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Date May 23, 2022

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF EXCESS CITY
RIGHT-OF-WAY LOCATED IN GRAY’S LAKE PARK, 2101 FLEUR DRIVE**

WHEREAS, on January 24, 2022, by Roll Call No. 22-0095 the City Council received and filed a communication from the City Parks and Recreation Board advising that the Board voted unanimously to APPROVE the SW Infrastructure and Planning Study and recommendation of dedication of City-owned property as the Gray’s Lake Wetlands Project Area, south of Gray’s Lake and depicted in the attached exhibit, as parkland; and

WHEREAS, on May 9, 2022, by Roll Call No. 22-0687, the City Council received and filed a communication from the City Plan and Zoning Commission advising that at a hearing held on April 21, 2022, the Commission voted 11-0-1 to APPROVE the vacation of City-owned right-of-way located south of Gray’s Lake within the Wetlands Project Area, 2101 Fleur Drive, as legally described below, in order for said right-of-way to be dedicated as parkland, subject to the reservation of any necessary easements for all existing utilities in place until such time as they may be abandoned or relocated; and

WHEREAS, there is no known current or future public need or benefit for the right-of-way proposed to be vacated and the City will not be inconvenienced by the vacation of said right-of-way; and

WHEREAS, on May 9, 2022, by Roll Call No. 22-0690, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation of the right-of-way be set for hearing on May 23, 2022, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

WHEREAS, due notice of said proposal to vacate excess City of Des Moines right-of-way located in Gray’s Lake Park, was given to all necessary parties as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with City Council direction, those interested in the proposed vacation, both for and against, have been given an 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:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation of City of Des Moines right-of-way located in Gray’s Lake Park, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of said right-of-way, legally described as follows, and said vacation is hereby approved, subject to the reservation of any necessary easements for all existing utilities in place until such time as they may be abandoned or relocated:

4/A

Date May 23, 2022

ALL OF THE EAST/WEST ALLEY RIGHT OF WAY LYING EAST OF THE WEST LINE OF GRAY PLACE, AN OFFICIAL PLAT, AND LYING WEST OF THE NORTHERLY EXTENSION OF THE EAST LINE OF LOT 1 IN SAID GRAY PLACE,

AND

ALL OF THE 40.0 FEET WIDE STREET RIGHT OF WAY (DIAGONAL STREET) ADJOINING THE SOUTH LINE OF SAID GRAY PLACE AND LYING EAST OF THE WEST LINE OF SAID GRAY PLACE AND LYING WEST OF THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 1,

AND

ALL OF THE 40.0 FEET WIDE STREET RIGHT OF WAY ADJOINING THE EAST LINE OF SAID GRAY PLACE AND LYING SOUTH OF THE NORTH LINE OF SAID GRAY PLACE AND LYING NORTH OF THE NORTHESTERLY EXTENSION OF THE SOUTH RIGHT OF WAY LINE OF DIAGONAL STREET IN SAID GRAY PLACE,

ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 1.07 ACRES (46,559 SQUARE FEET).

- Upon final passage of an ordinance vacating said right-of-way and approval by resolution of this City Council, 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 Polk County Recorder's Office for the purpose of causing said documents to be recorded.

Moved by _____ to adopt. Second by _____.

APPROVED AS TO FORM:

/s/Mackenzie L. Moreno
Mackenzie L. Moreno, Assistant City Attorney

DM

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHEUMAKER				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

CERTIFICATE

I, P. Kay Cmelik, 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

May 3, 2022

Communication from the City Plan and Zoning Commission advising that at their April 21, 2022 meeting, the following action was taken regarding a request from the City of Des Moines Parks and Recreation (owner), represented by Benjamin Page (officer), for the vacation of remnants of street and alley rights-of-way within Gray's Lake Park to be dedicated as Parkland.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 as follows:

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
Francis Boggus	X			
Dan Drendel	X			
Leah Rudolphi	X			
Dory Briles				X
Abby Chungath	X			
Kayla Berkson				X
Chris Draper	X			
Jann Freed	X			
Todd Garner	X			
Johnny Alcivar	X			
Justyn Lewis	X			
Carolyn Jenison	X			
William Page	X			
Andrew Lorentzen	X			
Emily Webb				X

APPROVAL of the requested vacations.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacations.

Written Responses

1 in Favor

0 in opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The requested vacation of undeveloped segments of right-of-way would allow conversion of unutilized segments of right-of-way to parkland.
2. **Size of Site:** 46,599 square feet.
3. **Existing Zoning (site):** “F” Flood District.
4. **Existing Land Use (site):** segments of right-of-way used as open space and trail system in common with the adjoining parkland.
5. **Adjacent Land Use and Zoning:**
 - North – “F”; Use is a public park.
 - South – “P1”; Use is public park.
 - East – “F”; Use is a public park.
 - west – “F”; Use is public park.
6. **General Neighborhood/Area Land Uses:** The subject right-of-way is located within Gray’s Lake Park. There is an industrial area in close proximity to the south.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Gray’s Lake Neighborhood. All neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on April 1, 2022 and by mailing of the Final Agenda on April 11, 2022. Additionally, separate notifications of the hearing for this specific item were mailed on April 11, 2022 (10 days prior to the public hearing) to the primary titleholder on file with the Polk County Assessor for each property adjoining the requested right-of-way.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Services Department on the date of the mailing. The Gray’s Lake Neighborhood Association mailings were sent to Heidi Ogden, 3709 SW 12th Street, Des Moines, IA 50315.
8. **Relevant Zoning History:** None.
9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Parks and Open Space.
10. **Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to vacate land dedicated for a specific public purpose, such as for streets and parks, to determine whether the land is still needed for such purpose or may be released (vacated) for other use. The recommendation of the Commission is forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Streets/Sidewalks:** The requested vacation would not negatively impact surrounding properties and is not necessary for future traffic circulation. Staff believe that the requested vacation is appropriate so that the land can be officially incorporated into Gray's Lake Park.

SUMMARY OF DISCUSSION

Abby Chungath asked if any member of the public or commission desired to speak on the item. No one requested to speak.

COMMISSION ACTION:

Todd Garner made a motion for approval of the requested vacations.

Motion passed: 12-0

Respectfully submitted,



Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh

4/A

City Initiated, ROW South of Grey's Lake Park

ROWV-2022-000010



Updated on: 4/4/2022

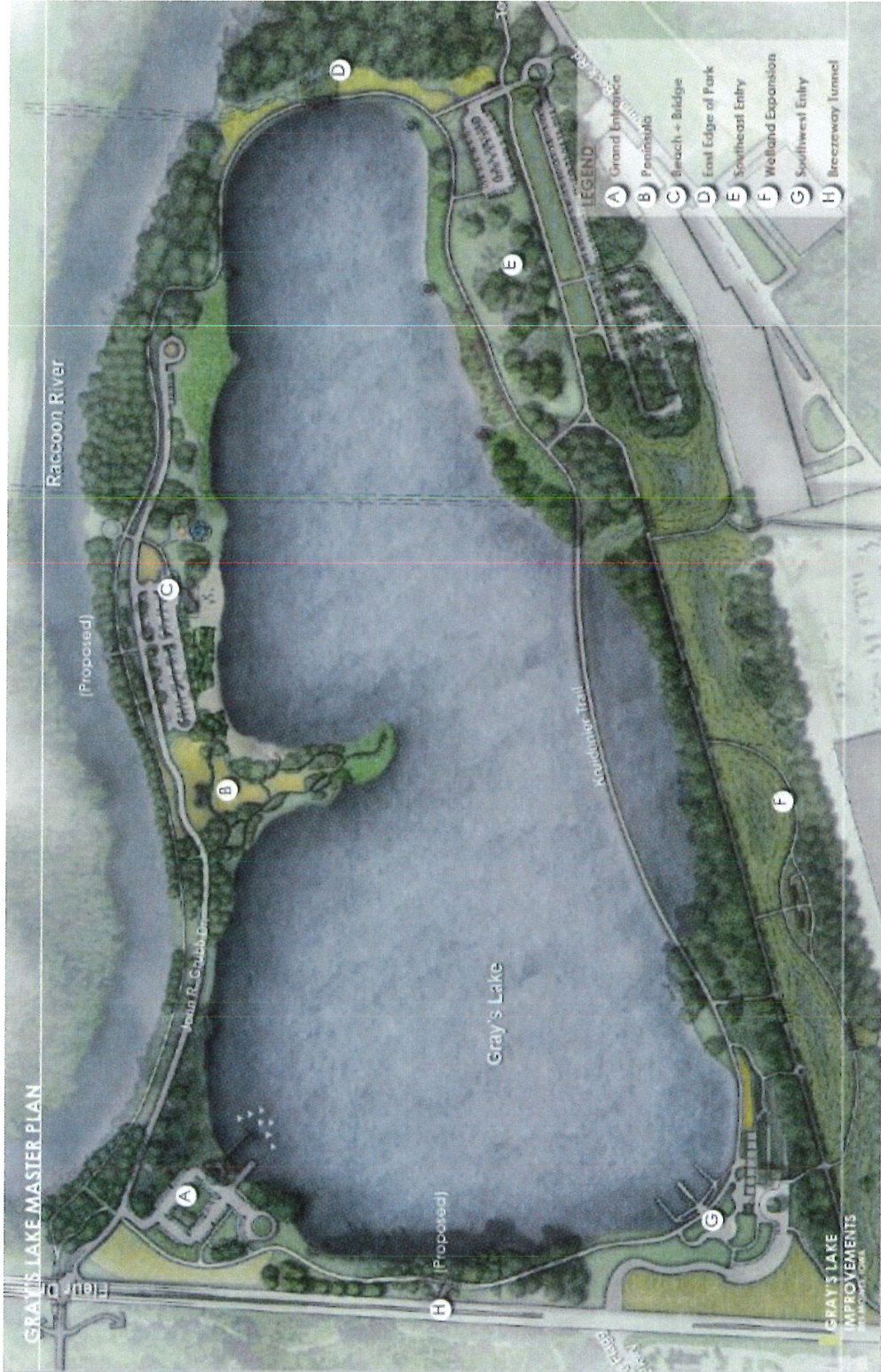
0 90 180 360 540 720 Feet

City of Des Moines, Information Technology

1 inch = 352 feet



Map exhibits for:
 RECEIVE AND FILE COMMUNICATION FROM THE PARKS AND RECREATION BOARD REGARDING
 APPROVAL OF THE SW INFRASTRUCTURE AND PLANNING STUDY AND RECOMMENDATION OF
 DEDICATION OF GRAY'S LAKE WETLANDS PROJECT AREA AS PARKLAND



2016 Gray's Lake Park Master Plan -- Areas A through G including Area F as expanded parkland

final master plan

South of Gray's Lake Master Plan

The more detailed master plan created for the South of Gray's Lake area shown in Figure 4.1 is focused on the main portion of the study area.

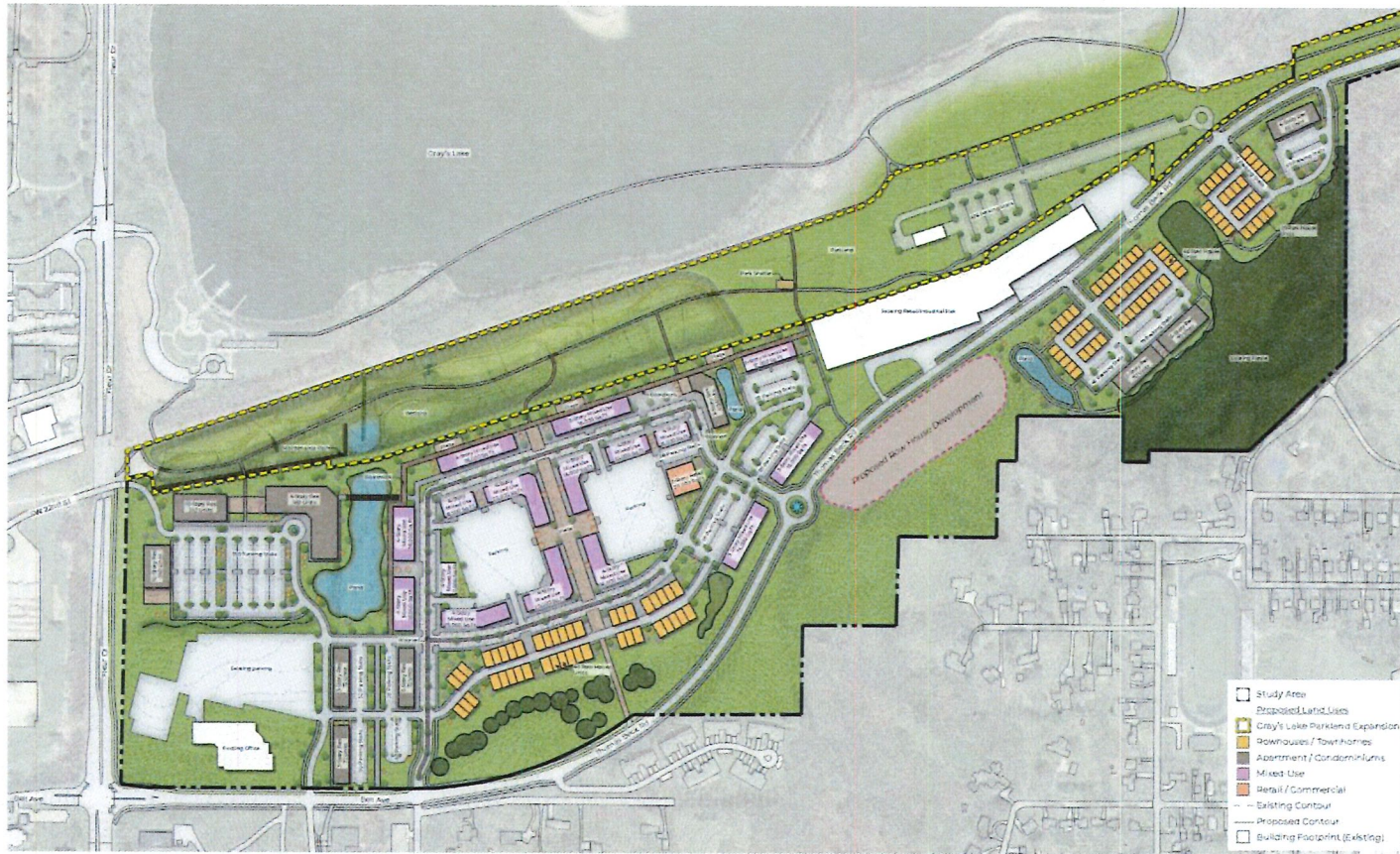


Figure 4.1 Final South of Gray's Lake Master Plan

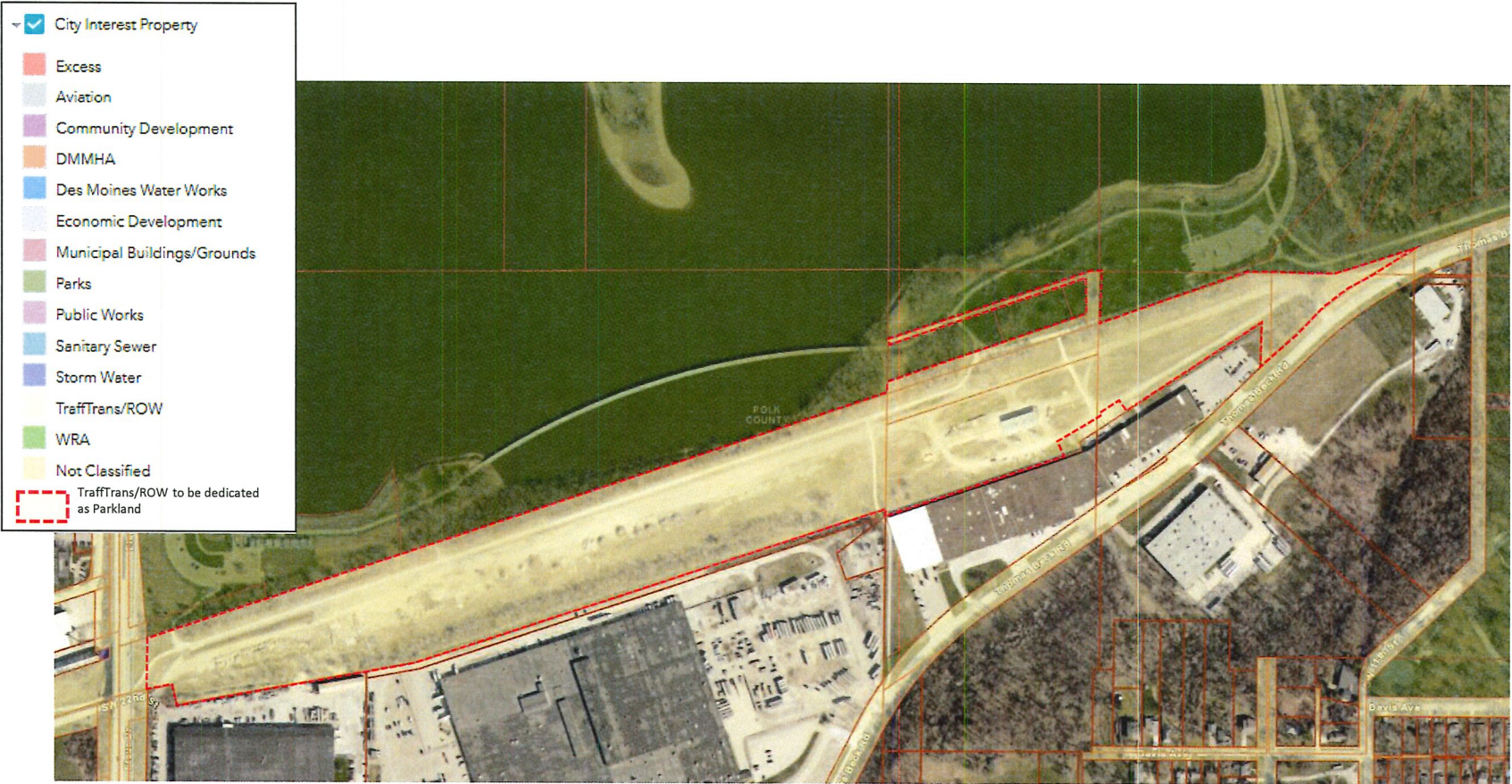
2021-22 South of Gray's Lake Master Plan – preferred concept indicating extent of parkland expansion (from the final draft report)

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Map exhibits for:

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Map exhibits for:



City Interest Properties and Parcels as shown in Des Moines Maps

Letters of Recommendation for:
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The Honorable Mayor
Members of the City Council
Scott Sanders, City Manager

Re: Gray's Lake Park Southern Expansion

I am writing this letter based on my long-time interest and involvement in the planning, development and management of Gray's Lake. Gray's Lake Park is a crown jewel of our City and its park system. It is an important Gateway to our community. It has over one million trail uses per year by people from all walks of life. The combination of parks, trails and water from Water Works Park, through Gray's Lake and Meredith Trail to the Des Moines River corridor constitutes one of the nation's great urban parks.

The City has a historic opportunity to claim the abandoned rail yard south of Gray's Lake as part of the Park and park system. The potential expansion area is now owned by the City as right-of-way, the Southwest Connector concept has been abandoned by the City and long-term planning by the City for the adjacent area for commercial and residential development is underway. The potential expansion area and a vision for its use is described in the report by Confluence dated September 12, 2016 entitled "Gray's lake—A Historical Review and Vision for the Future." This report was approved by the Parks and Recreation Board on August 23, 2016.

The hills to the south of Gray's Lake constitute a large watershed that drains towards the Lake which causes water management issues and affects water quality of the Lake. A solution is a wetland water management area directly south of the Lake which can enhance both the Park and development planned for the adjacent area further to the south. This Park expansion can provide a new park experience for walkers and bikers demonstrating the beneficial use of water filtration and new walkways, paths and views. It solves a water management problem for development while enhancing the Park as a highly attractive amenity for that development. Even if the wetland project is delayed or

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is determined to be infeasible, the rail yard should be claimed as Park green space. Either way, the abandoned rail yard becomes an attractive asset for passersby on Fleur and enhances the Park for its many users and adjacent property owners.

The first step is to formally designate this area, as shown in the drawing below outlined in dashed red, as part of the Park. This designation costs the City nothing. With this formal designation in hand, planning for the area can begin in earnest. The project will no doubt be planned in phases over time with a combination of federal, state and local government contributions, as well as private contributions, yet to be determined. Thank you for your consideration.

Please take action now to have the City formally designate this area as part of Gray's Lake Park. Thank you for your consideration.

Sincerely,

Rick Neumann

Cc Des Moines Parks and Recreation Board
Benjamin R. Page
Jenny Richmond



Letters of Recommendation for:

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Friday, October 1, 2021

Brooke Avila
President

ATTN: Honorable Mayor Cownie
Members of City Council
Scott Sanders, City Manager

Laura Smidt
Vice President

Jenna Bates
Treasurer

Andy McCoy
Secretary

Rex Coble
Beth Pargulski
Dylan Lampe
Tami Wingert
Erin Muir
Andrea Boulton
Amai Barre
Chris Lightfoot
Adam Ibrahim

On behalf of the Friends of Des Moines Parks, our organization requests your support of the Gray's Lake Wetland expansion proposal that would transfer property currently designated as right-of-way to parkland. The cancellation of the Southwest Connector roadway project provided an opportunity for the City's Engineering and Parks and Recreation Departments to consider alternate development in this area. The resulting Southwest Infrastructure and Planning Study included a comprehensive study of this parcel and a detailed process to convert this unused land to a wetland.

Gray's Lake Park is a signature park in the Des Moines park system, drawing visitors from near and far who come to enjoy its numerous amenities and activities, which include: water recreation, a stroll on the walking loop, a picnic on the terrace with incredible views of downtown, a family photo shoot, or yoga on the lawn and so much more. The opportunity to acquire the land south of this area, which is currently in a dismal state in appearance and usefulness, is a win-win for both the City and the park system.

We strongly support this proposed initiative and the opportunity to transfer the abandoned land that runs the length of the trail on the south side of Gray's Lake to parkland for three reasons.

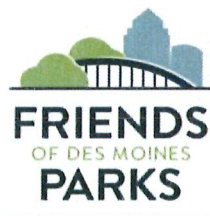
Ex Officio:
Cynde Fanter
Jane Hein
Janis Ruan

Honorable:
Dr. Michael Eberle

- Improved Water Quality of Gray's Lake — This land is currently owned by the City of Des Moines with no known plans to improve or enhance the area. The wetland project that is being proposed creates a natural wetland management system that will improve the water quality of Gray's Lake. The large watershed that feeds directly into Gray's Lake reaches far beyond the perimeter of the Park, but by establishing a natural wetland, the water will run through a natural filtration process before flowing into the Lake.
- A New Park Feature — Implementing a wetland in this area provides a new feature to the park system that will also serve as an unparalleled opportunity for environmental education for residents and visitors of all ages.
- Beautification and Increased Biodiversity — The proposed wetland project will enhance natural beauty and increase the environmental health and biodiversity of the greater parkland. Investment in this area is critical to improving the aesthetics of Fleur Drive as the major gateway to downtown.

Letters of Recommendation for:

RECEIVE AND FILE COMMUNICATION FROM THE PARKS AND RECREATION BOARD REGARDING APPROVAL OF THE SW INFRASTRUCTURE AND PLANNING STUDY AND RECOMMENDATION OF DEDICATION OF GRAY'S LAKE WETLANDS PROJECT AREA AS PARKLAND



If the parcel of land is deemed parkland and the wetland project is stalled, the space can alternately be converted to green space and will be far more attractive to trail users and traffic that brings visitors along the Fleur corridor to downtown Des Moines.

We kindly ask that you consider the transfer of this right-of-way parcel south of Gray's Lake Park owned by the City to parkland. The comprehensive wetland study executed under the Southwest Infrastructure and Planning Study proves this is an exciting opportunity for the City and Parks Department to convert an underutilized piece of land into a home for pollinators, urban flora and fauna and an attraction for years to come. Thank you for your consideration and attention to this matter.

Brooke Avila
President

Laura Smidt
Vice President

Jenna Bates
Treasurer

Andy McCoy
Secretary

Rex Coble
Beth Pargulski
Dylan Lampe
Tami Wingert
Erin Muir
Andrea Boulton
Amal Barre
Chris Lightfoot
Adam Ibrahim

Ex Officio:
Cynde Fanter
Jane Hein
Janis Ruan

Honorable:
Dr. Michael Eberle

Sincerely,



Sarah Lohmeier
Executive Director, Friends of Des Moines Parks
1551 E. Martin Luther King Jr. Pkwy
Des Moines, Iowa 50317



Brooke Avila
Board Chair

Letters of Recommendation for:

RECEIVE AND FILE COMMUNICATION FROM THE PARKS AND RECREATION BOARD REGARDING APPROVAL OF THE SW INFRASTRUCTURE AND PLANNING STUDY AND RECOMMENDATION OF DEDICATION OF GRAY'S LAKE WETLANDS PROJECT AREA AS PARKLAND

October 11, 2021

Honorable Mayor Cownie
Members of City Council
Scott Sanders, City Manager

I write on behalf of Urban Conservation Committee in support of the Gray's Lake Wetland expansion proposal that would transfer property currently designated as right-of-way to parkland. The cancellation of the Southwest Connector roadway project provided an opportunity for the City's Engineering and Parks and Recreation Departments to consider alternate development in this area. The resulting Southwest Infrastructure and Planning Study included a comprehensive study of this parcel and a detailed process to convert this unused land to a wetland.

Gray's Lake Park is a signature park in the Des Moines park system. The opportunity to acquire the land south of this area that is currently an eye sore is a win-win for both the City and the park system.

We strongly support this proposed initiative and the opportunity to transfer the abandoned land that runs the length of the trail on the south side of Gray's Lake to parkland for three reasons.

- Improved Water Quality of Gray's Lake – This land is currently owned by the City of Des Moines with no future plans to improve or enhance the area. The wetland project that is being proposed creates a natural wetland management system that will improve the water quality of Gray's Lake. The large watershed that feeds directly into Gray's Lake reaches far beyond the perimeter of the Park, but by establishing a natural wetland, the water will run through a natural filtration process before flowing into the Lake.
- A New Park Feature – Implementing a wetland in this area provides a new feature to the park system that may also serve as an important environmental education opportunity for residents and visitors.
- Beautification and Increased Biodiversity – The proposed wetland project will enhance natural beauty and increase the environmental health and biodiversity of the greater parkland offering an unparalleled opportunity for environmental education for all ages. Investment in this area is critical to improving the aesthetics of Fleur Drive as the major gateway to downtown.

If the parcel of land is deemed parkland and the wetland project is stalled, the space can alternately be converted to green space and will be far more attractive to trail users and traffic that brings visitors along the Fleur corridor to downtown Des Moines.

We kindly ask that you consider the transfer of this right-of-way parcel south of Gray's Lake Park owned by the City to parkland. The comprehensive wetland study executed under the Southwest Infrastructure and Planning Study proves this is an exciting opportunity for the City and Parks Department to convert an underutilized piece of land into a home for pollinators, urban flora and fauna and an attraction for years to come. Thank you for your consideration and attention to this matter.

Sincerely,

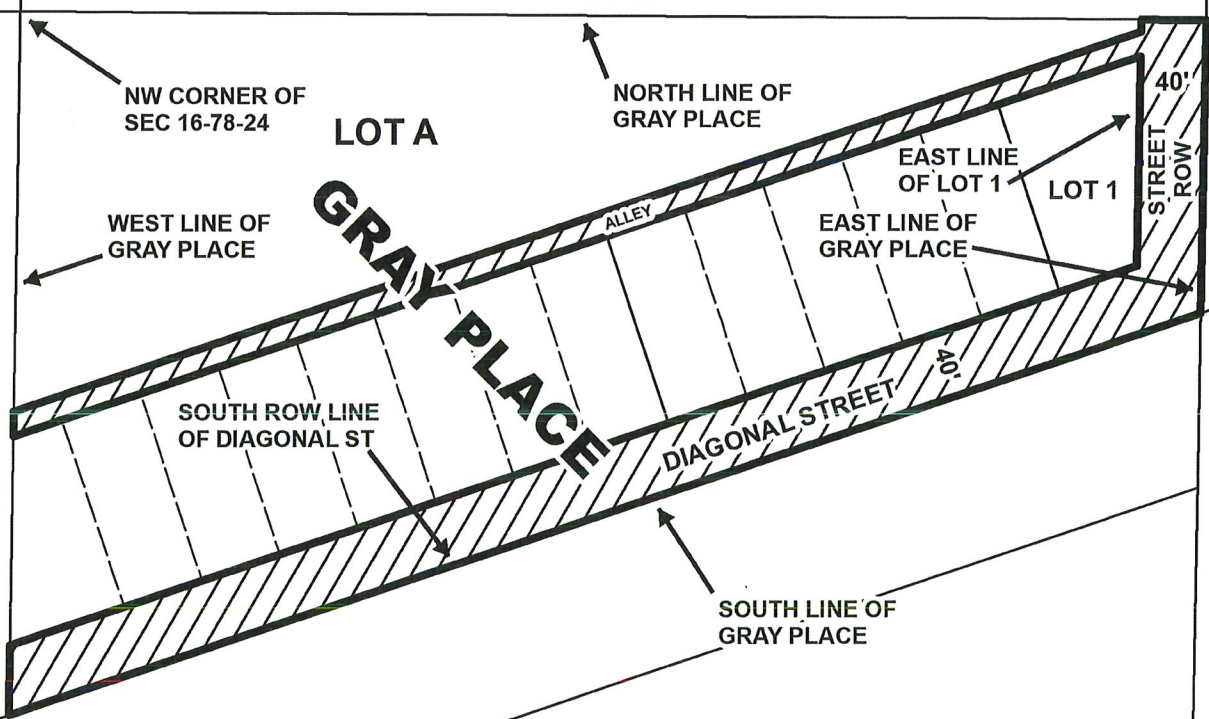


Victoria Facto
Chair of the Urban Conservation Committee

4/A

EXHIBIT A


GRAY'S LAKE PARK



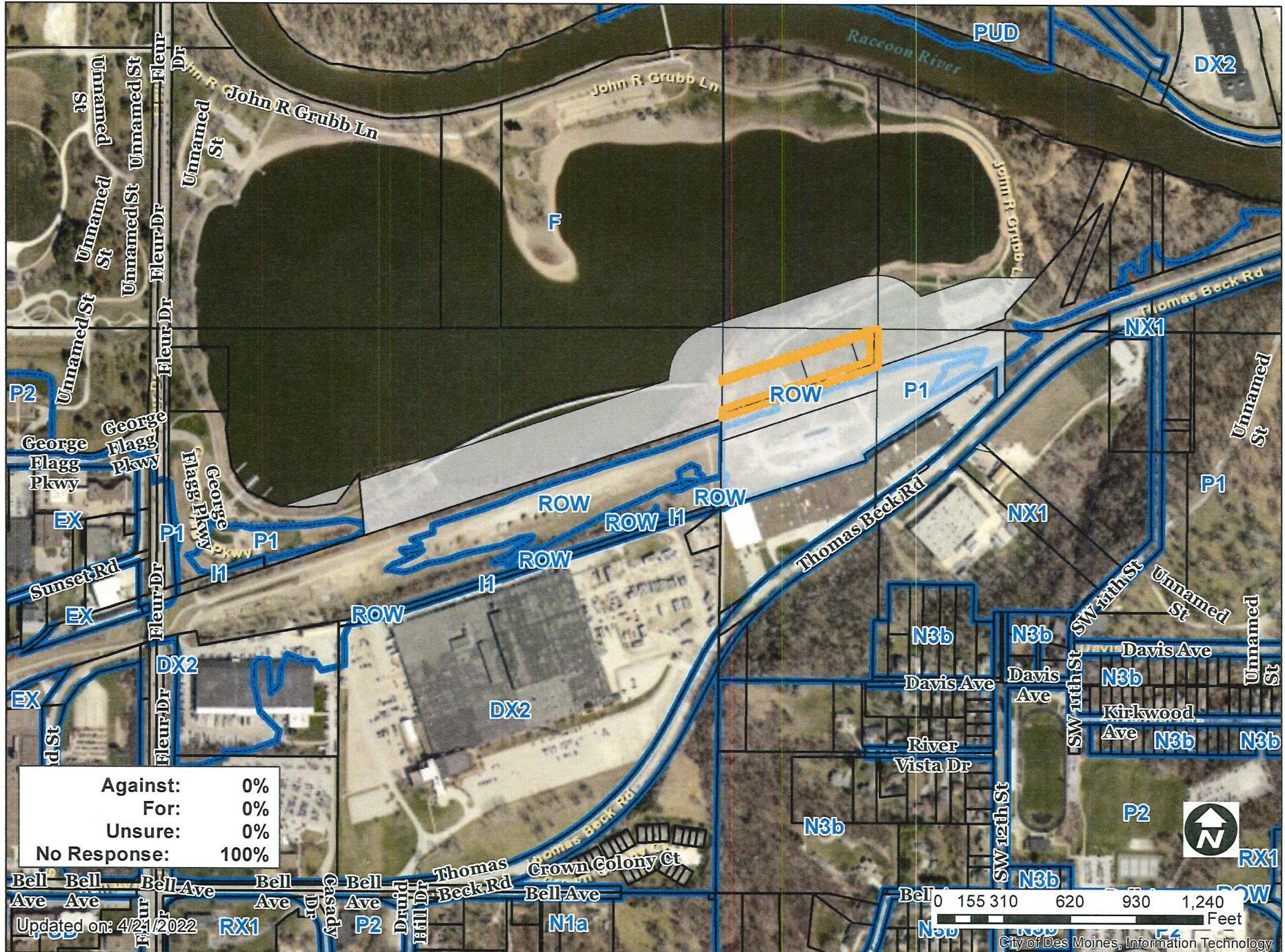
1305
Thomas Beck Rd

Thomas Beck Rd

Legend

 AREA TO BE VACATED





Against:	0%
For:	0%
Unsure:	0%
No Response:	100%

Updated on: 4/21/2022