

ORDINANCE NO. 15,260

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 and "FW" Floodway District to a Limited "U-1" Floodplain District and a Limited "FW" Floodway 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 and "FW" Floodway District to a Limited "U-1" Floodplain District and a Limited "FW" Floodway District, as follows:

To the "U-1" Floodplain District:

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:

Commencing 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 to the Point of Beginning; thence continuing South 87° 14' 30" East along the South right-of-way line of Euclid Avenue, 149.31 feet; thence South 40° 49' 58" West, 305.52 feet; thence North 00° 21' 30" East, 20.00 feet; thence West, 150.00 feet to the East right-of-way line of East 33rd street; thence North 03° 26' 30" East along the East right-of-way line of East 33rd street, 133.26 feet; thence South 18° 35' 53" East, 39.25 feet; thence South 13° 48' 07" East, 14.85 feet; thence South 61° 09' 23" East, 23.04 feet; thence South 75° 31' 49" East, 10.28 feet; thence South 86° 49' 52" East, 11.64 feet; thence North 81° 42' 17" East, 29.99 feet; thence North 55° 44' 58" East, 29.26 feet; thence North 68° 53' 53" East, 33.05 feet; thence North 21° 24' 49" East, 22.05 feet; thence North 25° 36' 31" East, 69.07 feet; thence North 18° 40' 59" East, 37.76 feet to the Point of Beginning and containing 0.76 acres (32,916 s.f.).

To the "FW" Floodway district:

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:

Commencing at a point 718.2 feet South and 64.5 feet East of the North ¼ corner of said Section 29; thence South 87° 14' 30" East along the South right-of-way line of Euclid Avenue, 335.50 feet to the Point of Beginning; thence continuing South 87° 14' 30" East along the South right-of-way line of Euclid Avenue, 286.50 feet; thence South 55° 19' 30" West, 179.50 feet; thence North 87° 14' 30" West, 89.10 feet; thence South 47° 47' 30" West, 337.50 feet; thence North 00° 21' 30" East, 107.20 feet; thence North 40° 49' 58" East, 305.52 feet to the Point of Beginning and containing 1.16 acres (50,690 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.
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- 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. 14-0236), passed by the City Council of said City at a meeting held February 10, 2014 signed by the Mayor on February 10, 2014 and published and provided by law in the Business Record on February 28, 2014. Authorized by Publication Order No. 8768.

Diane Rauh, City Clerk