



Roll Call Number

Agenda Item Number

49A

Date July 11, 2016

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 at 1011 Park Avenue from the "R1-60" One-Family Low-Density Residential District to Limited "C-1" Neighborhood Retail Commercial District classification",

presented.

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

FORM APPROVED:

(First of three required readings)

Glenna K. Frank

Glenna K. Frank
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and 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

Prepared by: Glenna K. Frank, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, IA 50309
 Phone: 515/283-4530
 Return Address: City Clerk - City Hall, 400 Robert D. Ray Drive, Des Moines, IA 50309
 Title of Document: City of Des Moines, Ordinance No. _____
 Grantor/Grantee: City of Des Moines, Iowa
 Legal Description: See page 1, below.

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 at 1011 Park Avenue from the "R1-60" One-Family Low-Density Residential District to Limited "C-1" Neighborhood Retail Commercial 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 at 1011 Park Avenue, more fully described as follows, from the "R1-60" One-Family Low-Density Residential District to Limited "C-1" Neighborhood Retail Commercial District classification:

Lot 15 SOUTHGATE, except for the East 18 feet, an Official Plat, all now included in the City of Des Moines, Polk County, Iowa. Property contains 1.67 acres.

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

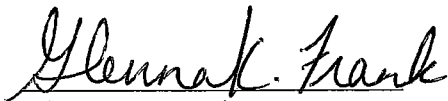
of an Acceptance of Rezoning Ordinance by all owners of said property and are binding upon the owners and their successors, heirs, and assigns as follows:

- (1) Only the following uses of land and structures shall be permitted on the Property:
 - a. Any use allow in and as restricted in the "R1-60" One-Family Low-Density Residential District.
 - b. Office use by professionals subject to State of Iowa licensing requirements.
- (2) Any signage on the Property shall be limited to a freestanding monument sign not to exceed 8 feet in height or 24 square-feet in size.
- (3) Any development upon the Property shall be in accordance with a Site Plan approved by the City's Permit & Development Center. This site plan must satisfy all City requirements, including those pertaining to stormwater management, tree mitigation and Landscaping Policies for "C-2" zoned properties.

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

Section 4. That the City Clerk is hereby authorized and directed to cause certified copies of the Acceptance of Rezoning Ordinance, this ordinance, vicinity map and proof of publication of this ordinance to be properly filed in the office of the County Recorder of the county in which the subject property is located.

FORM APPROVED:



Glenna K. Frank
Assistant City Attorney

Prepared by: Glenna K. Frank, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, IA 50309
Phone: 515/283-4530
Return Address: City Clerk - City Hall, 400 Robert Ray Dr., Des Moines, IA 50309
Taxpayer: No change
Title of Document: Acceptance of Rezoning Ordinance
Grantor's Name: Children and Families of Iowa (Owner)
Grantee's Name: City of Des Moines, Iowa
Legal Description: Lot 15 SOUTHGATE, except for the East 18 feet, City of Des Moines, Polk County, Iowa.
Property contains 1.67 acres. (hereinafter "Property")

ACCEPTANCE OF REZONING ORDINANCE

The undersigned hereby state, warrant and agree as follows:

1. That Children and Families of Iowa is the sole titleholder, of the Property locally known as 1011 Park Avenue and legally described above.
2. That in the event the City of Des Moines, Iowa, acts to rezone the Property from the "R1-60" One-Family Low-Density Residential District to Limited "C-1" Neighborhood Retail Commercial District, the titleholder agrees to the imposition of the following conditions to run with the land and be binding upon all successors, heirs and assigns as part of the ordinance so rezoning the Property:
 - (1) Only the following uses of land and structures shall be permitted on the Property:
 - a. Any use allow in and as restricted in the "R1-60" One-Family Low-Density Residential District.
 - b. Office use by professionals subject to State of Iowa licensing requirements.
 - (2) Any signage on the Property shall be limited to a freestanding monument sign not to exceed 8 feet in height or 24 square-feet in size.
 - (3) Any development upon the Property shall be in accordance with a Site Plan approved by the City's Permit & Development Center. This site plan must satisfy all City requirements, including those pertaining to stormwater management, tree mitigation and Landscaping Policies for "C-2" zoned properties.

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3. A certified copy of the rezoning ordinance shall be attached hereto, and a certified copy of this document and the rezoning ordinance shall be recorded by the City in the land records of the County Recorder to memorialize the rezoning of the Property as identified above.

4. That in the event any portion of the Property is hereafter rezoned to a district classification different from Limited "C-1" Neighborhood Retail Commercial District, then this Acceptance shall be immediately terminated as applied to the real estate so rezoned on the effective date of such rezoning, and the conditions agreed to herein shall be rendered null and void, provided, if there be any such rezoning to a more restricted zoning classification, any then legal actual use of such real estate shall become a legal non-conforming use.

The words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

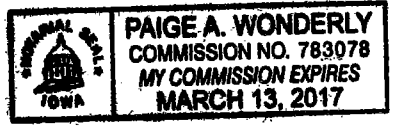
**Children and Families of Iowa
f/k/a Casady Hall**

Janice Lane
By: Janice Lane
Its: JS, CEO

State of Iowa)
) ss:
County of Polk)

This instrument was acknowledged before me on June 30, 2016, by Janice Lane as CEO of Children and Families of Iowa.

Paige A. Wonderly
Notary Public in and for the State of Iowa



JS