

DEC - 4 1989 89-5080
DEC 13 1989 89-5116

ORDINANCE NO. 11.415

AN ORDINANCE to amend 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 Hay 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, Iowa,

from a "C-1" Neighborhood Retail Commercial District classification to a limited "C-2" General Retail and Highway Oriented Commercial 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 2A-5 of the Municipal Code of the City of Des Moines, Iowa, 1985, be and the same is hereby amended by rezoning and changing the district classification of certain property located in the vicinity of Merle Hay 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, Iowa,

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 zoning 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

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

Ordinance No. 11,415

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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:
 - 1) an animal hospital, 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.

FORM APPROVED:

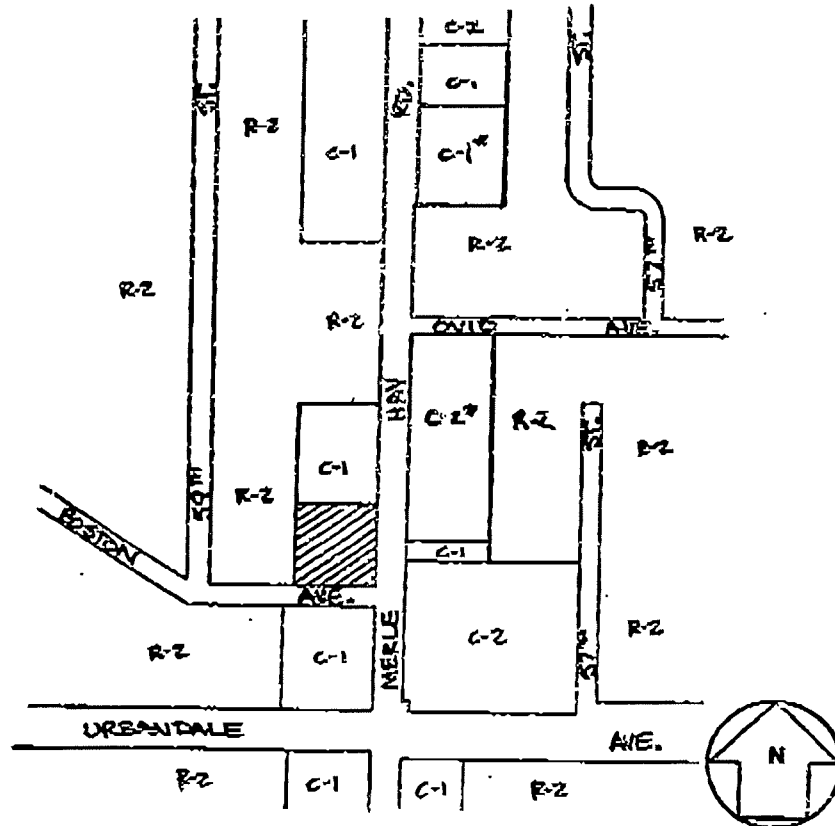
Richard J. Boyle
Richard J. Boyle
City Solicitor
Intergovernmental Programs

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EXHIBIT "A"

10-90-3.09

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Ordinance No. 11,415 cont'd.

John P. Dorrian

John P. Dorrian, Mayor

Attest:

I, Donna V. Boetel-Baker, City Clerk of the City of Des Moines, Iowa, 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.

Donna V. Boetel-Baker

Donna V. Boetel-Baker, City Clerk

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ACCEPTANCE OF REZONING ORDINANCE

I, the undersigned, being duly sworn upon oath do state:

(1) That MRAG Investments, Inc. is the sole owner of the property in the vicinity of Merle Bay Road and Boston Avenue legally described as: 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, Iowa (the "Property").

(2) In the event the City of Des Moines, Iowa acts to rezone the property from a "C-1" Neighborhood Retail Commercial 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 rezoning 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.

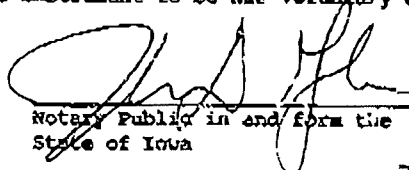
(3) In the event the property is hereafter rezoned to a district classification different from limited "C-2", then this acceptance shall be immediately terminated on the effective date of such rezoning, and the conditions agreed to herein shall be rendered null and void, provided, if there be any such 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, President

STATE OF IOWA)
) ss:
COUNTY OF POLK)

BE IT REMEMBERED, that on this 5th day of November, 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 procured 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. Myers, as such officer acknowledged the execution of said instrument to be his voluntary act and deed.




Notary Public in and for the
State of Iowa

RECEIVED

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NOV 10 1989

DES MOINES PLANNING COMMISSION

AFFIDAVIT OF PUBLICATION

STATE OF IOWA } ss.
County of Polk,

CONFESSION NO. 11416

AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 2A-4 of the Municipal Code of the City of Des Moines, 1965, by revising and changing the district classification of certain property located in the vicinity of Marie Hay Road and 154 and 156 Clover Acres, more fully described as follows: Lots 154 and 156, Clover Acres, on Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, from a "C-1" Neighborhood Retail Commercial District classification to a limited "C-2" General Retail and Highway Oriented Commercial District classification.

As it is 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 2A-4 of the Municipal Code of the City of Des Moines, Iowa, 1965, be and the same is hereby amended by revising and changing the district classification of certain property located in the vicinity of Marie Hay Road and 154 and 156 Clover Acres, more fully described as follows:

Lots 154 and 156, Clover Acres, on Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, 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 the ordinance and the zoning granted by the same, heretofore and hereafter, shall be subject to the following additional conditions which have been adopted to and accepted by resolution of the attached written Acceptance of Recording Ordinance by all owners of said property and are binding upon the owners and their successors, heirs, and assigns:

- 1) All C-2 uses permitted.
- 2) The only C-2 uses permitted shall be as follows:
 - A) an animal hospital, but not including a kennel; and
 - B) 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 official Acceptance of Recording Ordinance and proof of publication thereof to be properly filed in the office of the Recorder of Polk County, Iowa.

FORM APPROVED:

Richard J. Boyd

City Solicitor

INTERGOVERNMENTAL PROGRAMS

ACCEPTANCE OF RECORDING ORDINANCE

I, the undersigned, being duly sworn upon oath do declare:

(1) That MRAG Investment, Inc. is the sole owner of the property in the vicinity of Marie Hay Road and 154 and 156 Clover Acres, on Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (the "Property").

(2) In the event the City of Des Moines, Iowa, acts to change the property from a "C-1" Neighborhood Retail Commercial District classification to a limited "C-2" General Retail and Highway Oriented Commercial District classification, I agree and accept the limitation of the following conditions as part of the ordinance so amending the Property:

- 1) All C-2 uses permitted.
- 2) The only C-2 uses permitted shall be as follows:
 - A) an animal hospital, but not including a kennel; and
 - B) a sign shop, not including painting.

(3) In the event the property is transferred to a third party, the conditions shall be binding upon the transferee and the transferee shall be bound by the conditions as set forth in this ordinance. If there be any such recording in a future published zoning classification, any such legal action of such kind shall become a part of the record of the Property.

Witness my hand and seal this 26th day of December, 1989.

STATE OF IOWA

County of Polk,

ss. I, the undersigned, Clerk of the City of Des Moines, Iowa, do hereby certify that the above and foregoing is a true and correct copy of the ordinance (Municipal Code of the City of Des Moines, Iowa, 1965, as amended) as the same was passed by the City Council of the City of Des Moines, Iowa, on December 22, 1989, and published on December 22, 1989, as provided by law.

Witness my hand and seal this 26th day of December, 1989.

Richard J. Boyd, City Clerk

Notary Public in and for the State of Iowa

John D. Griebble

Notary Public in and for the State of Iowa

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Notary Public in and for the State of Iowa

John D. Griebble

I, Connie Wimer, on oath depose and say that I am publisher of the Business Record, a newspaper of general circulation having a bona 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, Iowa; and that the attached notice was published in said newspaper on:

DECEMBER 25, 1989

Subscribed and sworn to before me by Connie Wimer

this 26TH day of DECEMBER, A.D. 1989

Charles M. Knapley
Notary Public in and for Polk County, Iowa

Statutory Publication Fee, \$ 54.00

Paid by _____

Date _____ BUSINESS RECORD

By _____

POOR COPY AT
TIME OF RECORDING

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