

## **ORDINANCE 1966**

### **AN ORDINANCE AMENDING THE ZONING REGULATIONS, CHAPTER 192, OF THE MUNICIPAL CODE OF THE CITY OF ANKENY, IOWA, BY REZONING CERTAIN REAL ESTATE OWNED BY JDEV, LLC**

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**WHEREAS**, the Plan and Zoning Commission of the City of Ankeny, Iowa, held a public hearing and on the 19<sup>th</sup> day of March, 2019, recommended to the City Council that the Zoning Regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, for the following described property, owned by JDEV, LLC, to be rezoned from the current R-1, One-Family Residence District, to R-3, Multiple-Family Residence District, with restrictions; and

**WHEREAS**, on the 20<sup>th</sup> day of May, 2019, after due notice and hearing provided by law, the Council now deems it reasonable and appropriate to rezone the following described property:

#### **LEGAL DESCRIPTION:**

##### **Area A, Proposed R-3, Restricted to Single-Family**

A PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE WEST 6 ACRES OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 81 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF ANKENY, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 36; THENCE SOUTH 00°16'59" WEST ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 36, A DISTANCE OF 495.84 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°43'01" EAST, 647.77 FEET; THENCE EASTERLY ALONG A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 440.00 FEET, WHOSE ARC LENGTH IS 21.45 FEET AND WHOSE CHORD BEARS NORTH 88°53'10" EAST, 21.45 FEET; THENCE SOUTH 05°46'04" EAST, 125.16 FEET; THENCE EASTERLY ALONG A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 565.00 FEET, WHOSE ARC LENGTH IS 50.02 FEET AND WHOSE CHORD BEARS NORTH 84°13'56" EAST, 50.00 FEET; THENCE NORTH 05°46'04" WEST, 125.16 FEET; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 440.00 FEET, WHOSE ARC LENGTH IS 395.69 FEET AND WHOSE CHORD BEARS NORTH 55°12'43" EAST, 382.49 FEET; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE SOUTHEASTERLY WHOSE RADIUS IS 560.00 FEET, WHOSE ARC LENGTH IS 434.31 FEET AND WHOSE CHORD BEARS NORTH 51°40'01" EAST, 423.51 FEET; THENCE NORTH 16°06'54" WEST, 21.84 FEET TO THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 36; THENCE NORTH 89°39'00" EAST ALONG SAID NORTH LINE, 175.35 FEET TO THE NORTHEAST CORNER OF THE WEST 6 ACRES OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 36; THENCE SOUTH 00°03'04" WEST ALONG THE EAST LINE OF THE WEST 6 ACRES OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 36, A DISTANCE OF 1323.34 FEET TO THE NORTHEAST CORNER OF PARCEL "C" AS FILED IN BOOK 13599, PAGE 404 OF THE POLK COUNTY RECORDER'S OFFICE; THENCE SOUTH 89°48'56" WEST ALONG THE NORTH LINE OF SAID PARCEL "C" AND PARCEL "B" AS FILED IN BOOK 13599, PAGE 404 OF THE POLK COUNTY RECORDER'S OFFICE, 1537.47 FEET TO THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 36; THENCE NORTH 00°16'59" EAST ALONG SAID WEST LINE, 823.10 FEET TO THE POINT OF BEGINNING AND CONTAINING 34.22 ACRES (1,490,707 S.F.).

##### **Area B, Proposed R-3, Restricted to 10 Units/Acre**

A PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 AND THE WEST 6 ACRES OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 81 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF ANKENY, POLK COUNTY, IOWA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST 1/4 CORNER OF SAID SECTION 36; THENCE NORTH 89°39'00" EAST ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 36, A DISTANCE OF 1356.80 FEET; THENCE SOUTH 16°06'54" EAST, 21.84 FEET; THENCE SOUTHWESTERLY ALONG A CURVE CONCAVE SOUTHEASTERLY WHOSE RADIUS IS 560.00 FEET, WHOSE ARC LENGTH IS 434.31 FEET AND WHOSE CHORD BEARS SOUTH 51°40'01" WEST, 423.51 FEET; THENCE SOUTHWESTERLY ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 440.00 FEET, WHOSE ARC LENGTH IS 395.69 FEET AND WHOSE CHORD BEARS SOUTH 55°12'43" WEST, 382.49 FEET; THENCE SOUTH 05°46'04" EAST, 125.16 FEET; THENCE WESTERLY ALONG A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 565.00 FEET, WHOSE ARC LENGTH IS 50.02 FEET AND WHOSE CHORD BEARS SOUTH 84°13'56" WEST, 50.00 FEET; THENCE NORTH 05°46'04" WEST, 125.16 FEET; THENCE WESTERLY ALONG A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 440.00 FEET, WHOSE ARC LENGTH IS 21.45 FEET AND WHOSE CHORD BEARS SOUTH 88°53'10" WEST, 21.45 FEET; THENCE NORTH 89°43'01" WEST, 647.77 FEET TO THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 36; THENCE NORTH 00°16'59" EAST ALONG SAID WEST LINE, 495.84 FEET TO THE POINT OF BEGINNING AND CONTAINING 12.33 ACRES (536,937 S.F.).

#### **LAYMAN'S DESCRIPTION:**

Approximately 46.55 acres of property located east of HWY 69, and approximately 1/4-mile north of NE 54<sup>th</sup> St.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANKENY, IOWA:**

1. That Chapter 192 of the Municipal Code of the City of Ankeny, Iowa, is hereby amended by rezoning the above-described property owned by JDEV, LLC, from the current R-1, One-Family Residence District designation to R-3, Multiple-Family Residence District, with restrictions;
2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed; and
3. That this ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

**PASSED** at Ankeny, Iowa, this 20th day of May, 2019.

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Gary Lorenz, Mayor

**ATTEST:**

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Debra M. Arend, Interim City Clerk

**PUBLISHED IN THE  
DES MOINES REGISTER  
ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2019**

**1<sup>st</sup> Con 04/15/19 (P. Hrg.)  
2<sup>nd</sup> Con \_\_\_\_\_  
3<sup>rd</sup> Con \_\_\_\_\_**