



**Roll Call Number**

**Agenda Item Number**

46C

Date April 8, 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 2017 Capitol Avenue from the "R1-60" One-Family Low-Density Residential District to Limited "M-1" Light Industrial 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

**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.

\_\_\_\_\_ Mayor

\_\_\_\_\_ 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 2017 Capitol Avenue from the "R1-60" One-Family Low-Density Residential District to Limited "M-1" Light Industrial 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 2017 Capitol Avenue, more fully described as follows, from the "R1-60" One-Family Low-Density Residential District to Limited "M-1" Light Industrial District classification:

LOTS 112 AND 113 TIMMONS PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

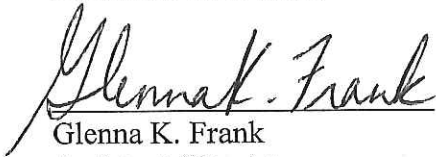
Section 2. That this ordinance and the zoning granted by the terms hereof are subject to the following imposed additional conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance by all owners of said property and are binding upon the owners and their successors,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

- (1) No buildings shall be constructed on the Property.
- (2) Off-street parking, outside storage of trailers and equipment, or open space shall be the only permitted uses of the Property.
- (3) Any off-street parking area on the Property shall be paved and maintained with a Portland Cement Concrete or Hot Mix Asphalt material.
- (4) Any outside storage on the Property not used for off-street parking shall be either paved or surfaced and maintained with a Recycled Asphalt Product to ensure a dust free surface.
- (5) Any use of the Property shall be in accordance with a Site Plan as approved by the Permit and Development Center including landscaping and buffering as applicable to "C-2" Districts.
- (6) Outdoor storage and off-street parking are prohibited within 25 feet of the eastern lot line of the Property.

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: DDX Worldwide Cargo, Inc.  
Grantee's Name: City of Des Moines, Iowa  
Legal Description: LOTS 112 AND 113 TIMMONS PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN  
AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.  
(Hereinafter referred to as "Property")

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## ACCEPTANCE OF REZONING ORDINANCE

The undersigned hereby state, warrant and agree as follows:

1. That DDX Worldwide Cargo, Inc. is the titleholder of the Property locally known as 2017 Capitol Avenue 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 "M-1" Light Industrial District, we 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) No buildings shall be constructed on the Property.
- (2) Off-street parking, outside storage of trailers and equipment, or open space shall be the only permitted uses of the Property.
- (3) Any off-street parking area on the Property shall be paved and maintained with a Portland Cement Concrete or Hot Mix Asphalt material.
- (4) Any outside storage on the Property not used for off-street parking shall be either paved or surfaced and maintained with a Recycled Asphalt Product to ensure a dust free surface.


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- (5) Any use of the Property shall be in accordance with a Site Plan as approved by the Permit and Development Center including landscaping and buffering as applicable to "C-2" Districts.
- (6) Outdoor storage and off-street parking are prohibited within 25 feet of the eastern lot line of the Property.

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.

**DDX WORLDWIDE CARGO, INC.**

By:   
PRESIDENT

State of Iowa            )  
                                  ) ss:  
County of Polk         )

This instrument was acknowledged before me on April 2, 2019, by Juan Guaman Echeverria as President of DDX Worldwide Cargo, Inc.

  
Notary Public in and for the State of Iowa

