed Gilbertson, the fee owner of certain property in the County of Clay, State of Minnesota, described as follows:

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THAT PART OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 137 NORTH, RANGE 45 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CLAY COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

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COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 29; THENCE SOUTH 01°05'59" EAST (ASSUMED BEARING), ALONG THE WESTERLY LINE OF THE NORTHWEST QUARTER OF SAID SECTION 29, FOR A DISTANCE OF 1,716.78 FEET TO THE SOUTHWEST CORNER OF BARNESVILLE I-94 COMMERCIAL ACRES, AS PLATTED, AND THE TRUE POINT OF BEGINNING; THENCE SOUTH 89°58'28" EAST, ALONG THE SOUTHERLY LINE, AND THE SOUTHERLY LINE AS EXTENDED EAST, OF SAID BARNESVILLE I-94 COMMERCIAL ACRES, FOR A DISTANCE OF 2,177.03 FEET; THENCE SOUTH 01°05'59" EAST, PARALLEL WITH THE WESTERLY LINE OF THE NORTHWEST QUARTER OF SAID SECTION 29, FOR A DISTANCE OF 858.00 FEET; THENCE NORTH 89°58'28" WEST FOR A DISTANCE OF 2,177.03 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY LINE OF THE NORTHWEST QUARTER OF SAID SECTION 29; THENCE NORTH 01°05'59" WEST, ALONG THE WESTERLY LINE OF THE NORTHWEST QUARTER OF SAID SECTION 29, FOR A DISTANCE OF 858.00 FEET TO THE TRUE POINT OF BEGINNING.

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SAID TRACT OF LAND CONTAINS 42.873 ACRES, MORE OR LESS, AND IS SUBJECT TO A CITY STREET EASEMENT AND TO OTHER EASEMENTS AS MAY BE OF RECORD.

