



Roll Call Number

22-0992

Agenda Item Number

21

Date June 27, 2022

SET HEARING FOR APPROVAL OF DOCUMENTS TO CORRECT THE VACATION OF PARKLAND ADJACENT TO THE NORTHEAST CORNER OF WAVELAND GOLF COURSE LOCATED SOUTH OF AND ADJOINING UNIVERSITY AVENUE

WHEREAS, on October 18, 2021, by Roll Call No. 21-1582, the City Council of the City of Des Moines voted to pass Ordinance No. 16,054 vacating a portion of Parkland adjacent to the northeast corner of Waveland Golf Course, 4908 University Avenue, lying south of and adjoining University Avenue right-of-way, subject to the reservation of easements for any existing utilities until such time that they are abandoned; and

WHEREAS, subsequent to passing Ordinance No. 16,054 an error was discovered in the legal description of the vacated Parkland leading to the need to repeal said ordinance and pass a new ordinance to vacate the properly described right-of-way.

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

1. The City Council of the City of Des Moines, Iowa, shall consider adoption of a corrected ordinance permanently vacating a portion of Parkland adjacent to the northeast corner of Waveland Golf Course, 4908 University Avenue, lying south of and adjoining University Avenue right-of-way, legally described as follows, subject to the reservation of easements for any existing utilities until such time that they are abandoned or relocated:

A PARCEL OF LAND IN THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., NOW IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF SAID SECTION 1; THENCE ALONG THE NORTH LINE OF SAID SECTION 1 SOUTH 89°42'13" EAST, FOR A DISTANCE OF 2611.90 FEET; THENCE SOUTH 00°17'47" WEST, FOR A DISTANCE OF 41.41 FEET TO THE POINT-OF-BEGINNING; THENCE SOUTH 00°07'23" EAST, FOR A DISTANCE OF 18.01 FEET; THENCE SOUTH 39°03'44" WEST, FOR A DISTANCE OF 53.50 FEET; THENCE NORTH 89°41'31" WEST, FOR A DISTANCE OF 56.06 FEET; THENCE NORTH 40°59'06" WEST, FOR A DISTANCE OF 41.52 FEET; THENCE NORTH 00°07'23" WEST, FOR A DISTANCE OF 28.54 FEET; THENCE SOUTH 89°41'31" EAST, FOR A DISTANCE OF 117.03 FEET TO THE POINT-OF-BEGINNING.

CONTAINING 5,861 SQUARE FEET (0.135 ACRES MORE OR LESS).

2. That the meeting of the City Council at which the repeal of Ordinance No. 16,054 and the adoption of said corrected ordinance vacating such right-of-way is to be considered shall be on July 18, 2022, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.



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In addition, the City Council shall receive written views, comments, objections and arguments from any resident or taxpayer of the City that are received by the City Clerk prior to 5:00 p.m. July 14, 2022 (City Clerk’s Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email cityclerk@dmgov.org).

Please check the posted agenda in advance of the July 18, 2022 meeting for any update on the manner in which the public hearing will be conducted to comply with COVID-19 social distancing and safety guidelines.

3. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.

Moved by Gatto to adopt. Second by Boesen.

APPROVED AS TO FORM:

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
SHEUMAKER				✓
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			1
MOTION CARRIED				
APPROVED				
<u>J. M. Frankhu Cownie</u> Mayor				

CERTIFICATE

I, Laura Baumgartner, Acting 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.

Laura Baumgartner
Laura Baumgartner, Acting City Clerk