

★ **Roll Call Number**

Agenda Item Number

46 C


Date September 22, 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 1045 19<sup>th</sup> Street, Des Moines, Iowa 50314 from the R-3 District to an NPC District classification",

presented.

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

FORM APPROVED:

  
 Michael F. Kelley  
 Assistant City Attorney

(First of three required readings)

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

## 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 1045 19<sup>th</sup> Street, Des Moines, Iowa 50314 from the R-3 District to an NPC 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 1045 19<sup>th</sup> Street, Des Moines, IA 50314, more fully described as follows, from the R-3 District to an NPC District classification:

Lots 36 through 41, in Butler's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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 and are binding upon the owners and their successors, heirs, and assigns as follows:

A. Use of the property is restricted to residential

B. Provision of a minimum of 1 off-street parking stall per dwelling unit. The

Commission shall have the right to require additional parking during site plan review.

Sec. 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Sec. 4. 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:

A handwritten signature in black ink, appearing to read "Kelley", is written over a horizontal line.

Michael F. Kelley  
Assistant City Attorney

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Prepared by: Michael F. Kelley, Assistant City Attorney, 400 Robert Ray Dr., Des Moines, IA 50309 515/283-4124  
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: Ryan Galloway  
Grantee's Name: City of Des Moines, Iowa  
Legal Description:

Lots 36 through 41, in Butler's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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## ACCEPTANCE OF REZONING ORDINANCE

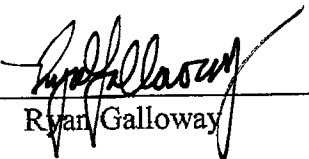
The undersigned hereby states, warrants and agrees as follows:

1. That Ryan Galloway, as titleholder, is the sole owner of the Property in the vicinity of 1045 19<sup>th</sup> Street, Des Moines, IA 50314, more specifically described above.
2. That in the event the City of Des Moines, Iowa, acts to rezone the Property from the R-3 to an NPC 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:
  - A. Use of the property is restricted to residential.
  - B. Provision of a minimum of 1 off-street parking stall per dwelling unit. The Commission shall have the right to require additional parking during site plan review.
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 an NPC classification, 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.


TITLEHOLDER

By:   
Ryan Galloway

STATE OF IOWA            )  
  ) SS.  
COUNTY OF POLK        )

On this 16 day of September, 2008, before me, the undersigned, a Notary Public in the State of Iowa, personally appeared Ryan Galloway, to me personally known, and who, being by me duly sworn did state that he is the person executing the within and foregoing instrument; that the instrument was signed on his behalf; and that Lisa Muechel, acknowledged the execution of the instrument to be his voluntary act and deed.

LISA M BUECHEL  
NOTARIAL SEAL - STATE OF IOWA  
COMMISSION NUMBER 748237  
MY COMMISSION EXPIRES 09/16/2009

  
Notary Public in the State of Iowa