

ORDINANCE NO. 14.516

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 5219 NE 38th Avenue from the "A-1" Agricultural District and the "PUD" Planned Unit Development District to a Limited "R1-80" One Family Residential 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 5219 NE 38th Avenue, more fully described as follows, from the "A-1" Agricultural District and the "PUD" Planned Unit Development District to a Limited "R1-80" One Family Residential District classification:

The North 183 feet of the East 204 feet of the West 652.90 feet of the Northwest 1/4 of the Northeast 1/4, in Section 27, Township 79, Range 23, in Polk County, Iowa; AND, Outlots Y and Z, Brook Run Village Plat 1, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (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:

- A. No new lot(s) or parcel(s) shall be created by a future division of the Property unless every resulting lot and parcel upon the Property has access to a public sewer connection.
- B. Any habitable structure hereafter constructed upon the Property shall be connected to the public sewer system.

Sec. 3. This ordinance shall be in full force and effect from and after the later of its passage and publication as provided by law, or the annexation of the balance of the Property into the City of Des Moines.

Sec. 4. 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 Polk County Recorder.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

T.M. Franklin Cownie, 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. 05-2826), passed by the City Council of said City at a meeting held November 21, 2005 signed by the Mayor on November 21, 2005 and published as provided by law in the Business Record on December 5, 2005 Authorized by Publication Order No. 4975.

Diane Rauh, City Clerk