

ORDINANCE NO. 15,257

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 3301 E. Euclid Avenue from the "C-1" Neighborhood Retail Commercial District to a Limited "C-2" General Retail and Highway-Oriented Commercial District.

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 3301 E. Euclid Avenue, more fully described as follows, from the "C-1" Neighborhood Retail Commercial District to a Limited "C-2" General Retail and Highway-Oriented Commercial District classification:

A parcel of land located in the Northwest 1/4 of the Northeast 1/4 of Section 29, Township 79 North, Range 23 West of the 5th P.M., being in and forming a part of the City of Des Moines, Polk County, Iowa, more particularly described as follows:

Beginning at a Point 718.2 feet South and 64.5 feet East of the North 1/4 corner of said Section 29; thence South 87°14'30", East along the South right-of-way line of Euclid Avenue, 186.19 feet; thence South 18°40'59" West, 37.76 feet; thence South 25°36'31" West, 69.07 feet; thence South 21°24'49" West, 22.05 feet; thence South 68°53'53", West, 33.05 feet; thence South 55°44'58" West, 29.26 feet; thence South 81°42'17" West, 29.99 feet; thence North 86°49'52" West, 11.64 feet; thence North 75°31'49" West, 10.28 feet; thence North 61°09'23" West, 23.04 feet; thence North 13°48'07" West, 14.85 feet; thence North 18°35'53" West, 39.25 feet to the East right-of-way of East 33rd Street; thence North 03°26'30" East along said East right-of-way line of East 33rd Street, 94.74 feet to the Point of Beginning and containing 0.53 acres (23,207 S.F.).

Section 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 on the subject property:

- a) Any business required to have a Class E Liquor License.
- b) Adult entertainment businesses.
- c) Delayed deposit services.
- d) Off-premises advertising signs.
- e) Taverns and nightclubs.
- f) Vehicle display lots.

Section 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Section 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. 14-0163), passed by the City Council of said City at a meeting held January 27, 2014 signed by the Mayor on January 27, 2014 and published and provided by law in the Business Record on February 14, 2014. Authorized by Publication Order No. 8765.

Diane Rauh, City Clerk