



Roll Call Number

230982

Agenda Item Number

17

Date July 17, 2023

ACCEPTING TRANSFER OF OWNERSHIP AND CONTROL OF DES MOINES MASONIC CEMETERY FROM CEMETERY BOARD OF DIRECTORS AND DEDICATION OF THE PROPERTY LOCATED AT 1550 48TH STREET AS CEMETERY

WHEREAS, the City of Des Moines owns numerous municipal cemeteries which are operated by the Park and Recreation Department; and

WHEREAS, on March 10, 2023, the Des Moines Masonic Cemetery Association Board of Directors passed a resolution to transfer ownership and control of the Des Moines Masonic Cemetery, located at 1550 48th Street, Des Moines and legally described as follows, and all remaining funds in the Des Moines Masonic Cemetery operating account, after payment of all outstanding costs and expenses, and all operations and business records and intangibles, to the City of Des Moines:

MAIN PART OF CEMETERY

THE EAST 771 FEET OF THE WEST 15 ACRES OF THE SOUTH HALF (S 1/2) OF THE SOUTH HALF (S 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 31, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M.,

AND

THE EAST 771 FEET OF THE NORTH 15 ACRES OF THE WEST 60 ACRES OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 31, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M.,

AND

THE EAST 771 FEET OF THE NORTH 267 FEET OF THE SOUTH 15 ACRES OF THE WEST 60 ACRES OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 31, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M.,

AND

LOTS 6 AND 11, FRANKLIN PLAZA, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 37.5 ACRES (1,635,088 SQUARE FEET).

MAINTENENCE SHED & DRIVE TO 48TH ST, EXTENSION OF COLLEGE AVE

THE WEST 150 FEET OF LOTS 8 AND 11, AND

-EXCEPT EAST HALF THEREOF-, LOT 9, AND

-EXCEPT EAST 150 FEET-, LOT 10, AND

ALL OF LOT 12,

ALL IN POWELL PLACE, AN OFFICIAL PLAT, AND

THE NORTH 50 FEET OF LOTS 26 AND 27, GILBERT PLACE, AN OFFICIAL PLAT,

ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 61,405 SQUARE FEET.



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**PARCEL WEST OF 1622 48<sup>TH</sup> ST (CONTRACT BUYER-MASONIC CEMETERY?)**

**-EXCEPT** THE EAST 150 FEET-, LOT 7, POWELL PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 7,500 SQUARE FEET.

**PARCEL WEST OF 1636 48<sup>TH</sup> ST (Deeds Bk 4382 Pg 437 & Bk 5895 Pg 550)**

**-EXCEPT** THE EAST 150 FEET-, LOT 4, POWELL PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 10,500 SQUARE FEET.

**PARCEL WEST OF 1700 48<sup>TH</sup> ST (Deed Bk 14302 Pg 756)**

THE WEST 150 FEET OF THE SOUTH 45 FEET OF LOT 3, POWELL PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 6,750 SQUARE FEET.

**PARCEL WEST OF 1708 48<sup>TH</sup> ST (Deeds Bk 4567 Pg 233 & Bk 6356 Pg 692)**

**-EXCEPT** THE EAST 150 FEET-, THE SOUTH 15 FEET OF LOT 1, **AND**  
**-EXCEPT** THE EAST 150 FEET-, THE NORTH 30 FEET OF LOT 2, ALL IN POWELL PLACE, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 6,750 SQUARE FEET.

Containing in all approximately 39.67 acres (1,727,993 Sq. ft.); and

**WHEREAS**, the Parks and Recreation Department and the Des Moines Masonic Cemetery Association have negotiated an Asset Purchase Agreement and Bill of Sale, and a Voluntary Offer to Purchase Real Estate and Acceptance, all in form on file in the office of the City Clerk, to accomplish the transfer of ownership and control of the Des Moines Masonic Cemetery and its real property, which documents provide that the Des Moines Masonic Cemetery Association will transfer the property and cemetery operations to the City at no cost and will cooperate with the City in training and payment of claims and expenses prior to the transfer.

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

1. The transfer of ownership and control of the Des Moines Masonic Cemetery from Des Moines Masonic Cemetery Association to the City of Des Moines is hereby approved and accepted.
2. The City's voluntary acquisition of real property located at 1550 48<sup>th</sup> Street, Des Moines, is hereby authorized and approved, and said above-described property is hereby dedicated as cemetery land, with dedication effective upon recording of the Deed within the Polk County Recorder.
3. The Asset Purchase Agreement and Bill of Sale, and Voluntary Offer to Purchase Real Estate and Acceptance, are hereby approved; the Mayor is hereby authorized to execute said documents on behalf of the City; and the City Clerk is hereby authorized and directed to endorse upon the Deed transferring the property to the City the approval and acceptance of this Council and to deliver such Deed to the Real

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Estate Division Manager to proceed with closing on the acquisition of the property and recording of said Deed with the Polk County Recorder's Office.

4. The Parks and Recreation Department Director and Real Estate Division Manager are authorized to execute additional documents required for closing on the property acquisition and transfer and ownership of the Des Moines Masonic Cemetery, subject to approval as to form by the Legal Department, and to coordinate and proceed to closing in accordance with the terms of the Asset Purchase Agreement and Offer to Purchase and standard real estate practices.
5. That the Finance Director is authorized and directed to issue checks in the amounts necessary to carry out the transaction and to pay any unforeseen additional costs certified by the Legal Department, Parks and Recreation Department and/or the Engineering Department.
6. That the Real Estate Division of the Engineering Department is directed to obtain the Legal Department's review and approval of all closing documents prior to closing.

(Council Communication No. 23-335)

Moved by Gatto to adopt.

Second by Boesen.

APPROVED AS TO FORM:

/s/ Glenna K. Frank  
 Glenna K. Frank, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
SHEUMAKER				✓
VOSS	✓			
WESTERGAARD	✓			
<p><u>A. M. Gammara</u> Mayor</p> <p>MOTION CARRIED APPROVED</p>				

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 City Clerk