

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b> August 29, 2011
	<p><b>Agenda Item No.</b> 62</p> <p><b>Roll Call No.</b> <u>11-1499</u></p> <p><b>Communication No.</b> <u>11-544</u></p> <p><b>Submitted by:</b> <b>Jeb E. Brewer, P.E., City Engineer</b></p>

**AGENDA HEADING:**

Hold hearing for vacation and conveyance of a portion of Waveland Golf Course property to Russell D. and Marilyn A. Parks in exchange for a comparable parcel of land adjoining Cummins Woods.

**SYNOPSIS:**

Recommend approval of vacation and conveyance of a portion of Waveland Golf Course property to Russell D. and Marilyn A. Parks, 1509 Pleasant View Drive, Des Moines, Iowa 50315-2127, in exchange for a comparable parcel of land adjoining Cummins Woods. This action is required by Iowa law prior to making a final determination on the proposed conveyance by resolution. The exchange of this City-owned property for an equivalent property adjoining Cummins Woods will allow for redevelopment of adjacent property owned by Russell and Marilyn Parks along Observatory Road for a six-unit townhouse development. There is no current or anticipated public need for this parkland property as it does not serve any use as part of the Waveland Golf Course, and the City will benefit from the acquisition of the Russell Parks' parcel.

**FISCAL IMPACT:**

Amount: \$0.00 (Land Exchange)

Funding Source: N/A

**ADDITIONAL INFORMATION:**

Russell D. and Marilyn A. Parks are the owners of property on the north side of Observatory Road that adjoins Waveland Golf Course. On March 17, 2010, Russell Parks submitted a proposal to the City's Parks Department to purchase a 70' by 132.19' (9,253.30 square feet) portion of Waveland Golf Course to incorporate with his existing property for redevelopment as a six-unit townhome project.

On December 2, 2010, Russell Parks submitted a revised proposal to purchase the Waveland Golf Course parcel in exchange for conveyance to the City of a 48.6' by 190.56' (9,261.22 square feet) portion of land adjoining Cummins Woods as consideration for the purchase. The original and revised proposals have completed multiple staff, neighborhood, Golf Advisory Committee and Park Board reviews as follows:

- April 7, 2010: Initial Park and Recreation Board's Citizen Golf Advisory Committee review
- May 7, 2010: Waveland Park Neighborhood Association meeting
- June 22, 2010: Initial Park and Recreation Board review

- July 7, 2010: Second Park and Recreation Board’s Citizen Golf Advisory Committee review
- Sept. 13, 2010: City Council received and filed Park and Recreation Board and staff recommendations and referred item to City Manager for review and recommendation and negotiation of a purchase agreement. (Roll Call No. 10-1504)
- April 11, 2011: Council workshop to present developer’s revised proposal for land exchange.
- April 26, 2011: Park and Recreation Board review of revised proposal for land exchange.

On July 11, 2011, by Roll Call No. 11-1198, the City Council received a unanimous recommendation from the City Park and Recreation Board that the Waveland Golf Course parcel be vacated and conveyed in exchange and as consideration for conveyance to the City of the Russell Parks’ parcel.

The City’s Real Estate Division has determined that the parcel to be conveyed to Russell D. and Marilyn A. Parks is comparable in value and use to the parcel to be acquired from them. The City’s Parks Department and Real Estate Division have negotiated the terms of the land exchange with the buyer which will include, among other terms, provisions that (1) the exchange of the parcels shall occur on or before December 31, 2012, unless otherwise agreed upon by the parties, said exchange being subject to the due diligence period of the buyer and City rezoning approval, and (2) the buyers shall be required to obtain and provide to City a survey for the above-referenced Waveland Golf Course parcel, of which the full parcel or a portion thereof shall be conveyed to Russell D. and Marilyn A. Parks for development and the remainder, if any, shall be retained by the City and rededicated. Additional conditions of the sale shall reflect the Park and Recreation Board recommendations that (1) the sale is approved for development of a six-unit townhome or single-family housing project, (2) Russell D. and Marilyn A. Parks will provide the site plan and landscaping plan to the Park and Recreation Board for review and recommendation, as well as conform to the City tree mitigation policy, (3) the adjacent property referred to as a “Bird Sanctuary” will be protected from the construction process with a silt fencing to control runoff, (4) a plan will be provided for staging of equipment and work vehicles during construction, and (5) Russell D. and Marilyn A. Parks will convey to the City a mutually agreeable access easement across property adjacent to the Waveland Golf Course parcel for public and City access to the “Bird Sanctuary” as additional consideration for this land exchange.

Russ Parks’ Proposal



Mr. Parks has discussed the plan for staging of equipment and work vehicles during construction with City staff and understands that no parking will be allowed on Observatory Road, or the Waveland Golf Course maintenance parking lot directly west of the tennis courts, and that the paved drive heading north from Observatory Road directly west of the Waveland Golf Course land exchange area can be used for construction access.

**PREVIOUS COUNCIL ACTION(S):**

Date: August 8, 2011

Roll Call Number: 11-1389

Action: [On](#) vacation and conveyance of a portion of Waveland Golf Course property to Russell D. Parks, in exchange for a comparable parcel of land adjoining Cummins Woods and to continue to August 29, 2011 at 5:00 PM. ([Council Communication No. 11-524](#)) Moved by Hensley to adopt. Motion Carried 7-0.

Date: July 25, 2011

Roll Call Number: 11-1316

Action: [On](#) vacation and conveyance of a portion of Waveland Golf Course property to Russell D. Parks, in exchange for a comparable parcel of land adjoining Cummins Woods, and to continue to August 8th at 5 P.M. ([Council Communication No. 11-493](#)) Moved by Hensley to adopt. Motion Carried 7-0.

Date: July 11, 2011

Roll Call Number: 11-1197

Action: [Set](#) hearing for vacation and conveyance of a portion of Waveland Golf Course property to Russell D. Parks, in exchange for a comparable parcel of land adjoining Cummins Woods, (7-25-11). Moved by Moore to adopt; and refer to the City Manager to provide a plan for gating, fencing and staging of equipment and work vehicles during construction. Motion Carried 7-0.

Date: July 11, 2011

Roll Call Number: 11-1198

Action: [Communication](#) from Chair of Park and Recreation Board. Moved by Moore to receive and file. Motion Carried 7-0.

Date: September 13, 2010

Roll Call Number: 10-1504

Action: [Receive](#) and file Park and Recreation Board recommendation to approve sale of 70' by 132' portion of Waveland Golf Course to abutting property owner, Russell Parks, for a townhouse development. ([Council Communication No. 10-557](#)) Moved by Hensley to receive and file and refer to

the City Manager for review and recommendation regarding policy, process, and minimum criteria for uses of non-buildable park land, and to review the plan for the bird sanctuary. Motion Carried 5-2.  
Nays: Cownie and Meyer.

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

Board: Park and Recreation Board

Date: April 26, 2011

Resolution Number: 11-043

Action: To approve Mr. Parks' revised proposal for a land exchange, with the stipulation that the Parks and Recreation Department and Board will develop a master plan for Cummins Woods.

Motion passed unanimously.

Board: Park and Recreation Board

Date: July 27, 2010

Resolution Number: 10-063

Action: Approval of Mr. Parks' proposal for purchasing a portion of land from Waveland Golf Course with the following covenants:

- 1) Sale price to be based on third party appraisal
- 2) The Plan and Zoning Commission grants the appropriate zoning change to allow the townhome proposal
- 3) The sale would only be approved for the use that Mr. Parks has proposed, which is a six-unit townhome development
- 4) Mr. Parks would provide the landscaping plan that was presented to the Park Board as well as conform to the City tree mitigation policy
- 5) The adjacent property referred to as a "Bird Sanctuary" would be protected from the construction process with silt fencing to control runoff
- 6) The proceeds of the proposed sale be set aside in a newly established fund for the Park and Recreation department to be used solely to purchase land for future park needs.

Approved 7-5 with one abstention

Board: Park and Recreation Board

Date: June 22, 2010

Resolution Number: 10-058

Action: Receive and file Russell Park's land purchase proposal.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the second floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org).