



Roll Call Number

23-1029

Agenda Item Number

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Date July 17, 2023

HOLD HEARING FOR VACATION OF PARKLAND LOCATED EAST OF ILLINOIS STREET, SOUTH OF UNIVERSITY AVENUE, AND NORTH OF INTERSTATE 235 AND CONVEYANCE TO POLK COUNTY, IOWA

WHEREAS, on June 26, 2023, by Roll Call No. 23-0894, the City Council approved a Memorandum of Understanding for the Riverwalk Dog Park and Lauridsen Skate Park Parking Lot with Polk County, providing that the City will consider vacation and conveyance to Polk County approximately 2.24 acres of parkland within the southern portion of Riverwalk Dog Park for use for the parking lot construction and facilities, in exchange and consideration for design and construction by Polk County of replacement dog park facilities immediately north of existing Riverwalk Dog Park; and

WHEREAS, pursuant to said Memorandum of Understanding, the City of Des Moines proposes to vacate approximately 2.24 acres of parkland located along the Des Moines River east of Illinois Street, south of University Avenue, and north of Interstate 235, Des Moines, Iowa (hereinafter "Property"), and further proposes to convey said Property to Polk County, Iowa in exchange for the value of the design and construction work to be undertaken by Polk County for the shared parking facilities and replacement of dog park facilities as described in said Memorandum, with fair market value of the Property and estimated cost of Polk County's design and construction work being equivalent; and

WHEREAS, there is no known current or future public need for the parkland that is proposed to be vacated that cannot be mitigated in the immediate area, and the City will not be inconvenienced by the proposed vacation and conveyance of said parkland; and

WHEREAS, on June 26, 2023, by Roll Call No. 23-0895, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the parkland be set for hearing on July 17, 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 and convey the Property was given 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 and conveyance, 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, as follows:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation and conveyance of approximately 2.24 acres of parkland within the southern portion of Riverwalk Dog Park, as described herein, are hereby overruled and the hearing is closed.



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2. There is no public need or benefit for the parkland proposed to be vacated which would not be mitigated in the immediate area pursuant to the approved Memorandum of Understanding, and the public would not be significantly inconvenienced by reason of the vacation of approximately 2.24 acres of parkland located along the Des Moines River east of Illinois Street, south of University Avenue, and north of Interstate 235, legally described as follows, and said vacation is hereby approved:

A PARCEL OF LAND BEING PART OF LOT 2, BLOCK 'C', RIVER HILLS PLAT ONE, CITY OF DES MOINES, POLK COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 2, RIVER HILLS PLAT FIVE, IN SAID CITY OF DES MOINES, SAID POINT ALSO BEING ON THE SOUTH LINE OF UNIVERSITY AVENUE RIGHT-OF-WAY; THENCE S89°58'49"E, 60.00 FEET ALONG THE SOUTH LINE OF UNIVERSITY AVENUE RIGHT-OF-WAY TO THE EAST LINE OF ILLINOIS STREET RIGHT-OF-WAY; THENCE S00°02'32"E, 95.14 FEET ALONG SAID EAST LINE OF ILLINOIS STREET RIGHT-OF-WAY; THENCE CONTINUING ALONG SAID EAST LINE OF ILLINOIS STREET RIGHT-OF-WAY S26°53'53"W, 821.95 FEET TO THE POINT OF BEGINNING; THENCE S63°08'28"E, 160.30 FEET; THENCE S31°06'50"W, 425.68 FEET TO THE BEGINNING OF A 515 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY; THENCE SOUTHWESTERLY 78.64 FEET ALONG SAID CURVE, LONG CHORD BEARS S26°44'22"W, 78.56 FEET; THENCE S22°21'54"W, 161.55 FEET TO THE SOUTH LINE OF SAID LOT 2; THENCE N85°37'33"W, 153.72 FEET ALONG THE SOUTH LINE OF SAID LOT 2 TO THE SOUTHWEST CORNER THEREOF; THENCE N26°53'53"E, 313.97 FEET TO THE SOUTHEAST CORNER OF ILLINOIS STREET RIGHT-OF-WAY; THENCE N26°53'53"E, 408.93 FEET ALONG THE EAST LINE OF ILLINOIS STREET RIGHT-OF-WAY TO THE POINT OF BEGINNING.
AREA OF SAID PARCEL #2023-45 IS 97,485 SQUARE FEET.

3. The proposed conveyance of such vacated Property to Polk County, Iowa in exchange for the consideration of cost to Polk County of undertaking the construction of Riverwalk Dog Park facility improvements and parking lot improvements is hereby approved.

4. The Mayor is authorized and directed to sign Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

5. The City Clerk is authorized and directed to forward the original of the Quit Claim Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.

6. The Real Estate Division Manager is authorized and directed to forward the original of the Quit Claim Deed, together with 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 these documents to be recorded.



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- 7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim Deed and a copy of the other documents to the grantee.
- 8. There are no proceeds associated with this transaction.

Moved by Boesen to adopt. Second by Gatto.

APPROVED AS TO FORM:

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
SHEUMAKER				✓
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			1

MOTION CARRIED APPROVED
J. M. Gumbel Cownie 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