

**Date** October 26, 2009

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 1111 East Court Avenue from R-4 Multiple Family Residential District to C-3A Central Business District Support Commercial district classification",

which was considered and voted upon under Roll Call No. 09- 1881 of October 12, 2009; again presented.

Moved by \_\_\_\_\_ that this ordinance be considered and given second vote for passage.

(Second of three required readings)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
<b>TOTAL</b>				
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

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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 1111 East Court Avenue from R-4 Multiple Family Residential District to C-3A Central Business District Support 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 1111 East Court Avenue, more fully described as follows, from R-4 Multiple Family Residential District to C-3A Central Business District Support Commercial district classification:

BEG SW COR LT 2 THN NW 60F SELY 107. 5F S 185F W 36F N TO POB LTS 2 & 4 J E HENDRICKS SUB DIV BLK 9 W A SCOTTS ADD TO DM

AND

EX TRI PC BNG E 140F ON N LN & N 69F ON E LN- LT 1 & ALL LTS 2, 3 & 4 & -EX TRI PC BNG S 75F ON E LN & E 21F ON S LN- LTS 5 & 6 J E HENDRICKS SUB DIV LT 3 BLK 9 WA SCOTTS ADD

AND

W 119F ON N LN & W 105F ON S LN LT 7 J E HENDRICKS SUB DIV LT 3 BLK 9 WA SCOTTS ADD

AND

INTERV VAC ALLEY & LOT S 18 & 19 BLK 8 B FALLEN, J S POLK & FM HUBBELLS REPLT & SUB OF W A SCOTTS ADD OR SUBDIV

AND

INTERV VAC ALLEY & LOTS 17 & 20 BLK 8 B FALLEN, J S POLK & FM HUBBELLS REPLT & SUB OF W A SCOTTS ADD OR SUBDIV

AND

10F VAC ALLEY LYG E & ADJ S 62F LT 1, LTS 2,3,4 & N 24F LT 5 J E HENDRICKS SUBDIV LT 3 BLK 9 WA SCOTTS ADD

AND

INTERV VAC ALLEYS & LTS 1 THRU 16 BLK 8 W A SCOTTS ADD OR SUBDIV

AND

INTERV VAC ALLEY & LOTS 19,20,21 & 22 BLK 7 B FALLEN, J S POLK & FM HUBBELLS REPLT & SUB OF W A SCOTTS ADD OR SUBDIV

AND

16F VAC E/W ALLEY &. 20F VAC N/S ALLEY THRU BLK 7 & LTS 1 THRU 11 & LTS 14, 15 & 16  
BLK 7 W A SCOTTS ADD OR SUBDIV

AND

LT 1 & -EX S 1 F- LT 2 & ALL LTS 3 & 4 OP LTS 12 & 13 BLK 7 W A SCOTTS ADD OR SUBDIV

AND

S IF LT 2 & ALL LT 5 OP LTS 12 & 13 BLK 7 W A SCOTTS ADD OR SUBDIV

AND

INTERV VAC ALLEY & LOTS 17,18,23 & 24 BLK 7 B FALLEN, J S POLK & FM HUBBELLS  
REPLT & SUB OF W A SCOTTS ADD OR SUBDIV

AND

ALL LOTS & INTERVENING ALLEY & CLOSED S E 11TH ST W OF & ADJ BLK 9 TOWN OF DE  
MOINE

AND

ALL LOTS & INTERVENING ALLEY & CLOSED SE 10TH ST W & ADJ BLK 10 TOWN OF DE  
MOINE

AND

ALL N OF DM W LTS 1-2- 9 & 10 BLK 22 & NE PC LT 11 OP LTS 3 TO 803 CLOSED VINE &  
11TH ST N OF DM W TO THEIR NE JUNCTION COR & INTERVENING ALLEYS- BLK 22 TOWN  
OF DE MOINE

AND

ALL N & E OF A LINE FROM A PT 67.35 F S OF NW COR LOT 3 TO A PT 3 F N OF SE COR LOT  
7 & INTERVENING ALLEYS & CLOSED VINE ST N & ADJ BLK 23 TOWN OF DE MOINE

AND

N 240F BLOCK A B FALLEN, J S POLK & FM HUBBELLS REPLT & SUB OF W A SCOTTS ADD  
OR SUBDIV

AND

VAC 16F ALLEY E & ADJ & LTS 1 THRU 6 OP LT 1 OP E 1/2 SE 1/4 SEC 3-78-24 & S 236F W ~ LT  
31 BROOKS & COS ADD

AND

LTS 13 THRU 19 INCL OP LT 1 OP E 1/2 SE 1/4 SEC 3-78-24 & S 236 F W 1/2 LT 31 BROOKS &  
COS ADD

AND

N 280F VAC E 13TH ST ADJ LTS LTS 13 THRU 19 OP LT 1 OP E 1/2 SE 1/4 SEC 3-78-24 & S 236 F  
W 1/2 LT 31 BROOKS & COS ADD

AND

LTS 20 THRU 28 INCL OP LT 1 OP E 1/2 SE 1/4 SEC 3-78-24 & S 236F W 1/2 LT 31 BROOKS &  
COS ADD

AND

N 360F VAC 16F ALLEY W & ADJ & LTS 32 THRU 42 OP LT 1 OP E 1/2 SE 1/4 SEC 3-78-24 & S  
236 F W 1/2 LT 31 BROOKS & COS ADD

AND

VAC 60F E 13TH ST COURT LYG S OF VAC VINE ST & N OF S LN LTS 31 & 55 OP LT 1 OP E  
1/2 SE 1/4 SEC 3-78-24 & S 236 F W 1/2 LT 31 BROOKS & COS ADD

AND

-EX E 60F-LTS 43 THRU 54 OP LT 1 OP E 1/2 SE 1/4 SEC 3-78-24 & S 236 F W 1/2 LT 31 BROOKS  
& COS ADD

AND

PRT 80F VAC VINE ST S & ADJ BLKS 7, 8 & 9 LYG E OF E LN VAC E 12TH ST & W OF LN 135F  
E OF SW COR BLK 9 W A SCOTTS ADD OR SUBDIV

AND

A PART OF THE EXISTING RIGHT-OF-WAY OF SE 14TH STREET DESCRIBED AS FOLLOWS:

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COMMENCING AT THE NORTHWEST CORNER OF BLOCK 9 OF W. A. SCOTT'S ADDITION, AN OFFICIAL PLAT; THENCE SOUTH 78°40'34" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF E. COURT AVENUE, 235.18 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SE 14TH STREET; THENCE SOUTH 50 ° 16' 26" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, 34.93 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 50°16'26" EAST, 16.14 FEET; THENCE SOUTH 00°15'22" WEST, 375.67 FEET; THENCE SOUTH 75°10' 44" WEST, 7.39 FEET TO A POINT ON SAID WEST RIGHT-OF-WAY LINE OF SE 14TH STREET; THENCE THE FOLLOWING COURSES AND DISTANCES ALONG SAID WEST RIGHT-OF-WAY LINE: NORTH 14°49'16" WEST, 80.00 FEET; THENCE SOUTH 75°10'44" WEST, 29.97 FEET; THENCE NORTH 00°44'22" EAST, 129.63 FEET; THENCE NORTH 68°53'40" EAST, 10.06 FEET; THENCE NORTH 89°54'55" EAST, 36.27 FEET; THENCE NORTH 00°27'27" WEST, 184.91 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.24 ACRES (10,541 S.F.), AN OFFICIAL PLAT all now included in and forming a part of the City of Des Moines, IN POLK COUNTY, IOWA.


Sec. 2. That this ordinance and the zoning granted by the terms hereof are subject to the following imposed additional condition which has 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:

Use of the property shall be restricted only to those functions required for State operations

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

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Request from State of Iowa (owner) represented by Ray Walton (Director of Department of Administrative Services) to rezone property in the vicinity of 1111 East Court Avenue.				File # ZON2009-00143	
<b>Description of Action</b>		Rezone property from "R-4" Multiple Family Residential District to "C-3A" Central Business District Support Commercial District, to allow support commercial development with flexible bulk regulations affiliated with the State government.			
<b>2020 Community Character Plan</b>		Public & Semi-Public			
<b>Horizon 2025 Transportation Plan</b>		No Planned Improvements			
<b>Current Zoning District</b>		R-4" Multiple Family Residential District			
<b>Proposed Zoning District</b>		"C-3A" Central Business District Support Commercial District			
<b>Consent Card Responses</b>		In Favor	Not In Favor	Undetermined	% Opposition
Inside Area		1	0		
Outside Area					
<b>Plan and Zoning Commission Action</b>		Approval	8-0	<b>Required 6/7 Vote of the City Council</b>	
		Denial		Yes	N/A
				No	N/A

State of Iowa - 1111 E Court Avenue

ZON2009-00143

