

Date June 19, 2006

WHEREAS, on July 6, 2006, the Plan and Zoning Commission will consider a request from Vista Real Estate and Investment Corporation (purchaser) represented by Al Rivers, to rezone property proposed for voluntary annexation located in the 1101 block of Northeast 46<sup>th</sup> Avenue in Saylor Township of Polk County, from the "A-1" Agricultural District classification it will automatically receive upon its future annexation into the City, to the "M-1" Light Industrial District to allow for future development of the property in conjunction with other adjoining property to the east for an 18 acre commercial/light industrial subdivision; and,

WHEREAS, the Plan and Zoning Commission has also initiated a proposal to consider rezoning the above referenced property together with additional adjoining property under common ownership already located within the City of Des Moines and presently zoned to the "M-1" Light Industrial District, to a Limited "M-1" Light Industrial District or to a Limited "C-2" General Retail and Highway Oriented Commercial District classification; and,

WHEREAS, Vista Real Estate and Investment Corporation has requested that the rezoning of this property be considered by the City Council concurrently with the public hearing on the annexation of the property scheduled for July 10, 2006; and,

WHEREAS, the City Manager has approved this request to schedule the public hearing before the Plan and Zoning Commission has taken action on the proposal; NOW THEREFORE,

BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. That the meeting of the City Council at which the proposed rezoning of the following described property is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on July 10, 2006, at which time the City Council will hear both those who oppose and those who favor the proposal.

From "A-1" to Limited "M-1" or "C-2":

Except North 7.0 feet, Lots 9 and 10, Strickler Heights, an Official Plat, Polk County, Iowa.

From "M-1" to Limited "M-1" or "C-2":

Lots 11, 12 and 13, except streets; Lot 14, except the East 54.0 feet of the South 162.8 feet of Lot 14 lying West of and adjoining Lot 15 and except streets; the North 35.2 feet of Lot 15; and the West 76.0 feet of Lot 16, all in Strickler Heights, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

( continued )

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2. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

( Council Communication No. 06-393 )

MOVED by \_\_\_\_\_ to adopt.

FORM APPROVED:

  
 Roger K. Brown  
 Assistant City Attorney

(ZON2006-00063)

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE         |      |      |      |        |
| BROOKS         |      |      |      |        |
| COLEMAN        |      |      |      |        |
| HENSLEY        |      |      |      |        |
| MAHAFFEY       |      |      |      |        |
| KIERNAN        |      |      |      |        |
| VLASSIS        |      |      |      |        |
| TOTAL          |      |      |      |        |

MOTION CARRIED

APPROVED

\_\_\_\_\_  
 Mayor

**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