



Roll Call Number

23-0117

Agenda Item Number

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Date January 23, 2023

**HOLD HEARING FOR APPROVAL OF THE VACATION OF ALLEN PARK AS PARKLAND DUE TO THE DES MOINES RIVER LEVEE ALTERATIONS PROJECT – PHASE C**

**WHEREAS**, on November 9, 2020, by Roll Call No. 20-1756, the City Council of the City of Des Moines voted to approve the acquisition of property interests required for the Des Moines River Levee Alterations - Phases B and C Project (hereinafter "Project"); and

**WHEREAS**, on August 22, 2022, by Roll Call No. 22-1318, the City Council of the City of Des Moines approved the acquisition of property located in the vicinity of Southeast 5<sup>th</sup> Street and East Titus Avenue, and passed Ordinance No. 22-382 dedicating said property as City parkland; and

**WHEREAS**, Allen Park, located along the Des Moines River at 800 Southeast 6<sup>th</sup> Street, will be significantly impacted by the Project, and the City Parks and Recreation Department recommends that the current location be vacated as parkland and Allen Park be relocated to the Southeast 5<sup>th</sup> Street and East Titus Avenue location; and

**WHEREAS**, on January 9, 2023, by Roll Call No. 23-0023, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation of the parkland be set for hearing on January 23, 2023, 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 Allen Park as City parkland, 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 Allen Park as City parkland, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the parkland proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of said City parkland, legally described as follows, and said vacation is hereby approved:

A PART OF VACATED MAURY STREET RIGHT OF WAY, A PART OF BLOCK 66, A PART OF BLOCK 67, A PART OF BLOCK 68, A PART OF VACATED VALE STREET RIGHT OF WAY, ALL IN TOWN OF DE MOINE, AN OFFICIAL PLAT; ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND DESCRIBED AS FOLLOWS:

Date January 23, 2023

BEGINNING AT THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF SOUTHEAST 6<sup>TH</sup> STREET AND THE NORTH RIGHT OF WAY LINE OF VACATED MAURY STREET; THENCE SOUTH ALONG THE SAID WEST RIGHT OF WAY LINE OF SOUTHEAST 6<sup>TH</sup> STREET TO THE INTERSECTION WITH THE NORTHEASTERLY BANK OF THE DES MOINES RIVER; THENCE NORTHWESTERLY ALONG SAID BANK TO THE INTERSECTION WITH THE NORTH RIGHT OF WAY LINE OF VACATED MAURY STREET; THENCE EAST ALONG SAID NORTH RIGHT OF WAY LINE TO THE POINT OF BEGINNING, AND CONTAINING APPROXIMATELY 2.8 ACRES.

- Upon final passage of an ordinance vacating said City parkland 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 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	7			
MOTION CARRIED	APPROVED			

Franklin Cowrie Mayor

CERTIFICATE

I, Laura Baumgartner, 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, City Clerk