

ORDINANCE NO. 13,967

AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 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 2527 Easton Boulevard from an "R1-60" One Family, Low Density Residential District to a Limited "C-1" Neighborhood Retail Commercial 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 134-277 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 in the vicinity of 2527 Easton Boulevard, more fully described as follows, from an "R1-60" One Family, Low Density Residential District to a Limited "C-1" Neighborhood Retail Commercial District classification:

All that part of Lot 4 of the Subdivision of Lot 9 an Official Plat of the East 1/2 of Section 31, Township 79 North, Range 23 West of the 5th P.M. Des Moines, Polk County, Iowa being more particularly described as follows:

BEGINNING at the Northeast corner of Lot 4, of the Subdivision of Lot 9, an Official Plat of the East 1/2 of Section 31, Township 79 North, Range 23 West of the 5th P.M.; thence South 00⁰ (Degrees) 02' (Minutes) 54" (Seconds) West along the East line of said Lot 4 a distance of 237.50 feet to the Southwest corner of Lot 3, Bianchi-Calvert Place, an Official Plat, Des Moines, Polk County, Iowa ; thence North 89⁰57'09" West a distance of 117.67 feet to the West line of said Lot 4; thence North 00⁰02'51" East along the West line of said Lot 4 a distance of 187.62 feet to the Northwest corner of said Lot 4; thence North 67⁰04'28" East along the North line of said Lot 4 a distance of 127.81 feet to the POINT OF BEGINNING (herein the "Property").

Sec. 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:

If any commercial building is constructed upon the Property, such building and the associated parking lot shall be in substantial conformance with the site plan prepared by Bishop Engineering dated April 25, 2001, and the elevations represented by the photograph of the existing Medicap Pharmacy building presented by The Erickson Corporation, which are both on file in the Community Development Department of the City of Des Moines.

Sec. 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Sec. 4. That the City Clerk is hereby authorized and directed to cause certified copies of this ordinance and proof of publication thereof, and the Acceptance of Rezoning Ordinance signed by all owners of the Property to be properly filed in the office of the Recorder of Polk County, Iowa.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

Preston Daniels, Mayor

Attest:

I, Donna Boetel-Baker, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 01- 2139), passed by the City Council of said City at a meeting held July 9, 2001, signed by the Mayor on July 9, 2001, and published as provided by law in the Business Record on July 23, 2001. Authorized by Publication Order No. 1823.

Donna Boetel-Baker, MMC City Clerk