

★ Roll Call Number

Agenda Item Number

36

Date July 10, 2017

An Ordinance entitled, "AN ORDINANCE vacating Royal Park, located at 1809 8<sup>th</sup> Street, Des Moines, Iowa",

which was considered and voted upon under Roll Call No. 17- of June 26, 2017; again presented.

Moved by that this ordinance be considered and given second vote for passage.

(Second of three required readings)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

Mayor

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.

City Clerk

★ Roll Call Number

17-1113

Agenda Item Number

55A

Date June 26, 2017

An Ordinance entitled, "AN ORDINANCE vacating Royal Park, located at 1809 8<sup>th</sup> Street, Des Moines, Iowa",

presented.

Moved by Gray that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)

Ann DiDonato  
Ann DiDonato  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				✓
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	4			1

MOTION CARRIED

APPROVED


T. M. Franklin  
Mayor

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.

Diane Rauh  
City Clerk

 <p style="text-align: center;"><b>Council</b> <b>Communication</b> Office of the City Manager</p>	<b>Date:</b> June 26, 2017
	<b>Agenda Item No.</b> <del>55A</del> <b>Roll Call No.</b> [ 17-1113 ] <b>Communication No.</b> 17-499 <b>Submitted by:</b> Benjamin R. Page, Park and Recreation Director

**AGENDA HEADING:**

Hearing for vacation and lease of Royal Park.

**SYNOPSIS:**

Hearing regarding the proposed vacation and lease of Royal Park to an adjacent property owner until the park's future can be determined as part of the City's upcoming parks and recreation comprehensive plan.

**FISCAL IMPACT: NONE**

**ADDITIONAL INFORMATION:**

- On January 31, 2017, the Parks and Recreation Department received a letter from the River Bend Neighborhood Association regarding concerns in the River Bend Neighborhood (included below). One (1) of the concerns was the condition of Royal Park. They requested that improvements be made to the park or if improvements could not be made then the City should consider disposing of the park.
- Royal Park is a 0.2 acre park that is surrounded by single-family homes on both the north and south side of the park and an alley along the east edge of the park. Currently the park has two (2) benches and a sign with the remaining portions of the park comprised of open space.
- After reaching out to the neighborhood association and the surrounding property owners, staff considered the following options for the future of the park:
  - 1) Leave the park "as is" which would be a small open space within the park with a sign and a couple park benches
  - 2) Update the master plan for the park
  - 3) Target the park for disposition and use the proceeds of the land sale for park improvements in the neighborhood
  - 4) Sell the property and acquire another more appropriate parcel of land in the general vicinity of the park
  - 5) Acquire additional properties connected to the park to increase the size of the park
  - 6) Keep ownership of the property, but lease to adjoining property owners for a garden lease until the park and recreation comprehensive plan is completed and the need for the park can be determined

- Many of the above options would require budget allocations and City Council approval, which are not currently within the adopted six (6) year Capital Improvement Program.
- On May 17, 2017 a public meeting was hosted to allow the public to comment on the proposed temporary lease of Royal Park to an adjacent property owner. Prior to the meeting notices were sent to property owners within 500 feet of the park, to every neighborhood association president and a press release sent out regarding the proposed lease. Four (4) people attended and were in favor of the proposed temporary lease and vacation of Royal Park.
- At its May 23, 2017 meeting, the Parks and Recreation Board unanimously approved a staff recommendation to vacate and lease Royal Park to adjacent property owner for a temporary amount on time (three {3} - five {5} years) until the completion of the park and recreation comprehensive plan is completed and a final determination on the need for Royal Park can be evaluated.
- Staff is recommending that the City Council vacate the land that is Royal Park and lease it to an adjacent property owner. It will remain City-owned land and following the comprehensive plan update should the land be needed for parkland purposes it would be rededicated for parkland.

**PREVIOUS COUNCIL ACTION(S):**

Date: June 12, 2017

Roll Call Number: 17-0976

Action: On Des Moines Parks and Recreation Department request to vacate Royal Park at 1809 8<sup>th</sup> Street, (6-26-17). (Council Communication No. 17-460) Moved by Hensley to adopt. Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S):**

Board: Park and Recreation Board

Date: May 23, 2017

Resolution Number: 17-038

Action: Motion by Davis to approve the proposed lease of Royal Park. Second by Ogle. Motion carried 15-0.

Board: Park and Recreation Board

Date: April 25, 2017

Resolution Number: 17-033

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Action: Motion by Ogle to receive and file the Royal Park proposal. Second by Lepley. Motion carried.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the first floor of City Administration Building, 400 E. Court Avenue Ste.116. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org).



January 31, 2017

Dear Councilman Gray,

Thank you for being such a strong advocate for improvements to the River Bend Neighborhood. We have come a long way in the past couple of years and intend to continue building on that momentum.

To that end, The River Bend Association Board endorsed three priorities for 2017 and solicited feedback from Association members in December 2016. We are writing to you today to inform you of those priorities in hopes of partnering with the City to make progress on each. Our priorities include:

**1. Expand the River Bend Local Historic District**

With support from a Polk County Community Development Grant, the River Bend Association procured the services of historian Will Page to assess 7<sup>th</sup> and 8<sup>th</sup> Streets between College and Franklin Avenues to determine eligibility as a National Historic District. That work produced the new Polk County Homestead & Trust Company National Historic District approved by the National Park Service in 2016. As this area is surrounded by the River Bend Local Historic District and the existence of that district has produced numerous benefits to the Neighborhood, the Association now intends to secure support of property owners in the new National District to petition the City to include this district in the Local District. Doing so will require final approval by the City Council. We have reached out to the Community Development Department to begin this process.

**2. Reduce Violence In and Near River Bend**

The summer and fall of 2016 was a dangerous time on the north side of downtown. In fact, many in River Bend noted that there was a palpable increase in the feeling of being unsafe to the point that multiple families chose to leave the neighborhood primarily due to this feeling. This is unacceptable to us and we need proactive measures to be taken – above and beyond the normal efforts – to ensure this is not repeated in 2017. In particular, we request enhanced NBSD police presence in our neighborhood. Ideally, we would have our own officer or our officer would be shared with only one or two neighborhoods in close proximity (on the west side of the Des Moines River). We recognize that what happens near us affects us, too, and would welcome opportunities to collaborate with surrounding neighborhoods on this issue. We have reached out to social services in the area to discuss partnerships, as well. We know we all have a responsibility to be part of the solution – we have and will continue to step up to do our part. We would appreciate the opportunity to discuss these concerns and potential solutions with City and police leaders in the near future.

Relatedly, we believe that crime and safety concerns near 7<sup>th</sup> Street and Indiana Avenue can be positively impacted by re-opening 7<sup>th</sup> Street between University and Indiana Avenue. Doing so will rebuild the street grid in this area and reduce loitering and drug activities in this otherwise secluded section of the neighborhood. Conversations with the City concerning this goal have begun and any chosen solution will require resources to implement.

**3. Renovate or Sell Royal Park**

Royal Park is in a very sad state. The Park has had crime and nuisance issues in the past that have generally been abated but require vigilance. However, the physical space is in very poor condition. Frankly, the Park is a blight on the neighborhood in its current state. The Parks Department may have plans for improvements. Those

Improvements either need to happen in the near term or the City should consider selling the property to an adjoining property owner or developer. We request the City to work with the Association Board to develop an actionable plan to address this issue, including a specific timeframe and identification of necessary and available resources for implementation, by year's end.

These three priorities are not the only projects or issues we'll be working on this year. For instance, we'll continue sponsoring our successful annual historic home tour this spring. However, these three priorities will require new or enhanced collaboration with City staff and advocacy by City leaders.

We also want to mention that there are many other initiatives underway in the area that we strongly support. In particular, we are grateful to the City for supporting the upcoming 6<sup>th</sup> Avenue Streetscape Improvement Project, and support the walkability initiative that is a collaborative effort of multiple north-side neighborhoods and the City. We achieve more when we work together!

Thank you, again, for your service to the City and your partnership to enact positive change in River Bend. We look forward to working together with you on the items outlined in this letter in 2017!

Sincerely and on Behalf of the River Bend Association Board,

Breanne Barnum  
President, River Bend Association

CC: Scott Sanders, City Manager; Phil Delaffeld, Community Development Director; Jason Van Essen, Senior Planner; Ben Page, Parks and Recreation Director; Dana Wingert, Chief of Police

19-1113  
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Prepared by: Ann DiDonato, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, Iowa 50309 (515) 283-4535  
Return to: City Clerk's Office, 400 Robert D. Ray Drive, Des Moines, Iowa 50309

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

AN ORDINANCE vacating Royal Park, located at 1809 8<sup>th</sup> Street, Des Moines, Iowa.

WHEREAS, all prior requirements of law pertaining to the vacation of public right-of-way have been fully observed; and

WHEREAS, it is desirable that the public right-of-way herein described be vacated;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Des Moines, Iowa:

Sec. 1. That Royal Park, located at 1809 8<sup>th</sup> Street, Des Moines, Iowa, more specifically described as follows, be and is hereby vacated:

ALL OF LOT 10 AND THE NORTH HALF (1/2) OF LOT 9 IN BLOCK 10 OF THE OFFICIAL PLAT OF THE SOUTHWEST QUARTER (SW ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 34, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M. (SOMETIMES KNOWN AS POLK COUNTY HOMESTEAD AND TRUST CO'S ADDITION, AN OFFICIAL PLAT), ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

Sec. 2. The City of Des Moines hereby reserves an easement upon the property described above for the continued use and maintenance of any utilities now in place, with the right of entry for servicing same.

Sec. 3. That the City Clerk is hereby authorized and directed to cause certified copies of this ordinance and proof of publication thereof together with proof of publication of the notice of the public hearing on this matter to be properly filed in the office of the Recorder of Polk County, Iowa.

Sec. 4. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Ann DiDonato  
Ann DiDonato, Assistant City Attorney