

Date August 5, 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 1424, 1428, 1432 and 1436 East 25th Street from the "PUD" Planned Unit Development to Limited "R1- 60" One-Family Low-Density Residential 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.

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 1424, 1428, 1432 and 1436 East 25th Street from the "PUD" Planned Unit Development to Limited "R1- 60" One-Family Low-Density Residential 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 1424, 1428, 1432 and 1436 East 25th Street, more fully described as follows, from the "PUD" Planned Unit Development to Limited "R1- 60" One-Family Low-Density Residential District classification:

LOTS 11 THROUGH 13 INCLUSIVE IN SALM'S ADDITION TO EASTON PLACE, AN OFFICIAL PLAT; AND LOTS 1 AND 2 AND THE EAST 58 FEET OF LOT 9, IN BAYARD PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

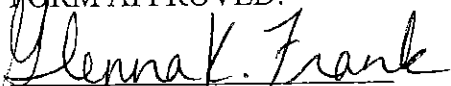
Section 2. That this ordinance and the zoning granted by the terms hereof are subject to the following imposed additional conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance by all owners of said property and are binding upon the owners and their successors,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

- (1) Any modified lot configuration shall be in accordance with a Plat approved by the City's Permit and Development Center and recorded with Polk County. Any lot that is not determined to be a Lot of Record and that does not comply with "R1-60" District regulations, shall be subject to approval of any necessary zoning appeals by the City's Zoning Board of Adjustment.
- (2) Any dwelling constructed shall be subject to provision of a garage that at a minimum is large enough to provide 1 parking space and 80 square feet of storage space. A paved driveway shall be provided for vehicular access to the garage.
- (3) Any dwelling constructed shall have exterior materials of masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, cement fiber board, or other composite materials generally equal in quality to cement fiber board, as approved by the City's Planning Administrator.
- (4) Any dwelling shall be constructed with a front porch of not less than 60 square feet or with a front façade of which at least 1/3 shall be clad with stone or brick masonry.
- (5) Any dwelling constructed shall have window and door trim on all facades that is a minimum of 4 inches (nominal) wide.
- (6) Any dwelling constructed shall include a roof covered with architectural profile asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
- (7) Any construction shall be in compliance with all applicable building codes with issuance of all necessary permits by the City's Permit and Development Center.

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: 2425 Hubbell Ave, LLC
Grantee's Name: City of Des Moines, Iowa
Legal Description: LOTS 11 THROUGH 13 INCLUSIVE IN SALM'S ADDITION TO EASTON PLACE, AN OFFICIAL PLAT; AND LOTS 1 AND 2 AND THE EAST 58 FEET OF LOT 9, IN BAYARD PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

ACCEPTANCE OF REZONING ORDINANCE

The undersigned hereby state, warrant and agree as follows:

1. That 2425 Hubbell Ave, LLC is the titleholder of the Property locally known as 1424, 1428, 1432 and 1436 East 25th Street and legally described above.
2. That in the event the City of Des Moines, Iowa, acts to rezone the Property from the "PUD" Planned Unit Development to Limited "R1-60" One-Family Low-Density Residential 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 modified lot configuration shall be in accordance with a Plat approved by the City's Permit and Development Center and recorded with Polk County. Any lot that is not determined to be a Lot of Record and that does not comply with "R1-60" District regulations, shall be subject to approval of any necessary zoning appeals by the City's Zoning Board of Adjustment.
 - (2) Any dwelling constructed shall be subject to provision of a garage that at a minimum is large enough to provide 1 parking space and 80 square feet of storage space. A paved driveway shall be provided for vehicular access to the garage.
 - (3) Any dwelling constructed shall have exterior materials of masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, cement fiber board, or other composite

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materials generally equal in quality to cement fiber board, as approved by the City's Planning Administrator.

- (4) Any dwelling shall be constructed with a front porch of not less than 60 square feet or with a front façade of which at least 1/3 shall be clad with stone or brick masonry.
- (5) Any dwelling constructed shall have window and door trim on all facades that is a minimum of 4 inches (nominal) wide.
- (6) Any dwelling constructed shall include a roof covered with architectural profile asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
- (7) Any construction shall be in compliance with all applicable building codes with issuance of all necessary permits by the City's Permit and Development Center.

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.

2425 Hubbell Ave, LLC
an Iowa limited liability company

Todd Mendenhall
By: Todd Mendenhall
Its: Owner

State of Iowa)
) ss:
County of Polk)

This instrument was acknowledged before me on July 17th, 2019, by Todd Mendenhall as owner of 2425 Hubbell Ave, LLC.

Blaine Mathews
Notary Public in and for the State of Iowa

BUM
2/21/22