

ORDINANCE NO. 16,010

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 at 1111 East Army Post Road from CX Mixed Use District to Limited RX2 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 1111 East Army Post Road from CX Mixed Use District to Limited RX2 Mixed Use District classification, more fully described as follows:

An irregular shaped portion of Lot 12, Southridge Plat No. 2, an Official Plat, Des Moines, Polk County, Iowa, more particularly described as follows: Commencing at the southwest corner of said Lot 12; thence N00°42'50"W along the west line of said Lot 12, a distance of 94.00 feet; thence N90°00'00"E, a distance of 51.00 feet to the point of beginning; thence N00°42'50"W parallel with and 51.00 feet east of the west line of said Lot 12, a distance of 436.65 feet; thence N89°17'10"E, a distance of 455.20 feet; thence S00°10'24"W, a distance of 185.00 feet; thence S89°17'10"W, a distance of 43.00 feet; thence S00°10'24"W, a distance of 256.75 feet; thence N90°00'00"W, a distance of 405.39 feet to the point of beginning. Subject to and together with any and all easements and restrictions of record. Containing 187,488 Square Feet (4.30 Acres)

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 and the purchaser of said property and are binding upon the owners and their successors, heirs, and assigns as follows:

1. Any Household Living use of the Property shall be limited to senior (age 55+) residents.

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:

Glenna K. Frank, Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest: I, P. Kay Cmelik, 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. 21-0734), passed by the City Council of said City at a meeting held on July 9, 2021 and signed by the Mayor on July 9, 2021 and published and provided by law in the Business Record on May 28, 2021. Authorized by Publication Order No. 11491.

P. Kay Cmelik, City Clerk