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**Date** February 8, 2021

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 3900 SE 34<sup>th</sup> Street from 'F' Flood District to 'N2b' Neighborhood District classification",

which was considered and voted upon under Roll Call No. ~~20-~~ 0146 of January 25, 2021; again presented.

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

(Second of three required readings)

(ZON2020-00151)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

**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.

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

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Prepared by: Judy K. Parks-Kruse, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, IA  
50309 Phone: 515/283-4533

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.

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

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 3900 SE 34<sup>th</sup> Street from 'F' Flood District to 'N2b' Neighborhood 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 3900 SE 34<sup>th</sup> Street from a 'F' Flood District to 'N2b' Neighborhood District classification, more fully described as follows:

A PART OF LOT 30, LAKEWOOD COVE PLAT 1, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 30; THENCE NORTH 87°40'40" WEST ALONG THE SOUTH LINE OF SAID LOT 30, A DISTANCE OF 300.11 FEET; THENCE NORTH 00°44'19" EAST, 262.00 FEET;

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THENCE SOUTH 89°15'41" EAST, 44.57 FEET; THENCE SOUTH 35°05'58" EAST, 111.74 FEET; THENCE SOUTH 00°00'00" WEST, 82.00 FEET; THENCE SOUTH 90°00'00" EAST, 50.00 FEET; THENCE SOUTH 65°00'00" EAST, 50.00 FEET; THENCE SOUTH 90°00'00" EAST, 15.00 FEET; THENCE NORTH 49°01'08" EAST, 41.04 FEET; THENCE SOUTH 87°40'40" EAST, 47.76 FEET TO THE EAST LINE OF SAID LOT 30; THENCE SOUTH 00°44'19" WEST ALONG SAID EAST LINE OF SAID LOT 30, A DISTANCE OF 104.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.00 ACRES (43,560 S.F.).

PROPERTY SUBJECT TO ANY AND ALL EASEMENTS 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. Any site modification, filling and permitting of development must have an approved Conditional Letter of Map Revisions (CLOMR-F) from the Federal government. Upon completion of any permitted development, the owner shall obtain a formal Letter of Map Revisions based on Fill (LOMR-F) that would provide the as-built conditions;
2. Any site modification, filling and permitting shall be subject to the requirements of Chapter 50 of the City Code for floodplain development; and
3. Any removal of trees for any development of the property shall comply with tree mitigation requirements as applicable to a commercial Site Plan or Subdivision approval.

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: Judy K. Parks-Kruse  
Judy K. Parks-Kruse, Assistant City Attorney