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Date..... July 23, 2012

WHEREAS, on July 9, 2012, by Roll Call No. 12-1085, the City Council duly resolved to consider a proposal from the Blank Park Zoo Foundation and the City of Des Moines to rezone property located in the vicinity of 7401 Southwest 9<sup>th</sup> Street from A-1 Agricultural District and R1-80 One-Family Residential District to the PUD Planned Unit Development District classification, and to approve the proposed PUD conceptual Plan for such property, and that such proposal be set down for hearing on July 23, 2012 at 5:00 p.m., in the Council Chambers at City Hall; and

WHEREAS, due notice of said hearing was published in the Des Moines Register on July 12, 2012, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the property located in the vicinity of 7401 Southwest 9<sup>th</sup> Street, more fully described as follows (the "Property"):

A PART OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M. AND PART OF THE NORTHEAST 1/4 AND PART OF THE SOUTHEAST 1/4 OF SECTION 33, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., AND THE WEST 632.0 FEET OF THE NORTHEAST 1/4 OF SAID SECTION 33, (EXCEPT THE NORTH 1420.0 FEET OF THE NORTHEAST 1/4), AND THE SOUTHEAST 1/4 OF SAID SECTION 33 (EXCEPT THE SOUTH 40 ACRES OF THE EAST 60 ACRES OF SAID SOUTHEAST 1/4), AND FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 33; THENCE EAST ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 33.0 FEET TO THE EAST RIGHT OF WAY LINE OF SOUTHWEST 9TH STREET AND THE POINT OF BEGINNING; THENCE NORTH ALONG THE EAST RIGHT OF WAY LINE OF SOUTHWEST 9TH STREET 1204.0 FEET; THENCE EAST 599.0 FEET; THENCE SOUTH ALONG A LINE 599.0 FEET EAST OF AND PARALLEL WITH THE EAST RIGHT OF WAY LINE OF SOUTHWEST 9TH STREET TO A POINT APPROXIMATELY 623.00 FEET SOUTH TO THE NORTHWEST CORNER OF PARCEL "A" AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 8041 PAGE 37; THENCE EAST ON THE NORTH PARCEL LINE OF SAID PARCEL "A" TO THE NORTHEAST CORNER OF SAID PARCEL "A"; THENCE SOUTH ALONG THE EAST PARCEL LINE OF PARCEL "A" TO THE SOUTH LINE OF THE EAST-WEST RODGERS ROAD AS CURRENTLY ESTABLISHED; THENCE WEST TO THE EAST LINE OF THE NORTH-SOUTH CARTER STREET AS CURRENTLY ESTABLISHED; THENCE SOUTH-SOUTHEAST ALONG THE EAST LINE OF CARTER STREET TO A POINT 65 FEET NORTH OF THE SOUTH PARCEL LINE AND 300 FEET WEST OF THE EAST PARCEL LINE; THENCE SOUTHWESTERLY TO A POINT APPROXIMATELY 375 FEET WEST OF THE EAST PARCEL LINE ON THE SOUTH PARCEL LINE, TO THE CORNER POST OF THE EXISTING NORTHERN BLANK GOLF COURSE FENCE; THENCE EAST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 33 TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 33; THENCE EAST 40 FEET ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 34; THENCE SOUTH 216 FEET PARALLEL WITH THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 34; THENCE WESTERLY TO A POINT 500 FEET EAST OF THE EAST RIGHT-OF-WAY LINE OF SOUTHWEST 9TH STREET AND THE EXISTING NORTHERN

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BLANK GOLF COURSE FENCE; THENCE SOUTHWESTERLY 320.0 FEET TO A POINT 290.0 FEET SOUTH OF MASON AVENUE RIGHT OF WAY LINE EXTENDED; THENCE WESTERLY 185 FEET TO THE EAST RIGHT OF WAY LINE OF SOUTHWEST 9TH STREET; THENCE NORTH ALONG THE EAST RIGHT OF WAY LINE OF SOUTHWEST 9TH STREET 766.0 FEET TO THE POINT OF BEGINNING, EXCEPT THE AREAS AND BUILDINGS IDENTIFIED AS: BLDG 138, BLDG 308, BLDG 309, BLDG 135, AND A 10 FOOT WIDE AREA ADJOINING EACH SIDE OF SAID BUILDINGS FOR MAINTENANCE AND INGRESS-EGRESS TO SAID BUILDINGS FROM ANY EXISTING ROADS, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

FORT DES MOINES PARCELS WITHIN LEASED AREA:

THE AREA EAST OF THE EASTSIDE OF BUTTNER STREET, SOUTH OF THE NORTH PROPERTY LINE OF PARCEL "A" AS DESCRIBED ABOVE; AND, NORTH OF THE NORTH SIDE OF RODGERS ROAD.

Subject to: Existing easements for roads, public utilities, railroads and pipeline and to other easements or encumbrances of record, and further subject to encroachments of the buildings shown in EXHIBIT "A" known as BLDG 68, BLDG 70, BLDG 71, BLDG 73, BLDG 81, BLDG 83, BLDG 126, BLDG 127.

from the A-1 Agricultural District and R1-80 One-Family Residential District to the PUD Planned Unit Development District classification; and

WHEREAS, the Plan and Zoning Commission has recommended that the proposed rezoning and PUD Conceptual Plan be approved, subject to the conditions identified in the attached letter from the Planning Administrator; and

WHEREAS, in accordance with the published notice those interested in said proposed amendment to the approved PUD Conceptual Plan, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.

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

1. Upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to said proposed rezoning and PUD Conceptual Plan are hereby overruled and the hearing is closed.

2. The PUD Conceptual Plan for the Property described above, which is on file in the Community Development Department, is hereby approved, subject to the plan being first amended as set forth in the attached letter from the Planning Administrator.

MOVED by \_\_\_\_\_ to adopt and approve the rezoning and Conceptual Plan, subject to final passage of the rezoning ordinance.

FORM APPROVED:

  
 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