

**Date** August 5, 2020 reconvened from August 3, 2020

An Ordinance entitled, " AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-1.10 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located at 3104 Indianola Avenue from N3a Neighborhood District to Limited MX3 Mixed Use District classification",

presented.

Moved by \_\_\_\_\_ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)

/s/ Glenna K. Frank  
 Glenna K. Frank  
 Assistant City Attorney

(ZON2020-00061)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

**CERTIFICATE**

I, P. Kay Cmelik, 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.

MOTION CARRIED

APPROVED

\_\_\_\_\_ Mayor

\_\_\_\_\_ City Clerk

---

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 and 2, below.

---

ORDINANCE NO. \_\_\_\_\_

An Ordinance entitled, " AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-1.10 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located at 3104 Indianola Avenue from N3a Neighborhood District to Limited MX3 Mixed Use 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 134-1.10 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 at 3104 Indianola Avenue from N3a Neighborhood District to Limited MX3 Mixed Use District classification:

LOTS 50, 51, 52, AND 53, BLOCK B, JEFFERSON HEIGHTS NO. 2, AN OFFICIAL PLAT AND LOT 72, JEFFERSON HEIGHTS REPLAT, AN OFFICIAL PLAT ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA EXCEPT:

AN IRREGULAR PARCEL IN LOT 72, JEFFERSON HEIGHTS REPLAT, AN OFFICIAL PLAT, AND IN LOTS 52 AND 53, BLOCK B, JEFFERSON HEIGHTS NO. 2, AN OFFICIAL PLAT, DESCRIBED AS FOLLOWS: COMMENCING ON THE

NORTHWEST LINE OF LOT 70, JEFFERSON HEIGHTS REPLAT, 5.0 FEET SOUTHWEST OF THE NORTHWEST COMER OF LOT 70; THENCE SOUTHEASTERLY, ALONG A LINE PARALLEL TO THE NORTHEAST LOT LINE 21.0 FEET TO THE POINT OF CURVATURE OF A HORIZONTAL CURVE CONCAVE SOUTHWESTERLY WITH A RADIUS OF 1355.8 FEET; THENCE CONTINUING ALONG THE CURVE TO THE SOUTHEAST LINE OF LOT 71, JEFFERSON HEIGHTS REPLAT, BEING THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE CURVE 342.25 FEET TO A POINT 21.0 FEET NORMALLY DISTANT FROM THE EAST LINE OF LOT 53; THENCE SOUTHEAST, ALONG A LINE PARALLEL TO THE EAST LINE OF LOT 53, 32.43 FEET; THENCE SOUTHWEST, TO THE SOUTH LINE OF LOT 53, 46.5 FEET WEST OF THE SOUTHEAST CORNER OF LOT 53; THENCE EAST ALONG THE SOUTH LOT LINE TO THE SOUTHEAST CORNER OF LOT 53; THENCE NORTHWEST, ALONG THE EAST AND NORTHEAST LINES OF LOTS 53, 52 AND 72, TO THE NORTHWEST CORNER OF LOT 72; THENCE SOUTHWEST, ALONG THE NORTHWEST LINE OF LOT 72, 5.6 FEET TO THE POINT OF BEGINNING, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;

AND

PARCEL "D" AS RECORDED IN A PLAT OF SURVEY IN BOOK 14618 ON PAGE 578 IN THE OFFICE OF THE RECORDER, POLK COUNTY, IOWA;

AND

EXCEPT PARCEL "B" AND PARCEL "C" AS RECORDED IN A PLAT OF SURVEY IN BOOK 14618 ON PAGE 578 IN THE OFFICE OF THE RECORDER, POLK COUNTY, IOWA.

SUBJECT TO AND TOGETHER WITH EASEMENTS, RESTRICTIONS, COVENANTS, AND RESERVATIONS OF RECORD.

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) Allowing a Vehicle Sales and Service, Vehicle Maintenance/Repair, Minor use limited to personal vehicle washing only with either self-service or automatic equipment.
- (2) All other uses permitted by right or by conditional use shall only be those uses allowed in common with and as limited in the RX1 Mixed Use District.

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:

/s/ Glenna K. Frank  
Glenna K. Frank  
Assistant City Attorney