



Roll Call Number

Agenda Item Number

46D

Date April 8, 2013

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 2303 Merle Hay Road from the R1-60 One-Family Low-Density Residential District and C-1 Neighborhood Retail Commercial District to PUD Planned Unit Development District classification",

which was considered and voted upon under Roll Call No.13-_____ of April 8, 2013; again presented.

Moved by _____ that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass.

ORDINANCE NO. _____

NOTE: Waiver of this rule is requested by Christopher R. Pose, Attorney for First Equity Property Holdings – Acquisitions Fund II, LLC.

FORM APPROVED:



Michael F. Kelley
Assistant City Attorney

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

46D

LILLIS O'MALLEY OLSON MANNING POSE & VAN DIKE LLP

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MICHAEL W. O'MALLEY
EUGENE E. OLSON
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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 E-Mail: cpose@lolaw.com

RECEIVED

March 26, 2013

MAR 28 2013

CITY MANAGER'S OFFICE

The Honorable Mayor Frank Cownie
and the Des Moines City Council
400 Robert D. Ray Drive
Des Moines, IA 50309

Re: Request for Waiver of Readings - 2303 Merle Hay Rd. - 21-2013-4.03 &
ZON 2013-00007
First Equity Property Holdings - Acquisitions Fund II, LLC (Purchaser)

Honorable Chair and Members of the Commission:

Our law firm represents the Applicant and proposed Purchaser of the above property
(First Equity Property Holdings - Acquisitions Fund II, LLC).

As part of your agenda on April 8, 2013, there will be a public hearing on the request to
amend the 2020 Character Plan Future Land Use Map for the property; rezone the property to
P.U.D. and approval of Conceptual Plan.

I respectfully request that following public hearing and first consideration of the
ordinance to rezone the property, that the rules be suspended which require three readings and
that the second and third readings be waived.

Thank you for your cooperation and assistance.

Sincerely,



Christopher R. Pose
For the Firm

CRP/dj

cc: Erik Lundy - *via email*
Mike Kelley - *via email*
Tom Lowe - *via email*
formerly known as CONNOLLY O'MALLEY LILLIS HANSON OLSON LLP