

Date.....  
October 13, 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 1233 7th Street from the "R-3" Multiple-Family Residential District to a Limited "R-3" Multiple-Family Residential 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

Assistant City Attorney

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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 1233 7th Street from the "R-3" Multiple-Family Residential District to a Limited "R-3" Multiple-Family Residential District classification.

WHEREAS, a public hearing was held before the Des Moines City Council on September 22, 2008, to consider a City Council initiated proposal at the request of the River Bend Neighborhood Association to rezone a substantial portion of the River Bend Neighborhood from the "R-3" Multiple-Family Residential District to the "R1-60" One-Family, Low-Density Residential District; and,

WHEREAS, at the conclusion of the public hearing and after considering the statements and other information presented regarding the proposed rezoning, the City Council adopted Resolution and Roll Call No. 08-1693 directing that the proposed rezoning be amended to cause the property at 1233 7th Street to be instead be rezoned to a Limited "R-3" District as herein provided; and,

WHEREAS, the rezoning of 1233 7th Street as herein provided is a lesser change than originally proposed in the published notice for the public hearing; NOW THEREFORE

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 1233 7th Street, more fully described as follows, from the "R-3" Multiple-Family Residential District to a Limited "R-3" Multiple-Family Residential District classification:

Lot 9, Grand Park, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (herein 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 and are binding upon the owners

and their successors, heirs, and assigns as follows:

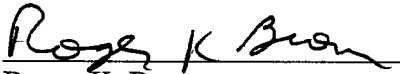
Only the following uses of structures and land shall be permitted upon the Property described above:

- 1) Any use as allowed in and subject to the limitations in the "R1-60" One-Family, Low-Density Residential District; and,
- 2 Two-family residential dwellings.

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:



Roger K. Brown

Assistant City Attorney

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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: River Bend Duplexes, L.P.  
Grantee's Name: City of Des Moines, Iowa  
Legal Description:

Lot 9, Grand Park, 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").

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## **ACCEPTANCE OF REZONING ORDINANCE**

The undersigned, River Bend Duplexes, L.P., hereby states, warrants and agrees as follows:

1. That River Bend Duplexes, L.P., an Iowa limited partnership, is the sole owner of the Property in the vicinity of 1233 7th Street, more specifically described above.

2. That in the event the City of Des Moines, Iowa, acts to rezone the Property from the "R-3" Multiple-Family Residential District to a Limited "R-3" Multiple-Family Residential 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:

Only the following uses of structures and land shall be permitted upon the Property described above:

- 1) Any use as allowed in and subject to the limitations in the "R1-60" One-Family, Low-Density Residential District; and,
- 2) Two-family residential dwellings.

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", 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.

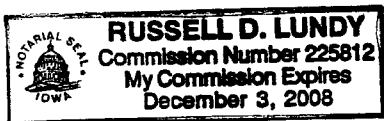
The words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

**River Bend Duplexes, L.P.**,  
an Iowa limited partnership  
**By: Anawim,**  
an Iowa non-profit corporation, its  
General Partner

By: Stella Neill RSM  
Stella Neill, RSM, President

State of Iowa            )  
                                  ) ss:  
County of Polk         )

This instrument was acknowledged before me on September 17<sup>th</sup>, 2008, by **Stella Neill, RSM**, as President of Anawim, an Iowa non-profit corporation, as General Partner of **River Bend Duplexes, L.P.**, an Iowa limited partnership, on behalf of whom the instrument was executed.



Russell D. Lundy  
Notary Public in the State of Iowa  
My commission expires: December 3, 2008