

400

Date December 3, 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 800 E. Court Avenue from the "R-4" Multiple-Family Residential District to a Limited "C-1" Neighborhood Retail 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

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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.

City Clerk

MOTION CARRIED

APPROVED

.....
Mayor

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 800 E. Court Avenue from the "R-4" Multiple-Family Residential District to a Limited "C-1" Neighborhood Retail 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 800 E. Court Avenue, more fully described as follows, from the "R-4" Multiple-Family Residential District to a Limited "C-1" Neighborhood Retail Commercial District classification:

Part of Block 12, Town of De Moine, an Official Plat lying North of a line described as commencing at a point on the North line of Block 13, Town of De Moine, which is 80.2 feet easterly from the Northwest Corner of said Block 13 and 13 feet northeasterly (measured at right angles) from the centerline of the Des Moines Western Railway Company's track which crosses Court Avenue; thence easterly 242.3 feet along the North line of said Block 13; thence southeasterly 539.3 feet to a point on the West line of Block 11, Town of De Moine which is 139.65 feet northerly from the Southwest Corner of Block 11; and vacated streets and alleys within the boundaries of said tract, all now a part of the City of Des Moines, Polk County, Iowa, more particularly described as follows (hereinafter referred to as the "Property"):

Beginning at the Northeast Corner of said Block 12; thence South 14°58'16" East along the easterly line of said Block 12, a distance of 237.44 feet; thence North 72°52'04" West, 445.73 feet to a point on the southerly right-of-way line of E. Court Avenue; thence North 74°56'43" East along the northerly line of said Block 12 and an extension thereof, and also along said southerly right-of-way line 377.58 feet to the Point of Beginning and containing 1.03 acres.

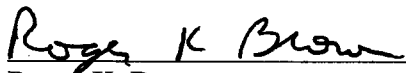
Sec. 2. That this ordinance and the zoning granted by the terms hereof are subject to the following imposed additional conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance by all owners of said property and are binding upon the owners and their successors, heirs, and assigns as follows:

- A. No tree on the Property over 6" in caliper shall be removed or damaged until a Site Plan is approved by the City of Des Moines for the redevelopment of the Property.
- B. A tree survey of all trees over 6" in caliper and a tree protection plan and shall be submitted as part of any Site Plan for the redevelopment of the Property.

Sec. 3. This ordinance shall be in full force and effect from and after the later of its passage and publication as provided by law, and the recording of a deed conveying title in the Property to the Iowa Association of Community College Trustees.

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

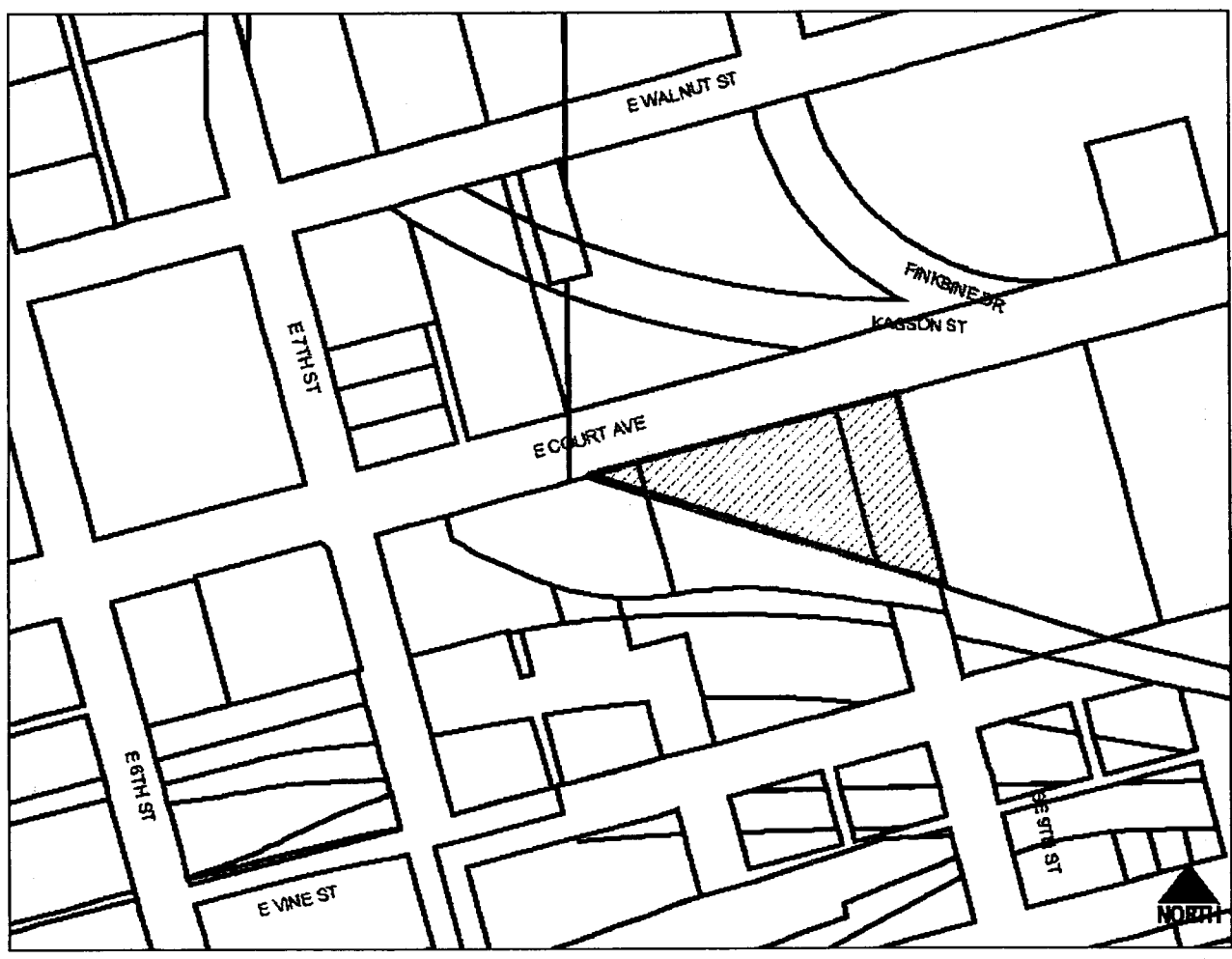
Assistant City Attorney

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402

Request from Iowa Association of Community College Trustees (purchaser) represented by Donald L. Seymour (officer) to rezone property located at 800 East Court Avenue. The subject property is owned by the State of Iowa.			File # ZON2007-00177	
Description of Action	Rezone property from "R-4" Multiple-Family Residential District to "C-1" Neighborhood Retail Commercial District to allow for development of vacant land for administrative office use.			
2020 Community Character Plan	Public/Semi-Public			
Horizon 2025 Transportation Plan	No Planned Improvements			
Current Zoning District	"R-4" Multiple-Family Residential District			
Proposed Zoning District	"C-1" Neighborhood Retail 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

Iowa Association Community College Trustees - 800 E Court Avenue ZON2007-00177



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: Iowa Association of Community College Trustees

Grantee's Name: City of Des Moines, Iowa

Legal Description:

Part of Block 12, Town of De Moine, an Official Plat lying North of a line described as commencing at a point on the North line of Block 13, Town of De Moine, which is 80.2 feet easterly from the Northwest Corner of said Block 13 and 13 feet northeasterly (measured at right angles) from the centerline of the Des Moines Western Railway Company's track which crosses Court Avenue; thence easterly 242.3 feet along the North line of said Block 13; thence southeasterly 539.3 feet to a point on the West line of Block 11, Town of De Moine which is 139.65 feet northerly from the Southwest Corner of Block 11; and vacated streets and alleys within the boundaries of said tract, all now a part of the City of Des Moines, Polk County, Iowa, more particularly described as follows (hereinafter referred to as the "Property"):

Beginning at the Northeast Corner of said Block 12; thence South 14°58'16" East along the easterly line of said Block 12, a distance of 237.44 feet; thence North 72°52'04" West, 445.73 feet to a point on the southerly right-of-way line of E. Court Avenue; thence North 74°56'43" East along the northerly line of said Block 12 and an extension thereof, and also along said southerly right-of-way line 377.58 feet to the Point of Beginning and containing 1.03 acres.

ACCEPTANCE OF REZONING ORDINANCE

The undersigned Iowa Association of Community College Trustees hereby states, warrants and agrees as follows:

1. That the State of Iowa as titleholder, and the Iowa Association of Community College Trustees as contract purchaser, are the sole owners of the Property in the vicinity of 800 E. Court Avenue, more specifically described above.

2. That in the event the City of Des Moines, Iowa, acts to rezone the Property from the "R-4" Multiple-Family Residential District to a Limited "C-1" Neighborhood Retail 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:

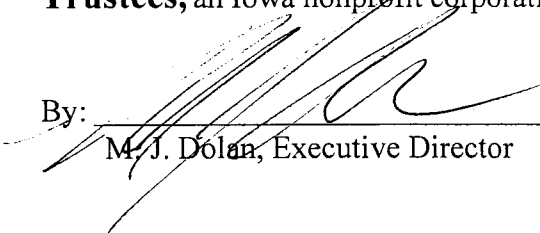
- A. No tree on the Property over 6" in caliper shall be removed or damaged until a Site Plan is approved by the City of Des Moines for the redevelopment of the Property.
- B. A tree survey of all trees over 6" in caliper and a tree protection plan and shall be submitted as part of any Site Plan for the redevelopment of the Property.

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-1", 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.

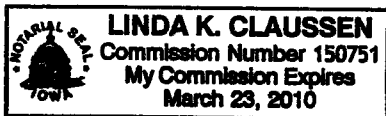
The words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

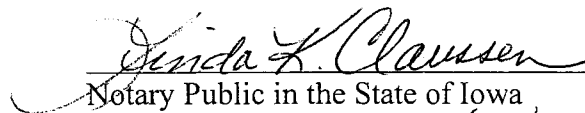
Iowa Association of Community College Trustees, an Iowa nonprofit corporation

By: 
M. J. Dolan, Executive Director

State of Iowa) ss:
County of Polk)

This instrument was acknowledged before me on November 21, 2007, by **M. J. Dolan** as Executive Director of Iowa Association of Community College Trustees on behalf of whom the instrument was executed.




Notary Public in the State of Iowa
My commission expires: 3/23/2010