

64A

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 7601 Fleur Drive from P-1 Public, Civic and Institutional District to Limited P-2 Public, Civic and Institutional 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

(ZON2020-00060)

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 7601 Fleur Drive from P-1 Public, Civic and Institutional District to Limited P-2 Public, Civic and Institutional 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 7601 Fleur Drive from P-1 Public, Civic and Institutional District to Limited P-2 Public, Civic and Institutional District classification:

Area is comprised of two out of three tracts from 2007 ALTA survey:

TRACT 1:

BEGINNING AT A POINT ON THE WEST LINE OF THE SOUTHEAST ¼ OF SECTION 32, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5th P.M., POLK COUNTY, IOWA, SAID POINT BEING 640.77 FEET NORTH OF THE

SOUTHWEST CORNER OF SAID SOUTHEAST ¼; THENCE NORTH 0 DEGREES 00 MINUTES WEST 165.00 FEET ALONG THE WEST LINE OF THE SOUTHEAST ¼ OF SAID SECTION 32, THENCE NORTH 89 DEGREES 34 MINUTES 58 SECONDS EAST 660.79 FEET; THENCE NORTH 0 DEGREES 09 MINUTES 53 SECONDS WEST 13.00 FEET; THENCE NORTH 89 DEGREES 34 MINUTES 58 SECONDS EAST 656.32 FEET TO THE EAST LINE OF THE WEST ½ OF THE SOUTHEAST ¼ OF SAID SECTION 32; THENCE SOUTH 0 DEGREES 12 MINUTES EAST 178.00 FEET ALONG SAID EAST LINE; THENCE SOUTH 89 DEGREES 34 MINUTES 58 SECONDS WEST 1,317.09 FEET TO THE POINT OF BEGINNING.

TRACT 3:

BEGINNING AT A POINT ON THE WEST LINE OF THE SOUTHEAST ¼ OF SECTION 32, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5th P.M., POLK COUNTY, IOWA, SAID POINT BEING 805.77 FEET NORTH OF THE SOUTHWEST CORNER OF THE SOUTHEAST ¼ OF SAID SECTION 32; THENCE NORTH 0 DEGREES 00 MINUTES WEST 996.69 FEET TO THE NORTHWEST CORNER OF THE SOUTH 55 ACRES OF THE WEST ½ OF THE SOUTHEAST ¼ OF SAID SECTION 32; THENCE SOUTH 89 DEGREES 47 MINUTES 37 SECONDS EAST 657.93 FEET; ALONG THE NORTH LINE OF SAID SOUTH 55 ACRES; THENCE SOUTH 0 DEGREES 09 MINUTES 53 SECONDS EAST 989.53 FEET; THENCE SOUTH 89 DEGREES 34 MINUTES 58 SECONDS WEST 660.79 FEET TO THE POINT OF BEGINNING.

and

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST ¼ OF SECTION 32; TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5th P.M., POLK COUNTY, IOWA, THENCE NORTH 0 DEGREES 00 MINUTES 00 SECONDS WEST 1,802.46 FEET TO THE NORTHWEST CORNER OF THE SOUTH 55 ACRES OF THE WEST ½ OF THE SOUTHEAST ¼ OF SAID SECTION 32, THENCE SOUTH 89 DEGREES 47 MINUTES 37 SECONDS EAST 657.93 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 47 MINUTES 37 SECONDS EAST 659.09 FEET TO THE NORTHEAST CORNER OF SAID SOUTH 55 ACRES; THENCE SOUTH 0 DEGREES 12 MINUTES 00 SECONDS EAST 969.36 FEET ALONG THE EAST LINE OF SAID SOUTH 55 ACRES; THENCE SOUTH 89 DEGREES 34 MINUTES 58 SECONDS WEST 656.32 FEET; THENCE NORTH 0 DEGREES 09 MINUTES 53 SECONDS WEST 976.53 FEET TO THE POINT OF BEGINNING.

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) Compliance with all supplemental use regulations in Des Moines Municipal Code Chapter 134, Section 134-3.4.3.B for any expansion of a non-City-owned cemetery and conditional use approval thereof by the Zoning Board of Adjustment.

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