



Roll Call Number

Agenda Item Number
48A

Date April 24, 2023

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 in the vicinity of 1935 East Euclid Avenue from "F" Flood District and "I2" Industrial District to Limited "I2" Industrial District classification",

presented.

Moved by _____ that this ordinance be considered and given first vote for passage. Second by _____.

FORM APPROVED:

(First of three required readings)

/s/ Chas M. Cahill

Chas M. Cahill
Assistant City Attorney

(ZONG-2023-000008; COMP-2023-000003)

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

CERTIFICATE

I, LAURA BAUMGARTNER, 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

Prepared by: Chas M. Cahill, 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 1-4, below.

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 in the vicinity of 1935 East Euclid Avenue from "F" Flood District and "I2" Industrial District to Limited "I2" Industrial 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 vicinity of 1935 East Euclid Avenue from "F" Flood District and "I2" Industrial District to Limited "I2" Industrial District classification:

PART OF THE E-1/2 OF NE -1/4 OF SECTION 25, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH/ P.M., POLK COUNTY, IOWA, DESCRIBED AS FOLLOWS: BEGINNING AT THE CENTER POINT OF THE RIGHT-OF-WAY OF THE CHICAGO GREAT WESTERN RAILROAD AS NOW LOCATED WHERE IT INTERSECTS THE CENTER LINE OF EUCLID AVENUE AS NOW LOCATED, SAID POINT BEING 663.09 FEET SOUTH AND 74.4 FEET WEST OF THE NE CORNER OF SAID SECTION 25, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH/ P.M.; THENCE SOUTHERLY ALONG THE CENTER LINE OF THE RIGHT-OF-WAY OF THE CHICAGO GREAT WESTERN RAILROAD AS NOW LOCATED ON A 02° 08' CARVE TO THE RIGHT, 555 FEET TO THE POINT OF TANGENT; THENCE ON SAID TANGENT AND ALONG SAID CENTER LINE OF SAID RIGHT OF WAY 285

FEET TO THE POINT OF CURVE THENCE ON A 02° CURVE TO THE LEFT AND ALONG SAID CENTER LINE OF SAID RIGHT OF WAY 792.5 FEET THENCE WEST 100.30 FEET TO THE SHORT LINE RAILROAD AS NOW LOCATED, THENCE NORTHWESTERLY ALONG SAID CENTER LINE OF THE RIGHT-OF-WAY OF THE ST. PAUL AND KANSAS CITY SHORT LINE RAILROAD AS NOW LOCATED ON A 02° CURVE TO THE LEFT, 673 FEET TO THE POINT OF TANGENT; THENCE NORTHWESTERLY ON THE ST. PAUL AND KANSAS CITY SHORT LINE RAILROAD 762 FEET TO A POINT OF CURVE; THENCE NORTHWESTERLY ON A 02° CURVE TO THE ST. PAUL AND KANSAS CITY SHORT LINE RAILROAD, 255 FEET TO A POINT ON THE CENTER LINE OF SAID EUCLID AVENUE, AS NOW LOCATED; THENCE EAST ALONG THE CENTER LINE OF SAID EUCLID AVENUE AS NOW LOCATED 973.40 FEET TO PLACE OF BEGINNING.

SUBJECT TO THE RIGHT OF THE CITY OF DES MOINES TO USE FOR STREET PURPOSES ALL THAT PART OF EUCLID AVENUE LYING 75 FEET SOUTH OF THE CENTER LINE OF SAID EUCLID AVENUE AS NOW ESTABLISHED AND LOCATED, AND EXCEPTING AND RESERVING FROM A TRACT OF REAL ESTATE HEREINABOVE DESCRIBED THE FOLLOWING TWO (2) PARCELS OF LAND:

1. ALL THAT PART OF THE RIGHT-OF-WAY OF THE CHICAGO GREAT WESTERN RAILROAD COMPANY AS NOW LOCATED AND LYING 50 FEET WESTERLY OF AND ADJOINING THE CENTER LINE OF THE MAIN TRACK OF SAID ST. PAUL AND KANSAS CITY SHORT LINE RAILROAD COMPANY AS HEREINBEFORE DESCRIBED.
2. ALL THAT PART OF THE RIGHT-OF-WAY OF THE ST. PAUL AND KANSAS CITY SHORT LINE RAILROAD COMPANY AS NOW LOCATED AND LYING 50 FEET EASTERLY OF AND ADJOINING THE CENTER LINE OF THE MAIN TRACK OF SAID ST. PAUL AND KANSAS CITY SHORT LINE RAILROAD COMPANY AS HEREINBEFORE DESCRIBED.

EXCEPT PARCEL A:

A PARCEL OF LAND LOCATED IN THE S-1/2 NE-1/4 NE-1/4 OF SECTION 25, T79N, R24W OF THE 5TH P.M., POLK COUNTY, IOWA, LYING ON THE SOUTH SIDE OF PART OF THE FOLLOWING DESCRIBED CENTER LINE OF PRIMARY ROAD NO. U.S.6 AS SHOWN ON OFFICIAL PLANS FOR PROJECT U-206(17).

THE CENTERLINE DESIGNATED BY STATION POINTS 100 FEET APART, NUMBERED CONSECUTIVELY FROM WEST TO EAST, IS DESCRIBED AS FOLLOWS: BEGINNING AT STATION 52+59.5, A POINT ON THE EAST LINE OF SAID S-1/2 NE-1/4 NE-1/4 OF SAID SECTION 25, THENCE WEST 969.5 FEET TO STATION 42+90.

SAID PARCEL IS DESCRIBED AS FOLLOWS: ALL THAT PART OF THE S-1/2 NE-1/4 NE-1/4 OF SAID SECTION 25, LYING NORTHERLY OF A LINE BEGINNING

AT A POINT 90 FEET NORMALLY DISTANT AND SOUTHERLY FROM CENTERLINE ON THE EASTERLY RIGHT-OF-WAY LINE OF THE C.R.I. & P.R.R., THENCE TO A POINT 75 FEET NORMALLY DISTANT SOUTHERLY FROM STATION 43+95, SAID POINT BEING ON THE PRESENT SOUTHERLY RIGHT-OF-WAY LINE OF PRIMARY ROAD NO. U.S.6.

SAID PARCEL CONTAINS 0.018 ACRES, MORE OR LESS, EXCLUSIVE OF PRESENT ESTABLISHED RIGHT-OF-WAY.

AND EXCEPT:

A TRACT OF LAND IN THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M. DESCRIBED AS FOLLOWS; COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 25, THENCE SOUTH 0°01'01" EAST, 737.47 FEET; THENCE SOUTH 89°53'22" WEST, 135.63 FEET TO THE POINT OF BEGINNING; THENCE SOUTHERLY ALONG A CURVE RIGHT 126.19 FEET WITH A RADIUS OF 2635.90 FEET, CHORD OF 126.18 FEET, AND A CHORD BEARING OF SOUTH 9°10'54" WEST; THENCE NORTH 24°10'52" WEST, 136.38 FEET; THENCE NORTH 89°53'22" EAST, 76.00 FEET ALONG THE EXISTING SOUTH RIGHT-OF-WAY LINE OF EAST EUCLID AVENUE (HIGHWAY U.S. 6) TO POINT OF BEGINNING ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. AREA BY SURVEY 4795.4 SQ. FEET. RECORDED IN BOOK 7530, PG 792 OF THE POLK COUNTY RECORDERS OFFICE.

AND EXCEPT:

A PART OF THE FORMER CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY'S RIGHT OF WAY (PREVIOUSLY KNOWN AS THE CHICAGO GREAT WESTERN RAILROAD) LYING NORTH OF EAST HULL AVENUE AND SOUTH OF EAST EUCLID AVENUE, LOCATED IN THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5th P.M., NOW INCLUDE IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 25; THENCE SOUTH 00°01'15" EAST ALONG THE EAST LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 737.42 FEET TO A POINT 75.00 FEET SOUTH OF THE CENTERLINE OF EAST EUCLID AVENUE, AS PRESENTLY ESTABLISHED; THENCE SOUTH 89°52'21" WEST ALONG A LINE 75.00 FEET SOUTH OF AND PARALLEL TO SAID CENTERLINE OF EAST EUCLID AVENUE, 135.63 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY OF SAID FORMER CHICAGO GREAT WESTERN RAILROAD COMPANY RIGHT OF WAY; THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT OF WAY AND ALONG A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 2635.90 FEET, WHOSE ARC LENGTH IS 126.32 FEET AND CHORD BEARS SOUTH 09°10'46" WEST, 126.35 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 79°26'52" EAST 50.00 FEET TO A POINT ON THE

CENTERLINE OF SAID FORMER RAILROAD RIGHT OF WAY; THENCE SOUTHERLY ALONG SAID FORMER CENTERLINE ALONG A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 2685.90 FEET, WHOSE ARC LENGTH IS 90.02 FEET AND WHOSE CHORD BEARS SOUTH 11°30'44" WEST, 90.02 FEET; THENCE NORTH 76°31'37" WEST, 38.15 FEET; THENCE NORTH 14°46'03" EAST 66.29 FEET; THENCE NORTH 24°15'56" WEST, 26.73 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.08 ACRES (3384 SQ.FT.). RECORDED IN BOOK 16041, PG 922 OF THE POLK COUNTY RECORDERS OFFICE.

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. All new buildings, structures and/or equipment shall be located within the footprint of the buildings, structures and/or equipment that existed at the time of this rezoning to the satisfaction of the City's Planning and Urban Design Administrator.; and
2. All development shall comply with floodplain regulations pursuant to Chapter 50 of the City Code.; and
3. Any future construction or development of the site must comply with all applicable site plan and design regulations of the Planning and Design Ordinance (Chapter 135 of City Code).

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/ Chas M. Cahill

Chas M. Cahill
Assistant City Attorney