

ORDINANCE NO. 16,162

AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-1.10 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 SW 56th Street, SW McKinley Avenue and SW Watrous Avenue from “P2” Public, Civic, and Institutional District, “EX” Mixed Use District, and “N2b” Neighborhood District to “N2b” Neighborhood 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 134-1.10 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 SW 56th Street, SW McKinley Avenue and SW Watrous Avenue from “P2” Public, Civic, and Institutional District, “EX” Mixed Use District, and “N2b” Neighborhood District to “N2b” Neighborhood District classification, more fully described as follows:

ALL PROPERTY DESCRIBED BELOW IS IN THE CITY OF DES MOINES, POLK COUNTY, IOWA.

THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA,

AND

THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 23, - **EXCEPT** THE PROPERTY DESCRIBED IN THE WARRANTY DEED AND RECORDED IN BOOK 15084 PAGE 846 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA-. **AND**

-**EXCEPT** THE SOUTHWEST 56TH STREET RIGHT OF WAY LYING ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 23, AND LYING WITHIN THE SOUTHEAST 1/4 OF SAID SECTION 23, **AND**

-**EXCEPT** THE SOUTHWEST MCKINLEY AVENUE RIGHT OF WAY LYING ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 23, AND LYING WITHIN SAID SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 23, **AND**

-**EXCEPT** THE ROAD RIGHT OF WAY ON NORTH SIDE DEEDED TO THE CITY OF DES MOINES AND RECORDED IN BOOK 19151 PAGE 869 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA-.

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:

- 1) Development of the property for residential use is prohibited in areas subject to limitations of the designated runway protection zone identified in the approved Airport Layout Plan of the Des Moines International Airport as legally described by Des Moines Municipal Code Section 22-5, or as may thereafter be amended. Any such areas shall be identified by the Des Moines International Airport at the time of platting of the property, and, at the time of recording of any Final Subdivision Plat, either (1) dedicated to the City and Airport or encumbered with recording of a “No Build” Easement on the property or (2) platted as an undevelopable Outlot;
- 2) A Land Use Map Amendment will be initiated by the City to remove or modify any Development Control Zone Future Land Use Map designation on other adjacent properties;
- 3) Any new residential development, or alterations or additions to existing residential dwellings in areas identified as having future outdoor sound levels measured between 65 dB and 75 dB must develop to demonstrate a 30 dB reduction within the dwelling through recognized construction methods in the adopted Building Codes;
- 4) Noise and Avigation Easements in a form approved by both the City Attorney and the Des Moines International Airport shall be granted and/or dedicated by the property owner and recorded on all residential lots at the time of recording of any Final Subdivision Plat;
- 5) All development on the property shall connect to public water and sanitary sewer. New private wells and private disposal (septic) systems are prohibited within the property; and
- 6) The owner shall dedicate or deed to the City of Des Moines, at City’s discretion, such right-of-way determined necessary by the City for future realignment of SW 56th Street along the east edge of the property. Such right-of-way dedication or deeding shall occur at no cost to the City and at such time as the property is subdivided so that such future right-of-way is outside of the designated runway protection zone identified in the approved Airport Layout Plan of the Des Moines International Airport as legally described by Des Moines Municipal Code Section 22-5, or as may thereafter be amended. The owner acknowledges that the City may assess adjoining property owners for costs to construct the realignment of SW 56th Street.

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

Section 4. That the City Clerk is hereby authorized and directed to cause certified copies of the Acceptance of Rezoning Ordinance, this ordinance, vicinity map and proof of publication of this ordinance to be properly filed in the office of the County Recorder of the county in which the subject property is located.

FORM APPROVED: Gary D. Goudelock. Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest: I, Laura Baumgartner, 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. 22-1288), passed by the City Council of said City at the meeting held on August 8, 2022 and signed by the Mayor on August 8, 2022 and published and provided by law in the Business Record on August 26, 2022 Authorized by Publication Order No. 12051.

Laura Baumgartner, City Clerk