

ORDINANCE NO.16,291

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 6222 Grand Avenue from "RX1" Mixed Use District and "F" Flood District to Limited "MX2" Mixed Use 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 vicinity of 6222 Grand Avenue from "RX1" Mixed Use District and "F" Flood District to Limited "MX2" Mixed Use District classification, more fully described as follows:

LOTS 1 AND 2, EXCEPT THE NORTH 6 FEET THEREOF, IN MURROWDALE PLAT NO. 2, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT A PART OF LOT 1, MURROWDALE PLAT 2, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 1, MURROWDALE PLAT 2, AN OFFICIAL PLAT; THENCE NORTH 0° (DEGREES) 01' (MINUTES) 21" (SECONDS) WEST ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 214.86 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 0°01'21" WEST ALONG SAID WEST LINE, 4.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF GRAND AVENUE AS PRESENTLY ESTABLISHED; THENCE NORTH 89°59'06" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 185.57 FEET TO THE SOUTHWEST RIGHT-OF-WAY LINE OF THE NORFOLK SOUTHERN RAILWAY; THENCE SOUTH 43°09'43" EAST ALONG SAID SOUTHWEST RIGHT-OF-WAY LINE, 5.48 FEET; THENCE SOUTH 89°59'06" WEST, 189.32 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.02 ACRES (750 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:

1. Any use upon the property shall comply with Chapter 50 of the Municipal Code relating to Floodplains, so long as any portion of the subject property is within a FEMA designated floodplain.

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: Chas M. Cahill, 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. 23-1489), passed by the City Council of said City at the meeting held on October 23, 2023 and signed by the Mayor on October 23, 2023 and published and provided by law in the Business Record on November 10, 2023. Authorized by Publication Order No. 12489.

Laura Baumgartner, City Clerk