★ **Roll Call Number**

Agenda Item Number
44C

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 623 East 12th Street from the "C-0" Commercial-Residential District to "C-1" Neighborhood Retail Commercial District classification",

presented.

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

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank
Assistant City Attorney

(First of three required readings)

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

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 623 East 12th Street from the "C-0" Commercial-Residential District to "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 in the vicinity of 623 East 12th Street, more fully described as follows, from the "C-0" Commercial-Residential District to "C-1" Neighborhood Retail Commercial District classification:

EXCEPT PARCEL 2017-15, THE NORTH 118 FEET OF LOT 11 AND THE NORTH 75 FEET OF LOT 12 AND THE SOUTH 17 FEET OF VACATED LYON STREET RIGHT-OF-WAY LYING NORTH OF AND ADJACENT TO SAID LOTS 11 AND 12, BLOCK 18 OF STEWART'S ADDITION, AN OFFICIAL PLAT AND 2017-14, 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) Any primary building shall have a glass storefront entrance that directly fronts East 12th Street to the satisfaction of the Planning Administrator.

2) The site shall be brought into conformance with current Site Plan regulations.

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

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:	Capitol View Credit Union and State of Iowa (Owners)
Grantee's Name:	City of Des Moines, Iowa
Legal Description:	EXCEPT PARCEL 2017-15, THE NORTH 118 FEET OF LOT 11 AND THE NORTH 75 FEET OF LOT 12 AND THE SOUTH 17 FEET OF VACATED LYON STREET RIGHT-OF-WAY LYING NORTH OF AND ADJACENT TO SAID LOTS 11 AND 12, BLOCK 18 OF STEWART'S ADDITION, AN OFFICIAL PLAT AND 2017-14, 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 Capitol View Credit Union and the State of Iowa are titleholders of the Property locally known as 623 East 12th Street and legally described above.

2. That in the event the City of Des Moines, Iowa, acts to rezone the Property from the "C-0" Commercial-Residential District to Limited "C-1" Neighborhood Retail Commercial 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) Any primary building shall have a glass storefront entrance that directly fronts East 12th Street to the satisfaction of the Planning Administrator.

2) The site shall be brought into conformance with current Site Plan regulations.

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 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.

Capitol View Credit Union

By: Brent Kowalsky
Its: CEO

State of Iowa)
) ss:
County of Polk)

This instrument was acknowledged before me on March 29th, 2017, by Brent Kowalsky (Name) as CEO (Title) of Capitol View Credit Union.

Notary Public in and for the State of Iowa

NOTARIAL SEAL * IOWA
BENJAMIN D. SHERIDAN
COMMISSION NO. 772606
MY COMMISSION EXPIRES
4-18-18

State of Iowa

By: Paul Carlson
Its: SENIOR EXEC. OFFICER

State of Iowa)
) ss:
County of Polk)

This instrument was acknowledged before me on 3/29, 2017, by Mirela Susic as Commission # 797027 of the State of Iowa.

MIRELA JUSIC
COMMISSION NO. 797027
MY COMMISSION EXPIRES
JULY 7, 2019

3/28/2017

Notary Public in and for the State of Iowa