

Date October 22, 2018

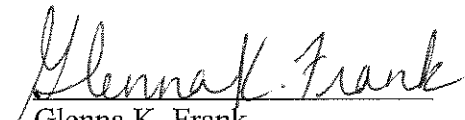
An Ordinance entitled, "AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 1801 Army Post Road from the "R1-70" One-Family Residential District to Limited "C-2" General Retail and Highway-Oriented Commercial 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				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
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

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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.

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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 1801 Army Post Road from the "R1-70" One-Family Residential District to Limited "C-2" General Retail and Highway-Oriented 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 1801 Army Post Road, more fully described as follows, from the "R1-70" One-Family Residential District to Limited "C-2" General Retail and Highway-Oriented Commercial District classification:

EXCEPT THE NORTH 370 FEET AND THE SOUTH 160 FEET, LOT 12 GEIL PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

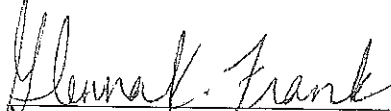
Section 2. That this ordinance and the zoning granted by the terms hereof are subject to the following imposed additional conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance by all owners of said property and are binding upon the owners and their successors, heirs, and assigns as follows:

- (1) Any use of the Property for Adult entertainment business; Automobile, trailer, motorcycle, boat and farm implement establishments for display, hire, rental and sales; Liquor stores for the sale of alcoholic beverages; Off-premises advertising signs; and Taverns and nightclubs, shall be prohibited.
- (2) Any commercial building on the Property shall not have EIFS or stucco material on the exterior walls at a point lower than the ceiling of the first-floor.
- (3) Any commercial building on the Property shall only have brick, stone, concrete, or block masonry material on the lowest 4 feet of the exterior walls.

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

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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: George R. McCune (Titleholder) and Stephen B. Sarcone and Stephanie G. Sarcone (Contract Buyers)  
Grantee's Name: City of Des Moines, Iowa  
Legal Description: EXCEPT THE NORTH 370 FEET AND THE SOUTH 160 FEET, LOT 12 GEIL PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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## ACCEPTANCE OF REZONING ORDINANCE

The undersigned hereby state, warrant and agree as follows:

1. That George R. McCune is the sole titleholder and Stephen B. Sarcone and Stephanie G. Sarcone are the contract buyers of the Property located at 1801 Army Post Road and legally described above.

2. That in the event the City of Des Moines, Iowa, acts to rezone the Property from "R1-70" One-Family Residential 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) Any use of the Property for Adult entertainment business; Automobile, trailer, motorcycle, boat and farm implement establishments for display, hire, rental and sales; Liquor stores for the sale of alcoholic beverages; Off-premises advertising signs; and Taverns and nightclubs, shall be prohibited.
- (2) Any commercial building on the Property shall not have EIFS or stucco material on the exterior walls at a point lower than the ceiling of the first-floor.

(3) Any commercial building on the Property shall only have brick, stone, concrete, or block masonry material on the lowest 4 feet of the exterior walls.

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.

**George R. McCune (Owner)**

**Spouse of George R. McCune, if any**

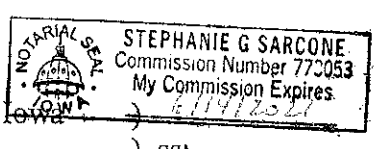
George R. McCune  
George R. McCune

Spouse of George R. McCune, if any  
Spouse of George R. McCune, if any

State of Iowa      )  
                                  ) ss:  
County of Polk     )

This instrument was acknowledged before me on October 10th, 2018, by George R. McCune.

Stephanie G. Sarcone  
Notary Public in the State of Iowa



State of Iowa      )  
                                  ) ss:  
County of Polk     )

This instrument was acknowledged before me on \_\_\_\_\_, 2018, by Spouse of George R. McCune, if any.

\_\_\_\_\_  
Notary Public in the State of Iowa

**Stephen B. Sarcone (Contract Buyer)**

**Stephanie G. Sarcone (Contract Buyer)**

  
\_\_\_\_\_

Stephen B. Sarcone

  
\_\_\_\_\_

Stephanie G. Sarcone

State of Iowa     )  
                          ) ss:  
County of Polk    )

This instrument was acknowledged before me on October 10, 2018,  
by Stephen B. Sarcone, and Stephanie G. Sarcone, husband and wife.

  
\_\_\_\_\_

Notary Public in the State of Iowa



**PAMELA BEENER**  
Commission Number 152401  
My Commission Expires  
July 27, 2019