



Roll Call Number

Agenda Item Number

54A

Date October 5, 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 1537 Army Post Road from RX1 Mixed Use 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

(ZON2020-00081)

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

54A

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 1537 Army Post Road from RX1 Mixed Use 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 1537 Army Post Road from RX1 Mixed Use District to Limited MX3 Mixed Use District classification:

That part of Lots 41 and 42 Geil Place Plat Three Geil Place Plat Three, an Official Plat, now included in and forming a part of the City of Des Moines, Iowa described as follows: The West 12.5 feet of the South 104.24 feet of lot 41 and the West 105.5 feet of Lot 42 (except the North 10 feet of the East 45 feet thereof) and except the South 10 feet of Lots 41 and 42 acquired by the State of Iowa for the widening of Army Post Road, Highway No. 29.

Also a perpetual easement in common with others for motor vehicle and foot travel, including the right to pave all or any part thereof, over a triangular parcel of land in said Lots 41 and 42, described as follows: Beginning at a point which is 10 feet north of the southeast corner of lot 41, thence West 25 feet, then North 40 feet, thence in a Southeasterly direction 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) Any use of the Property shall be limited to Vehicle Sales and Service, Vehicle Maintenance/Repair, Minor, or any use permitted by right or by Conditional Use as allowed and regulated 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