

★ Roll Call Number

Agenda Item Number

63A

June 13, 2011

Date

WHEREAS, the Park and Recreation Board has advised that at its meeting held on May 24, 2011, by Resolution No. 11-059, a motion was made to accept the Park and Recreation Department staff recommendation to declare the cemetery property (approximately 1.8 acres of cemetery land located in the vicinity of 5200 Franklin Avenue) as excess property, with a friendly Board amendment that a condition that the money from the sale go back to cemetery infrastructure. By a vote of 5-8 the motion failed.

MOVED by _____ to receive and file.

Approved as to Form:

Ann DiDonato

Ann DiDonato
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

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.

MOTION CARRIED

APPROVED

Mayor

City Clerk

**SUMMARY EXCERPTED FROM
DES MOINES PARK AND RECREATION BOARD
5:00 P.M. Tuesday, May 24, 2011
City Council Chambers, City Hall**

Summations and categorization of Board members' suggestions/comments include the following; staff replies during the meeting follow:

- the area should not be developed if it's not needed or recommended for cemetery space but instead be retained and utilized as open and green space, or for expansion of the community gardens
- people use this area for park-like purposes . . . playing kickball, using the adjacent trail, and working the community gardens (staff comment: open space for this activity is available south of the community gardens, away from the street's traffic)
- there are other areas in the City for development
- concern that the board has been asked to sell off green space rather than acquiring more
- if the land is designated as excess property then it should be appraised and put up for bid
- citizens in this area have said they do not have a fair share of parks; if this property is excess cemetery space, are there any plans for a park in the area (staff comment: the department believes there is sufficient open space to serve the neighborhood)
- concern that the area south of the community garden is a restricted area (staff comment: that area is not restricted, however the area on Franklin is restricted)
- why are we not receiving and filing the recommendation at this time rather than moving to a decision in one meeting (staff comment: the board's cemetery sub-committee first considered this matter in April and approved the proposal in May; neighborhood association and public meetings have also been held throughout May to consider this matter; the developer and City process also have timelines for consideration; if the board would like to defer, it could be done, but it is staff's recommendation to move it forward with a recommendation to Council one way or the other in one meeting on the decision of excess cemetery property)
- per capita, citizens are well served by park and open space in this area; development of the 70-acre Tai Dam Memorial Peace Park is underway
- by developing this land, you are generating revenue in the Beaverdale area
- the two acres is mostly concrete; is this a desired use and need in the area
- why not open up some of the cemetery property for recreational use
- concern for the community gardens being located behind an apartment; that is not compatible for a community garden
- regarding the Cemetery Committee's consideration, did they receive a presentation of the proposed development (staff comment: yes, they received a full presentation , along with a question and answer period)
- is two acres going to break our park system at this point; this project will create a tax base
- the vote is whether or not this is excess property; this particular parcel is attractive because it doesn't have anything on it – no demolition; other senior housing may happen on lots with existing buildings; the two acres of park space shouldn't be given up because the numbers work for the developer; they can look at other locations to meet the needs of the community

Citizen comments included the following; staff replies during the meeting follow:

- Ray Cables, 5817 Park Street - the Northwest Community Center was built on green space; if you sell this land for \$250,000 the money could be used to build a retaining wall around the pond (comment by Engineering Real Estate Division: originally it was thought this property value was \$200,000 to \$250,000 but it does not have that value at this point, it will be lower than this)
- Jenny Irlmeier, 2005 52nd Street – attended the May 17 public meeting and is opposed to the senior housing development; young families living in the area are looking for green space; low income senior property will not increase the population or bring money into the area; young families living in this area will put money into the area (park board member comment: how often is recreation activity viewed at this location, to which Ms. Irlmeier’s reply was “all the time due to the bike trail; the green space is one of the attractions to the neighborhood”)
- Bill Gray, 4617 Franklin – this property was platted in 1897 for purposes of a cemetery; this area is probably worth at least \$1 million; the city should be good stewards of the land and not in competition with developers; the city should look at what’s best for the area . . . keep it for future generations
- Chris Jensen, 2206 52nd Street – questioned the action declaring this excess cemetery property since on the City’s website this area is listed as a park on the fact sheet
- Tim Mauro, President of Curly Top, the investor - it has been important to take time on this project and not take it lightly; in reference to the vacant Franklin commercial properties suggested by some speakers at the meeting, with Iowa Finance Authority (IFA) restrictions, those areas are not conducive or financially feasible (park board member comment: has a market study been done, to which Mr. Mauro stated that as a developer, the need to do this is large; with the IFA process, if there is no need, there is no project).

The motion was made to accept the staff recommendation to declare the cemetery property as excess property; a friendly amendment that a condition be that the money goes back to cemetery infrastructure was attached. The motion failed 5-8.