

Date March 20, 2017

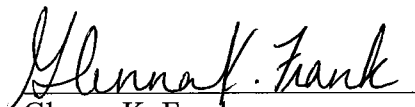
An Ordinance entitled, "AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 4518 Southwest 33<sup>rd</sup> Street from the "M-3" Limited Industrial District to Limited "R1-80" One-Family Residential 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  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
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

54A

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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.

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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 in the vicinity of 4518 Southwest 33<sup>rd</sup> Street from the "M-3" Limited Industrial District to Limited "R1-80" One-Family Residential 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 in the vicinity of 4518 Southwest 33<sup>rd</sup> Street, more fully described as follows, from the "M-3" Limited Industrial District to Limited "R1-80" One-Family Residential District classification:

ALL OF PARCEL "A" LYING SOUTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 6 IN SERENDIPITY PLAT 3, AN OFFICIAL PLAT, SAID PARCEL "A" IS RECORDED IN BOOK 15189 PAGE 476 IN THE RECORDER'S OFFICE OF POLK COUNTY, IOWA; ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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 the purchasers of said property and are binding upon the purchasers and their successors, heirs, and assigns as follows:

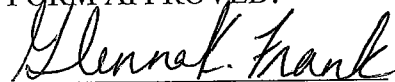
- (1) Any dwelling constructed shall have a full basement.
- (2) Any dwelling constructed shall have minimum 2-car attached garage.
- (3) The front façade of any house constructed must contain one of the following:
  - a. A front porch of not less than 60 square feet; or
  - b. At least 1/3 of the façade shall be clad with stone or brick masonry.
- (4) Windows on any façade facing a public street shall have either of the following:
  - a. Trim border not less than 4 inches in width; or
  - b. Shutters on each side.
- (5) Roof on any house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
- (6) Any single story home shall be constructed with a minimum of 1,200 square feet of above grade finished floor area.
- (7) Any 1½ and 2-story homes shall be constructed with a minimum of 1,400 square feet of above grade finished floor area.
- (8) Exterior material for any home constructed shall be masonry (brick or stone), cedar, masonite, or cement fiber board.
- (9) Any chain link fence shall have black vinyl-cladding; and

Section 3. The City, as owner and contract seller of the property, hereby accepts and consents to the above-stated conditions of this rezoning.

Section 4. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Section 5. 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

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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: City of Des Moines, Iowa (Owner) and Glen and April Brown (Purchasers)

Grantee's Name: City of Des Moines, Iowa

Legal Description: ALL OF PARCEL "A" LYING SOUTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 6 IN SERENDIPITY PLAT 3, AN OFFICIAL PLAT, SAID PARCEL "A" IS RECORDED IN BOOK 15189 PAGE 476 IN THE RECORDER'S OFFICE OF POLK COUNTY, IOWA; ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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## ACCEPTANCE OF REZONING ORDINANCE

The undersigned hereby state, warrant and agree as follows:

1. That the City of Des Moines is the sole titleholder, and Glen and April Brown are the purchasers, of the Property locally known as 4518 Southwest 33<sup>rd</sup> Street and legally described above.

2. That in the event the City of Des Moines, Iowa, acts to rezone the Property from the "M-3" Limited Industrial District to Limited "R1-80" One-Family Residential District classification, we agree and accept the imposition of the following conditions to run with the land and be binding upon us and upon all owners, successors, heirs and assigns as part of the ordinance so rezoning the Property:

- (1) Any dwelling constructed shall have a full basement.
- (2) Any dwelling constructed shall have a minimum 2-car attached garage.
- (3) The front façade of any house constructed must contain one of the following:
  - a. A front porch of not less than 60 square feet; or
  - b. At least 1/3 of the façade shall be clad with stone or brick masonry.
- (4) Windows on any façade facing a public street shall have either of the following:
  - a. Trim border not less than 4 inches in width; or
  - b. Shutters on each side.

- (5) Roof on any house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
- (6) Any single story home shall be constructed with a minimum of 1,200 square feet of above grade finished floor area.
- (7) Any 1½ and 2-story homes shall be constructed with a minimum of 1,400 square feet of above grade finished floor area.
- (8) Exterior material for any home constructed shall be masonry (brick or stone), cedar, masonite, or cement fiber board.
- (9) Any chain link fence shall have black vinyl-cladding; and

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.

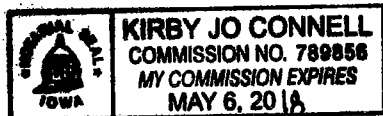
4. That in the event any portion of the Property is hereafter rezoned to a district classification different from Limited "R1-80" One-Family Residential District, then this Acceptance shall be immediately terminated as applied to the real estate so rezoned on the effective date of such rezoning, and 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.

Glen E. Brown  
Glen Brown

State of Iowa     )  
                          ) ss:  
County of Polk    )

This instrument was acknowledged before me on March 10, 2017, by Glen Brown.



Kirby Jo Connell  
Notary Public in the State of Iowa

