

★ **Roll Call Number**

Agenda Item Number

46B

Date May 7, 2018

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 1350 E. Washington Avenue from the "R1-60" One-Family Low-Density Residential District to Limited "R-3" Multiple-Family Residential District classification",

which was considered and voted upon under Roll Call No. 18-_____ of May 7, 2018; 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 Christian Den Ouden, 1350 E. Washington, LLC.

FORM APPROVED:

Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
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 Ray Dr., Des Moines, IA 50309
Taxpayer: No change
Title of Document: Acceptance of Rezoning Ordinance
Grantor's Name: 1350 E. Washington, LLC (Owner)
Grantee's Name: City of Des Moines, Iowa
Legal Description: Lot 232 (except the East 7 feet and the South 13 feet) in UNION ADDITION, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa

ACCEPTANCE OF REZONING ORDINANCE

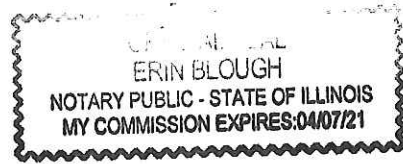
The undersigned hereby state, warrant and agree as follows:

1. That 1350 E. Washington, LLC is the sole titleholder of the Property locally known as 1350 E. Washington 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 "R-3" Multiple-Family Residential District, 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) The total number of residential units developed on the Property shall not exceed 8 units;
 - (2) Any conversion of the existing building for multiple-family use is subject to review and approval of a Site Plan by the Plan and Zoning Commission under design guidelines for multiple-family dwellings;
 - (3) Any conversion of the building to residential use shall comply with all applicable Building Codes, with all necessary permits, and with Certificate of Occupancy issued by the Permit and Development Center.
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.

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.

1350 E. WASHINGTON, LLC
an Iowa limited liability company

Christian Denouden
By: Christian Denouden
Its: M.C.



State of ~~Iowa~~ Illinois
County of ~~Polk~~ Cook) ss:

This instrument was acknowledged before me on April 25, 2018, by
Christian Denouden as M.C. of
1350 E. Washington, LLC.

Erin Blough
Notary Public in and for the State of ~~Iowa~~ Illinois