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AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 2A-5 of the Municipal Code of the City of Des Moines, 1991, by rezoning and changing the district classification of certain property located in the vicinity of 1108 S.E. 30th Street from an "R-3" Multiple Family Residential District to a Limited "M-2" Heavy Industrial District classification.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 2A-5 of the Municipal Code of the City of Des Moines, Iowa, 1991, be and the same is hereby amended by rezoning and changing the district classification of certain property located in the vicinity of 1108 S.E. 30th Street, more fully described as follows, from an "R-3" Multiple Family Residential District to a Limited "M-2" Heavy Industrial District classification:

North 460.0 feet of the South 494.0 feet of the West 762.35 feet of Lot 5, FREDREGILL PLACE, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, (the "Property").

Sec. 2. That this ordinance and the zoning granted by the terms hereof are subject to the following imposed additional conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance by all owners of said property and are binding upon the owners and their successors, heirs, and assigns as follows:

A. No buildings may be constructed upon the South 150 feet of the Property except one modular Building approximately 6,000 square foot in size.

B. The owners stipulate and agree that the said Building shall be relocated outside the necessary right-of-way for the Martin Luther King Jr. Parkway at the time that any portion of the Property is acquired by the City of Des Moines for that purpose. Such relocation shall be done at the owner's sole expense and the value of the Building and the cost of such relocation shall not be considered in determining the damages then arising from any taking of any portion of the South 150 feet of the Property for the necessary right-of-way for the Martin Luther King Jr. Parkway.

Sec. 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Sec. 4. That the City Clerk is hereby authorized and directed to cause certified copies of this ordinance and proof of publication thereof, and the original of the Acceptance of Rezoning Ordinance to be properly filed in the office of the Recorder of Polk County, Iowa.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney