

ORDINANCE NO. 13,806

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 700 E. County Line Road from an "R1-80" One Family Residential District and "R-5" Mobile Home Residential District to a Limited "R-3" Multiple Family Residential 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 700 E. County Line Road, more fully described as follows, from an "R1-80" One Family Residential District and "R-5" Mobile Home Residential District to a Limited "R-3" Multiple Family Residential District classification:

That part of Parcel "D" of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 34, Township 78 North, Range 24 West of the 5th P.M. , City of Des Moines, Polk County, Iowa and described as follows:

Commencing at the South  $\frac{1}{4}$  corner of said Section 34; thence North  $00^{\circ}$  (Degrees)  $00'$  (Minutes)  $00''$  (Seconds) East along the West line of said Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  , 118.0 feet; thence South  $89^{\circ}17'12''$  East and along the South line of Parcel "C" of said Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 34 and said Parcel "D", 267.0 feet to the Point of Beginning; thence North  $0^{\circ}00'00''$  East and along a straight line and a westerly line of said Parcel "D", 273.0 feet to a point also being the Northeast corner of Parcel "E" of said Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 34; thence North  $89^{\circ}17'12''$  West along a northerly line of said Parcel "E", 14.0 feet; thence North  $0^{\circ}00'00''$  East, 127.0 feet to a point on the North line of said Parcel "D"; thence South  $89^{\circ}17'12''$  East along said North line, 210.0 feet to the Northeast corner of said Parcel "D"; thence South  $0^{\circ}00'00''$  West along the East line of said Parcel "D", 400.0 feet to the Southeast corner of said Parcel "D"; thence North  $89^{\circ}17'12''$  West along said South line of said Parcel "D", 196.0 feet to the Point of beginning and containing 1.84 Acres (80,172 S.F.) more or less.

AND a part of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 34, Township 78 North, Range 24 West of the 5th P.M. , City of Des Moines, Polk County, Iowa and described as follows:

Commencing at the South  $\frac{1}{4}$  corner of said Section 34; thence South  $89^{\circ}$  (Degrees)  $17'$  (Minutes)  $12''$  (Seconds) East along the South line of said Southeast  $\frac{1}{4}$ , 463.0

feet; thence North 0°00'00" East, 33.0 feet to a point on the North right of way line of East County Line Road, said point being the Point of Beginning; thence continuing North 0°00'00" East and along the East line of Parcel "D" of said Southwest ¼ of the Southeast ¼, 134.88 feet; thence southeasterly along a curve concave southwesterly whose radius is 50.0 feet, whose arc length is 79.17 feet and whose chord bears South 44°38'36" East, 71.16 feet; thence South 0°00'00" West, 84.88 feet to a point on said North right of way line of East County Line Road; thence North 89°17'12" West along said North right of way line of East County Line Road, 50.0 feet to the Point of Beginning and containing 0.14 Acres (6,229 S.F.) more or less.

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:

Only the following uses of structures or land shall be permitted on the Property:

A. Any use allowed in the "R1-80" Single Family Residential District.

B. Up to 15 dwelling units, provided that:

i) All but one of the dwelling units must be of a single story in height. One of the units may be two-stories in height.

ii) The owner shall work with the City staff to consider the potential redesign of the units to include off-set roof lines in each building.

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

Preston A. Daniels, Mayor

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. 00-878), passed by the City Council of said City at a meeting held March 27, 2000, signed by the Mayor on March 27, 2000, and published as provided by law in the Business Record on April 10, 2000. Authorized by Publication Order No. 2408.

Donna Boetel-Baker, CMC/AAE, City Clerk