

Date July 23, 2012

RESOLUTION DISMISSING PROCEEDINGS ON THE APPLICATION OF LAZARUS INVESTMENTS, LLC, FOR REZONING OF PROPERTY AT 1100 EUCLID AVENUE

WHEREAS, on June 11, 2012, by Roll Call No. 12-0884, it was duly resolved by the City Council that the application of Lazarus Investments, LLC (purchaser) represented by Jason Drewelow (officer) to rezone certain property located in the vicinity of 1100 Euclid Avenue from the R-2 Two-Family Residential District to a Limited C-1 Neighborhood Retail Commercial District, to allow a dental clinic, be set down for hearing on June 25, 2012; and,

WHEREAS, on June 25, 2012, by Roll Call No. 12-1038, the City Council continued the hearing until July 23, 2012, at the request of the applicant; and,

WHEREAS, by the accompanying letter, the applicant has withdrawn its application for the reason that it is no longer purchasing the affected property.

MOVED by _____ to receive and file the letter from Christopher Pose, acting as attorney for Lazarus Investments, LLC, and to dismiss the proceedings on the proposed rezoning of 1100 Euclid Avenue.

FORM APPROVED:

Roger K Brown

Roger K. Brown
Assistant City Attorney

G:\SHARED\LEGAL\BROWN\REZONING\Dismiss - Lazarus.doc

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

MOTION CARRIED

APPROVED

Mayor

City Clerk

LILLIS O'MALLEY OLSON MANNING POSE & VAN DIKE LLP

WILLIAM J. LILLIS
MICHAEL W. O'MALLEY
EUGENE E. OLSON
DANIEL L. MANNING
CHRISTOPHER R. POSE
ADAM C. VAN DIKE
JOEL B. TEMPLEMAN*
BRIDGET O'MALLEY KAUTZKY
*LICENSED IN IOWA & ILLINOIS

ATTORNEYS AT LAW
(ESTABLISHED 1917)
317 SIXTH AVENUE, SUITE 300
DES MOINES, IOWA 50309-4127
TELEPHONE (515) 243-8157
FAX (515) 243-3919
WWW.LILLISOMALLEY.COM

JOHN CONNOLLY, JR. (1891-1975)
GEORGE E. O'MALLEY (1905-1982)
JOHN CONNOLLY III (1918-1998)
BERNARD J. CONNOLLY (1920-1970)
C. I. MCNUTT (1901-1958)
STREETAR CAMERON (1957-2008)
RUSSELL J. HANSEN
RETIRED

Writer's direct email: cpose@lolaw.com

July 9, 2012

Via Email

Attn: Erik Lundy

Plan and Zoning Commission
City of Des Moines
400 Robert D. Ray Drive, 2nd Floor
Des Moines, IA 50309

The Honorable Mayor and
Members of the City Council
602 Robert D. Ray Drive
Des Moines, IA 50309

Re: Request for Withdrawal of Application – Lazarus Investments, LLC (21-2012-4.05)
and ZON2012-00087

Honorable Mayor, Members of the City Council and Plan and Zoning:

On behalf of Lazarus Investments, LLC, I write this letter to withdraw the previously submitted requests for rezoning of property located at 1100 Euclid Avenue in the City of Des Moines. This has been given numbers 21-2012-4.05 and ZON2012-00087 by your Community Development Department.

This reason for this withdrawal is that Lazarus Investments, LLC has terminated its contractual rights to purchase the property and for its purpose the rezoning is no longer necessary.

These matters have been set on your agenda of the Plan and Zoning Commission for July 19, 2012 and thereafter on the City Council agenda for July 23, 2012.

Please contact the undersigned if you have any questions.

Sincerely,



Christopher R. Pose
For the Firm

CRP/dj

Cc: Jason Drewelow