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Date..... February 26, 2007

RESOLUTION AFFIRMING THE DECISION OF THE HISTORIC  
PRESERVATION COMMISSION

WHEREAS, on December 20, 2006, the Historic Preservation Commission denied an application from Kingsway Cathedral, represented by Bernie Van Til of Preservation Properties, L.L.C., for a Certificate of Appropriateness for the demolition of the building known as Kingsway Cathedral at 901 - 19th Street; and,

WHEREAS, Preservation Properties, L.L.C., has appealed the Commission's decision to the City Council pursuant to §58-31(f) of the Des Moines Municipal Code; and,

WHEREAS, on January 22, 2007, by Roll Call No. 07-118, it was duly resolved by the City Council that the appeal be set down for hearing on February 26, 2007, at 5:00 p.m., in the Council Chambers; and,

WHEREAS, due notice of the hearing was mailed to the applicant on February 2, 2007, and published in the Des Moines Register on February 8, 2007; and,

WHEREAS, in accordance with the published notice, those interested in the issuance of the Certificate of Appropriateness, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and,

WHEREAS, Section 303.34(3) of the Iowa Code and Section 58-31(f) of the Des Moines Municipal Code provide that on an appeal such as this, the City Council shall consider whether the Historic Preservation Commission has exercised its powers and followed the guidelines established by the law and ordinance, and whether the Commission's decision was patently arbitrary or capricious; NOW THEREFORE,

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

1. The public hearing on the appeal is hereby closed.
2. The City Council hereby finds that the decision of the Historic Preservation Commission to deny a Certificate of Appropriateness for the demolition of 901 - 19th Street should be upheld and affirmed.

( continued )

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3. The City Council hereby makes the following findings in support of this decision:
- a) The Kingsway Cathedral building at 901 - 19th Street was identified as a Pivotal Structure in the application for the nomination of the Sherman Hill Historic District to the National Register of Historic Places.
  - b) The building has not been maintained in recent years, and the owner's decision to not perform regular and routine maintenance on the building is a principle cause of the deterioration that now exists.
  - c) The City Council has not been presented with any material evidence to demonstrate that a good faith effort has been made to market the building for renovation and reuse.
  - d) The applicant has not presented any plan for the redevelopment of the land in a manner consistent with the applicable standards for new construction in a historic district, if the demolition of the existing building were approved. At this time the City Council is presented with a choice between leaving a historic building standing in the hope that an economic reuse of the building can be found, or the creation of a vacant lot.

( Council Communication No. 06- 116 )

MOVED by \_\_\_\_\_ to adopt, and affirm the decision of the Historic Preservation Commission to DENY the Certificate of Appropriateness.

FORM APPROVED:

*Roger K. Brown*

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

.....  
Mayor

**CERTIFICATE**

I, DIANE RAUH, 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.

\_\_\_\_\_  
City Clerk