

17

April 9, 2012

Date

WHEREAS, on March 12, 2012 by Roll Call No. 12-0414, the City Council held a public hearing at which it approved the application of Thomas Yaw and Des Moines Metropolitan Wastewater Reclamation Authority to rezone property located in the vicinity of 931 Southeast 21<sup>st</sup> Street from the M-1 Light Industrial District to a Limited M-2 Heavy Industrial District classification. The property is more fully described as follows:

Commencing as a point of reference at the East ¼ corner of Section 11, Township 78 North, Range 24 West of the 5<sup>th</sup> P.M., thence North along the East line of said Section 11 647.02 feet, thence West 851.32 feet perpendicular to said East line of Section 11 to the East line of Vacated Southeast 21<sup>st</sup> Street, thence South along said East line of Vacated Southeast 21<sup>st</sup> Street 720.76 feet to the Point of Beginning, thence Northwesterly 123.17 feet, thence North 466.45 feet along a line parallel to and 120 feet West of said East line of Vacated Southeast 21<sup>st</sup> Street, thence Southeasterly to said East line of Vacated Southeast 21<sup>st</sup> Street, thence South along said East line of Vacated Southeast 21<sup>st</sup> Street to the Point of Beginning, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

WHEREAS, notice of the time and place of the public hearing on March 12, 2012 was not published pursuant to Code of Iowa Sections 414.4 and 362.3. Accordingly, the March 12, 2012 public hearing on the proposed rezoning was defective and the hearing must be reset and properly noticed.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on April 23, 2012, at which time the City Council will hear both those who oppose and those who favor the proposal.
2. That the City Clerk is hereby authorized and directed to cause notice of the proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

FORM APPROVED:

MOVED by \_\_\_\_\_ to adopt.



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