

★ **Roll Call Number**

Agenda Item Number

49B

Date September 24, 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 1345 7th Street from the "R1-60" One-Family Low-Density Residential District to Limited "R-2" Two-Family Residential District classification",


which was considered and voted upon under Roll Call No. 18-_____ of September 24, 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 Chaden Halfhill, Managing Member, Indigo Dawn, LLC.

FORM APPROVED:


Glenna K. Frank
Assistant City Attorney

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.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

Mayor

City Clerk

49B

FILED

2018 SEP 14 PM 1:09

CITY CLERK
DES MOINES, IA

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 1345 7th Street

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

By: Chaden Hatfield

Its: Managing Member
Indigo Dawn LLC

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: Adair Holdings, LLC; Indigo Dawn, LLC

Grantee's Name: City of Des Moines, Iowa

Legal Description: LOT 22 GRAND PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA (Herein "Property")

ACCEPTANCE OF REZONING ORDINANCE

The undersigned hereby state, warrant and agree as follows:

1. That Indigo Dawn, LLC is the titleholder, of the Property locally known as 1345 7th Street 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-2" Two-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) Vehicular access to the Property shall be provided from the alley. All existing curb cuts and driveways shall be removed, the curblin shall be restored, and all disturbed areas shall be restored to a turf condition prior to the issuance of a Certificate of Occupancy (C.O.) for any building on the Property.
- (2) The existing building on the Property shall be renovated in substantial conformance with the submitted building elevations to the satisfaction of the Planning Administrator prior to the issuance of any Certificate of Occupancy (C.O.) for a two-family dwelling.

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.

Indigo Dawn, LLC
an Iowa limited liability company


By: CHADEN HALFHILL
Its: Managing Member

State of Iowa)
) ss:
County of Polk)

This instrument was acknowledged before me on Sept 14, 2018, by
Chaden Halfhill as Managing Member of
Indigo Dawn, LLC.

Darbi C. Marcum
Notary Public in and for the State of Iowa

