

★ **Roll Call Number**

Agenda Item Number

62A

Date August 20, 2007

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 707 - 8th Street from the "C-2" General Retail and Highway Oriented Commercial District to a Limited "C-3" Central Business District Commercial District classification",

presented.

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

FORM APPROVED:

(First of three required readings)

Roger K. Brown

Roger K. Brown
 Assistant City Attorney
 G:\SHARED\LEGAL\BROWN\WORK\REZONING\Principal.doc

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

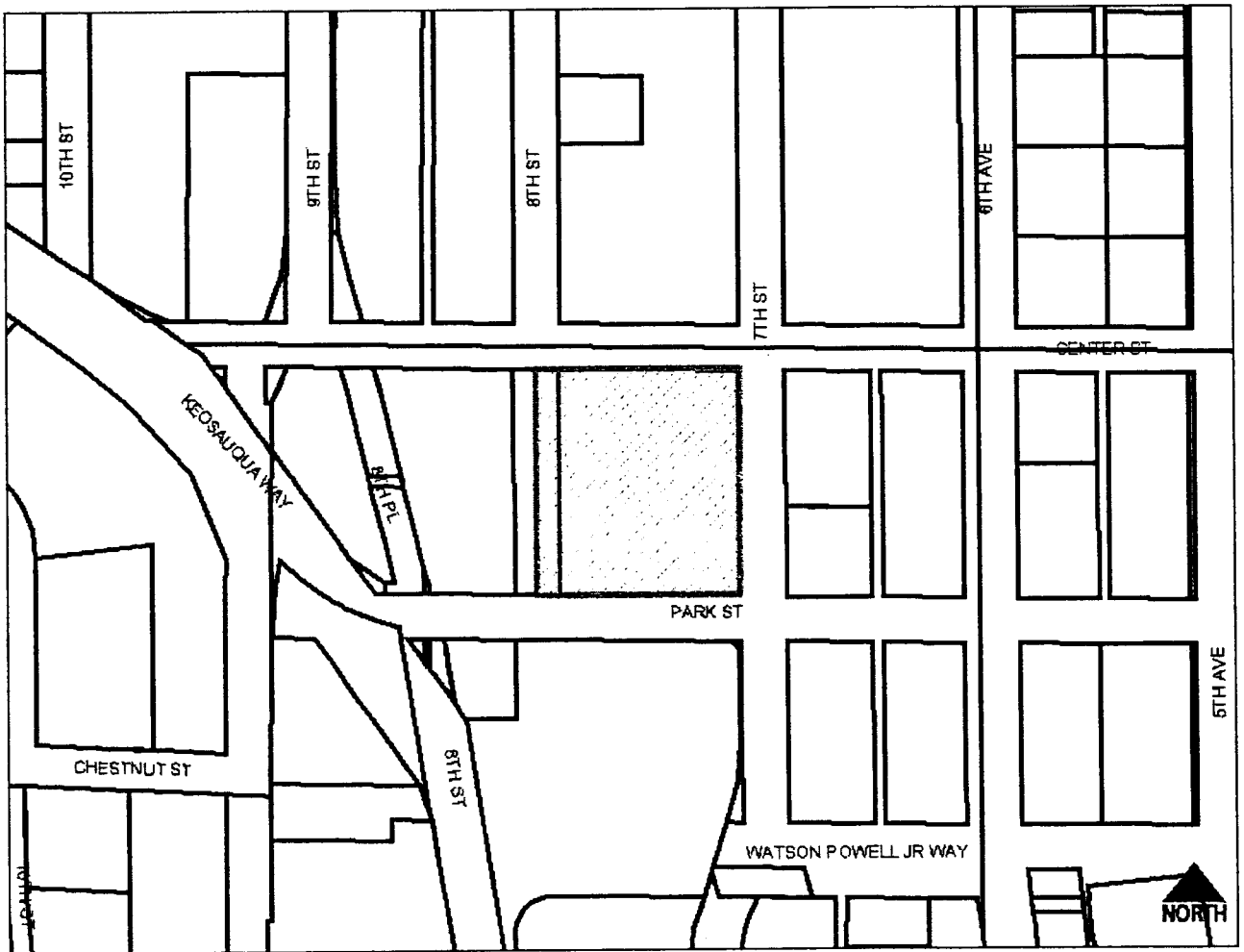
 City Clerk

62A

Request from Freedom Principal Life Insurance Company (owner) represented by Ted Bracket (officer) to rezone property located at 707 8 th Street.			File #		
			ZON2007-00093		
Description of Action	Rezone property from "C-2" General Retail & Highway Oriented Commercial District to "C-3" Central Business District Commercial District to allow for construction of an off-street parking structure with a zero building setback from the four adjoining streets.				
2020 Community Character Plan	Downtown: Intensive, Mixed-Use Office/Residential				
Horizon 2025 Transportation Plan	No Planned Improvements.				
Current Zoning District	"C-2" General Retail & Highway-Oriented Commercial District.				
Proposed Zoning District	"C-3" Central Business District 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	X

Principal Life Insurance Company - 707 8th Street

ZON2007-00093



62A

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 707 - 8th Street from the "C-2" General Retail and Highway Oriented Commercial District to a Limited "C-3" Central Business District Commercial 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 134-277 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 707 - 8th Street, more fully described as follows, from the "C-2" General Retail and Highway Oriented Commercial District to a Limited "C-3" Central Business District Commercial District classification:

Intervening vacated alley and Lots 1 through 10, Block Q, Grimmel Addition, an Official Plat; and, the East ½ of 8th Street lying West of and adjoining said Lots 6-10, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (hereinafter referred to as the "Property").

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 execution of an Acceptance of Rezoning Ordinance by all owners of said property (exclusive of the City of Des Moines) and are binding upon the owners and their successors, heirs, and assigns as follows:

Any parking garage on the Property shall be constructed with a design and architecture that allows the at-grade level of the parking garage to be converted for commercial use.

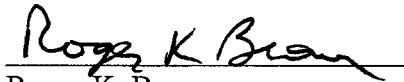
Sec. 3. The City of Des Moines, as owner of a portion of the Property described above,

hereby consents to the imposition of the foregoing conditions, to be binding upon the City, its successors and assigns.

Sec. 4. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Sec. 5. The City Clerk is hereby authorized and directed to cause a certified copy of the Acceptance of Rezoning Ordinance, 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

G:\SHARED\LEGAL\BROWN\WORK\REZONING\Principal.doc

Prepared by: Roger K. Brown, Assistant City Attorney, 400 Robert Ray Dr., Des Moines, IA 50309
515/283-4541
Return Address: City Clerk - City Hall, 400 Robert Ray Dr., Des Moines, IA 50309
Taxpayer: No change
Title of Document: Acceptance of Rezoning Ordinance
Grantor's Name: Principal Life Insurance Company
Grantee's Name: City of Des Moines, Iowa
Legal Description:

Intervening vacated alley and Lots 1 through 10, Block Q, Grimmel Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (hereinafter referred to as the "Property").

ACCEPTANCE OF REZONING ORDINANCE

The undersigned Principal Life Insurance Company hereby states, warrants and agrees as follows:

1. That Principal Life Insurance Company is the sole owner of the Property in the vicinity of 707 - 8th Street, more specifically described above.
2. That in the event the City of Des Moines, Iowa, acts to rezone the Property from the "C-2" General Retail and Highway Oriented Commercial District to a Limited "C-3" Central Business District Commercial District classification, we agree and accept on behalf of the owners to the imposition of the following conditions to run with the land and be binding upon all successors, heirs and assigns as part of the ordinance so rezoning the Property:

Any parking garage on the Property shall be constructed with a design and architecture that allows the at-grade level of the parking garage to be converted for commercial use. HOWEVER, Principal Life Insurance Company, its successors and assigns shall have no obligation to actually convert the at-grade level to commercial use. The purpose of this limitation is to assure that the option to convert to a commercial use is preserved.

3. A certified copy of the rezoning ordinance shall be attached hereto, and a certified copy of this document and the rezoning ordinance shall be recorded by the City in the land records of the County Recorder to memorialize the rezoning of the Property as identified above.

4. That in the event any portion of the Property is hereafter rezoned to a district classification different from Limited "C-3", then this Acceptance shall be immediately terminated as applied to the real estate so rezoned on the effective date of such rezoning, and the conditions agreed to herein shall be rendered null and void, provided, if there be any such rezoning to a more restricted zoning classification, any then legal actual use of such real estate shall become a legal non-conforming use.

The words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Principal Life Insurance Company,
an Iowa corporation

By: _____

State of Iowa)
) ss:
County of Polk)

This instrument was acknowledged before me on August ____, 2007, by _____
_____ as _____ of **Principal Life Insurance
Company**, on behalf of whom the instrument was executed.

Notary Public in the State of Iowa
My commission expires: _____