

★ Roll Call Number

08-345

Agenda Item Number

52

Date February 25, 2008

WHEREAS, on February 11, 2008, by Roll Call No. 08-217, it was duly resolved by the City Council that the application of Iowa Association of Community College Trustees (purchaser) represented by Donald L. Seymour (officer), to rezone certain property it is acquiring from the State of Iowa in the vicinity of 800 E. Court Avenue, more fully described below, be set down for rehearing on February 25, 2008, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on February 14, 2008, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and,

WHEREAS, in accordance with said notice those interested in said proposed rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and,

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the following described property:

A portion of Block 12, Town of De Moine, an Official Plat, and portions of the adjoining vacated SE 8th Street and SE 9th Street rights-of-way, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, more specifically described as follows: Beginning at the Northwest corner of Lot 3 of said Block 12, thence North 74°56'43" East along the southerly right-of-way line of E. Court Avenue and along the northerly line of said Block 12 and the extension thereof a distance of 281.62 feet to the East right-of-way line of vacated SE 9th Street; thence South 14°45'54" East along the easterly line of vacated SE 9th Street, a distance of 287.79 feet; thence North 72°48'00" West, 579.47 feet to a point on the southerly right-of-way line of E. Court Avenue; thence North 74°56'43" East along the southerly right-of-way line of E. Court Avenue and along the northerly line of said Block 12 a distance of 175.86 feet to the Point of Beginning.

from the "R-4" Multiple-Family Residential District to a Limited "C-1" Neighborhood Retail Commercial District classification, subject to the following conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance by the Iowa Association of Community College Trustees, and is binding upon it and its successors, heirs and assigns as follows:

- A. No tree on the Property over 6" in caliper shall be removed or damaged until a Site Plan is approved by the City of Des Moines for the redevelopment of the Property.
- B. A tree survey of all trees over 6" in caliper and a tree protection plan and shall be submitted as part of any Site Plan for the redevelopment of the Property.

(continued)

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NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the Property to a Limited "C-1" Neighborhood Retail Commercial District are hereby overruled, and the hearing is closed.

2. The proposed rezoning is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan.

MOVED by Mahaffey to adopt and approve the rezoning, subject to final passage of the rezoning ordinance

FORM APPROVED:

Roger K. Brown
Roger K. Brown
Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin Course
Mayor

CERTIFICATE

I, DIANE RAUH, 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.

Diane Rauh City Clerk