

★ **Roll Call Number**

Agenda Item Number

52A

Date February 25, 2008

An Ordinance entitled, "AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 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 800 E. Court Avenue from the "R-4" Multiple-Family Residential District to a Limited "C-1" Neighborhood Retail Commercial District classification, and repealing Ordinance No. 14,730 passed February 25, 2008",

presented.

MOVED by _____ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)

Roger K. Brown

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Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLISSIS				
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.

City Clerk

MOTION CARRIED

APPROVED

.....
Mayor

52A

ORDINANCE NO. _____

AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 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 800 E. Court Avenue from the "R-4" Multiple-Family Residential District to a Limited "C-1" Neighborhood Retail Commercial District classification, and repealing Ordinance No. 14,730 passed February 25, 2008.

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 134-277 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 800 E. Court Avenue, more fully described as follows, from the "R-4" Multiple-Family Residential District to a Limited "C-1" Neighborhood Retail Commercial District classification:

A portion of Block 12, Town of De Moine, an Official Plat, and portions of the adjoining vacated SE 8th Street and SE 9th Street rights-of-way, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, more specifically described as follows: Beginning at the Northwest corner of Lot 3 of said Block 12, thence North $74^{\circ}56'43''$ East along the southerly right-of-way line of E. Court Avenue and along the northerly line of said Block 12 and the extension thereof a distance of 281.62 feet to the East right-of-way line of vacated SE 9th Street; thence South $14^{\circ}45'54''$ East along the easterly line of vacated SE 9th Street, a distance of 287.79 feet; thence North $72^{\circ}48'00''$ West, 579.47 feet to a point on the southerly right-of-way line of E. Court Avenue; thence North $74^{\circ}56'43''$ East along the southerly right-of-way line of E. Court Avenue and along the northerly line of said Block 12 a distance of 175.86 feet to the Point of Beginning.

Sec. 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 the Iowa Association of Community College Trustees under that certain Acceptance of Rezoning Ordinance recorded in the office of the Polk County Recorder on December 31, 2007, in Book 12495

commencing at Page 730, and is binding on such Association and its successors and assigns as follows:

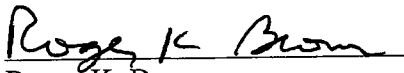
- A. No tree on the Property over 6" in caliper shall be removed or damaged until a Site Plan is approved by the City of Des Moines for the redevelopment of the Property.
- B. A tree survey of all trees over 6" in caliper and a tree protection plan and shall be submitted as part of any Site Plan for the redevelopment of the Property.

Sec. 3. Ordinance No. 14,730 passed December 3, 2007, is hereby repealed. This ordinance is intended to correct and replace such prior ordinance which contained an error in the legal description used therein.

Sec. 4. This ordinance shall be in full force and effect from and after the later of its passage and publication as provided by law, and the recording of a deed conveying title in all or a substantial portion of the Property to the Iowa Association of Community College Trustees.

Sec. 5. The City Clerk is hereby authorized and directed to cause a certified copy of this ordinance, a vicinity map, and proof of publication of this ordinance, to be properly filed in the office of the Polk County Recorder.

FORM APPROVED:



Roger K. Brown

Assistant City Attorney

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52A

Request from Iowa Association of Community College Trustees (purchaser) represented by Donald L. Seymour (officer) to rezone property located at 800 East Court Avenue. The subject property is owned by the State of Iowa.		File # ZON2007-00177		
Description of Action	Rezone property from "R-4" Multiple-Family Residential District to "C-1" Neighborhood Retail Commercial District to allow for development of vacant land for administrative office use.			
2020 Community Character Plan	Public/Semi-Public			
Horizon 2025 Transportation Plan	No Planned Improvements			
Current Zoning District	"R-4" Multiple-Family Residential District			
Proposed Zoning District	"C-1" Neighborhood Retail Commercial District			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area	0	0	0	<20%
Plan and Zoning Commission Action	Approval	11-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

Iowa Association Community College Trustees - 800 E Court Avenue ZON2007-00177

