



**Roll Call Number**

**Agenda Item Number**

66A

**Date** July 17, 2023

An Ordinance entitled, "AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-1.10 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 2142 East Market Street from "I1" Industrial District to Limited "I2" Industrial District classification",

presented.

Moved by \_\_\_\_\_ that this ordinance be considered and given first vote for passage. Second by \_\_\_\_\_.

FORM APPROVED:

(First of three required readings)

/s/ Chas M. Cahill

Chas M. Cahill  
Assistant City Attorney

(ZONG-2023-000024)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	

**CERTIFICATE**

I, LAURA BAUMGARTNER, 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

bca

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Prepared by: Chas M. Cahill, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, IA 50309  
 Phone: 515-283-4533  
 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 1-2, below.

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-1.10 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 2142 East Market Street from "I1" Industrial District to Limited "I2" 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 134-1.10 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 vicinity of 2142 East Market Street from "I1" Industrial District to Limited "I2" Industrial District classification:

AN IRREGULAR SHAPED PORTION OF LAND LYING IN PART OF LOTS 21 AND 22 OF BROOKS & COS ADDITION, AN OFFICIAL PLAT AS RECORDED IN BOOK A, PAGE 59 OF THE POLK COUNTY RECORDER; PART OF LOT 1 OF DIAGRAM A DEAN'S ESTATE, AN OFFICIAL PLAT; PART OF LOT 19 OF THE OFFICIAL PLAT OF THE SOUTH 1/2 OF SECTION 1, TOWNSHIP 78 NORTH, RANGE 24 WEST, AS RECORDED IN BOOK B, PAGE 304 OF THE POLK COUNTY RECORDER; AND PART OF LOT 3 OF THE OFFICIAL PLAT OF THE SOUTHEAST



1/4 OF SECTION 2, TOWNSHIP 78 NORTH, RANGE 24 WEST, AS RECORDED IN BOOK B, PAGE 136 OF THE POLK COUNTY RECORDER, MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT AN IRON ROD WITH ORANGE IDENTIFICATION CAP #12265, SAID MONUMENT BEING THE SOUTHWEST CORNER OF THE WEST 653 FEET NORTH OF MARKET STREET, LOT 19 OF THE OFFICIAL PLAT OF THE SOUTH 1/2 OF SECTION 1, TOWNSHIP 78 NORTH, RANGE 24 WEST, AS DESCRIBED IN THE DEED FOUND IN BOOK 16515, PAGE 577 OF THE POLK COUNTY RECORDER (HEREINAFTER REFERRED TO AS "TIMELIS RESTORATIONS PARCEL"); THENCE N00°08'10"E ALONG THE WEST LINE OF SAID TIMELIS RESTORATIONS PARCEL, A DISTANCE OF 238.50 FEET TO THE NORTHWEST CORNER OF SAID TIMELIS RESTORATION PARCEL; THENCE CONTINUING N00°08'10"E ALONG THE EAST LINE OF THE NORTH 300 FEET OF LOT 4 OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 78 NORTH, RANGE 24 WEST, AS DESCRIBED IN THE DEED RECORDED IN BOOK 8526, PAGE 577 OF THE POLK COUNTY RECORDER (HEREINAFTER REFERRED TO AS "MCCAUGHEY PARCEL"), TO THE NORTHEAST CORNER OF SAID MCCAUGHEY PARCEL; THENCE N89°42'43"W ALONG THE NORTH LINE OF SAID MCCAUGHEY PARCEL, A DISTANCE OF 138.60 FEET TO THE NORTHWEST CORNER OF SAID MCCAUGHEY PARCEL; THENCE S05°20'49"W ALONG THE WEST LINE OF SAID MCCAUGHEY PARCEL, A DISTANCE OF 245.51 FEET TO THE ORIGINAL NORTH RIGHT-OF-WAY LINE OF MARKET STREET AS DESCRIBED IN THE DEED RECORDED IN BOOK 5469, PAGE 452 OF THE POLK COUNTY RECORDER (HEREINAFTER REFERRED TO AS "UNION PACIFIC DEED"); THENCE N89°37'34"W ALONG SAID ORIGINAL NORTH RIGHT-OF-WAY LINE OF MARKET STREET, A DISTANCE OF 337.18 FEET TO A POINT BEING ON A LINE TWENTY-FIVE FEET EASTERLY OF AND PARALLEL TO THE CENTERLINE OF THE FORMER ARMSTRONG TIRE & RUBBER COMPANY INDUSTRY LEAD TRACK, AS DESCRIBED IN SAID UNION PACIFIC DEED; THENCE NORTHERLY ALONG A LINE TWENTY-FIVE FEET EASTERLY OF AND PARALLEL TO THE CENTERLINE OF SAID FORMER ARMSTRONG TIRE & RUBBER COMPANY LEAD TRACK TO A LINE TWENTY-FIVE FEET EASTERLY OF AND PARALLEL TO THE CENTERLINE OF THE EXISTING SOUTHEAST WYE TRACK AS DESCRIBED IN SAID UNION PACIFIC DEED, TO A POINT WHICH LIES 581.89 FEET NORTHERLY OF AND NORMALLY DISTANT TO SAID ORIGINAL NORTH LINE OF MARKET STREET; THENCE S73°37'26"E, A DISTANCE OF 434.88 FEET; THENCE S86°53'57"E, A DISTANCE OF 184.42 FEET; THENCE S81°44'49"E, A DISTANCE OF 184.36 FEET; THENCE S69°24'33"E, A DISTANCE OF 217.07 FEET; THENCE S35°03'44"E, A DISTANCE OF 182.93 FEET; THENCE S07°34'44"W, A DISTANCE OF 207.32 FEET TO THE EXISTING NORTH RIGHT-OF-WAY LINE OF MARKET STREET; THENCE S89°46'22"W ALONG SAID EXISTING NORTH RIGHT-OF-WAY LINE OF MARKET STREET, A DISTANCE OF 315.36 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 419,887 SQUARE FEET, OR 9.64 ACRES.

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. The property shall be brought into conformance with current City of Des Moines site plan standards; and
2. Any adjoining property used or developed in common with the subject property shall comply with condition #1.

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:

*/s/ Chas M. Cahill*  
Chas M. Cahill  
Assistant City Attorney