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Date May 8, 2006

An Ordinance entitled, "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 4250 Grandview Avenue from the "A-1" Agricultural District to a Limited "R1-60" One-Family Low-Density Residential District classification",

presented.

MOVED by _____ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)

Roger K Brown

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
HENSLEY				
MAHAFFEY				
KIERNAN				
VLASSIS				
TOTAL				

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.

MOTION CARRIED

APPROVED

.....Mayor

City Clerk

Prepared by: Roger K. Brown, Assist City Atty, 400 Robert Ray Dr., Des Moines, IA 50309 515/283-4541
 Return Address: City Clerk - City Hall, 400 Robert Ray Dr., Des Moines, IA 50309
 Title of Document: City of Des Moines, Ordinance No. _____
 Legal Description: See below on this page.

ORDINANCE NO. _____

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 4250 Grandview Avenue from the "A-1" Agricultural District to a Limited "R1-60" One-Family Low-Density 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 4250 Grandview Avenue, more fully described as follows, from the "A-1" Agricultural District to a Limited "R1-60" One-Family Low-Density Residential District classification:

The Northeast 1/4 of the Northwest 1/4 of the Southeast 1/4, and the East 0.5 acres of the Northwest 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 28 North, Range 79 North, Township 23 West of the 5th p.m., in Polk County, Iowa (hereinafter referred to as the "Property").

Sec. 2. That this ordinance and the zoning granted by the terms hereof are subject to the

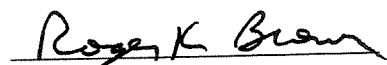
following imposed additional conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance by all owners of said property and are binding upon the owners and their successors, heirs, and assigns as follows:

- A. A tree survey of all trees over 6 inches in caliper upon the Property shall be completed and a tree protection plan shall be submitted to the City of Des Moines as part of any preliminary plat for the subdivision of the Property.
- B. No trees on the Property over 6 inches in caliper shall be cut down or removed without the prior written consent of the City Forester for the City of Des Moines until a grading plan is approved as part of a preliminary plat for the subdivision of the Property.

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, and the annexation of the Property into the City of Des Moines, Iowa.

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

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Prepared by: Roger K. Brown, Assistant City Atty, 400 Robert D. Ray Drive, Des Moines, Iowa 50309 515/283-4130

Re: The Northeast 1/4 of the Northwest 1/4 of the Southeast 1/4, and the East 0.5 acres of the Northwest 1/4 of the Northwest 1/4 of the Southeast 1/4 of Section 28 North, Range 79 North, Township 23 West of the 5th p.m., in Polk County, Iowa (hereinafter referred to as the "Property").

ACCEPTANCE OF REZONING ORDINANCE

The undersigned Frank Holt and Triad Development, L.L.C., hereby state, warrant and agree as follows:

(1) That Frank Holt, as titleholder, and Triad Development, L.L.C., as contract purchaser, are the sole owners of the Property in the vicinity of 4250 Grandview Avenue, more specifically described above.

(2) That in the event the City of Des Moines, Iowa, acts to rezone the Property from the "A-1" Agricultural District to a Limited "R1-60" One-Family Low-Density Residential District classification, we agree and accept on behalf of the owners to the imposition of the following conditions to run with the land and be binding upon all successors, heirs and assigns as part of the ordinance so rezoning the Property:

- A. A tree survey of all trees over 6 inches in caliper upon the Property shall be completed and a tree protection plan shall be submitted to the City of Des Moines as part of any preliminary plat for the subdivision of the Property.
- B. No trees on the Property over 6 inches in caliper shall be cut down or removed without the prior written consent of the City Forester for the City of Des Moines until a grading plan is approved as part of a preliminary plat for the subdivision of the Property.

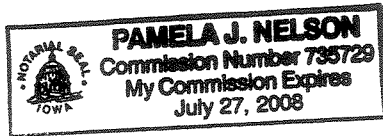
(3) That in the event any portion of the Property is hereafter rezoned to a district classification different from Limited "R1-60", then this Acceptance shall be immediately terminated as applied to the real estate so rezoned on the effective date of such rezoning, and the conditions agreed to herein shall be rendered null and void, provided, if there be any such rezoning to a more restricted zoning classification, any then legal actual use of such real estate shall become a legal non-conforming use.

The words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

FRANK Holt
Frank D. Holt

State of Iowa)
) ss:
County of Polk)

This instrument was acknowledged before me on 5/03, 2006, by Frank D. Holt.



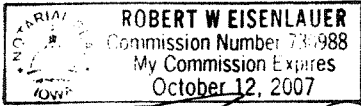
Pamela J. Nelson
Notary Public in the State of Iowa
My commission expires: _____

Triad Development, L.L.C.,
an Iowa limited liability company

By: [Signature]
Mana Thongvanh, Manager

STATE OF IOWA)
) ss:
COUNTY OF POLK)

BE IT REMEMBERED, that on this 3rd day of May, 2006, before me, the undersigned, a Notary Public in and for Polk County, Iowa, personally appeared Mana Thongvanh, to me personally known, who, being by me duly sworn did say that he/she is a Manager of **Triad Development, L.L.C.**, an Iowa limited liability company; that said instrument was signed on behalf of said company by authority of the company's Operating Agreement; and that he/she acknowledged the execution of said instrument to be the voluntary act and deed of said company and by them voluntarily executed.



Notary Public [Signature]
My commission expires: _____