

ORDINANCE NO. 14,730

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 800 E. Court Avenue from the "R-4" Multiple-Family 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 800 E. Court Avenue, more fully described as follows, from the "R-4" Multiple-Family Residential District to a Limited "C-1" Neighborhood Retail Commercial District classification:

Part of Block 12, Town of De Moine, an Official Plat lying North of a line described as commencing at a point on the North line of Block 13, Town of De Moine, which is 80.2 feet easterly from the Northwest Corner of said Block 13 and 13 feet northeasterly (measured at right angles) from the centerline of the Des Moines Western Railway Company's track which crosses Court Avenue; thence easterly 242.3 feet along the North line of said Block 13; thence southeasterly 539.3 feet to a point on the West line of Block 11, Town of De Moine which is 139.65 feet northerly from the Southwest Corner of Block 11; and vacated streets and alleys within the boundaries of said tract, all now a part of the City of Des Moines, Polk County, Iowa, more particularly described as follows (hereinafter referred to as the "Property"):

Beginning at the Northeast Corner of said Block 12; thence South 14°58'16" East along the easterly line of said Block 12, a distance of 237.44 feet; thence North 72°52'04" West, 445.73 feet to a point on the southerly right-of-way line of E. Court Avenue; thence North 74°56'43" East along the northerly line of said Block 12 and an extension thereof, and also along said southerly right-of-way line 377.58 feet to the Point of Beginning and containing 1.03 acres.

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. No tree on the Property over 6" in caliper shall be removed or damaged until a Site Plan is approved by the City of Des Moines for the redevelopment of the Property.
- B. A tree survey of all trees over 6" in caliper and a tree protection plan and shall be submitted as part of any Site Plan for the redevelopment of the Property.

Sec. 3. This ordinance shall be in full force and effect from and after the later of its passage and publication as provided by law, and the recording of a deed conveying title in the Property to the Iowa Association of Community College Trustees.

Sec. 4. The City Clerk is hereby authorized and directed to cause a certified copy of the Acceptance of Rezoning Ordinance, this ordinance, a vicinity map, and proof of publication of this ordinance, to be properly filed in the office of the Polk County Recorder.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

T.M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, 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. 07-2332), passed by the City Council of said City at a meeting held December 3, 2007 signed by the Mayor on December 3, 2007 and published as provided by law in the Business Record on December 17, 2007, Authorized by Publication Order No. 5890.

Diane Rauh, City Clerk