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Date January 28, 2008

WHEREAS, on January 7, 2008, by Roll Call No. 08-035, it was duly resolved by the City Council that the application of Hubbell Realty Company to rezone certain property owned by Wakonda Club and located in the vicinity of 3915 Fleur Drive, Des Moines, IA 50321, more fully described below, be set down for hearing on January 28, 2008 at 5:00 p.m. in the Council Chambers at City Hall; and

WHEREAS, due notice of said hearing was published in the Des Moines Register on January 17, 2008, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and

WHEREAS, in accordance with said notice those interested in said proposed rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the following described property:

Being part of Section 20, Township 78 North, Range 24 West of the 5th P.M., Polk County, Iowa described as follows:

Beginning at the NW corner of the NE ¼ of Section 20, Township 78 North, Range 24 West of the 5th P.M., in the city of Des Moines, Polk County, Iowa; thence S 89°53'53"E along the North line of said NE ¼, 2053.83 Feet, thence S00°05'53"W, 17169 Feet; thence N89°53'53"W, 78.59 Feet; thence S79°32'01"W, 474.81 Feet; thence S88°33'22"W, 255.35 Feet; thence N75°53'06"W, 154.62 Feet; thence N85°52'21"W, 471.00 Feet; thence S89°26'11"W to the West line of said NE ¼, 634.14 Feet; thence N00°17'52"E along said West line; 202.52 Feet to the Point of Beginning

from the R1-80 District to a Limited PUD District classification, subject to the following conditions which have been agreed to by execution of an Acceptance of Rezoning Ordinance in writing by all owners of said property and which are binding upon the owners and their successors, heirs and assigns as follows:

A. No trees shall be removed from the subject property without approval by the Community Development Director, or based on an approved preliminary subdivision plan or development plan.

B. No grading shall be permitted prior to approval of a preliminary subdivision plat or development plan.

★ Roll Call Number

Agenda Item Number

SSB

Date January 28, 2008

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines:

1. Upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the Property from an R1-80 District to a Limited PUD District are hereby overruled, and the hearing is closed.

2. The proposed rezoning is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan.

Moved by _____ to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.

APPROVED AS TO FORM:



Michael F. Kelley
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED

Mayor

City Clerk