

59A

Date September 23, 2019

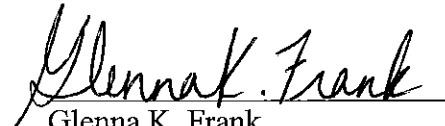
An Ordinance entitled, "AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 150 East County Line Road to correct scrivener's errors in the existing Limited "R1-60" One-Family Low-Density Residential District by amending certain rezoning conditions listed in Ordinance No. 15,592 as approved on June 26, 2017 and the Acceptance of Rezoning Conditions related thereto",

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

59A

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 150 East County Line Road to correct scrivener's errors in the existing Limited "R1-60" One-Family Low-Density Residential District by amending certain rezoning conditions listed in Ordinance No. 15,592 as approved on June 26, 2017 and the Acceptance of Rezoning Conditions related thereto.

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 150 East County Line Road, more fully described as follows, to correct scrivener's errors in the existing Limited "R1-60" One-Family Low-Density Residential District by amending certain rezoning conditions listed in Ordinance No. 15,592 as approved on June 26, 2017 and the Acceptance of Rezoning Conditions related thereto:

LOTS 1 - 51, A, B, C, AND D, AND OUTLOTS X, Y, AND Z IN PARKSIDE ESTATES PLAT 1, 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) Street trees shall be provided along East County Line Road at the time public improvements are installed for the development, and shall comply with the City's street tree policies.
- (2) A minimum of one street tree shall be provided per lot frontage within the development that complies with the City's street tree policies. Each tree shall be installed prior to the issuance of a Certificate of Occupancy for the dwelling constructed on that lot.
- (3) No same house plan shall be built on adjacent lots.
- (4) Each house shall have a full basement.
- (5) Each house shall have a minimum two-car attached garage.
- (6) The front façade of any house constructed must contain one of the following:
 - a. A front porch of not less than 60 square feet; or
 - b. Stone or brick masonry siding covering at least 1/3 of the façade.
- (7) All windows and doors shall have trim that is no less than 4-inches in width.
- (8) The roof on any house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
- (9) Single story homes on Conceptual Plan Lots 1-4 also known as Lots 1-3 on final plat, Conceptual Plan Lots 25-32 also known as Lots 24-31 on final plat, Conceptual Plan Lots 37-44 also known as 36-43 on final plat, and Conceptual Plan Lots 49-52 also known as 48-51 on final plat, shall be constructed with a minimum of 1,300 square feet of above-grade finished floor area. Single story homes on Conceptual Plan Lots 5-24 also known as Lots 4-23 on final plat, Conceptual Plan Lots 33-36 also known as Lots 32-35 on final plat, and Conceptual Plan Lots 45-48 also known as Lots 44-47 on final plat, shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area.
- (10) 1½ story homes on Conceptual Plan Lots 1-4 also known as Lots 1-3 on final plat, Conceptual Plan Lots 25-32 also known as Lots 24-31 on final plat, Conceptual Plan Lots 37-44 also known as Lots 36-43 on final plat, and Conceptual Plan Lots 49-52 also known as Lots 48-51 on final plat, shall be constructed with a minimum of 1,500 square feet of above-grade finished floor area with a minimum of 1,000 square feet on the first floor. 1½ story homes on Conceptual Plan Lots 5-24 also known as Lots 4-23 on final plat, Conceptual Plan Lots 33-36 also known as Lots 32-35 on final plat, and Conceptual Plan Lots 45-48 also known as Lots 44-47 on final plat, shall be constructed with a minimum of 1,600 square feet of above-grade finished floor area with a minimum of 1,000 square feet on the first floor.
- (11) 2 story homes on Conceptual Plan Lots 1-4 also known as Lots 1-3 on final plat, Conceptual Plan Lots 25-32 also known as Lots 24-31 on final plat, Conceptual Plan Lots 37-44 also known as Lots 36-43 on final plat, and Conceptual Plan Lots

59A

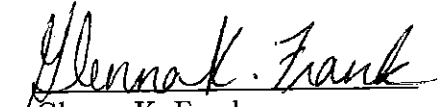
49-52 also known as Lots 48-51 on final plat, shall be constructed with a minimum of 1,500 square feet of above-grade finished floor area. 2 story homes on Conceptual Plan Lots 5-24 also known as Lots 4-23 on final plat, Conceptual Plan Lots 33-36 also known as Lots 32-35 on final plat, and Conceptual Plan Lots 45-48 also known as Lots 44-47 on final plat, shall be constructed with a minimum of 1,600 square feet of above grade finished floor area.

- (12) Exterior material for any home constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, masonite, or cement fiber board.
- (13) Any chain link fence shall have black vinyl-cladding.
- (14) Provision of a trail providing pedestrian access to Fort Des Moines Park.

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

59A

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: Solid Ground, LLC, Cedar Valley Homes, LLC, Happe Homes, LLP, S&L Properties, Inc.,
Jerry's Homes, Inc., Homes by Fleetwood, LLC and Parkside Estates Owners Association
(Owners)
Grantee's Name: City of Des Moines, Iowa
Legal Description: LOTS 1 - 51, A, B, C, AND D, AND OUTLOTS X, Y, AND Z IN PARKSIDE ESTATES
PLAT 1, 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 Solid Ground, LLC, Cedar Valley Homes, LLC, Happe Homes, LLP, S&L Properties, Inc., Jerry's Homes, Inc., Homes by Fleetwood, LLC and Parkside Estates Owners Association are the titleholders of the Property locally known as 150 East County Line Road and legally described above.


2. That in the event the City of Des Moines, Iowa, acts to rezone the Property to correct scrivener's errors in the existing Limited "R1-60" One-Family Low-Density Residential District by amending certain rezoning conditions listed in Ordinance No. 15,592 as approved on June 26, 2017 and the Acceptance of Rezoning Conditions related thereto, 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) Street trees shall be provided along East County Line Road at the time public improvements are installed for the development, and shall comply with the City's street tree policies.
 - (2) A minimum of one street tree shall be provided per lot frontage within the development that complies with the City's street tree policies. Each tree shall be

- installed prior to the issuance of a Certificate of Occupancy for the dwelling constructed on that lot.
- (3) No same house plan shall be built on adjacent lots.
 - (4) Each house shall have a full basement.
 - (5) Each house shall have a minimum two-car attached garage.
 - (6) The front façade of any house constructed must contain one of the following:
 - a. A front porch of not less than 60 square feet; or
 - b. Stone or brick masonry siding covering at least 1/3 of the façade.
 - (7) All windows and doors shall have trim that is no less than 4-inches in width.
 - (8) The roof on any house constructed shall be of asphalt type shingles or cedar shakes. Standard 3-tab shingles are prohibited.
 - (9) Single story homes on Conceptual Plan Lots 1-4 also known as Lots 1-3 on final plat, Conceptual Plan Lots 25-32 also known as Lots 24-31 on final plat, Conceptual Plan Lots 37-44 also known as 36-43 on final plat, and Conceptual Plan Lots 49-52 also known as 48-51 on final plat, shall be constructed with a minimum of 1,300 square feet of above-grade finished floor area. Single story homes on Conceptual Plan Lots 5-24 also known as Lots 4-23 on final plat, Conceptual Plan Lots 33-36 also known as Lots 32-35 on final plat, and Conceptual Plan Lots 45-48 also known as Lots 44-47 on final plat, shall be constructed with a minimum of 1,400 square feet of above-grade finished floor area.
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 - (12) Exterior material for any home constructed shall be masonry (brick or stone), vinyl of no less than 0.042 thickness, cedar, masonite, or cement fiber board.
 - (13) Any chain link fence shall have black vinyl-cladding.
 - (14) Provision of a trail providing pedestrian access to Fort Des Moines Park.

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.

Solid Ground, LLC
an Iowa limited liability company


By: ERIC GRUBB
Its: MEMBER/MANAGER

State of Iowa)
) ss:
County of Polk)

This instrument was acknowledged before me on September 12, 2019, by
Eric Grub as member/manager of
Solid Ground, LLC.


Notary Public in and for the State of Iowa



Cedar Valley Homes, LLC
an Iowa limited liability company

[Signature]
By: _____
Its: AGENT


State of Iowa)
) ss:
County of Polk)

This instrument was acknowledged before me on Sept 12, 2019, by
[Signature] as AGENT of
Cedar Valley Homes, LLC. (Michael Jayne)

Crystal Wright
Notary Public in and for the State of IOWA

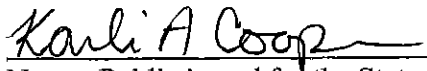


Happe Homes, LLP
an Iowa limited liability partnership


By: Chris Petersen
Its: CFO

State of Iowa)
) ss:
County of Polk)

This instrument was acknowledged before me on September 11, 2019, by
Chris Petersen as CFO of
Happe Homes, LLP.


Notary Public in and for the State of Iowa



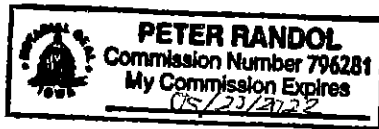
S&L Properties, Inc.
an Iowa corporation

Steve Bennett
By: Steve Bennett
Its: President


State of Iowa)
) ss:
County of Polk)

This instrument was acknowledged before me on 09/17, 2019, by
Steve Bennett as President of
S&L Properties, Inc.

[Signature]
Notary Public in and for the State of Iowa




Jerry's Homes, Inc.
an Iowa corporation


By: Ryan McClintock
Its: Vice President

State of Iowa)
) ss:
County of Polk)

This instrument was acknowledged before me on September 12, 2019, by
Ryan McClintock as Vice President of
Jerry's Homes, Inc..


Notary Public in and for the State of Iowa



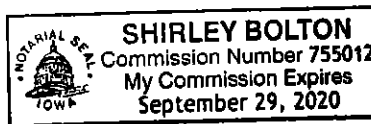
Homes by Fleetwood, LLP
an Iowa limited liability partnership

Stephen R Grubb
By: Stephen R Grubb
Its: Manager

State of Iowa)
) ss:
County of Polk)

This instrument was acknowledged before me on September 13, 2019, by
Stephen R Grubb as Manager of
Homes by Fleetwood, LLP.

Shirley Bolton
Notary Public in and for the State of Iowa



59A

Parkside Estates Owners Association

Eric Grubb
By: ERIC GRUBB
Its: DIRECTOR

State of Iowa)
) ss:
County of Polk)

This instrument was acknowledged before me on September 12, 2019, by
Eric Grubb as Director of
Parkside Estates Owners Association.

Michael Christiansen
Notary Public in and for the State of Iowa

