



Roll Call Number

Agenda Item Number

42A

Date April 3, 2017

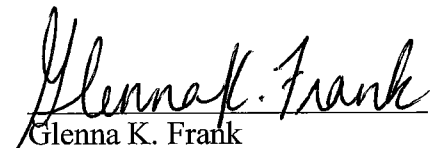
An Ordinance entitled, "AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 20 East 18th Street from the Limited "M-2" Heavy Industrial District to amended Limited "M-2" Heavy Industrial 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			

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.

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 in the vicinity of 20 East 18th Street from the Limited "M-2" Heavy Industrial District to amended Limited "M-2" Heavy Industrial 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 20 East 18th Street, more fully described as follows, from the Limited "M-2" Heavy Industrial District to amended Limited "M-2" Heavy Industrial District classification:

LOTS 1 THROUGH 8 AND LOTS 15 THROUGH 22, BLOCK 1, I.N. THOMAS SUB DIVISION, AN OFFICIAL PLAT, AND THE VACATED EAST-WEST ALLEY LYING NORTH AND ADJOINING LOTS 17 THROUGH 22, BLOCK 1, I.N. THOMAS SUB DIVISION 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 all owners of said property and are binding upon the owners and their successors, heirs, and assigns as follows:

- (1) Use of the Property shall be limited to the following:
 - a. Any use as permitted and limited in the M-1 District.
 - b. Any of the following uses so long as they are in accordance with a Conditional Use Permit as granted by the Zoning Board of Adjustment:
 - i. Storage of inoperable machinery and/or equipment, such as forklifts, trucks, and automobiles.
 - ii. Dismantling of equipment, such as forklifts, trucks, and automobiles.
 - iii. Recycling (including sorting and transferring) of waste materials, such as metals, wood, shingles, cardboard, and paper.
- (2) Any area used for outdoor storage of inoperable machinery, dismantling of equipment, or recycling of waste materials shall be completely screened from view and shall be setback at least 100 feet from any public right-of-way.

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:	Roll-Offs of Des Moines, Inc. and Charles Gary Eilbert (Owners)
Grantee's Name:	City of Des Moines, Iowa
Legal Description:	LOTS 1 THROUGH 8 AND LOTS 15 THROUGH 22, BLOCK 1, I.N. THOMAS SUB DIVISION, AN OFFICIAL PLAT, AND THE VACATED EAST-WEST ALLEY LYING NORTH AND ADJOINING LOTS 17 THROUGH 22, BLOCK 1, I.N. THOMAS SUB DIVISION ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

ACCEPTANCE OF REZONING ORDINANCE

The undersigned hereby state, warrant and agree as follows:

1. That Roll-Offs of Des Moines, Inc. and Charles Gary Eilbert, and spouse if any, are titleholders of the Property locally known as 20 East 18th Street and legally described above.

2. That in the event the City of Des Moines, Iowa, acts to rezone the Property from the Limited "M-2" Heavy Industrial District to amended Limited "M-2" Heavy Industrial District classification, we agree and accept on behalf of the owners 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) Use of the Property shall be limited to the following:
 - a. Any use as permitted and limited in the M-1 District.
 - b. Any of the following uses so long as they are in accordance with a Conditional Use Permit as granted by the Zoning Board of Adjustment:
 - i. Storage of inoperable machinery and/or equipment, such as forklifts, trucks, and automobiles.
 - ii. Dismantling of equipment, such as forklifts, trucks, and automobiles.

iii. Recycling (including sorting and transferring) of waste materials, such as metals, wood, shingles, cardboard, and paper.

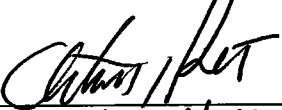
- (2) Any area used for outdoor storage of inoperable machinery, dismantling of equipment, or recycling of waste materials shall be completely screened from view and shall be setback at least 100 feet from any public right-of-way.

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 amended Limited "M-2" Heavy Industrial District classification, 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.

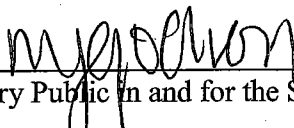
The words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Roll-Offs of Des Moines, Inc.


By: Anthony Holt
Its: _____

State of Iowa)
) ss:
County of Polk)

This instrument was acknowledged before me on March 24, 2017, by Anthony Holt (Name), as President (Title) of Roll-Offs of Des Moines, Inc.


Notary Public in and for the State of Iowa



Charles Gary Eilbert

Charles Gary Eilbert
By: Charles Gary Eilbert

Spouse of Charles Gary Eilbert

By: _____

State of Iowa)
) ss:
County of Polk)

This instrument was acknowledged before me on March 24, 2017, by Charles Gary Eilbert and _____ (spouse if any).

Melissa J Godron
Notary Public in and for the State of Iowa



42A

Anthony Holt

Anthony Holt

Spouse of Anthony Holt

Lana Holt

By: Lana M Holt

State of Iowa)
) ss:
County of Polk)

This instrument was acknowledged before me on March 24, 2017, by Anthony Holt
and Lana Holt (spouse if any).

MJ Godron
Notary Public in and for the State of Iowa

