

ORDINANCE NO. 13,897

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 3221 Martin Luther King Jr. Parkway from a "C-2" General Retail and Highway Oriented Commercial District to a Limited "M-1" Light 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 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 3221 Martin Luther King Jr. Parkway, more fully described as follows, from a "C-2" General Retail and Highway Oriented Commercial District to a Limited "M-1" Light Industrial District classification:

An irregular shaped tract of land that is located in parts of Lots 25 and 26, Euclid Heights, an Official Plat, and in a part of Lot 1, Harkin's Place, an Official Plat, and in a part of Lot 13, in the Official Plat of the East 1/2 of the N.W. 1/4 of the S.E. 1/4 of Government Lots 3, 4, 5. and 6, in Section 28, Township 79 North, Range 24 West of the 5th P.M., all now included in and forming a part of the City of Des Moines, Polk County, Iowa, all of which is more accurately described as follows (hereinafter referred to as the "Property"):

Beginning at the N.E. Corner of Lot 25, in said Euclid Heights, thence North 00⁰ (Degrees) 00' (Minutes) 00" (Seconds) East, along the West Line of the N.E. 1/4 of said Section 28, a distance of 41.98 feet, to a point that is 8.5 feet normally distant from and South of the Center Line of the Des Moines and Central Iowa Railroad, as it was originally established; thence South

81°07'00" East, parallel with and 8.5 feet normally distant from and South of the Center Line of said Des Moines and Central Iowa Railroad a distance of 354.45 feet; thence South 72°20'30" East a distance of 267.13 feet; thence South 0°03'00" West a distance of 49.85 feet to the N.E. Corner of Lot 1 in said Harkin's Place; thence South 4°27'00" East a distance of 271.49 feet; thence North 89°24'00" West a distance of 335.0 feet; thence North 70°13'40" West a distance of 255.67 feet; thence North 26°44'09" West a distance of 154.16 feet to a point that is on the East Line of Lot 26, in said Euclid Heights; thence North 01°36'52" West, along the East Line of Lot 26, in said Euclid Heights, a distance of 40.0 feet; thence South 88°23'08" West a distance of 170.13 feet to a point that is on the East right-of-way line of Martin Luther King Jr. Parkway (formerly Harding Road) as it is presently established; thence North 25°43'00" West, parallel with and 40.0 feet normally distant from and East of the Center Line of said Martin Luther King Jr. Parkway and along the East right-of-way Line of said Martin Luther King Jr. Parkway a distance of 202.17 feet; thence South 81°18'00" East, along the North lines of Lots 26 and 25 in said Euclid Heights a distance of 217.62 feet 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. Only the following uses of land and structures shall be permitted upon the Property

(1)
Any

use
permitted
in
the
"C-
2"
General
Retail
and
Highway
Oriented
Commercial
District
;
and,

(2)
Outdoor
storage
of
vehicles
and
contractor
equipment,
but
not
including
use
as a
junk

yard

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B. The owners of the Property shall construct a 6 foot tall opaque fence on the northern boundary of the Property (except the West 217.49 feet) and such fence shall extend south a distance of 30 feet at the eastern edge of the Property. The fence shall be constructed of wooden materials with a design approved by the Planning Director. The fence shall be constructed by June 1, 2001, and shall thereafter be maintained in good condition for so long as the Property is used for outdoor storage of vehicles or equipment.

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 Acceptance of Rezoning Ordinance signed by all owners of the Property to be properly filed in the office of the Recorder of Polk County, Iowa.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

Preston 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. 00-4685), passed by the City Council of said City at a meeting held December 18, 2000, signed by the Mayor on December 18, 2000, and published as provided by law in the Business Record on January 1, 2001. Authorized by Publication Order No. 1518.

Donna Boetel-Baker, CMC/AAE, City Clerk