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Date March 11, 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 2110 Wakonda View Drive from the "R1-80" 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
 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

640

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 2110 Wakonda View Drive from the "R1-80" 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 2110 Wakonda View Drive, more fully described as follows, from the "R1-80" One-Family Residential District to Limited "C-2" General Retail and Highway-Oriented Commercial District classification:

THE EAST ½ HALF OF LOT 30 AND THE WEST 30 FEET OF LOT 31, WAKONDA KNOLLS, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

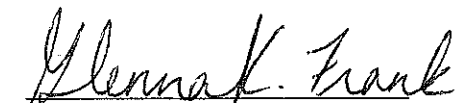
Section 2. That this ordinance and the zoning granted by the terms hereof are subject to the following imposed additional conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance by all owners of said property and are binding upon the owners and their successors,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

- (1) The Property shall not be used for any of the following prohibited uses: adult entertainment business; businesses selling liquor, wine, or beer; off-premises advertising signs; taverns and nightclubs; and vehicle display lots.
- (2) Replacement of the existing drive access as part of any site expansion shall require reduction of the width to a maximum of 36 feet in width with 10-20 foot radii.
- (3) Provision of a five-foot wide public sidewalk along Wakonda View Drive as part of any site expansion.
- (4) Compliance with all landscaping requirements as applicable to "C-2" Districts as part of any site expansion. In addition, a bufferyard using "C- 2" District standards shall be provided along the west side of any paved area as part of any site expansion; and

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: Brown Dog Realty, LLC
Grantee's Name: City of Des Moines, Iowa
Legal Description: THE EAST ½ HALF OF LOT 30 AND THE WEST 30 FEET OF LOT 31, WAKONDA
KNOLLS, 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 Brown Dog Realty, LLC is the titleholder of the Property locally known as 2110 Wakonda View Drive and legally described above.

2. That in the event the City of Des Moines, Iowa, acts to rezone the Property from the "R1-80" 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) The Property shall not be used for any of the following prohibited uses: adult entertainment business; businesses selling liquor, wine, or beer; off-premises advertising signs; taverns and nightclubs; and vehicle display lots.
- (2) Replacement of the existing drive access as part of any site expansion shall require reduction of the width to a maximum of 36 feet in width with 10-20 foot radii.
- (3) Provision of a five-foot wide public sidewalk along Wakonda View Drive as part of any site expansion.

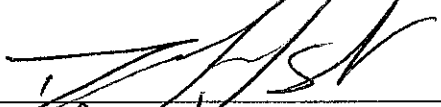
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- (4) Compliance with all landscaping requirements as applicable to "C-2" Districts as part of any site expansion. In addition, a bufferyard using "C-2" District standards shall be provided along the west side of any paved area as part of any site expansion.

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.

Brown Dog Realty, LLC
an Iowa limited liability company


 By: Dave Kriens
 Its: President

State of Iowa)
) ss:
 County of Polk)



This instrument was acknowledged before me on 3-1-2019, 2019, by Dave Kriens as President of Brown Dog Realty, LLC.

Kelly Schultz
 Notary Public in and for the State of Iowa