

Date September 28, 2015

**RESOLUTION HOLDING HEARING ON REQUEST FROM  
ELECTRO MANAGEMENT CORP. (PURCHASER) FOR FIRST AMENDMENT TO THE CITY  
GATEWAY PUD CONCEPTUAL PLAN ON PROPERTY  
LOCATED AT 4240 ARMY POST ROAD**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on September 17, 2015, its members voted 12-0 in support of a motion to recommend **APPROVAL** regarding a request from Electro Management Corp. (purchaser), represented by Britt Baker (officer), to amend the City Gateway PUD Conceptual Plan on property located at 4240 Army Post Road ("Property") to allow development of the Property for light manufacturing of electrical components within office/production facilities and with outside storage areas, subject to revisions as set forth in the communication from the Commission; and

**WHEREAS**, on September 14, 2015, by Roll Call No. 15-1514, it was duly resolved by the City Council that the application of Electro Management Corp. for review and approval of the proposed amendment to the City Gateway PUD Conceptual Plan for the Property, as legally described below, be set down for hearing on September 28, 2015, at 5:00 p.m. in the City Council Chambers at City Hall; and

**WHEREAS**, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposed amendment to the approved City Gateway PUD Conceptual Plan; and

**WHEREAS**, in accordance with said notice, those interested in said proposed amendment to the approved City Gateway PUD Conceptual Plan, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.

**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 and any statements of interested persons and arguments of counsel, any and all objections to the proposed Amendment to the City Gateway PUD Conceptual Plan for the Property, locally known as 4240 Army Post Road and legally described as follows, are hereby overruled, and the hearing is closed:

PART OF THE E1/2 OF THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 78N, R25 WEST OF THE 5TH PM, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE EAST QUARTER CORNER OF SECTION 36 TOWNSHIP 78N R25 WEST OF THE FIFTH PM; THENCE NORTH 89° 55' 33" WEST ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 36 A DISTANCE OF 115.00 FEET; THENCE SOUTH 00° 03' 55" WEST PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST 1/4 33.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE INTERSECTION OF THE WEST LINE OF SW 42ND STREET (IOWA HIGHWAY 28) AND THE SOUTH LINE OF PINE STREET; THENCE SOUTH 00° 03' 55" WEST ON SAID WEST LINE OF SW 42ND STREET A DISTANCE OF 1,342.60 FEET; THENCE SOUTH 03° 24' 14" WEST ON SAID WEST LINE OF SW 42ND STREET 254.91 FEET, TO THE NORTH LINE OF RELOCATED IOWA HIGHWAY 5; THENCE SOUTH 90° 00' 00" WEST ON SAID NORTH LINE OF RELOCATED IOWA HIGHWAY 5 A DISTANCE OF 511.54 FEET; THENCE NORTH 56° 30' 00" WEST ON SAID NORTH LINE OF RELOCATED IOWA HIGHWAY 5 A DISTANCE OF 805.35 FEET; THENCE NORTH 00° 17' 57" WEST A DISTANCE OF 1,040.50 FEET TO A POINT ON THE SOUTH LINE OF RELOCATED ARMY POST ROAD; THENCE NORTHEAST ALONG A 3,926.81 FOOT RADIUS CURVE CONCAVE SOUTHEAST

( continued )



Roll Call Number

15-1648

Agenda Item Number

56

Date September 28, 2015

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WITH A CENTRAL ANGLE OF 08° 16' 05", A CHORD DISTANCE OF 566.16 FEET, A CHORD BEARING OF NORTH 78° 29' 45" EAST, FOR AN ARC DISTANCE OF 566.65 FEET, SAID ARC BEING THE SOUTH LINE OF RELOCATED ARMY POST ROAD; THENCE SOUTH 89° 55' 33" EAST ON SAID SOUTH LINE OF RELOCATED ARMY POST ROAD A DISTANCE OF 650.42 FEET TO THE POINT OF BEGINNING CONTAINING 39.95 ACRES MORE OR LESS.

- 2. The communication from the Plan and Zoning Commission is hereby received and filed.
- 3. The proposed amendment to the City Gateway PUD Conceptual Plan, as on file in the Community Development Department, is hereby found to be in conformance with the Des Moines' 2020 Community Character Land Use Plan and is hereby approved.

MOVED BY Hensley TO ADOPT.

FORM APPROVED:

Glenna K. Frank  
Glenna K. Frank, Assistant City Attorney

(ZON2015-00166)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE		✓		
TOTAL	6	1		

MOTION CARRIED APPROVED

T. M. Franklin 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