



Roll Call Number

09-1880

Agenda Item Number

41

Date October 12, 2009

WHEREAS, on September 28, 2009 by Roll Call No. 09-1747 the City Council of the City of Des Moines duly resolved that the application of the State of Iowa to rezone certain property located in the vicinity of 1111 East court Avenue, more fully described below, from R-4 Multiple Family Residential to C-3A Central Business District Support Commercial district classification, be set down for hearing on October 12, 2009 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 October 1, 2009, 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 from R-4 Multiple Family Residential to a Limited C-3A Central Business Support Commercial District classification, subject to the condition that use of the property shall be restricted only to those functions required for State operations.

BEG SW COR LT 2 THN NW 60F SELY 107. 5F S 185F W 36F N TO POB LTS 2 & 4 J E HENDRICKS SUB DIV BLK 9 W A SCOTTS ADD TO DM

AND

EX TRI PC BNG E 140F ON N LN & N 69F ON E LN- LT 1 & ALL LTS 2, 3 & 4 & -EX TRI PC BNG S 75F ON E LN & E 21F ON S LN- LTS 5 & 6 J E HENDRICKS SUB DIV LT 3 BLK 9 WA SCOTTS ADD

AND

W 119F ON N LN & W 105F ON S LN LT 7 J E HENDRICKS SUB DIV LT 3 BLK 9 WA SCOTTS ADD

AND

INTERV VAC ALLEY & LOT S 18 & 19 BLK 8 B FALLEN, J S POLK & FM HUBBELLS REPLT & SUB OF W A SCOTTS ADD OR SUBDIV

AND

INTERV VAC ALLEY & LOTS 17 & 20 BLK 8 B FALLEN, J S POLK & FM HUBBELLS REPLT & SUB OF W A SCOTTS ADD OR SUBDIV

AND

10F VAC ALLEY LYG E & ADJ S 62F LT 1,LTS 2,3,4 & N 24F LT 5 J E HENDRICKS SUBDIV LT 3 BLK 9 WA SCOTTS ADD

AND



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INTERV VAC ALLEYS & LTS 1 THRU 16 BLK 8 W A SCOTTS ADD OR SUBDIV

AND

INTERV VAC ALLEY & LOTS 19,20,21 & 22 BLK 7 B FALLEN, J S POLK & FM HUBBELLS REPLT & SUB OF W A SCOTTS ADD OR SUBDIV

AND

16F VAC E/W ALLEY & 20F VAC N/S ALLEY THRU BLK 7 & LTS 1 THRU 11 & LTS 14, 15 & 16 BLK 7 W A SCOTTS ADD OR SUBDIV

AND

LT 1 & -EX S 1 F- LT 2 & ALL LTS 3 & 4 OP LTS 12 & 13 BLK 7 W A SCOTTS ADD OR SUBDIV

AND

S IF LT 2 & ALL LT 5 OP LTS 12 & 13 BLK 7 W A SCOTTS ADD OR SUBDIV

AND

INTERV VAC ALLEY & LOTS 17,18,23 & 24 BLK 7 B FALLEN, J S POLK & FM HUBBELLS REPLT & SUB OF W A SCOTTS ADD OR SUBDIV

AND

ALL LOTS & INTERVENING ALLEY & CLOSED S E 11TH ST W OF & ADJ BLK 9 TOWN OF DE MOINE

AND

ALL LOTS & INTERVENING ALLEY & CLOSED SE 10TH ST W & ADJ BLK 10 TOWN OF DE MOINE

AND

ALL N OF DM W LTS 1-2- 9 & 10 BLK 22 & NE PC LT 11 OP LTS 3 TO 803 CLOSED VINE & 11TH ST N OF DM W TO THEIR NE JUNCTION COR & INTERVENING ALLEYS- BLK 22 TOWN OF DE MOINE

AND

ALL N & E OF A LINE FROM A PT 67.35 F S OF NW COR LOT 3 TO A PT 3 F N OF SE COR LOT 7 & INTERVENING ALLEYS & CLOSED VINE ST N & ADJ BLK 23 TOWN OF DE MOINE

AND

N 240F BLOCK A B FALLEN, J S POLK & FM HUBBELLS REPLT & SUB OF W A SCOTTS ADD OR SUBDIV

AND

VAC 16F ALLEY E & ADJ & LTS 1 THRU 6 OP LT 1 OP E 1/2 SE 1/4 SEC 3-78-24 & S 236F W ~ LT 31 BROOKS & COS ADD

AND

LTS 13 THRU 19 INCL OP LT 1 OP E 1/2 SE 1/4 SEC 3-78-24 & S 236 F W 1/2 LT 31 BROOKS & COS ADD

AND



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N 280F VAC E 13TH ST ADJ LTS 13 THRU 19 OP LT 1 OP E 1/2 SE 1/4 SEC 3-78-24 & S 236 F W 1/2 LT 31 BROOKS & COS ADD

AND

LTS 20 THRU 28 INCL OP LT 1 OP E 1/2 SE 1/4 SEC 3-78-24 & S 236F W 1/2 LT 31 BROOKS & COS ADD

AND

N 360F VAC 16F ALLEY W & ADJ & LTS 32 THRU 42 OP LT 1 OP E 1/2 SE 1/4 SEC 3-78-24 & S 236 F W 1/2 LT 31 BROOKS & COS ADD

AND

VAC 60F E 13TH ST COURT LYG S OF VAC VINE ST & N OF S LN LTS 31 & 55 OP LT 1 OP E 1/2 SE 1/4 SEC 3-78-24 & S 236 F W 1/2 LT 31 BROOKS & COS ADD

AND

-EX E 60F-LTS 43 THRU 54 OP LT 1 OP E 1/2 SE 1/4 SEC 3-78-24 & S 236 F W 1/2 LT 31 BROOKS & COS ADD

AND

PRT 80F VAC VINE ST S & ADJ BLKS 7, 8 & 9 LYG E OF E LN VAC E 12TH ST & W OF LN 135F E OF SW COR BLK 9 W A SCOTTS ADD OR SUBDIV

AND

A PART OF THE EXISTING RIGHT-OF-WAY OF SE 14TH STREET DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF BLOCK 9 OF W. A. SCOTT'S ADDITION, AN OFFICIAL PLAT; THENCE SOUTH 78°40'34" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF E. COURT AVENUE, 235.18 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SE 14TH STREET; THENCE SOUTH 50 ° 16' 26" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, 34.93 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 50°16'26" EAST, 16.14 FEET; THENCE SOUTH 00°15'22" WEST, 375.67 FEET; THENCE SOUTH 75°10' 44" WEST, 7.39 FEET TO A POINT ON SAID WEST RIGHT-OF-WAY LINE OF SE 14TH STREET; THENCE THE FOLLOWING COURSES AND DISTANCES ALONG SAID WEST RIGHT-OF-WAY LINE: NORTH 14°49'16" WEST, 80.00 FEET; THENCE SOUTH 75°10'44" WEST, 29.97 FEET; THENCE NORTH 00°44'22" EAST, 129.63 FEET; THENCE NORTH 68°53'40" EAST, 10.06 FEET; THENCE NORTH 89°54'55" EAST, 36.27 FEET; THENCE NORTH 00°27'27" WEST, 184.91 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.24 ACRES (10,541 S.F.), AN OFFICIAL PLAT all now included in and forming a part of the City of Des Moines, IN POLK COUNTY, IOWA.

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



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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-3A Central Business District Support Commercial District Classification are hereby overruled, and the hearing is closed.

2, The proposed rezoning is found to be in conformance with the Des Moines 2020 Community Character Land Use Plan, as amended on this date.

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

FORM APPROVED:

Michael F. Kelley
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, HENSLEY, KIERNAN, MAHAFFEY, MEYER, VLASSIS, and TOTAL (6 yeas).

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.

Y. M. Franklin Council Mayor

Diane Rauh City Clerk