



Roll Call Number

23-0438

Agenda Item Number

62

Date March 27, 2023

RESOLUTION CLOSING HEARING AND APPROVING THE DESIGNATION OF "FORT DES MOINES MEMORIAL PARK" LOCATED AT 75 EAST ARMY POST ROAD AS A LOCAL LANDMARK

WHEREAS, the City of Des Moines received an application from Fort Des Moines Memorial Park, Inc (owner), represented by Jack Porter (officer), for the property locally known as 75 East Army Post Road (the "Property"), to designate Clayton Hall Museum and Chapel located on the Property as a local landmark. The Property is legally described as:

PARCEL A BEING AN IRREGULAR-SHAPED PORTION OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 34, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., POLK COUNTY, IOWA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 34; THENCE S89°16'57"E (WEST LINE OF THE NORTHWEST 1/4 ASSUMED DUE NORTH FOR THE PURPOSE OF THIS DESCRIPTION) ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 34, A DISTANCE OF 254.17 FEET; THENCE, S 00°43'03"W, A DISTANCE OF 69.50 FEET TO THE SOUTH RIGHT-OF-WAY EASEMENT LINE OF ARMY POST ROAD AS IT IS PRESENTLY ESTABLISHED IN POLK COUNTY, IOWA; THENCE, S00°00'59"E, A DISTANCE OF 313.62 FEET; THENCE S45°27'03"W, A DISTANCE OF 44.26 FEET; THENCE S17°14'21"W, A DISTANCE OF 48.12 FEET; THENCE, S09°28'00"W, A DISTANCE OF 7.80 FEET; THENCE S00°03'00"E, A DISTANCE OF 308.79 FEET; THENCE S44°01'15"W, A DISTANCE OF 130.00 FEET; THENCE, S00°14'33"W, A DISTANCE OF 43.34 FEET; THENCE S89°42'18"W, A DISTANCE OF 70.04 FEET TO THE EAST RIGHT-OF-WAY EASEMENT LINE OF CHAFFEE ROAD AS IT IS PRESENTLY ESTABLISHED IN POLK COUNTY, IOWA; THENCE CONTINUING S89°42'18"W, A DISTANCE OF 46.00 FEET TO THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 34; THENCE N00°00'00"E ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 34, A DISTANCE OF 917.20 FEET TO THE POINT OF BEGINNING.

and;

WHEREAS, the application contains detailed references and explanation regarding the historical nature of the building located at 75 East Army Post Road; and,

WHEREAS, on February 7, 2023, the Landmark Review Board met to consider the Owner's application and voted 10-0-1 to recommend that "Fort Des Moines Memorial Park" be designated a local Landmark; and



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WHEREAS, on February 20, 2023, the Plan and Zoning Commission, by a vote of 12-0, recommended to the Council approval of the application; and

WHEREAS, the Des Moines Municipal Code section 58-60 requires a public hearing be held to consider the application; and,

WHEREAS, on March 6, 2023, by Roll Call No. 23-0299, it was duly resolved by the City Council that the request for Local Landmark Designation be set down for hearing on March 27, 2023, at 5:00 p.m., to be held in the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

WHEREAS, due notice of the hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposed Local Landmark Designation; and

WHEREAS, the hearing was held pursuant to that notice. During the hearing, those interested in the application, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and

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

1. The public hearing on the application is hereby closed.
2. The “Fort Des Moines Memorial Park” meets the requirements of Des Moines Municipal Code section 58-58 to be designated as a local landmark because the Property located at 75 East Army Post Road:
 - Is significant in American history, architecture, archaeology, and culture; and,
 - Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction.
3. The City Council accepts the recommendation of the Landmark Review Board and the Plan and Zoning Commission and grants the application of Fort Des Moines Memorial Park, Inc. to have the “Fort Des Moines Memorial Park” designated a local landmark.



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- 4. The City Clerk is directed to file the designation and description of the "Fort Des Moines Memorial Park" with the Development Services Department and record this resolution as the designation and description of "Fort Des Moines Memorial Park" in the office of the county recorder.

Moved by Gatto to adopt. Second by Boesen.

Motion by Gatto to receive and file document. Second by Boesen.

Motion Carried 6-1. Absent: Sheumaker.

APPROVED AS TO FORM:

/s/ Chas M. Cahill
Chas M. Cahill
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, SHEUMAKER, VOSS, WESTERGAARD, and TOTAL.

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.

J.M. Franklin Cowie Mayor

Laura Baumgartner City Clerk