

ORDINANCE NO. 14,079

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 2901 Maury Street from the Limited "M-2" Heavy Industrial District to a Revised Limited "M-2" Heavy 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 2901 Maury Street, more fully described as follows, from the Limited "M-2" Heavy Industrial District to a Revised Limited "M-2" Heavy Industrial District classification:

Except the North 5.0 feet, and except the South 494.0 feet and the East 343.45 feet, Lot 5, Fredregill Place, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (herein 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 50 foot setback shall be observed from all portions of the western boundary of the Property which adjoins a residential use or vacant land zoned to a residential district classification. Within such 50 foot setback, the Property shall be used only as permitted in the "R-3" Multiple Family Residential District. Within the western 25 feet of such 50 foot setback, all existing trees over 3 inch diameter measured 1 foot above grade

shall be saved to the extent feasible to
screen the view into 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, 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 A. Daniels, Mayor

Attest:

I, Donna V. 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. 02-1071), passed by the City
Council of said City at a meeting held April 22, 2002 signed by the Mayor on April 22, 2002 and
published as provided by law in the Business Record on May 6, 2002 Authorized by Publication
Order No. 3227.

Donna V. Boetel-Baker, City Clerk