

40B

Date..... December 3, 2007

WHEREAS, on November 19, 2007, by Roll Call No. 07-~~2198~~, it was duly resolved by the City Council that the application of Iowa Association of Community College Trustees (purchaser) represented by Donald L. Seymour (officer), to rezone certain property it is acquiring from the State of Iowa in the vicinity of 800 E. Court Avenue, more fully described below, be set down for hearing on December 3, 2007 , at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on November ~~23~~, 2007, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and,

WHEREAS, in accordance with said notice those interested in said proposed rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and,

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the following described property:

Part of Block 12, Town of De Moine, an Official Plat lying North of a line described as commencing at a point on the North line of Block 13, Town of De Moine, which is 80.2 feet easterly from the Northwest Corner of said Block 13 and 13 feet northeasterly (measured at right angles) from the centerline of the Des Moines Western Railway Company's track which crosses Court Avenue; thence easterly 242.3 feet along the North line of said Block 13; thence southeasterly 539.3 feet to a point on the West line of Block 11, Town of De Moine which is 139.65 feet northerly from the Southwest Corner of Block 11; and vacated streets and alleys within the boundaries of said tract, all now a part of the City of Des Moines, Polk County, Iowa, more particularly described as follows (hereinafter referred to as the "Property"):

Beginning at the Northeast Corner of said Block 12; thence South 14°58'16" East along the easterly line of said Block 12, a distance of 237.44 feet; thence North 72°52'04" West, 445.73 feet to a point on the southerly right-of-way line of E. Court Avenue; thence North 74°56'43" East along the northerly line of said Block 12 and an extension thereof, and also along said southerly right-of-way line 377.58 feet to the Point of Beginning and containing 1.03 acres.

from the "R-4" Multiple-Family Residential District to a Limited "C-1" Neighborhood Retail Commercial District classification, subject to the following conditions which are agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by all owners of said property and is binding upon the owners and their successors, heirs and assigns as follows:

(continued)

40B

Date December 3, 2007

- A. No tree on the Property over 6" in caliper shall be removed or damaged until a Site Plan is approved by the City of Des Moines for the redevelopment of the Property.
- B. A tree survey of all trees over 6" in caliper and a tree protection plan and shall be submitted as part of any Site Plan for the redevelopment of the Property.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the Property to a Limited "C-1" Neighborhood Retail Commercial District are hereby overruled, and the hearing is closed.

2. The proposed rezoning is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan.

MOVED by _____ to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.

FORM APPROVED:

Roger K. Brown
 Roger K. Brown

Assistant City Attorney
 G:\SHARED\LEGAL\BROWN\WORK\REZONING\IACC.doc

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.

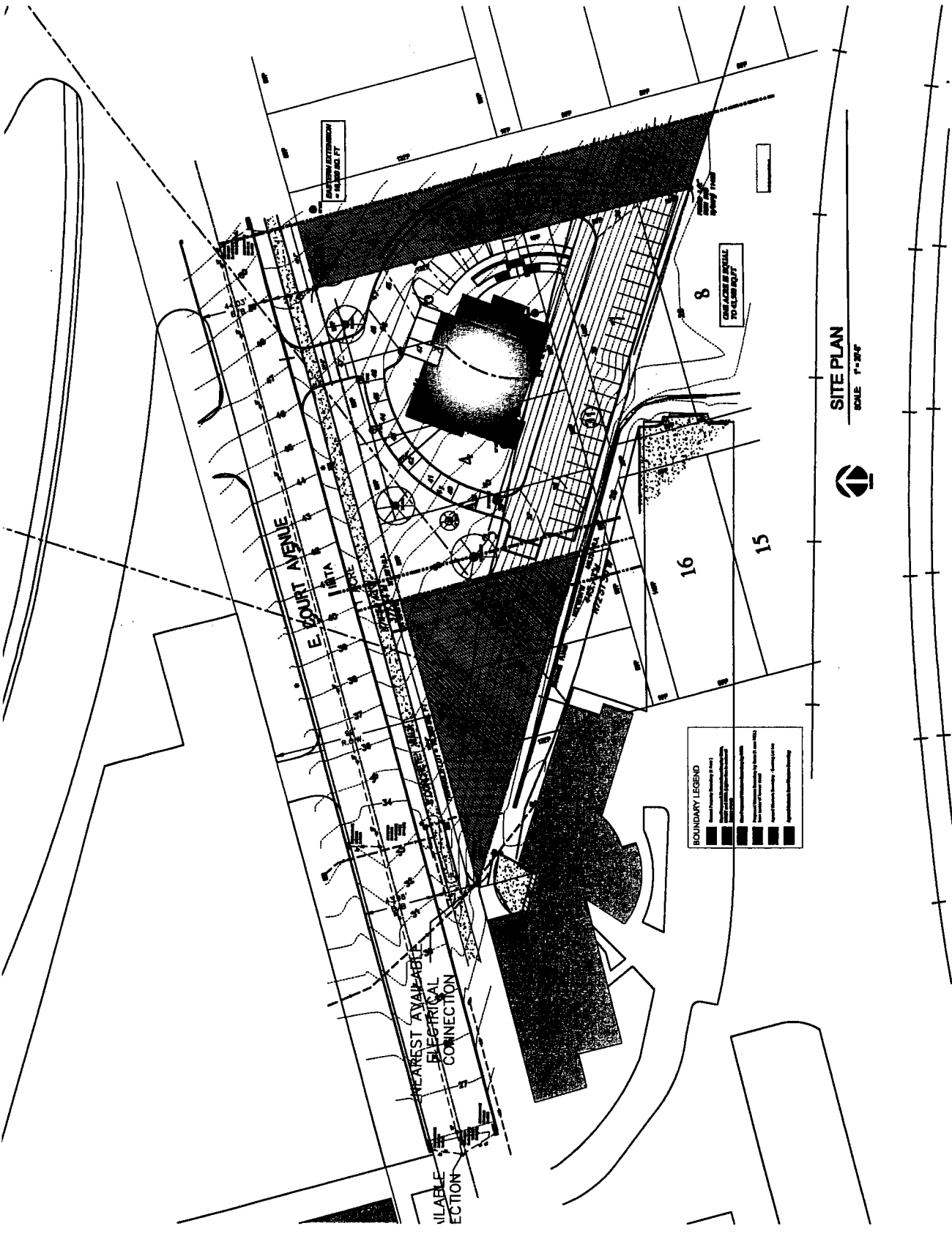
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

 City Clerk

10/26

Iowa Association of Community College
Trustees - New Facility
DES MOINES, IOWA

SP0.1



E COURT AVENUE

E 16TH AVE

NEAREST AVAILABLE
ELECTRICAL
CONNECTION

BOUNDARY LEGEND

[Symbol]	Neighborhood Boundary (Future)
[Symbol]	Neighborhood Boundary (Existing)
[Symbol]	Site Boundary
[Symbol]	Proposed Building Footprint
[Symbol]	Proposed Building Footprint (Future)
[Symbol]	Proposed Building Footprint (Existing)
[Symbol]	Proposed Building Footprint (Future) (Not to Scale)
[Symbol]	Proposed Building Footprint (Existing) (Not to Scale)
[Symbol]	Proposed Building Footprint (Future) (Not to Scale) (Shaded Area)
[Symbol]	Proposed Building Footprint (Existing) (Not to Scale) (Shaded Area)

SITE PLAN
SCALE 1"=20'-0"

