

Date June 13, 2011

APPROVAL OF DECLARATION OF APPROXIMATELY 1.8 ACRES OF GLENDALE CEMETERY AS EXCESS PROPERTY

WHEREAS, the City has received a request to sell approximately 1.8 acres of property dedicated for cemetery use at 5200 Franklin Avenue adjacent to Glendale Cemetery; and

WHEREAS, the City Council and City Manager, pursuant to the City Manager's administrative process outlined at the April 11, 2011, City Council workshop have assessed such request as viable and have requested that the Park and Recreation Board and Park and Recreation Department staff evaluate and advise on whether such real property should be declared as excess property; and

WHEREAS, also in accordance with the City Manager's administrative process, notice was provided to the public, the Citizens Cemetery Committee, and the Merle Hay, Waveland Park and Beavertdale Neighborhood Associations; and

WHEREAS, the Merle Hay and Waveland Neighborhood Associations, in which the subject property is located or adjacent to, and the Citizens Cemetery committee have endorsed the proposed declaration of excess property and support the conveyance of the property for development of senior housing; and

WHEREAS, the Park and Recreation Department staff recommends that such 1.8 acre parcel is not needed for cemetery use and be declared as excess property and presented such recommendation at the Park and Recreation Board meeting on May 24, 2011; and

WHEREAS, at its meeting on May 24, 2011, the Park and Recreation Board voted on the staff recommendation that such property be declared as excess cemetery property along with a friendly amendment by the Board that a condition be placed on the sale of the property that the money from the sale go back to cemetery infrastructure. By a vote of 5-8 the motion to declare such property as excess cemetery property failed; and

WHEREAS, Park and Recreation Department staff have identified the following reasons for declaring the property as excess and recommended conditions to the proposed sale of such property:

- Cemetery sale of lots in this location is not imminently necessary. In fact, it is projected that this land would not be necessary for cemetery expansion for at least 75 years.
- This street location for plotting cemetery lots is situated between the Northwest Community Center to the east and residential to the west. Staff's opinion is that this not the best use for this land.



June 13, 2011

Date

- Staff does agree with the Board that this parcel of open space is currently utilized for park purposes; so staff further recommends that the parcel to the south and east of the community gardens in Glendale Cemetery be made available for park purposes to support use by the community gardeners and the neighborhoods. This is a particularly good location as it already contains a new Adult Playground and is away from the traffic on Franklin Avenue.
- The Board expressed a concern about the loss of the view of open space into the cemetery on Franklin Avenue. This is a valid concern, so whomever the land is sold to should be required to provide a landscaping plan so staff can assure an appealing Franklin Avenue view.
- Glendale Cemetery is in need of infrastructure improvements that are difficult to fund, given the precarious city fiscal position. The Park and Recreation Board have indicated a desire to use proceeds from any land sale to make infrastructure improvements in the cemetery or to add open space. The funds from the sale are recommended to return to the Park and Recreation Department for review with these two purposes in mind.
- The Board expressed concerns that the community gardens be protected. The buyer's plans should be reviewed by city staff and the city's community gardening coordinator to assure that the gardeners are not negatively impacted. The buyer of the land must understand that the land use as a community garden must be protected. Additionally parking will need to be provided by the buyer for community gardeners, the waterline to the gardens must be also maintained and access to the gardens must be assured.
- The Park and Recreation Board should be included in the buyers site plan review as they have concerns about how the use impacts adjacent park uses and the Franklin Avenue view to the south.
- If the land sale is approved, the Park and Recreation Department will recommend a process to dedicate land within the cemetery's property, south of the community gardens, as dedicated green space to serve the needs of the area residents and gardeners.
- The Park and Recreation Board was concerned that they did not have their normal two meetings to review this policy recommendation. Every effort should be made to give the Board their normal two meeting review on policy matters in the future.
- The buyer be asked to follow and exceed the City's tree mitigation policy for City-owned land.
- The buyer must recognize the area outside of their proposed boundaries as a public recreation open space and understand significant number of users will be in and around this location daily, including gardeners, trail users, adult exercise equipment users and additional users who may utilize recreational features to potentially be developed in the future.
- The park shelter, trail, adult exercise equipment and community garden property must be protected during the construction process through the use of siltation fencing and other measures to control runoff and damage from construction equipment and materials.
- The developer follows and exceeds the City's tree mitigation policy for City owned land.

Date June 13, 2011

- The developer recognizes the area outside of their proposed boundaries is a public recreation location and understands significant numbers of users will be in and around this location daily, including gardeners, trail users, adult exercise equipment users and additional users who may utilize recreational features to potentially be developed in the future, including but not limited to a play feature for children, and cemetery uses.
- Protection of the park shelter, trail and community garden property from the construction process through the use of siltation fencing and other measures to control runoff and damage from construction equipment and materials.
- If approved, the Park and Recreation Department will recommend a process to re-dedicate land within the cemetery's property, south of the community gardens, as green space to serve the needs of the area residents.

NOW, THEREFORE, BE IT RESOVED by the City Council of the City of Des Moines, Iowa, that the above described approximately 1.8 acres of Glendale Cemetery is hereby declared as excess property.

BE IT FURTHER RESOLVED THAT the City Manager is authorized and directed to take all steps necessary to proceed with the rezoning of such property and to begin negotiations for the vacation and sale of such property to Franklin Field Senior Apartments, LLLP and any other interested potential buyers.

(Council Communication No. 11- 393)

MOVED by _____ to adopt.

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				

MOTION CARRIED

APPROVED

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.

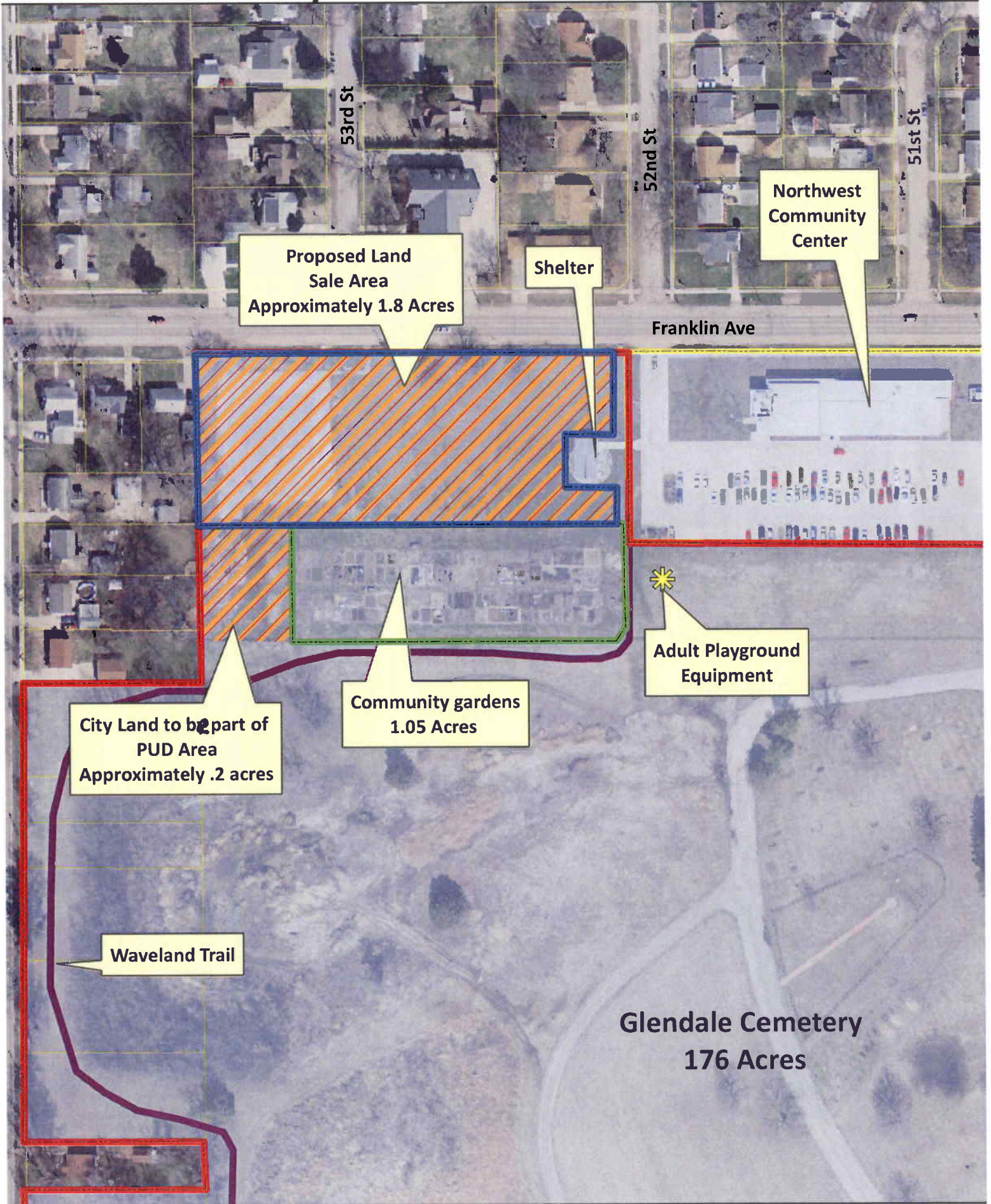
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Mayor

City Clerk

Glendale Cemetery

63C



Committee to Designate and Plan for Parkland and Open Space



March 2011

Background:

In August of 1995, *Parklands: A Celebration of Des Moines's Community Spirit*, was adopted as the Park and Recreation Department's Comprehensive Plan. This plan contained goals that were intended to be action oriented which would continue to encourage the use of the plan for many years to come. In 2010, as stewards of over 3,500 acres of publicly-owned land, this document continues to be the guide for the department as we strive "to maintain and enhance a system of parks and recreational facilities which define Des Moines as a special place to live, work, play and visit."

Chapter Five of *Parklands* focused on the new challenges that would face the department including the adding and deleting of parkland. This section recognized that on occasion requests would be made to the Des Moines Park and Recreation Department to dispose of, or add parcels of land that may be in need of preservation as parkland or open space and recommends that a policy guiding these decisions be adopted. This section also proposes that parkland and open space classification system be adopted.

Problem Statement:

The Park and Recreation Department has not adopted a comprehensive land classification system as outlined in the *Parklands* document nor has a policy that guides the ability to acquire or dispose of parkland and open space been adopted. This lack of a classification system and land acquisition and disposition policy creates an inconsistent guide for looking at land classification and recommendations of whether to dispose of, or add land to the parkland and open space system.

Because of this, it is recommended that a committee be formed with members of the Des Moines Park and Recreation Board and staff members from the Park and Recreation Department and other City departments to review and provide guidance toward the creation of a plan for classification of the City's parkland and open space as well as creating a policy that will be the department's guide for land disposition and acquisition within the parkland and open space system.

The Committee:

This recommended committee is:

- Park and Recreation Board Members
 - Bob Modersohn
 - Dick Murphy
 - Loyd Ogle

- George Krumrey
- Dick Thornton
- Susan Koenig –Vandehaar
- Suzette Jensen
- Park and Recreation Department Staff
- Community Development Department Staff
- Public Works Department Staff
- City Manager’s Office Staff
- City Legal Staff
- Engineering and Real Estate Department Staff
- Urban Conservation Committee Member
- Others as requested by committee

The committee will begin meeting in the spring of 2011 and begin working toward a plan and/or a policy by answering the following questions:

1. **How should parkland and open space properties be classified by the City?** Some of the things that should be addressed by this question include:
 - a. Zoning – Currently most parkland and open space is zoned similar to the adjacent property. In most cases, this is a residential or floodplain zoning. Should parkland and open space have its own zoning district in the City Code?
 - b. Land Classification – How should the City’s parkland and open space be classified? Currently it is classified by the Real Estate Division. Should criteria be established that allows for classification by size, setting, built environment, natural environment, programs, etc? (Example of this would be the City of Seattle’s classification of parkland and open space areas, or using the land classification system laid out in the Parklands document)
 - c. Liability, Maintenance and Ecological Function – Should the classification of land and its value be based on the ecological value it provides to the City, the liability of its use as public land, or by the cost to maintain it?
 - d. How should parkland and open space maintenance that also carries other uses be funded.
2. **Under what circumstances should the department dispose of property, or portions of property, or grant easements for non-park uses such as utilities?** Considerations toward this should include:
 - a. Establishing criteria that should be used to evaluate if a piece of land should be considered for disposition either on a request basis by the public or by an internal review of land by the City (Potential criteria exist in the Parklands document.)
 - b. Establish criteria for granting easements across parkland and open space for public utilities like sewers, water lines, levees, storm water facilities, etc...
3. **How should the Department evaluate the acquisition or expansion of the parkland and open space system?** Expansion opportunities could come from the follow sources:

- a. Annexation of the City limits. As the City expands, there become opportunities for adding areas to parkland and open space system to serve future developments or to protect potential valuable or sensitive lands in these new areas.
- b. Reversion of formerly commercial or residential areas to parkland and open space. This includes areas in flood areas along rivers and creeks like Four Mile Creek.

Results of the Committee:

The committee should be working toward a final product that answers the previous questions about classification of parkland and open space. Some potential results could include:

- a. Adoption of a land classification system for parkland and open space.
- b. A policy could be created and adopted regarding disposition and acquisition of parkland and open space
- c. The committee could become a permanent fixture of the Park and Recreation Board like the Urban Conservation Committee

Existing Resources:

Park and Recreation staff will be available to research any subject discussed by the committee to find more related information to assist the committee. Beyond that there are many existing resources and plans that may be helpful to the committee throughout this process. Examples of these resources include:

- Parklands – This is the Department’s master plan from 1995 and is the basis behind much of the departments’ actions the past 15 years.
- Land Stewardship Policy – This Board’s adopted policy is a guide toward the appropriate stewardship of the City parkland and open space
- Zoning Ordinance
- 2020 Community Character Plan – This is the City’s land use plan and could be valuable when looking at land classification
- Association of Floodplain Managers – www.flood.org . Their goals include helping the public and private sectors:
 - Reduce the loss of human life and property damage resulting from flooding.
 - Preserve the natural and cultural values of floodplains.
 - Promote flood mitigation for the prevention of loss and the wise use of floodplains.
 - Avoid actions that exacerbate flooding.