



Roll Call Number

Agenda Item Number

71A

Date August 5, 2019

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 5092 East Broadway Avenue from the "A-1" Agricultural District to Limited "M-1" Light Industrial District classification",

presented.

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

FORM APPROVED:

(First of three required readings)

Glenna K. Frank

Glenna K. Frank
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and 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

71A

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 D. Ray Drive, Des Moines, IA 50309
 Title of Document: City of Des Moines, Ordinance No. _____
 Grantor/Grantee: City of Des Moines, Iowa
 Legal Description: See page 1, below.

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 5092 East Broadway Avenue from the "A-1" Agricultural District to Limited "M-1" Light Industrial 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 5092 East Broadway Avenue, more fully described as follows, from the "A-1" Agricultural District to Limited "M-1" Light Industrial District classification:

THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 15, TOWNSHIP 79 NORTH, RANGE 23, WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, DESCRIBED AS FOLLOWS:

BEGINNING 423.3 FEET NORTH OF THE SOUTH 1/4 CORNER OF SAID SECTION 15; THENCE S 28°20' E, 330.4 FEET TO THE NORTH LINE OF THE ABANDONED RAILROAD RIGHT-OF-WAY (NORTH LINE BEING 133 FEET NORTH OF THE SOUTH LINE OF

SECTION 15); THENCE WEST ALONG NORTH LINE OF RAILROAD RIGHT-OF-WAY 293.5 FEET; THENCE N 00°05 1/2' E, 541.2 FEET; THENCE S 28°20' E, 286.2 FEET TO THE POINT OF BEGINNING, CONTAINING 1.823 ACRES, MORE OR LESS.


Section 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:

- 1) Permitted uses shall be limited to the following:
 - a) Sales and service of recreational vehicles and refrigerated semi-tractor trailers, and above-ground storage tanks of petroleum.
 - b) Uses allowed in the C-2 District, excluding adult entertainment businesses, off-premises advertising signs, delayed deposit services and pawn shops.
 - c) Uses allowed in the C-3 and C-3A District, excluding assembly and packaging of small components; and manufacturing, packaging, and storage of dairy products.
 - d) Storage yards, and communication towers and antennas as permitted in the M-1 District.
- 2) Any outdoor storage or vehicle display shall occur on a paved asphalt or Portland cement concrete surface.
- 3) Any Site Plan submitted shall comply with the City's Landscaping Standards for the "C-2" District.

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

Section 4. That the City Clerk is hereby authorized and directed to cause certified copies of the Acceptance of Rezoning Ordinance, this ordinance, vicinity map and proof of publication of this ordinance to be properly filed in the office of the County Recorder of the county in which the subject property is located.

FORM APPROVED:


Glenna K. Frank
Assistant City Attorney

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: 5092 East Broadway Avenue
Grantee's Name: City of Des Moines, Iowa
Legal Description: THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 15, TOWNSHIP 79 NORTH, RANGE 23, WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, DESCRIBED AS FOLLOWS:

BEGINNING 423.3 FEET NORTH OF THE SOUTH 1/4 CORNER OF SAID SECTION 15; THENCE S 28°20' E, 330.4 FEET TO THE NORTH LINE OF THE ABANDONED RAILROAD RIGHT-OF-WAY (NORTH LINE BEING 133 FEET NORTH OF THE SOUTH LINE OF SECTION 15); THENCE WEST ALONG NORTH LINE OF RAILROAD RIGHT-OF-WAY 293.5 FEET; THENCE N 00°05 1/2' E, 541.2 FEET; THENCE S 28°20' E, 286.2 FEET TO THE POINT OF BEGINNING, CONTAINING 1.823 ACRES, MORE OR LESS.

ACCEPTANCE OF REZONING ORDINANCE

The undersigned hereby state, warrant and agree as follows:

1. That Sanco Properties, LLC is the titleholder of the Property locally known as 5092 East Broadway Avenue and legally 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 Limited "M-1" Light Industrial 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) Permitted uses shall be limited to the following:
 - a) Sales and service of recreational vehicles and refrigerated semi-tractor trailers, and above-ground storage tanks of petroleum.

