



Roll Call Number

Agenda Item Number

34 B

Date April 4, 2022

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 740 18th Street from NX2a Neighborhood Mix District to Limited MX1 Mixed Use District classification",

which was considered and voted upon under Roll Call No. 22-_____ of April 4, 2022; 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. Seconded by _____.

ORDINANCE NO. _____

NOTE: Waiver of this rule is requested by Brandon A. Foldes, Manager, HOM Investments 6, LLC.

FORM APPROVED:

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

(ZONG-2022-000007)

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

MOTION CARRIED

APPROVED

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.

Mayor

City Clerk

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

RE: Proposed rezoning of property located at 740 18th Street

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: Brandon A. Fapes

Its: MMAKEL

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 Ray Dr., Des Moines, IA 50309
Taxpayer: No change
Title of Document: Acceptance of Rezoning Ordinance
Grantor's Name: HOM Investments 6, LLC (titleholder)
Grantee's Name: City of Des Moines, Iowa
Legal Description: LOTS 44 AND 45 IN T.E. BROWN'S ADDITION TO DES MOINES, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. (*HEREIN "PROPERTY"*).

ACCEPTANCE OF REZONING ORDINANCE

The undersigned hereby state, warrant and agree as follows:

1. That HOM Investments 6, LLC is the titleholder of the Property locally known as 740 18th Street, Des Moines, Iowa, and legally described above.
2. That in the event the City of Des Moines, Iowa, acts to rezone the Property from NX2a Neighborhood Mix District to Limited MX1 Mixed Use District, I agree and accept on behalf of the owner 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. The maximum space allocated within the building on the Property for eating and drinking areas, excluding circulation space, restrooms, and kitchen, shall not exceed 1,650 square feet; and
 2. The hours of operation of businesses on the Property shall end no later than 10:00 p.m. each Sunday, Monday, Tuesday, Wednesday, and Thursday, and no later than 12:00 a.m. each Friday and Saturday.
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.

HOM INVESTMENTS 6, LLC

BAF
By: BRANDON A. FOLDES
Its: MANAGER

State of Iowa)
) ss:
County of Polk)

This instrument was acknowledged before me on March 24th, 2022, by Brandon Folds as Manager of HOM Investments 6, LLC.

Jennifer Tucker
Notary Public in and for the State of Iowa

