

Date April 25, 2011

HOLD HEARING FOR THE VACATION OF A. H. BLANK PARK AT 7011 SW 9<sup>TH</sup> STREET AND A.H. BLANK PARK ZOO AT 7401 SW 9<sup>TH</sup> AS PARKLAND

WHEREAS, on December 30, 1963, by Roll Call No. 6358, the City Council dedicated a 138.11 acre site in the vicinity of the 7400 block of SW 9<sup>th</sup> Street as the "A. H. Blank Park"; and

WHEREAS, within the 138.11 site designated as the A. H. Blank Park are the facilities known as the A. H. Blank Park located at 7011 SW 9<sup>th</sup> Street (Park), A. H. Blank Park Zoo located at 7401 SW 9<sup>th</sup> Street (Zoo), and the Blank Municipal Golf Course; and

WHEREAS, on February 16, 2005, by Roll Call No. 05-376, the CITY and the Blank Park Zoo Foundation, Inc. (BPZF) entered into a Chapter 28E Agreement for the operation and management of the Zoo and the adjacent Park; and

WHEREAS, the CITY and the BPZF desire to enter into a new proposed lease and operation, management and maintenance agreement for the Zoo and Park for the real property as legally described below; and

WHEREAS, on April 11, by Roll Call No. 11-0593, it was duly resolved by the City Council that the proposed vacation of the below described portion of A. H. Blank Park, which includes the sites commonly known as A. H. Blank Park at 7011 SW 9<sup>th</sup> Street and A. H. Blank Park Zoo at 7401 SW 9<sup>th</sup> Street, be set down for hearing on April 25, 2011, at 5:00 p.m. in the City Council Chambers; and

WHEREAS, due notice of said proposal to vacate such real property was given as provided by law, setting for the time and place for hearing on said proposal; and

WHEREAS, in accordance with said notice, those interested in said proposed vacation, both for and against, have been given the opportunity to be heard with respect thereto and have presented their views to the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of the facts and statements of interested persons, the objections to said proposed vacation of the below described real property as parkland are hereby overruled and the hearing is closed.

2. There is no public need for the below described real property proposed to be vacated as parkland and the public would not be inconvenienced by reason of the vacation of such parkland specifically described as follows:

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THAT PART OF THE NORTHEAST ¼ AND THAT PART OF THE SOUTHEAST ¼ OF SECTION 33, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M., AND THE WEST 632.0 FEET OF THE NORTHEAST ¼ OF SAID SECTION 33, (EXCEPT THE NORTH 1420.0 FEET OF THE NORTHEAST ¼), AND THE SOUTHEAST ¼ OF SAID SECTION 33 (EXCEPT THE SOUTH 40 ACRES OF THE EAST 60 ACRES OF SAID SOUTHEAST ¼), AND FURTHER DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST ¼ OF SAID SECTION 33; THENCE EAST ALONG THE SOUTH LINE OF SAID NORTHEAST ¼, A DISTANCE OF 33.0 FEET TO THE EAST RIGHT OF WAY LINE OF SOUTHWEST 9<sup>TH</sup> STREET; THENCE NORTH ALONG THE EAST RIGHT OF WAY LINE OF SOUTHWEST 9<sup>TH</sup> STREET 1204.0 FEET TO THE POINT OF BEGINNING; THENCE EAST 599.0 FEET; THENCE SOUTH ALONG A LINE 599.0 FEET EAST OF AND PARALLEL WITH THE EAST RIGHT OF WAY LINE OF SOUTHWEST 9<sup>TH</sup> STREET TO A POINT APPROXIMATELY 623.00 FEET SOUTH TO THE NORTHWEST CORNER OF PARCEL "A" AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 8041 PAGE 37; THENCE EAST ON THE NORTH PARCEL LINE OF SAID PARCEL "A" TO THE NORTHEAST CORNER OF SAID PARCEL "A"; THENCE SOUTH ALONG THE EAST PARCEL LINE OF PARCEL "A" TO THE SOUTH LINE OF THE EAST-WEST RODGERS ROAD AS CURRENTLY ESTABLISHED; THENCE WEST TO THE EASTLINE OF THE NORTH-SOUTH CARTER STREET AS CURRENTLY ESTABLISHED; THENCE SOUTH-SOUTHEAST ALONG THE EAST LINE OF CARTER STREET TO A POINT 65 FEET NORTH OF THE SOUTH PARCEL LINE AND 300 FEET WEST OF THE EAST PARCEL LINE; THENCE SOUTHWESTERLY TO A POINT APPROXIMATELY 375 FEET WEST OF THE EAST PARCEL LINE ON THE SOUTH PARCEL LINE TO THE CORNER POST OF THE EXISTING NORTHERN BLANK GOLF COURSE FENCE; THENCE FOLLOWING SAID FENCE TO THE WEST-SOUTHWEST TO A POINT 500 FEET EAST OF THE EAST RIGHT-OF-WAY LINE OF SE 9<sup>TH</sup> STREET; THENCE SOUTHWESTERLY 320.0 FEET TO A POINT 290.0 FEET SOUTH OF MASON AVENUE RIGHT OF WAY LINE EXTENDED; THENCE WESTERLY 320.0 FEET TO THE EAST RIGHT OF WAY LINE OF SOUTHWEST 9<sup>TH</sup> STREET; THENCE NORTH ALONG THE EAST RIGHT OF WAY LINE OF SOUTHWEST 9<sup>TH</sup> STREET 1,970.0 FEET TO THE POINT OF BEGINNING, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

3. Upon final passage of an ordinance vacating the above described property as parkland the City Clerk is authorized and directed to forward a certified copy of this resolution and of the affidavit of publication of the notice of this hearing to the Real Estate Division of the Engineering Department for the purpose of causing such to be recorded.

(Council Communication No. 11-254)  
APPROVED AS TO FORM:

Moved by \_\_\_\_\_ to adopt.

*Ann DiDonato*  
Ann DiDonato, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

MOTION CARRIED APPROVED

**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.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk