



Roll Call Number

Agenda Item Number

48D

Date September 24, 2018

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 100 Watrous Avenue from the "R1- 70" One-Family Residential District to Limited "C-1" Neighborhood Retail Commercial District classification",

which was considered and voted upon under Roll Call No. 18-_____ of September 24, 2018; again presented.

Moved by _____ that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass.

ORDINANCE NO. _____

NOTE: Waiver of this rule is requested by Dennis Flora, President,
Git-N-Go Convenience Stores Inc.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
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

48D

Mayor and City Council
City of Des Moines
400 Robert D. Ray Drive
Des Moines, IA 50309

RE: Proposed rezoning of property located in the vicinity of 100 Watrous Avenue

To the Mayor and City of Des Moines City Council:

Please accept this request to waive the three required readings of the ordinance to rezone the above referenced real property.

Thank you.

Sincerely,



Signature

By: Dennis Flora

Its: President 9/12/18

Prepared by: Glenna K. Frank, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, IA 50309
 Phone: 515/283-4530

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: Git-N-Go Convenience Stores, Inc. (Owner)

Grantee's Name: City of Des Moines, Iowa

Legal Description: EXCEPT THE WEST 15 FEET OF THE NORTH 150 FEET, LOTS 1, 2, AND 3 SOUTHMOOR GARDENS, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA (Hereinafter "Property")

ACCEPTANCE OF REZONING ORDINANCE

The undersigned hereby state, warrant and agree as follows:

1. That Git-N-Go Convenience Stores, Inc. is the sole titleholder of the Property locally known as 100 Watrous Avenue and legally described above.

2. That in the event the City of Des Moines, Iowa, acts to rezone the Property from the "R1-70" One-Family Residential District to Limited "C-1" Neighborhood Retail Commercial District, 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:

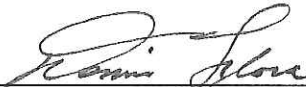
- (1) Any use of the Property for Multiple-Family Residential Dwellings, Department or Retail Stores over 12,000 square feet in area, Office Buildings over 12,000 square feet in area, and Upholstery Shops shall be prohibited.
- (2) Any expansion of the existing building on the Property or redevelopment of the Property for a gas station/convenience store is subject to review and approval of a Site Plan by the Plan and Zoning Commission under design guidelines for gas stations/convenience stores.

- (3) Any expansion or conversion of the existing building or construction of new buildings on the Property are subject to compliance with all applicable Building Codes and with all necessary permits and Certificate of Occupancy issued by the Permit and Development Center.

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.

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.

Git-N-Go Convenience Stores, Inc.


By: Dennis Flora
Its: President

State of Iowa)
) ss:
County of Polk)

On this 13th day of September, 2018, before me, a notary public, personally appeared Dennis Flora, to me personally known, who being by me duly sworn did say that he is president of Git-N-Go Convenience Stores, Inc. an Iowa corporation, and that the foregoing instrument was signed on behalf of said corporation, and that he, as such officer, acknowledged the execution of the said instrument to be the voluntary act and deed of said corporation, by it and by him voluntarily executed.


Notary Public in and for the State of Iowa

