

★ **Roll Call Number**

Agenda Item Number

550

Date June 22, 2009

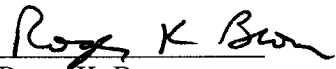
An Ordinance entitled, "AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located south of Atkins Street between 18th and 19th Streets, from the "R-3" Multiple-Family Residential District to a Limited "NPC" Neighborhood Pedestrian Commercial 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
 Assistant City Attorney
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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

.....
 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.

 City Clerk

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 south of Atkins Street between 18th and 19th Streets, from the "R-3" Multiple-Family Residential District to a Limited "NPC" Neighborhood Pedestrian 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 south of Atkins Street between 18th and 19th Streets, more fully described as follows, from the "R-3" Multiple-Family Residential District to a Limited "NPC" Neighborhood Pedestrian Commercial District classification:

The South 10.0 feet of Lot 5; all Lots 6 and 7; the vacated South 10 feet of Lot 42; all of the vacated North/South alley right-of-way lying East of and adjoining Lots 36, 37 and 38; and, the West 1/2 of the vacated North/South alley right-of-way lying East of and adjoining Lots 39, 40 and 41, and lying East of and adjoining the South 20.0 feet of Lot 42, all in Butler's Addition, an Official Plat all now included in and forming a part of the City of Des Moines, Polk County, Iowa (the "Property").

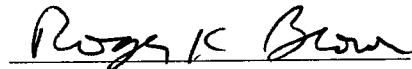
Sec. 2. That this ordinance and the zoning granted by the terms hereof are subject to the following imposed additional conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance by all owners of said property and are binding upon the owners and their successors, heirs, and assigns as follows:

- A. The use of the Property shall be restricted to single-family, two-family or multiple-family residential uses and accessory uses customarily incidental and subordinate to such principal uses.
- B. A minimum of one (1) off-street parking space shall be provided for each dwelling unit upon the property.

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

Sec. 4. The City Clerk is hereby authorized and directed to cause a certified copy of the Acceptance of Rezoning Ordinance, this ordinance, a vicinity map, and proof of publication of this ordinance, 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 Attorney, 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
Taxpayer: No change
Title of Document: Acceptance of Rezoning Ordinance
Grantor's Name: Ryan Galloway
Grantee's Name: City of Des Moines, Iowa
Legal Description:

The South 10.0 feet of Lot 5; all Lots 6 and 7; the vacated South 10 feet of Lot 42; all of the vacated North/South alley right-of-way lying East of and adjoining Lots 36, 37 and 38; and, the West 1/2 of the vacated North/South alley right-of-way lying East of and adjoining Lots 39, 40 and 41, and lying East of and adjoining the South 20.0 feet of Lot 42, all in Butler's Addition, an Official Plat all now included in and forming a part of the City of Des Moines, Polk County, Iowa (hereinafter referred to as the "Property").

ACCEPTANCE OF REZONING ORDINANCE

The undersigned, Ryan Galloway, hereby states, warrants and agrees as follows:

1. I am the sole owner of the Property south of Atkins Street between 18th and 19th Streets, more specifically described above.
2. That in the event the City of Des Moines, Iowa, acts to rezone the Property from the "R-3" Multiple-Family Residential District to a Limited "NPC" Neighborhood Pedestrian Commercial District classification, I 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. The use of the Property shall be restricted to single-family, two-family or multiple-family residential uses and accessory uses customarily incidental and subordinate to such principal uses.
 - B. A minimum of one (1) off-street parking space shall be provided for each dwelling unit upon the property.

3. A certified copy of the rezoning ordinance shall be attached hereto, and a certified copy of this document and the rezoning ordinance shall be recorded by the City in the land records of the County Recorder to memorialize the rezoning of the Property as identified above.

4. That in the event any portion of the Property is hereafter rezoned to a district classification different from Limited "NPC", 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.

Ryan Galloway,

State of Iowa)
) ss:
County of Polk)

This instrument was acknowledged before me on June _____, 2009, by Ryan Galloway.

Notary Public in the State of Iowa
My commission expires: _____

Request from Ryan Galloway (purchaser) to rezone property located at 1032 and 1036 18 th Street. The subject property is owned by the City of Des Moines.			File # ZON2009-00060		
Description of Action	Rezone property from "R-3" Multiple-Family Residential District to a Limited "NPC" Neighborhood Pedestrian Commercial District to allow for future pedestrian oriented multiple-family residential development.				
2020 Community Character Plan	Low-Density Residential				
Horizon 2025 Transportation Plan	No Planned Improvements.				
Current Zoning District	"R-3" Multiple-Family Residential District & "NPC" Neighborhood Pedestrian Commercial District				
Proposed Zoning District	Limited "NPC" Neighborhood Pedestrian Commercial District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	1	0		N/A	
Outside Area					
Plan and Zoning Commission Action	Approval	10-0	Required 6/7 Vote of the City Council	Yes	N/A
	Denial			No	N/A

Ryan Galloway - 1032 18th Street

ZON2009-00060

