DEC - 4 1989 19-5080

ORDINANCE NO.

DEC 1 3 1989 80- 3116

AN ORDINANCE to assend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 2A-5 of the Municipal Code of the City of Des Moines, 1985, by rezoning and changing the district classification of certain property located in the vicinity of Merle Hal Road and Boston Avenue, more fully described as follows:

> -Lots 154 and 155, Clover Acres, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Towa, iNST. NO.

03**67**62 from a "C-1" Neighborhood Ratail Commercial Distriction TV, IOWA 2005 Classification to a limited "C-2" General Retaifiles FOR RECORD 30

Classification to a limited TC-2. General Netality Highway Oziented Commercial District classification N 1 6 1990 AM DISTRICT N 1 6 19

Section 1. That the Official Zoning Map of the City Des Moines, lowa, set forth in Section 2A-5 of the Municipal Code of the City of Des Moines, Iowa, 1988, he and the same is hereby amended by rezoning and changing the district classification of cartain property located in the vicinity of Merle Bay Road and Boston Avenue, more fully described as follows:

> Lots 15% and 155, Clover Acres, an Official Plat. all now included in and forming a part of the City of Des Moines, Polk County, lowa,

from a "C-1" Neighborhood Retail Commercial District classification to a limited "C-2" General Retail and Highway Oriented Commercial District classification.

Sec. 2. That this ordinance and the soning granted by the terms hereof are subject to the following imposed additional conditions which have been agreed to and accepted by execution of the attached written Acceptance of Rezoning

6193 PAGE 991

Return to: CITY CLERK-DES MQINES 400 East First Street DES MOINES, IA 50307



Ordinance No. 11415

-2-

Ordinance by all owners of said property and are binding upon the owners and their successors, heirs, and assigns:

- 1) All C-1 uses permitted,
- 2) The only C-2 uses permitted shall be as follows: (
 - en animal bospital, but not including a kennel; and
 - 11) a sign shop, not including painting.
- Sec. 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.
- Sec. 4. That the City Clerk is hereby authorized and directed to cause certified copies of this ordinance, the attached Acceptance of Rezoning Ordinance and proof of publication thereof to be properly filed in the office of the Recorder of Polk County, Iowa.

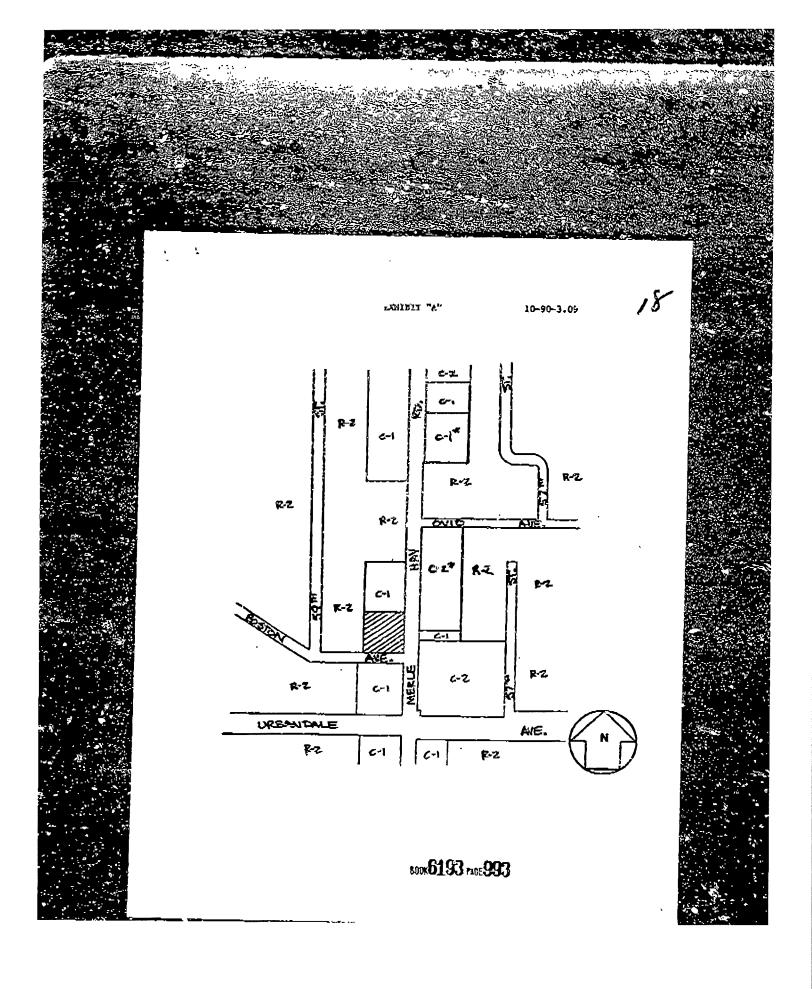
FORK APPROVED:

Richard J. Joyle

City Solicitor

Intergovernmental Programs

100x6193 rugg992



___voat'à. Ordinance No. 11,415 John P. Dorrian, Mayor Attest: I, Donse V. Bootel-Baker, City Clerk of the City of Dec Moines, Towa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 89-5110), passed by the City Council of said City at a meeting held December 13, 1989, signed by the Mayor December 13, 1989, and published as provided by law in the Business Record on December 25, 1989. Authorized by Publication Order No. 1514

600x6193 PAGE 994

بحاله المرااع

ACCEPTANCE OF REZONING CRDINANCE

- I, the undersigned, being duly swom upon oath do state:
- (1) That MRAG Investments, Inc. is the sole owner of the property in the vicinity of Merle Say Road and Boston Avenue Legally described as: Lots 154 and 155, Clover Acres, an Official Plat, all now included in and foreing a part of the City of Des Moines, Polk County, Iowa (the "Property").
- (2) In the event the City of Des Moines, lows acts to reache the property from a "C-1" Neighborhood Retail Consercial District classification to a Limited "C-2" General Retail and Highway Oriented Commercial District classification, I agree and accept the imposition of the following conditions as part of the ordinance so resoning the Property:
 - a) All C-1 uses,
 - b) The only C-2 uses permitted shall be as follows:
 - i) an animal hospital, but not including a kennel; and
 - ii) a sign shop, not including painting.
- (3) In the event the property is hereafter rezoned to a district classification different from limited "G-2", then this acceptance shall be immediately terminated 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.

Michael R. Myers, Prosident

STATE OF IOWA)

COUNTY OF FOLK)

BE IT REMERITARE, that on this day of the tot., 1989, before me, the undersigned, a Notary Public in and for Polk County, Iowa, personally appeared Michael R. Myers, President of said corporation; that (no seal has been produced by the said) (the seal affixed thereto is the seal of said) corporation; that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors; and that the said Michael R. Nyers, as such officer acknowledged the execution of said instrument to be his voluntary act and deed.

JOHN D. GAMBLE IN CONTROL CONTROL

Notary Public in and form the State of Inva

SECEINED

BOOK 6193 PAGE S95

MAY BIN foad

DES BALIKES PLYSTATE CHARACTER

AFFIDAVIT OF PUBLICATION

STATE OF JOWA. } &.

AN CREMINE MALL LIFE

AN CREMINAL RETE concept the Object Zealing Man
of the City of New Melman, Level, and Errit, in

Everyor 2A of the Neutrino (Level, and Errit, in

Everyor 2A of the Neutrino (Colled in) Cryo

Dan McCrea, 1985, by marching one description

the district classification of cryoten preparely

becomed in the victory of Merit him begin one

Robins Anexana, many halfy described on Side-re-

Lee 154 and 155. Classes Acres, on Obdal Plat, gill gow incheided in end incompaga part of the City of Dee Nadams, Scale County, Lovel from d "C-1" Passin bernade Reseal Commercial District elementaries har plantised "C-2" George Estati and Hanterey Oriented Commercial Dis Reseal and Hanterey Oriented Commercial Dis

Bir II Ordensed by the City Cosmol of the City of Date

First Con I, Their this Official Zongra May of the Con and Drea Mothers, Lovat, and Loron In Scotles at 3-5 of the Manual Cotte of the Carly of Drea Mothers, Howard 1995, See and the scotte is thereby commanded by reducining and champing the United characteristics in reducing any location of the Dream of the Manual of Manual Scotle and Ensien Avenues, many study described or

Lish 154 and 154. Clover Acres, as Omeio Plat, diffuse included in end terming a per of the City of Der Makins, Patic V. V. V. V. Store a "C!" Neighborhood Refail Commercie Destrict elementaries in a limited "CP General Belati and Kighway Ottenled Commercie) Destrict Belati and Kighway Ottenled Commercie) Destrict

consociones. Sec. 2. That this evidence and the maintenance by the terms bened are subject to the judiciary according to the judiciary according to the judiciary according to the property of the property and th

All C-) was normined.
 The only C-2 uses permitted that be a follow:

i) Engrandher del bulnoline veling

discription from the medital programming street in the second street in the second street in the second secon

See, A. Trial the City Civils is hereby authorized and Circulard to cross neutral copies of this ordination of the cross-section of Running Ordination of the cross-section of Running Ordination Company of the property lief. In the critical of the Recurries of Fels Copies.

HORM APPOVED.

The Solidan

ATTENDED BELLEVIE OF THE

cities (1) They served in the manufacture in the probe extract to the which the interest of the probe of the property in the which the city of blanch but a could be served in the city of the could be served in the city of the city of

(2) In this word the City of the blooks. Long cast is the property between City of the Architecture Parties Companied Debte demolstration for Lindon City Companied Debte demolstration for Lindon City Companied Debte demolstration for Architecture (Architecture Debte demolstration of City of the Architecture of the Institute of the Lindon of the Architecture on print of the Companied of the Lindon of the Architecture on print of the Companied on the Architecture of the Architecture

_b) The only C2 transported should be of the call to only C2 transported by the call the call to only the ca

(a)) by the event has been part in the factor of the facto

PERSONAL PROPERTY AND ADMINISTRATION OF THE PERSONAL PROPERTY AND

MATE OF JOHA

Children Carrier, and the control of the control of

Rand Combined to the control of the

I. Demon V. Brainh-Becker, Day Control the City of Day Interior. Uncl. 1982(2) Graft first But other west temporal in citizen copy of the ordering for the But 1994 (10) presently for Coly Control comling and assembly half Demonther II. 1998, spengraphic gray Demonton 13, 1998 and just historic protection by heavy 12-th Buttonian Demonton protection by heavy 12-th Buttonian Demonton 13, 1997, heavy 12-th Buttonian Demonton 21, 1997, heather than by Substitute Code But 1914.

Description Cary Clare

depose and say that I am publisher of the Business Record, a newspaper of general circulation having a bone fide paid circulation recognized by the Postal Laws of the United States; established and published regularly and wholly in the English language and mailed through the post office of current entry for more than two years in the City of Des Moines, Polk County, lowe; and that the attached notice was published in said nawspaper on:

DECEMBER 25. 1989

Statutory Publication Fee, \$_ 54.00

Ву ______

Ï514

POOR COPY AT TIME OF RECORDING

BOOK 6193 PAGE 996