

★ **Roll Call Number**

Agenda Item Number

56C

Date November 8, 2010


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 1521 East 40th Street from U-1 Floodplain District to Limited R1-60 One-Family Low-Density Residential District classification",

presented.

Moved by _____ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)



 Michael F. Kelley
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
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.

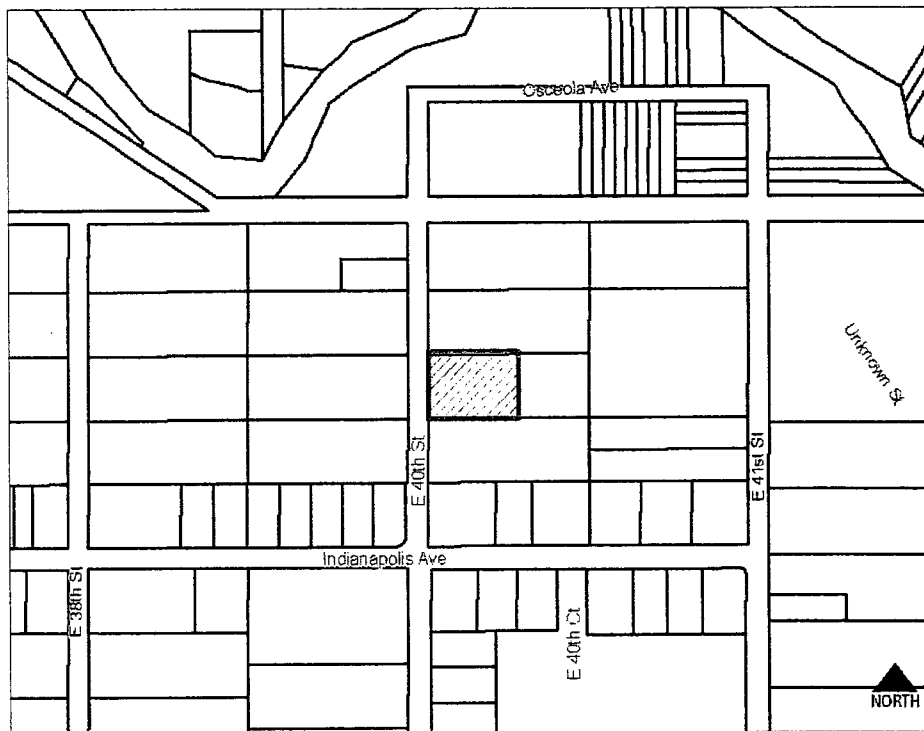
_____ City Clerk

56c

Request from Connie S. Ashby (owner) for rezoning of property located at 1521 East 40 th Street.				File #	
				ZON2010-00170	
Description of Action	Rezone property on the westerly 170 feet of the existing parcel from "U-1" Floodplain District to "R1-60" One-Family Low-Density District, to allow for the existing single-family dwelling to be expanded or removed and rebuilt.				
2020 Community Character Plan	Clear Zone/Development Control Zone				
Horizon 2035 Transportation Plan	No Planned Improvements				
Current Zoning District	"U-1" Floodplain District				
Proposed Zoning District	"R1-60" One-Family Low-Density District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	6	0			
Outside Area					
Plan and Zoning Commission Action	Approval	10-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Connie Ashby - 1521 E 40th Street

ZON2010-00170

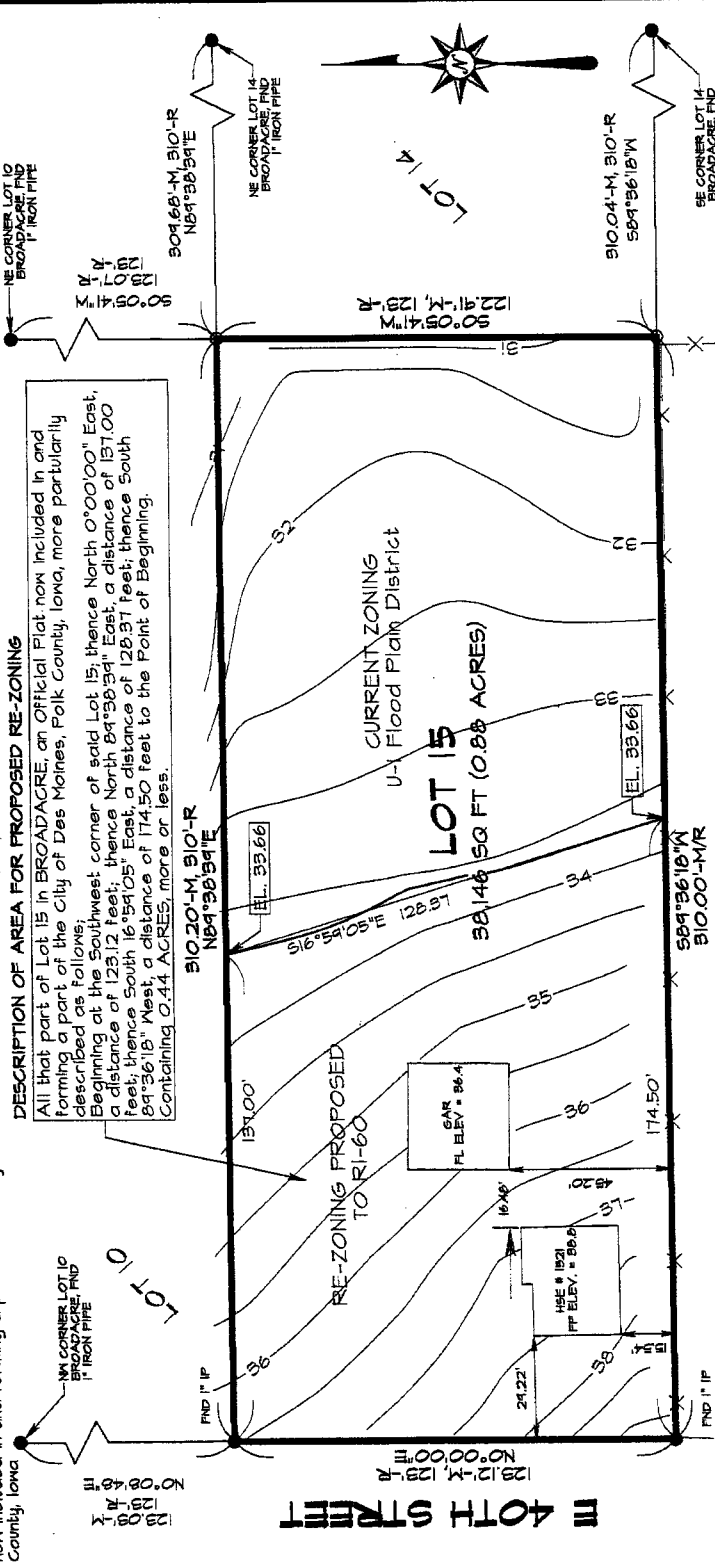


BOUNDARY RETRACEMENT SURVEY and PLAT OF PROPOSED REZONING

FOR: Camille Ashby, 1521 E 40th Street, Des Moines, Iowa 50317
 ADDRESS OF SURVEY: 1521 E 40th Street, Des Moines, Iowa
 LEGAL DESCRIPTION: Lot 15 in BROADACRE, an Official Plat
 now included in and forming a part of the City of Des Moines, Polk
 County, Iowa

DESCRIPTION OF AREA FOR PROPOSED RE-ZONING

All that part of Lot 15 in BROADACRE, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa, more particularly described as follows:
 Beginning at the Southwest corner of said Lot 15; thence North 0°00'00" East, a distance of 128.12 feet; thence North 84°58'54" East, a distance of 137.00 feet; thence South 16°54'05" East, a distance of 128.57 feet; thence South 84°36'18" West, a distance of 174.50 feet to the Point of Beginning. Containing 0.44 ACRES, more or less.

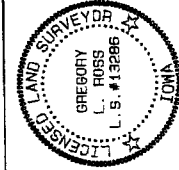


BRANCH MARK
 CITY OF DES MOINES (card file date 11-2006)
 "Hand-all Bolt" located at the NE corner of Lot 14
 Street bridge over 4-mile creek. Elev. = 41.261



FEMA FLOOD MAP INFORMATION:
 According to the FIRM Map, Panel No. 140227-0004 D,
 effective date: Sept. 12, 1987, this area falls in Zone X

ROSS LAND SURVEYING, Inc
 www.rosslandsurveying.com
 PO Box 336 Johnston, Iowa 50131
 PHONE: 515.254.2567 FAX: 515.254.1621



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE BENCH MARK WAS PERFORMED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE IOWA BOARD OF PROFESSIONAL LAND SURVEYORS UNDER THE LAWS OF THE STATE OF IOWA.

Signed: *Gregory L. Ross* Date: 10/20/2010
 GREGORY L. ROSS, Iowa Reg. No. 13286
 My license renewal date is December 31, 2010

- FOUND CORNER
- SET 1/2" IR
- ⊗ (W) original cap #13286
- ▲ SECTION CORNER
- WITH (color)
- SURVEYING ID CAP
- IP IRON PIPE
- IR REASSEMBLED DISTANCE
- R --RECORDED

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 1521 East 40th Street from U-1 Floodplain District to Limited R1-60 One-Family Low-Density Residential 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 1521 East 40th Street, more fully described as follows, from U-1 Floodplain District to Limited R1-60 One-Family Low-Density Residential District classification:

All that part of Lot 15, Broadacre, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, more particularly described as follows:

Beginning at the Southwest corner of said Lot 15, thence North 0°00'00" East, a distance of 123.12 feet; thence North 89°38'39" East, a distance of 137.00 feet; thence South 16°59'05" East, a distance of 128.37 feet; thence South 89°36'18" West, a distance of 174.50 feet to the Point of Beginning.


Section 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 addition to the existing dwelling or construction of any other single-family dwelling shall have no openings, windows, or entrances at an elevation less than one foot above the proposed 1% annual chance flood elevation as enforced by Chapter 50 of the City Code.
- b. No portion of any property requested to be rezoned to R1-60 shall be within any area proposed for a 0.2% annual chance of flood hazard as demonstrated by a Land Surveyor licensed with the State of Iowa.

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

Section 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