

ORDINANCE NO. 14,098

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 generally located in the area bounded on the north by I-235 (MacVicar Freeway), on the east by E. 14th and S.E. 14th Streets, on the south by Raccoon and Scott Streets and on the west by the Des Moines River, by placing such area within the Capitol Dominance Overlay Districts.

WHEREAS, by a Memorandum of Understanding dated October 25, 2001, the City Manager of the City of Des Moines and the Director of the Iowa Department of General Services undertook to pursue the shared goals of preserving the dominance of the dome of the Capitol Building and the view of the Capitol Building from prominent public viewing points, and of improving the appearance of the west lawn of the Capitol Building; and,

WHEREAS, the Memorandum of Understanding identifies specific steps the City Manager and the Director agreed to concurrently pursue to achieve the shared goals; and,

WHEREAS, the City Council has undertaken to establish the Capitol Dominance Overlay Districts and to rezone the area around the Capitol Building to impose the Capitol Dominance Overlay District regulations in reliance upon the undertakings by the Director in the Memorandum of Understanding, and the timely completion of the actions anticipated therein to be performed by the Department of General Services; and,

WHEREAS, the City Council retains the authority to repeal the Capitol Dominance Overlay Districts in the event the Department of General Services does not accomplish the actions anticipated of it.

NOW THEREFORE, 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 generally located in the area bounded on the north by I-235 (Mac Vicar Freeway), on the east by E. 14th and S.E. 14th Streets, on the south by Raccoon and Scott Streets and

on the west by the Des Moines River, as more fully described as follows, to impose upon such property the Capitol Dominance Overlay Districts as follows:

A. The following described property is hereby rezoned to the Capitol Dominance Overlay District "A":

Beginning at the Northwest corner of Lot 3, Block D, River Hills Plat 3, an Official Plat, also being a point on the southerly line of Lot E, River Hills Plat 4, an Official Plat; thence easterly along the southerly line of said Lot E, to the Northeast corner of Block B, River Hills Plat 3, an Official Plat; thence southeasterly along a straight line to the Northwest corner of Lot 2, Block 25, East Fort Des Moines, an Official Plat; thence southeasterly along a straight line to a point of intersection being 196.1 feet easterly of the westerly line of said Block 25 and 237.1 feet northerly of the southerly line of Block O, Griffith's Addition No. 2 to East Fort Des Moines, an Official Plat, also being the southerly right-of-way line of Interstate 235, as now established; thence northeasterly along a straight line to a point of intersection being 237.21 feet northerly of the southerly line of said Block O, being the easterly line of the westerly 44.0 feet of Lot 1, of said Block O; thence southerly along the easterly line of the westerly 44.0 feet of said Lot 1, to the northerly line of vacated East / West alley right of way lying South of and adjoining said Lot 1: thence easterly along the northerly right-of-way line of vacated East/West alley to the intersection with the westerly right-of-way line of Pennsylvania Avenue; thence southerly along the westerly right-of-way line of Pennsylvania Avenue, to a point of intersection with the westerly extension of the northerly line of the southerly 59.15 feet of Lot 10, Block P, of said Griffith's Addition No. 2 to East Fort Des Moines; thence easterly along the westerly extension of the northerly line of

the southerly 59.15 feet of said Lot 10 of said Block P, to the westerly line of the easterly 42.0 feet of Lot 11, of said Block P; thence northerly along the westerly line of the easterly 42.0 feet of said Lot 11, to the northerly line of the southerly 90.0 feet of said Block P; thence easterly along the northerly line of the southerly 90.0 feet of said Block P, to a point on the westerly line of Lot 12, of said Block P; thence northerly along the westerly line of said Lot 12, to the Northwest corner of said Lot 12; thence easterly along the northerly lines of Lots 12, 13 and 14, of said Block P and along the northerly lines of Lots 1 and 2, of Griffith's Addition No 2 of the Official Plat of the Subdivision of Lots 15 thru 18, Block P, to a point on the East line of the westerly 26.5 feet of said Lot 2; thence southerly along the East line of the westerly 26.5 feet of said Lot 2, to a point 4.61 feet southerly of the northerly line of said Lot 2; thence southeasterly along a straight line 68.31 feet, also being the southerly right-of-way line of Interstate 235, as now established; thence northeasterly along a line 61.22 feet, being the southerly right-of-way line of Interstate 235, as now established; thence easterly along a line 19.5 feet, also being the southerly right-of-way line of Interstate 235, as now established, to the East line of Lot 4, of said Block P, being 11.05 feet southerly of the Northeast corner of said Lot 4, and the West right-of-way line of East 9<sup>th</sup> Street; thence easterly along a straight line to a point of intersection with the westerly line of Lot 1, Block 3, Stewart's Addition, an Official Plat, being 32.18 feet southerly of the Northwest corner of said Lot 1; thence easterly along a straight line to a point of intersection with the easterly line of said Lot 1, being 108.62 feet northerly of the Southeast corner of said Lot 1; thence northerly along the easterly line of said Lot 1, to a point 17.1 feet southerly of the Northeast corner

of said Lot 1; thence southeasterly along a straight line to the Southeast corner of Lot 7, of said Block 3, also being the northerly right-of-way line of Lyon Street; thence northeasterly along the northerly right-of-way line of Lyon Street, and its easterly extension along the southerly lines of said Block 3 and Blocks 6, 17 and 26, of said Stewart's Addition, to the Southwest corner of Lot 6, of said Block 26; thence southeasterly along a straight line to a point of intersection of the northerly extension of the East line of Lot 20, Block 25, of said Stewart's Addition, being 60.0 feet North of the Northeast corner of said Lot 20; thence southeasterly along a straight line to a point on the Northwest corner of Lot 15, of said Block 25; thence southeasterly along a straight line to the North line of the southerly 75.0 feet of said Lot 15 and being the East line of the westerly 35.5 feet of said Lot 15; thence southeasterly along a straight line to the southerly line of said Lot 15, being 3.0 feet westerly of the easterly line of said Lot 15, also being the westerly right-of-way line of East 14<sup>th</sup> Street; (Iowa Highway 69); thence southeasterly along the westerly right-of-way line of East 14<sup>th</sup> Street ( Iowa Highway 69), and its southerly extension, also being 3.0 feet westerly of the easterly lines of Blocks 25 and 24, of said Stewart's Addition, to the northerly right-of-way line of East Grand Avenue; thence southwesterly along the southerly extension of the West right-of-way line of East 14<sup>th</sup> Street (Iowa Highway 69), to the southerly right-of-way line of East Grand Avenue and being 10.0 feet West of the Northeast corner of Lot 15, Block 23 of said Stewart's Addition; thence southeasterly 20.0 feet to the East line of said Lot 15, being the East right-of-way line of East 14<sup>th</sup> Street (Iowa Highway 69); thence southerly along the East right-of-way line of East 14<sup>th</sup> Street (Iowa Highway 69) and it's southerly extension to the southerly right-of-way line of East Walnut Street, to

the Northeast corner of Lot 7, Subdivision of Block 4, W. A. Scott's Addition, an Official Plat, also being on the westerly right-of-way line of East 14<sup>th</sup> Street, (Iowa Highway 69); thence southeasterly along the easterly lines of Lots 7 and 6, of said Subdivision of Block 4, W. A. Scott's Addition and along the westerly right-of-way line of East 14<sup>th</sup> Street (Iowa Highway 69), to the Southeast corner of said Lot 6; thence westerly 6.0 feet along the southerly line of said Lot 6, to the East right-of-way line of vacated East Court Avenue; thence southerly along the easterly right-of-way line of vacated East Court Avenue by Ordinance 5122 and westerly along the southerly right-of-way line said vacated East Court Avenue right of way to a point of intersection with the northerly line of East Court Avenue right of way , also being the southerly line of Block 5, B.F. Allen, J.S. Polk & F.M. Hubbell's Replatting of Subdivision of W.A. Scott's Addition; thence westerly along the southerly line of said Block 5, to the Southwest corner of Lot 1, of said Block 5; thence northerly along the westerly line of Lot 1, of said Block 5 and along the northerly extension of the westerly line of said Lot 1, to a point of intersection with the southerly line of Lot 14, Block 2, of said B.F. Allen, J.S. Polk & F.M. Hubbell's Replatting, also being a point on the northerly right-of-way line of East Walnut Street; thence westerly along the southerly line of said Block 2, and along the northerly right-of-way line of East Walnut Street to the Southwest corner of Lot 7, Block 1, of Said B.F. Allen ,J.S. Polk & F.M. Hubbell's Replatting, also being a point on the East right-of-way line of East 12<sup>th</sup> Street; thence northerly along the westerly line of said Lot 7 and the easterly right-of-way line of East 12<sup>th</sup> Street, and its northerly extension to the Southwest corner of Lot 1, Block 10, H. Lyon's Addition, an Official Plat, also being a point on the northerly right-of-way line of

East Grand Avenue; thence westerly along the northerly right-of-way line of East Grand Avenue, to the Southwest corner of Lot 7, Block 20, East Fort Des Moines, an Official plat, also being a point on the easterly right-of-way line of East 6<sup>th</sup> Street; thence northerly along the easterly right-of-way of East 6<sup>th</sup> Street, and it's northerly extension to the Southwest corner of Block A, River Hills Plat 3, an Official Plat, to the northerly right-of-way line of Des Moines Street; thence westerly along the northerly right-of-way line of Des Moines Street and it's westerly extension to the Southeast corner of Lot A, (East right-of-way line of East 4<sup>th</sup> Street) River Hills Plat 7, an Official Plat, also being a point on the westerly line of Lot 6, Block D, of said River Hills Plat 3; thence northerly along the westerly lines of Lots 6 and 3, Block D, of said River Hills Plat 3 to the point of beginning. Said tract of land contains 117.2 acres more or less.

B. The following described property is hereby rezoned to the Capitol Dominance Overlay District "B":

Beginning at the intersection with the East Bank of the Des Moines River, as now established and the southerly line of Lot E, River Hills Plat 4, an Official Plat; thence easterly along the southerly line of said Lot E, also being the southerly right-of-way line of Interstate 235, as now established, to Northwest corner of Lot 3, Block D, River Hills Plat 4, an Official Plat; thence southerly along the westerly line of said Lot 3 and southerly along the westerly line of Lot 6, of said Block D, to the northerly right-of-way line of Des Moines Street; thence easterly along the northerly right-of-way line of Des Moines Street and it's easterly extension to the Southwest corner of Block A, River Hills Plat 3, an Official Plat, also being a point on the easterly right-of-way line of East 6<sup>th</sup> Street; thence southerly along the easterly right-of-way

line of East 6<sup>th</sup> Street and it's southerly extension, to the Southwest corner of Lot 7, Block 20, East Fort Des Moines, an Official plat, also being the northerly right-of-way line of East Grand Avenue; thence easterly along the northerly right-of-way line of East Grand Avenue and it's easterly extension, to the Southwest corner of Lot 1, Block 10, H. Lyon's Addition, an Official Plat, also being on the easterly right-of-way line of East 12<sup>th</sup> Street; thence southerly along the easterly right-of-way line of East 12<sup>th</sup> Street and it's southerly extension, the Southwest corner of Lot 7, Block 1, B.F. Allen, J.S. Polk & F.M. Hubbell's Replatting and Subdivision of W. A. Scott's Addition or Subdivision, an Official Plat, also being the northerly right-of-way line of East Walnut Street; thence Easterly along the northerly right-of-way line of East Walnut Street and it's easterly extension to the intersection of the northerly extension of the westerly line of Lot 1, Block 5, of said B.F. Allen, J.S. Polk & F.M. Hubbell's Replatting and Subdivision of W.W. Scott's Addition or Subdivision; thence southerly along the northerly extension of the westerly line of said Lot 1, to the Southwest corner of said Lot 1, also being a point on the northerly right-of-way line of East Court Avenue; thence easterly along the northerly right-of-way line of East Court Avenue, to a point of intersection with vacated East court Avenue right of way by Ordinance 5122; thence easterly along the southerly line of vacated East Court Avenue right of way by Ordinance 5122 and northeasterly along the easterly line of vacated East Court Avenue right of way by Ordinance 5122, to a point on the westerly right-of-way line of East 14<sup>th</sup> Street (Iowa Highway 69) being 56.2 feet South of the southerly line of Lot 6, of the Subdivision of Block 4, W. A. Scott's Addition to Des Moines, an Official Plat and being a point along the westerly right-of-way line of East 14<sup>th</sup> Street (Iowa Highway

69) ; thence southerly along a straight line to the southerly line of Lot 2, J. E. Hendrick's Subdivision of Block 9, W. A. Scott's Addition to Des Moines, an Official Plat, being 83.0 feet easterly of the Southwest corner of said Lot 2; thence southerly 185.0 feet to a line extended easterly being 170.0 feet South and 36.0 feet East of the Northwest corner of Lot 4, of said J. E. Hendrick's Subdivision of Block 9, W. A. Scott's Addition to Des Moines; thence West along said line to a point on the westerly line of said Lot 4, being 170.0 feet South of the Northwest corner of said Lot 4; thence continuing westerly along the westerly extension of said line to the East line of Lot 5, J. E. Hendrick's Subdivision of Lot 3, Block 9, W. A. Scott's Addition to Des Moines, an Official Plat, being 25.0 feet northerly of the Southeast corner of said Lot 5; thence along a straight line to the southerly line of Lot 7, of said J. E. Hendrick's Subdivision of Lot 3, Block 9, W. A. Scott's Addition to Des Moines, being 105.0 feet easterly of the Southwest corner of said Lot 7; thence easterly along the southerly line of said Lot 7 to a point 135.0 feet East of the Southwest corner of said Lot 7, and being on the North right-of-way line of vacated East Vine Street; thence South perpendicular to the South line of said Lot 7 to the South right-of-way line of vacated East Vine Street; thence southwesterly to a point being 60.0 feet West of the Northeast corner of Lot 43 of the Official Plat of Lot 1 of the Official Plat of the East 1/2, of the Southeast 1/4, of Section 3, Township 78 North, Range 24 West of the 5<sup>th</sup> P.M. and the South 236.0 feet of the West 1/2 of Lot 31, Brook's and Company's Addition, an Official Plat; thence southerly along a straight line to a point on the North line of Lot 55, Official Plat of Lot 1 of the Official Plat of the East 1/2, of the Southeast 1/4, of Section 3, Township 78 North, Range 24 West of the 5<sup>th</sup> P.M. and the South 236.0 feet of



the West 1/2 of Lot 31, Brook's and Company's Addition, being 60.0 feet West of the East line of said Lot 55; thence East along the North line of said Lot 55 and its easterly extension to the East line of the Southeast  $\frac{1}{4}$  of Section 3, Township 78 North Range 24 West of the 5<sup>th</sup> P.M.; thence South along the East line of said Section 3, to the easterly extension of the South right-of-way line of Scott Avenue; thence westerly along the easterly extension of and the South right-of-way line of Scott Avenue, to the easterly right of way line of Southeast 12<sup>th</sup> Street; thence northerly along the northerly extension of the easterly right of way line of Southeast 12<sup>th</sup> Street to the northerly right of way line of Scott Avenue; thence westerly along the westerly extension of the northerly right of way line of Scott Avenue to the Southwest corner of Lot 6, Block 13, Allen's Second Addition, an Official plat; thence northerly along the westerly lines of Lots 6 and 7, Block 13, of said Allen's Second Addition to the Northwest corner of said Lot 7; thence westerly along the westerly extension of the North line of said Lot 7 to the Southeast corner of Lot 3, of said Block 13 and along the southerly line of said Lot 3 to the Southwest corner of said Lot 3; thence northerly along the westerly line of said Lot 3 to the Northwest corner of said Lot 3; thence westerly along the westerly extension of the North line of said Lot 3, to the Southeast corner of Lot 9, Block 2, of said Allen's Second Addition and along the southerly line of said Lot 9 to a point being 100.0 feet westerly of the Southeast corner of said lot 9; thence northerly along a straight line to the northerly line of Lot 10, of said Block 2 and being 100.0 feet westerly of the Northeast corner of said Lot 10, also being a point on the southerly right of way line of Allen Street; thence westerly along the southerly right of way line of Allen Street to the easterly right of way line of Southeast 10<sup>th</sup> Street; thence

northerly along the northerly extension of the easterly right of way line of Southeast 10<sup>th</sup> Street to the northerly right of way line of Allen Street; thence westerly along the westerly extension of the northerly right of way line of Allen Street to the westerly right of way line of Southeast 10<sup>th</sup> Street; thence northerly along the westerly right of way line of Southeast 10<sup>th</sup> Street, also being the easterly line of Block 39, Town of De Moine, an Official Plat, to the Southeast corner of Lot 7 of said Block 39; thence westerly along the southerly line of said Lot 7 and it's westerly extension of said Lot 7 through Blocks 39, 40, 41, 42, 43 and 44, of said Town of De Moine, to the Southwest corner of Lot 4, of said Block 44; thence westerly along the westerly extension of the southerly line of said Lot 4 to a point of intersection with the westerly right of way line of Southeast 4<sup>th</sup> Street, also being on the easterly line of Block 7, Scott & Deans Addition, an Official Plat; thence northerly along the westerly right of way line of Southeast 4<sup>th</sup> Street to the Southeast corner of Lot 2 of said Block 7; thence westerly along the southerly line of said Lot 2 and it's westerly extension of the southerly line of said Lot 2 to the westerly right of way line of Southeast 3<sup>rd</sup> Street, also being on the easterly line of Block N, of said Scott & Deans Addition; thence northerly along the westerly right of way line of Southeast 3<sup>rd</sup> Street, to the Southeast corner of Lot 3, of said Block N; thence westerly along the southerly line of said Lot 3 to the Southwest corner of said Lot 3; thence northerly along the westerly line of said Lot 3 to the Northwest corner of said Lot 3; thence westerly along the westerly extension of the northerly line of said Lot 3, to the Southeast corner of lot 12, of said Block N and along the southerly line of said Lot 12 to the Southwest corner of said Lot 12; thence northerly along the westerly line of said Lot 12 to the Northwest corner of said Lot 12; thence

westerly along the westerly extension of the northerly line of said Lot 12, to the westerly right of way line of Southeast 2<sup>nd</sup> Street; thence northerly along the westerly right of way line of Southeast 2<sup>nd</sup> Street, to the Southeast corner of Lot 1, Block P, of said Scott & Deans Addition; thence westerly along the southerly line of said Lot 1, to the Southwest corner of said Lot 1; thence northerly along the westerly lines of Lot 1, 2 and 5 of said Block P , to the easterly extension of the southerly line of Lot 11, of said Block P; thence westerly along the easterly extension of the southerly line of said Lot 11 and along the southerly line of said Lot 11 and it's westerly extension of the southerly line of said Lot 11, to the East Bank of the Des Moines River, as now established; thence northerly along the East Bank of the Des Moines River, as now established, to the point of beginning. Said tract of land contains 407.7 acres more or less.

Sec. 2. The property described above shall remain subject to the district regulations of the underlying zoning districts. Property within the Capitol Dominance Overlay Districts is subject to the more restrictive of the applicable Capitol Dominance Overlay District regulations and the underlying zoning district regulations.

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 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. 02-1423), passed by the City Council of said City at a meeting held June 3, 2002 signed by the Mayor on June 3, 2002 and published as provided by law in the Business Record on June 17, 2002 Authorized by Publication Order No. 3284.

Donna V. Boetel-Baker, City Clerk