

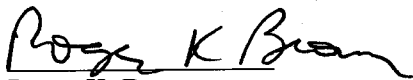
Date August 9, 2010

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 1555 Des Moines Street from the "R1-60" One-Family Low-Density 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:



Roger K. Brown
 Assistant City Attorney
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(First of three required readings)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	

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.

_____ Mayor

_____ City Clerk

47C

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 1555 Des Moines Street from the "R1-60" One-Family Low-Density 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 in the vicinity of 1555 Des Moines Street, more fully described as follows, from the "R1-60" One-Family Low-Density Residential District to a Limited "NPC" Neighborhood Pedestrian Commercial District classification:

Except the West 25 feet of the North 90 feet, Lot 16, and all Lot 15, in Block 46, Stewarts Addition, 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:

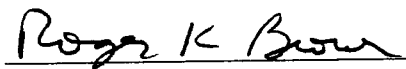
- A. The only uses of structures or land permitted upon the Property shall be those uses allowed in the "C-1" Neighborhood Retail Commercial District, except the following uses which are hereby specifically prohibited:
 - (1) Package goods liquor stores,
 - (2) Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles,
 - (3) Pawn shops,
 - (4) Bakeries,
 - (5) Restaurants,
 - (6) Delicatessens,
 - (7) Gas stations,

- (8) Grocery stores,
 - (9) Launderettes and coin-operated dry cleaning establishments,
 - (10) Locker plants,
 - (11) Automotive accessory and parts stores, and
 - (12) Upholstery shops
- B. Any parking lot constructed on the Property shall provide a minimum 16-foot setback from the front (north) property line along Des Moines Street, a 7-foot setback from the front (east) property line along East 16th Street, and a 10-foot setback from the west property line.
- C. Any site development of the Property shall require the owner to legally combine all parcels being developed.
- D. Any parking lot constructed on the Property shall be in accordance with the "C-2" Landscape Standards.

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: Neighborhood Development Corporation
Grantee's Name: City of Des Moines, Iowa
Legal Description:

Except the West 25 feet of the North 90 feet, Lot 16, and all Lot 15, in Block 46, Stewarts 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 hereby states, warrants and agrees as follows:

1. That Neighborhood Development Corporation is the sole owner of the Property in the vicinity of 1555 Des Moines Street, more specifically described above.

2. That in the event the City of Des Moines, Iowa, acts to rezone the Property from the "R1-60" One-Family Low-Density Residential District to a Limited "NPC" Neighborhood Pedestrian Commercial 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. The only uses of structures or land permitted upon the Property shall be those uses allowed in the "C-1" Neighborhood Retail Commercial District, except the following uses which are hereby specifically prohibited:
- (1) Package goods liquor stores,
 - (2) Financial institutions whereby a majority of loans are made based on collateral of future payroll or vehicle titles,
 - (3) Pawn shops,
 - (4) Bakeries,
 - (5) Restaurants,
 - (6) Delicatessens,

- (7) Gas stations,
 - (8) Grocery stores,
 - (9) Launderettes and coin-operated dry cleaning establishments,
 - (10) Locker plants,
 - (11) Automotive accessory and parts stores, and
 - (12) Upholstery shops
- B. Any parking lot constructed on the Property shall provide a minimum 16-foot setback from the front (north) property line along Des Moines Street, a 7-foot setback from the front (east) property line along East 16th Street, and a 10-foot setback from the west property line.
- C. Any site development of the Property shall require the owner to legally combine all parcels being developed.
- D. Any parking lot constructed on the Property shall be in accordance with the "C-2" Landscape Standards.

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.

NEIGHBORHOOD DEVELOPMENT CORPORATION,

an Iowa corporation

By: Heidi Wessels
Heidi Wessels, Executive Director

State of Iowa) ss:
County of Polk)

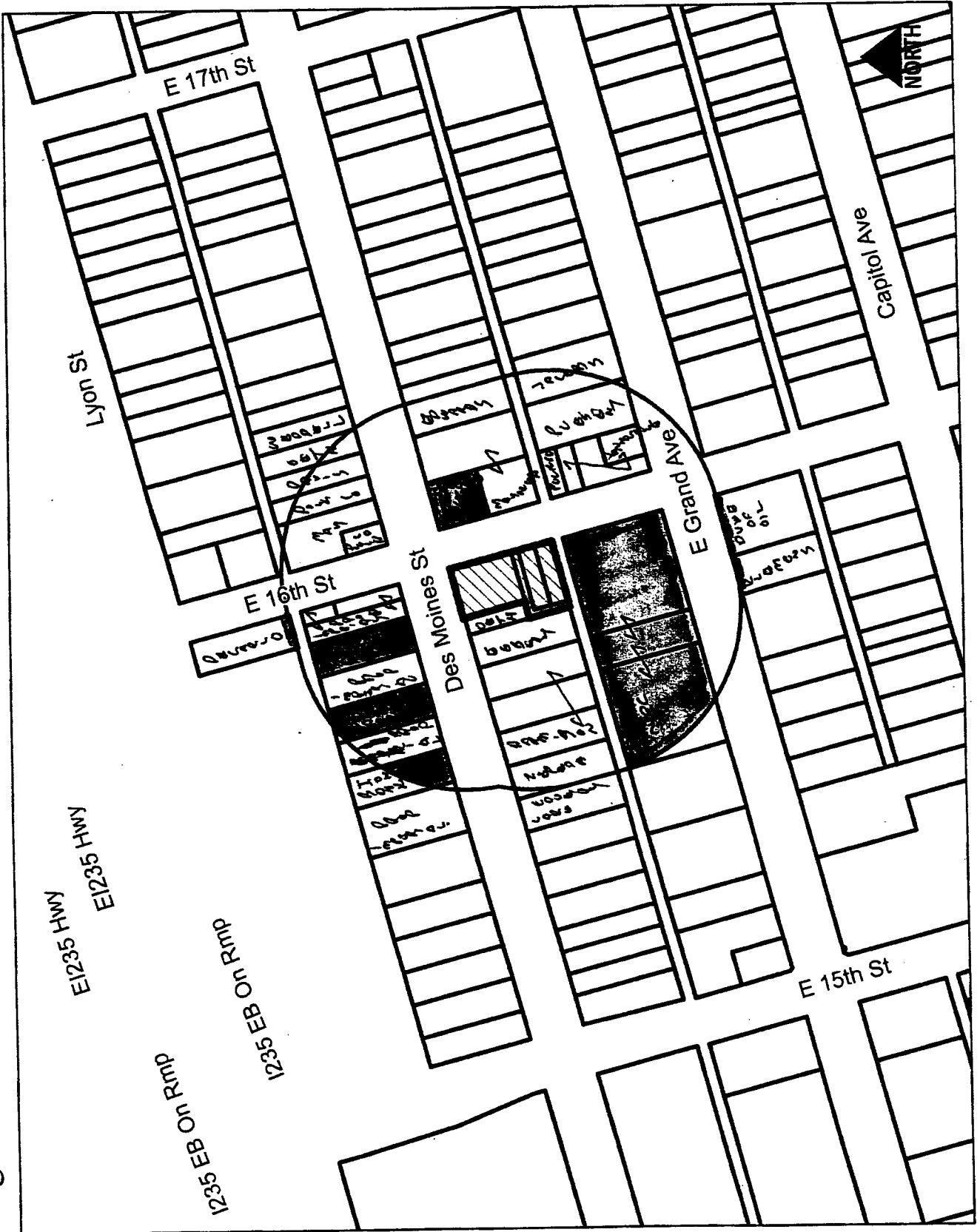
This instrument was acknowledged before me on 29th day of July, 2010, by Heidi Wessels as Executive Director of **Neighborhood Development Corporation**, an Iowa corporation, on behalf of whom the instrument was executed.

Karen Marie Herzberg
Notary Public in the State of Iowa
My commission expires: 10-06-2011



Neighborhood Dev. Corp. - 1555 Des Moines St & 514 E 16th St ZON2010-00101

SP



E1235 Hwy
E1235 Hwy

1235 EB On Rmp
1235 EB On Rmp

