

ORDINANCE NO. 16,181

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 4970 Southeast 24<sup>th</sup> Court from Low Density Residential to Public/Semi-Public and to rezone the Property from “N2b” Neighborhood District to Limited “P2” Public, Civic, and Institutional 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 4970 Southeast 24<sup>th</sup> Court from Low Density Residential to Public/Semi-Public and to rezone the Property from “N2b” Neighborhood District to Limited “P2” Public, Civic, and Institutional District classification, more fully described as follows:

The North 1/2 of the West 1/2 of the West 1/2 of the NE 1/4 of the NW 1/4; and the North 1/2 of the East 1/2 of the West 1/2 of the NE 1/4 of the NW 1/4 ;and the North 13 Acres of the East 1/2 of the NE 1/4 of the NW 1/4 all in section 25, Township 78 North, Range 24 West of the 5th P.M. Polk County, Iowa except that part beginning at the NW corner of the NE 1/4 of the NW 1/4 of Section 25 , thence South 663 feet; thence East along the South line of the NW 1/4 of the NE 1/4 of the NW 1/4 of section 25, 264.00. feet; thence North 379.0 feet; thence N 88 degrees 54 minutes East, 610.00 feet; thence North 272 feet to the North Line of the NE 1/4 of the NW 1/4 of said section 25; thence West 874.00 feet to the point of beginning.

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. The 50.32-foot by 323.44-foot access area to be located between the future cell tower parcels shall remain a part of the larger undeveloped parcel until such time the property is subdivided in accordance with a Large-Scale Development Plan and subdivision plat regulations.
2. An access easement from East Titus Avenue to each of the cell tower parcels shall be provided until such time the access area is dedicated as public right-of-way.
3. Any new development shall be constructed in accordance with an approved Large Scale Development Plan and subdivision plat.

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. Goudeock, 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. 22-1570), passed by the City Council of said City at the meeting held on October 3, 2022 and signed by the Mayor on October 3, 2022 and published and provided by law in the Business Record on October 21, 2022 Authorized by Publication Order No. 12106.

Laura Baumgartner, City Clerk