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 4455 and 4465 Hubbell Avenue from the "A-1" Agricultural District to Limited "C-2" General Retail and Highway-Oriented Commercial District classification", which was considered and voted upon under Roll Call No. 18 of August 20, 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 Kenneth and Ingelia Lawler. FORM APPROVED: HOTE: Waiver of this rule is requested by Kenneth and Ingelia Lawler. COUNCIL ACTION YEAS NAVS FASS ABSENT COUNCIL ACTION YEAS NAVS FASS ABSENT COUNCIL ACTION YEAS NAVS FASS ABSENT COUNCIL ACTION TYBENT COUNCIL ACTION YEAS NAVS FASS ABSENT COUN	Roll Ca	ill Nui	mber			Agenda Item N	umb
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NOTE: Waiver of this rule is requested by Kenneth and Ingelia Lawler. FORM APPROVED: Hand Approved: Glenna K. Frank Assistant City Attorney COUNCIL ACTION YEAS NAYS PASS ABSENT COWNIE BOESEN COUNCIL ACTION YEAS NAYS PASS ABSENT COWNIE BOESEN COUNCIL ACTION YEAS NAYS PASS ABSENT COWNIE BOESEN COUNCIL ACTION YEAS NAYS PASS ABSENT COUNCIL ACTION YEAR NAYS PASS ABSENT COUN	pri	or to tl	he meet	ting at	which	it is to be finally passed be suspended, that the	
FORM APPROVED: Glenna K. Frank Assistant City Attorney COUNCIL ACTION YEAS NAYS PASS ABSENT COWNIE BOESEN COLEMAN GATTO GRAY MANDELBAUM MANDELBAUM IN WITNESS WHEREOF, I have hereunto set in hand and affixed my seal the day and year fir					O	RDINANCE NO.	
Glenna K. Frank Assistant City Attorney COUNCIL ACTION YEAS NAYS PASS ABSENT COWNIE BOESEN COLEMAN GATTO GRAY MANDELBAUM MANDELBAUM MANDELBAUM MANDELBAUM MESCEPRICATE COUNCIL ACTION YEAS NAYS PASS ABSENT CERTIFICATE I, DIANE RAUH, City Clerk of said City hereberetify that at a meeting of the City Council of said City of Des Moines, held on the above date, amor other proceedings the above was adopted. IN WITNESS WHEREOF, I have hereunto set mand and affixed my seal the day and year firest than the search of the city Council of the city of Des Moines, held on the above was adopted. IN WITNESS WHEREOF, I have hereunto set mand and affixed my seal the day and year firest than the city Council of the city of Des Moines, held on the above was adopted.	NOTE: W	/aiver o	of this ru	ıle is re	quested	by Kenneth and Angelia Lawler.	
COUNTIE BOESEN COLEMAN GATTO GRAY MANDELBAUM MAN	Glenna K.	na Frank	K.Z	ark	-		
COUNTE BOESEN COLEMAN GATTO GRAY MANDELBAUM MAND	COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT	CERTIFICATE	
COLEMAN GATTO GRAY MANDELBAUM MESTERCALARD Cotty of Des Moines, held on the above date, amore other proceedings the above was adopted. IN WITNESS WHEREOF, I have hereunto set me hand and affixed my seal the day and year fire.						I DIANE PAUL City Clork of said City hor	#obv
MANDELBAUM IN WITNESS WHEREOF, I have hereunto set m hand and affixed my seal the day and year fir	COLEMAN					certify that at a meeting of the City Council of City of Des Moines, held on the above date, am	said
hand and affixed my seal the day and year fir						hand and affixed my seal the day and year	- 222.57
above written.		-	-				first
TOTAL							

____ City Clerk

52B 134373 49B

Mayor and City Council City of Des Moines 400 Robert D. Ray Drive Des Moines, IA 50309

RE:

Proposed rezoning of property located in the vicinity of the 4455 and 4465 Hubbell Avenue

To the Mayor and City of Des Moines City Council:

Please accept this request to waive the three required readings of the ordinance to rezone the above referenced real property.

Thank you.

Sincerely,

Signature	Angelia E. Lawler
By: Kennethhhawler	Angelia E. Lawler
Its: Kee	AFL

7918 JUL 24 PM 1: 26

CITY CLERK DES MONTES, M

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:

Kenneth L. Lawler, Angelia E. Lawler, d/b/a Great Plains Garden Center, Inc. (Titleholders)

and Francis Stroud (Tenant/Potential Purchaser)

Grantee's Name:

City of Des Moines, Iowa

Legal Description:

LOT 7 AND THE WEST 60 FEET OF LOT 8 (EXCEPT THE WEST 2.0 FEET LYING ADJACENT TO AND PARALLEL TO THE SOUTH ROW LINE OF U.S. HIGHWAY 6) OF CAPITOL HEIGHTS, PLAT NO. 2, AN OFFICIAL PLAT, 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 Kenneth L. Lawler and Angelia E. Lawler, husband and wife, d/b/a Great Plains Garden Center, Inc. are the sole titleholders and Francis Stroud is the tenant/potential purchaser of the Property located at 4455 and 4465 Hubbell Avenue and legally described above.
- 2. That in the event the City of Des Moines, Iowa, acts to rezone the Property from "A-1" Agricultural District to Limited "C-2" General Retail and Highway-Oriented Commercial 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) Sidewalks shall be constructed along the adjoining public street frontages as required and allowed by Traffic Engineering with any Site Plan development.
 - (2) Vehicular driveway access for the property shall only be developed from East 44th Street.
 - (3) Any change of use of the existing building shall require a review of a Site Plan and Commercial Building Plans with approval and issuance of all necessary permits by the City's Permit and Development Center.

(4)	The following uses of the property shall be prohibited:
a.	Adult Entertainment Business,
b.	Off-Premises Advertising Signs,
c.	Vehicle Display Lots,
d.	Businesses Selling Liquor,
e.	Pawn Brokers,
f.	Delayed Deposit Services; and
g.	Taverns/Nightclubs.
U	
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 w	ords and phrases herein, including acknowledgment hereof, shall be construed as in plural number, and as masculine or feminine gender, according to the context.
KENNETH I	L. LAWLER (Owner) ANGELIA E. LAWLER (Owner)
./	
1 Th	Tauler Angelia E. Lawler Angelia E. Lawler
Warmer I. I.	Angelia E Lawler
Kenneth L. La	Augena L. Dawiei
State of Iowa	
State of 10 wa) ss:
County of Pol	k)
county of a of	
This it	astrument was acknowledged before me on 24 July , 2018,
by Kenneth L	Torrion
·	KRISTEN CARTER Commission Number 722377 My Commission Expires Notary Public in the State of Iowa
State of Iowa	
) ss:
County of Pol	k)
This is by Angelia E.	nstrument was acknowledged before me on
	1/3
	KNITU (auch
	KRISTEN CARTER Notary Public in the State of Iowa

GREAT PLAINS GARDEN CENTER, INC.

Henreth & Jawler
By: Kenneth hi haudler
By: Kenneth hi hawler Owner/President
State of Fowa
State of Fowa ss: County of Polk ss:
On this 24 day of 3018, before me, a notary public, personally appeared 12 Method 1. (awter), to me personally known, who being by me duly sworn did say that he/she is the 300 nev/President of Great Plains Garden Center, Inc., an 3000 corporation, and that the foregoing
being by me duly sworn did say that he/she is the Owner/President
Great Plains Garden Center, Inc., an corporation, and that the foregoing
instrument was signed on behalf of said corporation by authority of its Board of Directors, and
that he/she, as such officer, acknowledged the execution of the said instrument to be the voluntary act and deed of said corporation, by it and by him/her voluntarily executed.

KRISTEN CARTER
Commission Number 722377
My Commission Expires

FRANCIS STROUD (Tenant/Potential Purchaser)
Francis Stroud
State of Iowa)) ss:
County of Polk)
This instrument was acknowledged before me on Acceptable 100, 2018, by Francis Stroud.
FRANCES MUNICIPALITY
Notary Public in the State of Iowa
SPOUSE OF FRANCIS STROUD (If Any) RACHEL MARIKO BROWN COMMISSION NO. 8 0 3 67 9 MY COMMISSION EXPIRES. APPLICATION OF THE PROPERTY OF THE PR
By:
State of Iowa)) ss:
County of Polk)
This instrument was acknowledged before me on
NT / D 11: 1: 41 - C4-42-CT
Notary Public in the State of Iowa