



Roll Call Number

Agenda Item Number

45B

Date February 22, 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 4207 Hubbell Avenue from 'MX3' Mixed Use District to 'CX' Mixed Use District classification",

which was considered and voted upon under Roll Call No. 21-_____ of February 22, 2021; again presented.

Moved by _____ that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass.

ORDINANCE NO. _____

NOTE: Waiver of this rule is requested by David Porter, Owner

FORM APPROVED:

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

(ZON2020-00154)

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

45B

Mayor and City Council
City of Des Moines
400 Robert D. Ray Drive
Des Moines, IA 50309

RE: Proposed rezoning of property located at 4207 Hubbell Avenue

To the Mayor and City of Des Moines City Council:

Please accept this request to waive the three required readings of the ordinance to rezone the above referenced real property.

Thank you.

Sincerely,



Signature

By: DAVID A PORTER

Its: DP-

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 Ray Dr., Des Moines, IA 50309
Taxpayer: No change
Title of Document: Acceptance of Rezoning Ordinance
Grantor's Name: Porter Hardware, Inc. (Titleholder)
Grantee's Name: City of Des Moines, Iowa
Legal Description: LOT 14 EXCEPT THE NW 2 FEET, AND WESTERLY 1/2 OF LOT 15, AND EASTERLY
1/2 OF LOT 15 EXCEPT THE NW 2 FEET, AND ALL OF LOT 16, AND LOT 17 EXCEPT
THE NW 2 FEET, AND LOT 18 EXCEPT THE NW 184.1 FEET, ALL IN-CAPITOL
HEIGHTS REPLAT, AN OFFICIAL PLAT, 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 Porter Hardware, Inc. is the titleholder of the Property locally known as 4207 Hubbell Avenue and legally described above.

2. That in the event the City of Des Moines, Iowa, acts to rezone the property located at 4207 Hubbell Avenue from 'MX3' Mixed Use District to 'CX' Mixed Use District, 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. That any permitted accessory outside storage occur outside of the front yard or street side yards of the site.

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.

PORTER HARDWARE, INC.

David A. Porter
By:

State of Iowa)
) ss:
County of Polk)

This instrument was acknowledged before me on February 8, 2021, by
David A. Porter on behalf of Porter Hardware, Inc.



Angela B. Zimmer
Notary Public in and for the State of Iowa