


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 2501 24th Street, Des Moines, Iowa 50310 from the R1-60 and R-3 Districts to a Limited R-3 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 2501 24th Street, Des Moines, Iowa 50310 from the R1-60 and R-3 Districts to a Limited R-3 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 2501 24th Street, Des Moines, IA 50310, more fully described as follows, from the R1-60 and R-3 Districts to a Limited R-3 classification:

North 220 feet measured on the East lot line of Lot 25 and all Lot 26, Murray Hill, 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. Any multiple-family residential use of the property shall have a maximum of 36 dwelling units. (Note: any multiple-family residential use of the property with more than 27 dwelling units is subject to the Zoning Board of Adjustment granting the necessary Exception from the zoning regulations.)


B. Any building shall be constructed to predominantly face 24th Street and have a front yard setback of approximately 30 feet.

C. Any off-street parking shall be either to the side or to the rear of any building constructed and not between the street and any building.

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:



Michael F. Kelley
Assistant City Attorney

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: Quincy Place, LLC
Grantee's Name: City of Des Moines, Iowa
Legal Description:

North 220 feet measured on the East lot line of Lot 25 and all Lot 26, Murray Hill, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

ACCEPTANCE OF REZONING ORDINANCE

The undersigned hereby states, warrants and agrees as follows:

1. That Quincy Place, LLC, as titleholder, is the sole owner of the Property in the vicinity of 2501 24th Street, Des Moines, IA 50310, more specifically described above.

2. That in the event the City of Des Moines, Iowa, acts to rezone the Property from the R1-60 and R-3 Districts to a Limited R-3 classification, I agree and accept on behalf of the owner 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. Any multiple-family residential use of the property shall have a maximum of 36 dwelling units. (Note: any multiple-family residential use of the property with more than 27 dwelling units is subject to the Zoning Board of Adjustment granting the necessary Exception from the zoning regulations.)

B. Any building shall be constructed to predominantly face 24th Street and have a front yard setback of approximately 30 feet.

C. Any off-street parking shall be either to the side or to the rear of any building constructed and not between the street and any building.

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 R-3 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.

QUINCY PLACE, LLC

By: _____
President and General Manager
Titleholder

STATE OF IOWA)
) SS.
COUNTY OF POLK)

On this ____ day of _____, 2008, before me, the undersigned, a Notary Public in the State of Iowa, personally appeared _____, to me personally known, and who, being by me duly sworn did state that he/she is the President of Quincy Place, LLC, the Iowa limited liability company executing the within and foregoing instrument; that the instrument was signed on behalf of Quincy Place, LLC, by authority of its Board of Directors and on behalf of any partnership by authority of the partnership agreements; and that _____, as an officer, acknowledged the execution of the instrument to be the voluntary act and deed of said limited liability company, corporation or said partnership, by each entity and by them voluntarily executed.

Notary Public in the State of Iowa