 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b>	August 8, 2011
	<b>Agenda Item No.</b>	<b>37</b>
	<b>Roll Call No.</b>	<b><u>11-1382</u></b>
	<b>Communication No.</b>	<b><u>11-519</u></b>
	<b>Submitted by:</b>	<b>Jeb E. Brewer, P.E., City Engineer</b>

**AGENDA HEADING:**

On vacation of a portion of Glendale Cemetery for Franklin Field Senior Apartments, L.L.L.P.

**SYNOPSIS:**

Recommend approval of vacation ordinance. If vacated the property will be conveyed to Franklin Field Senior Apartments, LLLP, John Mauro, General Partner, 2611 Ingersoll Avenue, Des Moines, Iowa 50312, for \$172,500, as previously approved by City Council. Purchase of this City-owned property will allow for redevelopment with a 40-unit senior housing tax credit project. A public access easement will be reserved by the City across the western portion of the property to be sold, for continued use of the community gardens. The exact location and description of the access easement will be determined as part of the site plan approval process. This property has been declared as excess property by the City Council and the City will not be inconvenienced by the sale.

**FISCAL IMPACT:**

Amount: \$172,500 (Revenue)

Funding Source: 2011-2012 CIP, Page Park Improvements – 6, Cemetery Infrastructure and Improvements, PKS138. The sales proceeds are being deposited to the above CIP project in accordance with the Endowed Maintenance Fund policy. Sales proceeds from properties that are associated with a specific CIP project account are deposited back into the appropriate account.

The use of the proceeds will be reviewed as part of the City Park and Recreation Board and City Manager review of CIP programs for FY 2013. Recommendations will be provided to City Council in context of the overall budget proposal.

**ADDITIONAL INFORMATION:**

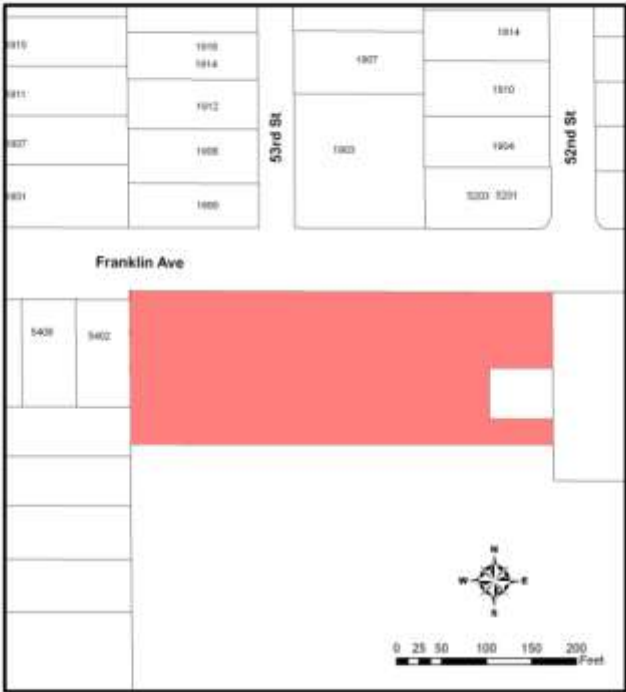
Early in 2011, Franklin Field Senior Apartments, LLLP submitted a request to the City Manager to purchase a 470.41’ by 171.52’ (less a 71’ x 56’ rectangle) unused section of Glendale Cemetery (approximately 1.8 acres) for redevelopment with a 40-unit senior housing tax credit project.

On June 13, 2011, by Roll Call No. 11-1051, the City Council declared the property was excess property and directed the City Manager to begin negotiations for the vacation and sale of the property to Franklin Field Senior Apartments, LLLP and any other interested potential buyers. Franklin Field Senior Apartments, LLLP has offered to the City of Des Moines the purchase price of \$172,500 which price reflects the appraised price per square foot of the property as determined by an independent appraiser and

also reflects the fair market value of the property as further determined by the City’s Real Estate Division. This proposal has completed multiple staff, neighborhood, Cemetery Committee and Park and Recreation Board reviews as follows:

- April 11, 2011: Council workshop to present developer’s proposal
- April 20, 2011: Cemetery Committee initial review
- May 10, 2011: Notification of Park and Recreation Board meeting to neighborhood groups and property owners within 250 feet of the proposed project
- May 11, 2011: Cemetery Committee second review
- May 17, 2011: Neighborhood meeting at Franklin Community Center
- May 24, 2011: Park and Recreation Board review (defeated motion to declare as excess by 8-5 vote)
- June 13, 2011: City Council received and filed Park and Recreation Board letter and communication (Roll Call Nos. 11-1049 and 11-1050); City Council approved declaration of the property as excess (Roll Call No. 11-1051)
- July 25, 2011: City Council approved purchase agreement for conveyance of property by Roll Call No. 11-1313

Franklin Field Senior Apartments, LLLP, and the City Real Estate Division have negotiated the terms of the Offer to Purchase which includes, among other terms, the provision that the closing on the sale of the property shall be subject to approval of rezoning of the property, and further subject to approval of senior housing tax credits by the Iowa Finance Authority. Certain conditions included in Roll Call No. 11-1051 approving the declaration of the subject property as excess have also been incorporated into the offer. In addition, a public access easement will be reserved by the City across the western portion of the property to be sold, for continued use of the community gardens. The exact location and description of the access easement will be determined as part of the site plan approval process.



**Legend**      Disposition-  
■ Property Location      Franklin Field Senior Apartments, LLLP

**PREVIOUS COUNCIL ACTION(S):**

Date: July 25, 2011

Roll Call Number: 11-1313

Action: [On](#) vacation and conveyance of a portion of Glendale Cemetery to Franklin Field Senior Apartments, LLLP, \$172,500. ([Council Communication No. 11-489](#)) Moved by Griess to adopt; refer to the City Manager to make a recommendation at the August 8th Council meeting regarding options for the use of the proceeds from the sale. Motion Carried 7-0.

Date: July 11, 2011

Roll Call Number: 11-1196

Action: [Set](#) hearing for vacation and conveyance of a portion of Glendale Cemetery to Franklin Field Senior Apartments, LLLP, \$172,500, (7-25-11). Moved by Moore to adopt. Motion Carried 7-0.

Date: June 13, 2011

Roll Call Number: 11-1051

Action: [Approving](#) Declaration of approximately 1.8 acres of Glendale Cemetery as excess property. ([Council Communication No. 11-393](#)) Moved by Griess to adopt. Motion Carried 6-1. Nays: Cownie.

Date: June 13, 2011

Roll Call Number: 11-1050

Action: [Receive](#) and file Park Board Letter advising reasons NOT IN FAVOR of Declaration of excess property. Moved by Griess to receive and file. Motion Carried 6-1. Nays: Cownie.

Date: June 13, 2011

Roll Call Number: 11-1049

Action: [Receive](#) and file Park Board Resolution NOT IN FAVOR of Declaration as excess property. Moved by Griess to receive and file. Motion Carried 6-1. Nays: Cownie.

**BOARD/COMMISSION ACTION(S):**

Board: Park and Recreation Board

Date: May 24, 2011

Resolution Number: 11-059

Action: Motion to accept the proposal by staff to declare 1.8 approximate acres of Glendale Cemetery land as excess property. A friendly amendment that the money received from the sale go back to cemetery infrastructure. Motion failed 8-5.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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