

Date July 13, 2009

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 18, 2009, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a request from Andy Holt (purchaser), Baker Real Estate, LP (owner) for a fourth amendment to the Baker PUD Conceptual Plan, located at 4500 Hubbell Avenue, to allow a reconfiguration of the approved light industrial park concept to revise the street layout and access point as well as general lot sizes and configurations subject to the applicant revising the Plan as follows:

1. Identify changes to conservation easement areas where drive access will penetrate the significant timbered areas in Parcel "C" Phase 3 along the tributary.
2. Indicate that "Storm water management will be provided to conform to the City's Site Plan Ordinance policies and standards in Sec. 106-136 as part of any Development Plan or Preliminary Plat".
3. Clearly designate possible locations for a feature to handle the public street run-off outlet to comply with run-off requirements.
4. Indicate on the Conceptual Plan that all sanitary sewer mains will be extended to all appropriate boundaries to serve adjoining development within the City in accordance with requirements for Preliminary Platting.
5. Provide a revised typical rendering of the proposed building type and label exterior building materials on the building elevation sheet.
6. Clarify intent by including a statement that "fencing and accessory structures are subject to limitations of the Des Moines Zoning Ordinance as they apply to the "M-1" District.

The subject property is more specifically described as follows:

AN IRREGULARLY SHAPED PORTION OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5th P.M., DES MOINES, POLK COUNTY, IOWA DESCRIBED AS FOLLOWS:  
COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER (NE. 1/4) OF SECTION 21, TOWNSHIP 79 NORTH, RANGE 23 WEST OF THE 5th P.M., DES MOINES, POLK COUNTY, IOWA; THENCE SOUTH 00°24'05" WEST (BEARING ESTABLISHED IN THE PLAT OF BROWNSTONE ESTATES) ALONG THE WEST LINE OF NE. 1/4 OF SAID SECTION 21, A DISTANCE OF 1122.82 FEET TO THE SOUTHWEST CORNER OF OUTLOT "X" IN BROWNSTONE ESTATES, AN OFFICIAL PLAT, POLK COUNTY, IOWA AND TO THE POINT OF BEGINNING; THENCE NORTH 70°57'01" EAST ALONG THE SOUTHERLY LINE OF SAID BROWNSTONE ESTATES AND ALONG THE EASTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID BROWNSTONE

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ESTATES, A DISTANCE OF 2804.37 FEET TO THE WEST RIGHT OF WAY LINE OF NE. 46th STREET, AS IT IS PRESENTLY ESTABLISHED; THENCE SOUTH 00°09'26" WEST ALONG THE WEST RIGHT-OF-WAY LINE OF SAID NE. 46th STREET, A DISTANCE OF 603.03 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF F.M. HUBBELL AVENUE, AS IT IS PRESENTLY ESTABLISHED; THENCE SOUTH 55°26'35" WEST ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID F.M. HUBBELL AVENUE, A DISTANCE OF 261.74 FEET; THENCE SOUTHWESTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID F.M. HUBBELL AVENUE AND ALONG A 5765.00 FEET RADIUS CURVE CONCAVE SOUTHEASTERLY A DISTANCE OF 1011.34 FEET, SAID CURVE HAVING A CHORD BEARING OF SOUTH 50°08'14" WEST AND A CHORD LENGTH OF 1010.05 FEET; THENCE SOUTH 45°02'42" WEST ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID F.M. HUBBELL AVENUE, A DISTANCE OF 62.63 FEET TO THE NORTHEAST CORNER OF PARCEL "D" OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 21 AS SHOWN IN BOOK 8361 AT PAGE 967 IN THE OFFICE OF THE POLK COUNTY RECORDER; THENCE SOUTH 89°40'34" WEST ALONG THE NORTH LINE OF SAID PARCEL "D", A DISTANCE OF 280.81 FEET TO THE NORTHEAST CORNER OF PARCEL "A" OF LOT 1 IN CAPITOL HEIGHTS REPLAT, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA AS SHOWN IN BOOK 8361 AT PAGE 967 IN THE OFFICE OF THE POLK COUNTY RECORDER; THENCE SOUTH 88°56'37" WEST ALONG THE NORTH LINE OF SAID PARCEL "A" AND ALONG THE NORTH LINE OF PARCEL "C" OF LOT 1 IN CAPITOL HEIGHTS REPLAT, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA AS SHOWN IN BOOK 8727 AT PAGE 975 IN THE OFFICE OF THE POLK COUNTY RECORDER AND ALONG THE NORTH LINE OF SAID LOT 1 AND ALONG THE NORTH RIGHT-OF-WAY LINE OF E. 42nd STREET AS IT IS PRESENTLY ESTABLISHED, A DISTANCE OF 1336.97 FEET TO THE WEST LINE OF THE NE. 1/4 OF SAID SECTION 21; THENCE NORTH 00°18'10" EAST ALONG THE WEST LINE OF THE NE. 1/4 OF SAID SECTION 21, A DISTANCE OF 554.06 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS OF RECORD.

SAID TRACT OF LAND CONTAINS 49.67 ACRES MORE OR LESS.

AND,

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WARRANTY DEED: BOOK 11622, PAGE 522-523  
LOTS 5, 6 AND 7; LOT 13 AND THAT PART OF LOT 1 DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1, THENCE EAST 500 FEET, THENCE SOUTH TO BOUNDARY LINE OF LOT 1, THENCE IN A SOUTHWESTERLY AND WESTERLY DIRECTION ALONG THE BOUNDARY LINE OF LOT 1 TO THE SOUTHWEST CORNER OF SAID LOT 1, THENCE NORTH TO THE POINT OF BEGINNING; AND THAT PART OF LOT 12 DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 12, THENCE WESTERLY ALONG THE NORTH LINE OF SAID LOT 12, 133.33 FEET, THENCE SOUTHERLY IN A STRAIGHT LINE 151.65 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 12; THENCE NORTHEASTERLY ALONG THE EASTERLY LINE OF SAID LOT 12, 186.6 FEET TO THE NORTHEAST CORNER OF SAID LOT 12, AND TO THE POINT OF BEGINNING; ALL IN CAPITOL HEIGHTS REPLAT, AN OFFICIAL REPLAT IN POLK COUNTY, IOWA.  
SUBJECT TO ANY AND ALL EASEMENTS, COVENANTS AND RESTRICTIONS OF RECORD, IF ANY all now included in and forming a part of the City of Des Moines, IN POLK COUNTY, IOWA.

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 is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on July 27, 2009, at which time the City Council will hear both those who oppose and those who favor the proposal.

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★ **Roll Call Number**

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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.

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

FORM APPROVED:



Michael F. Kelley  
Assistant City Attorney

(ZON2009-00090)

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