

ORDINANCE NO. 13,844

AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 2720 S.E. 5th Street from an "R1-70" One Family, Low Density Residential District to a Limited "C-1" Neighborhood Retail 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 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, be and the same is hereby amended by rezoning and changing the district classification of certain property located in the vicinity of 2720 S.E. 5th Street, more fully described as follows (herein referred to as the "Property"), from an "R1-70" One Family, Low Density Residential District to a Limited "C-1" Neighborhood Retail Commercial District classification:

A parcel of land located in the right-of-ways of Southeast Fifth Street and Indianola Avenue adjoining Lot 111 of Crawford Place, an Official Plat, all being in and forming a part of the City of Des Moines, Polk County, Iowa, more particularly described as follows:

Beginning at the Southeast corner of said Lot 111; thence North 00° (degrees) $02'$ (minutes) $59''$ seconds West, along the East line of said Lot 111, a distance of 31.00 feet; thence North $31^{\circ}00'17''$ West, along the easterly line of said Lot 111, a distance of 33.75 feet; thence North $71^{\circ}53'08''$ East, a distance of 51.18 feet to a point on a curve on the southerly right-of-way of Indianola Avenue as it now exists; thence along a curve on said southerly right-of-way to the left having a radius of 1,035.50 feet a delta of $01^{\circ}03'20''$, an arc length 19.08 feet and a chord which bears South $48^{\circ}18'00''$, East having a chord distance of 19.08 feet; thence South $40^{\circ}37'14''$ West, a distance of 21.88 feet to a point on the East right-of-way line of Southeast Fifth Street; thence South $00^{\circ}04'51''$ East, along said East right-of-way, a distance of 46.69 feet; thence

North 89°44'13" West, a distance of 31.29 feet to the POINT OF BEGINNING, and containing 2,724 square feet more or less;

AND, a part of Lot One Hundred Eleven (111) in Crawford Place, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, described as commencing at the Southeast corner of said Lot 111, thence running West along the South line of said Lot 111, One Hundred Twenty-seven (127) feet; thence North 60.0 feet; thence East to the West right-of-way line of S.E. 5th Street; thence in a southeasterly direction along said West right-of-way line of S.E. 5th Street to the point of beginning.

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. There shall be no extension of parking from the Property into any adjoining residentially zoned land.

B. Landscaping shall be provided in accordance with a landscaping plan approved by the Community Development Director as part of the site plan approval process.

C. There shall be no vehicular access from the Property onto S.E. 5th Street.

D. A convenient means of pedestrian access shall be provided from the Property to S.E. 5th Street, the location of which shall be established as part of the site plan approval process.

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

Christine Hensley, Mayor Pro Tem

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. 00-3218), passed by the City Council of said City at a meeting held July 24, 2000, signed by the Mayor Pro Tem on July 24, 2000, and published as provided by law in the Business Record on August 7, 2000. Authorized by Publication Order No.2007.

Donna Boetel-Baker, CMC/AAE, City Clerk