

ORDINANCE NO. 14,747

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, and repealing Ordinance No. 14,730 passed February 25, 2008.

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:

A portion of Block 12, Town of De Moine, an Official Plat, and portions of the adjoining vacated SE 8th Street and SE 9th Street rights-of-way, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, more specifically described as follows: Beginning at the Northwest corner of Lot 3 of said Block 12, thence North 74°56'43” East along the southerly right-of-way line of E. Court Avenue and along the northerly line of said Block 12 and the extension thereof a distance of 281.62 feet to the East right-of-way line of vacated SE 9th Street; thence South 14°45'54” East along the easterly line of vacated SE 9th Street, a distance of 287.79 feet; thence North 72°48'00” West, 579.47 feet to a point on the southerly right-of-way line of E. Court Avenue; thence North 74°56'43” East along the southerly right-of-way line of E. Court Avenue and along the northerly line of said Block 12 a distance of 175.86 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 the Iowa Association of Community College Trustees under that certain Acceptance of Rezoning

Ordinance recorded in the office of the Polk County Recorder on December 31, 2007, in Book 12495 commencing at Page 730, and is binding on such Association and its successors 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. Ordinance No. 14,730 passed December 3, 2007, is hereby repealed. This ordinance is intended to correct and replace such prior ordinance which contained an error in the legal description used therein.

Sec. 4. 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 all or a substantial portion of the Property to the Iowa Association of Community College Trustees.

Sec. 5. The City Clerk is hereby authorized and directed to cause a certified copy of 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. 08-347), passed by the City Council of said City at a meeting held February 25, 2008 signed by the Mayor on February 25, 2008 and published as provided by law in the Business Record on March 10, 2008. Authorized by Publication Order No. 6057.

Diane Rauh, City Clerk