

★ **Roll Call Number**

Agenda Item Number

43B

Date May 6, 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 120 East 5th Street from the "M-1" Light Industrial District to Limited "C-3B" Central Business Mixed Use District classification",

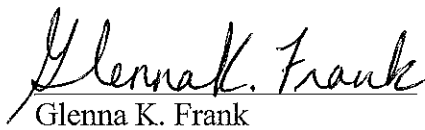
which was considered and voted upon under Roll Call No. 19-_____ of May 6, 2019; again presented.

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 Timothy R. Waddell, Chair,
Des Moines Heritage Trust

FORM APPROVED:



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

Mayor and City Council
City of Des Moines
400 Robert D. Ray Drive
Des Moines, IA 50309

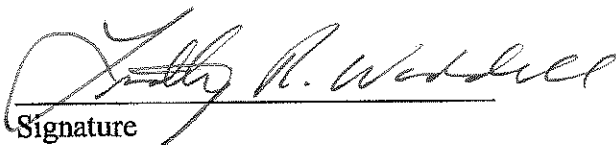
RE: Proposed rezoning of property located in the vicinity of 120 East 5th Street

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: Timothy R. Waddell - Des Moines Heritage Trust

Its: Chair

April 23, 2019

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: Des Moines Heritage Trust

Grantee's Name: City of Des Moines, Iowa

Legal Description: PARCEL 2017-207 OF THE PLAT OF SURVEY FILED IN THE OFFICE OF THE RECORDER, POLK COUNTY, IOWA, IN BOOK 16761, PAGE 652, ALL IN LOTS 7,8,15, AND 16 AND THE ADJOINING VACATED NORTH/SOUTH ALLEY, ALL IN BLOCK 16, TOWN OF DE MOINE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 7; THENCE SOUTH 15°04'38" EAST, 89.62 FEET; THENCE SOUTH 75°01'22" WEST, 158.62 FEET; THENCE NORTH 15°23'48" WEST, 10.03 FEET; THENCE SOUTH 74°57'09" WEST, 50.20 FEET; THENCE NORTH 14°56'35" WEST, 79.30 FEET; THENCE NORTH 74°55'34" EAST, 208.69 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.42 ACRES MORE OR LESS AND SUBJECT TO EASEMENTS, AGREEMENTS, AND LICENSES OF RECORD.
(Hereinafter referred to as "Property")

ACCEPTANCE OF REZONING ORDINANCE

The undersigned hereby state, warrant and agree as follows:

1. That Des Moines Heritage Trust is the titleholder of the Property locally known as 120 East 5th 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 "C-3B" Central Business Mixed Use 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:

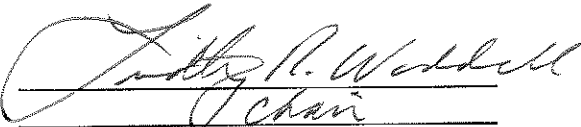
The following uses shall be prohibited:

- a. Assembly and packaging of small components from previously prepared materials within a fully enclosed building.
- b. Auction businesses.
- c. Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles.
- d. Lumberyards, retail and wholesale.
- e. Machine shops.
- f. Freestanding package goods stores for the sale of alcoholic beverages.
- g. Pawnshops.
- h. Printing, publishing houses and lithographing shops.
- i. Plumbing and heating shops.
- j. Miniwarehouse uses.
- k. Freestanding taverns and night clubs.
- l. Warehousing.

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.

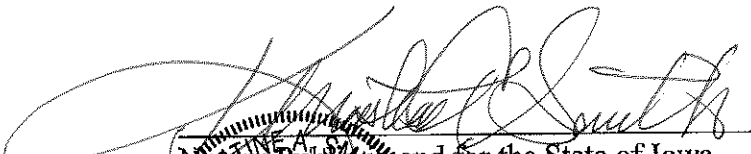
The words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Des Moines Heritage Trust

By: 
Chair

State of Iowa)
) ss:
County of Polk)

This instrument was acknowledged before me on April 23, 2019, by Timothy B. Waddell as Chair of Des Moines Heritage Trust.


and for the State of Iowa

