

ORDINANCE NO. 13,795

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 1107 S.W. 63rd Street from a "FW" Floodway District and "M-1" Light Industrial District to a Limited "C-2" General Retail and Highway Oriented Commercial 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 1107 S.W. 63rd Street, more fully described as follows, from a "FW" Floodway District and "M-1" Light Industrial District to a Limited "C-2" General Retail and Highway Oriented Commercial District classification:

A parcel of land being part of Lots 5 and 6 in Tyler Place, an Official Plat, City of Des Moines, Polk County, Iowa that is more particularly described as follows:

Commencing at a point on the South line of said Lot 5, said point being on the East right-of-way line of SW. 63rd Street (Ia. Highway 28), said point being 160.0 feet East of the centerline station 66+47, the centerline and the right-of-way line, as presently established; thence North  $06^{\circ}$  (degrees) 18' (minutes) 15" (seconds) West along the East right-of-way line of said SW. 63rd Street a distance of 19.92 feet to the northwesterly right-of-way line of the Raccoon River / Walnut Creek Flood Control Levee as it is presently established and to the Point of Beginning; thence North  $06^{\circ}07'49''$  West along the East right-of-way line of said SW. 63rd Street a distance of 109.69 feet; thence North  $02^{\circ}44'41''$  East along the East right-of-way line of said SW. 63rd Street a distance of 132.62 feet to the South right-of-way line of Tyler Avenue as it is presently established; thence North  $89^{\circ}51'01''$  East along the South right-of-way line of said Tyler Avenue a distance of 222.78 feet to the northwesterly right-of-way line of said levee; thence South  $40^{\circ}31'14''$  West along the northwesterly right-of-way line of said levee a distance of 238.04 feet; thence South  $44^{\circ}01'26''$  West along the northwesterly right-of-way line of said levee a distance of 85.30 feet; thence North  $87^{\circ}07'44''$  West along the northwesterly right-of-way line of said levee a distance of 3.54 feet to the Point of Beginning. (Said tract containing 0.668 acres more or less.) (Herein referred to as 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.The use of the Property shall be limited to uses that can be adequately served by the on-site sanitary sewer system.

B.The use of the Property for automobile sales, display or rental; or, for adult entertainment uses, is prohibited.

C.There shall be no vehicular access from the Property onto S.W. 63rd Street.

D.There shall be no underground storage tanks on the Property.

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 to be properly filed in the office of the Recorder of Polk County, Iowa.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

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Attest:

I, Donna Boetel-Baker, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 00-667), passed by the City Council of said City at a meeting held March 6, 2000, signed by the Mayor on March 6, 2000, and published as provided by law in the Business Record on March 20, 2000. Authorized by Publication Order No. 6432.

Donna Boetel-Baker, CMC/AAE, City Clerk