

ORDINANCE NO. 14,035

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 4440 N.E. Hubbell Road from the "A-1" Agricultural 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 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 4440 N.E. Hubbell Road, more fully described as follows, from the "A-1" Agricultural District to a Limited "C-2" General Retail and Highway Oriented Commercial District classification:

Parcel D Beginning at the Northwest corner of the South 30.0 acres; thence South 278.93 feet; thence northeasterly 397.73 feet; thence West 280.66 feet to the Point of Beginning of the Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 21, Township 79 North, Range 23 West of the 5<sup>th</sup> P.M.; and Parcel A Beginning at the Northeast corner; thence South 278.93 feet; thence southwesterly 25.28 feet; thence northwesterly 410.33 feet; thence East 308.67 feet to the Point of Beginning of Lot 1, Capitol Heights Replat, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa. Said Tract of Land Contains 2.00 Acres More or Less. Such property is hereinafter collectively 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:

The following uses of structures or land shall not be permitted upon the Property:

- a) Adult entertainment business
- b) The display of motor vehicles for hire, rental or sale.
- c) Used car sales lot.

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. 01-3721), passed by the City Council of said City at a meeting held December 17, 2001, signed by the Mayor on December 17, 2001, and published as provided by law in the Business Record on January 1, 2002. Authorized by Publication Order No. 3068.

**Donna Boetel-Baker, MMC City Clerk**