

Date January 28, 2019

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 938 12th Street from the "M-1" Light Industrial District to Limited "NPC" Neighborhood Pedestrian 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

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

44A

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 938 12th Street from the "M-1" Light Industrial District to Limited "NPC" Neighborhood Pedestrian 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 938 12th Street, more fully described as follows, from the "M-1" Light Industrial District to Limited "NPC" Neighborhood Pedestrian Commercial District classification:

LOT 3 IN BLOCK 7 IN GRASS ROOTS 1, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;
 AND
 ALL OF THE 24.0 FOOT WIDE 12TH PLACE RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOT 1, LOT 3 AND LOT 4, BLOCK 7, GRASS ROOTS 1, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, ALSO KNOWN AS LOT N, BLOCK 7, GRASS ROOTS 1, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, SUBJECT TO EASEMENTS, COVENANTS, AND RESTRICTIONS OF RECORD.

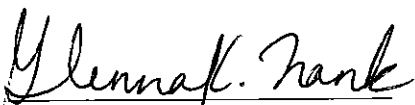
Section 2. That this ordinance and the zoning granted by the terms hereof are subject to the following imposed additional conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance by all owners of said property and are binding upon the owners and their successors,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

- (1) All units that front 12th Street shall have an entry presence to the satisfaction of the Planning Administrator. This may consist of a second set of steps to a front porch, a corner entrance or other comparable technique.
- (2) Review and approval of the finalized building elevations and materials by the Planning Administrator.
- (3) Any development shall be in accordance with a Site Plan under the Design Guidelines applicable to the "NPC" District.
- (4) The following uses shall be prohibited on the property:
 - a. Taverns and nightclubs;
 - b. Billiard parlors/game rooms;
 - c. Communication towers/antennas (excluding an extension of 20 feet or less from an existing structure);
 - d. Delayed deposit services;
 - e. Pawn brokers;
 - f. Gas stations/convenience stores;
 - g. Off premises advertising signs; and,
 - hi. Liquor stores.

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

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: Cityview 34, LLC (Owner)

Grantee's Name: City of Des Moines, Iowa

Legal Description: LOT 3 IN BLOCK 7 IN GRASS ROOTS 1, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;
AND
ALL OF THE 24.0 FOOT WIDE 12TH PLACE RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOT 1, LOT 3 AND LOT 4, BLOCK 7, GRASS ROOTS 1, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, ALSO KNOWN AS LOT N, BLOCK 7, GRASS ROOTS 1, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, SUBJECT TO EASEMENTS, COVENANTS, AND RESTRICTIONS OF RECORD. (Hereinafter referred to as "Property")

ACCEPTANCE OF REZONING ORDINANCE

The undersigned hereby state, warrant and agree as follows:

1. That Cityview 34, LLC is the sole titleholder of the Property locally known as 938 12th Street and legally described above.

2. That in the event the City of Des Moines, Iowa, acts to rezone the Property from the "M-1" Light Industrial District to Limited "NPC" Neighborhood Pedestrian Commercial District, I agree and accept on behalf of the owner 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) All units that front 12th Street shall have an entry presence to the satisfaction of the Planning Administrator. This may consist of a second set of steps to a front porch, a corner entrance or other comparable technique.

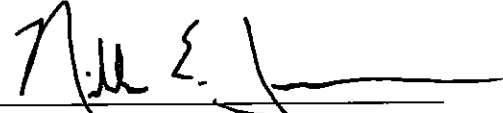
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- (2) Review and approval of the finalized building elevations and materials by the Planning Administrator.
- (3) Any development shall be in accordance with a Site Plan under the Design Guidelines applicable to the "NPC" District.
- (4) The following uses shall be prohibited on the property:
 - a. Taverns and nightclubs;
 - b. Billiard parlors/game rooms;
 - c. Communication towers/antennas (excluding an extension of 20 feet or less from an existing structure);
 - d. Delayed deposit services;
 - e. Pawn brokers;
 - f. Gas stations/convenience stores;
 - g. Off premises advertising signs; and,
 - h. Liquor stores.

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.

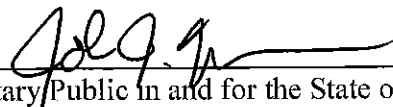
Cityview 34, LLC



 By:

State of Iowa)
) ss:
 County of Polk)

This instrument was acknowledged before me on January 22ND, 2019, by Nicholas E. Jensen as Member of Cityview 34, LLC.



 Notary Public in and for the State of Iowa

