

ORDINANCE NO. 14,283

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 1175 and 1181 - 9th Street from the "R-3" Multiple Family Residential District and "R-4" Multiple Family 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 1175 and 1181 - 9th Street, more fully described as follows, from the "R-3" Multiple Family Residential District and "R-4" Multiple Family Residential District to a Limited "C-1" Neighborhood Retail Commercial District classification:

Lots 5, 6, 7 & 8, Rollins Addition, an Official Plat, (except the West 5.0 Feet); all that part of vacated North/South alley right-of-way lying East of and adjoining said Lots 5, 6, 7 & 8, of said Rollins Addition vacated by Ordinance No. 9986 passed August 03, 1981); Lots 10, 11 & 12 of said Rollins Addition; and Lot 10 of the Official Plat of the Northeast 1/4 of the Northwest 1/4 of Section 4, Township 78 North, Range 24 West of the 5th P.M., all now included in and forming a part of the City of Des Moines, Polk County, Iowa (hereinafter referred to as the "Property").

Sec. 2. Each owner of the Property other than the City has agreed to the imposition of the additional conditions set forth in section 3 by execution of an Acceptance of Rezoning Ordinance. The City hereby consents to the imposition of such additional conditions upon the City-owned portions of the Property.

Sec. 3. This ordinance and the zoning granted by the terms hereof are subject to the following imposed additional conditions which are binding upon the owners of the Property, including the City, and their successors, heirs, and assigns as follows:

If the Property is used for surface parking, and such parking becomes the predominant use of the Property, then such surface parking shall be constructed and maintained in substantial conformance with the conceptual site plan submitted by Des Moines Area Community College incident to this rezoning.

Sec. 4. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Sec. 5. That the City Clerk is hereby authorized and directed to cause certified copies of the vicinity map, this ordinance, proof of publication of this ordinance, and the Acceptance of Rezoning Ordinance signed by all owners of the Property, to be properly filed in the office of the County Recorder of the county in which the Property is located.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

Preston Daniels, Mayor

Attest:

I, Diane Rauh, 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. 03-2417), passed by the City Council of said City at a meeting held October 20, 2003 signed by the Mayor on October 20, 2003 and published as provided by law in the Business Record on November 3, 2003 Authorized by Publication Order No. 3890.

Diane Rauh, City Clerk