

.....  
**Date** July 11, 2011.....

**SET HEARING FOR VACATION AND CONVEYANCE OF A PORTION OF  
GLENDALE CEMETERY TO FRANKLIN FIELD SENIOR APARTMENTS, LLLP  
FOR \$172,500**

**WHEREAS**, in early 2011, Franklin Field Senior Apartments, LLLP submitted a request to the City Manager to purchase a 470.41-feet by 171.52-feet (less a 71'x 56' rectangle) portion of Glendale Cemetery (approximately 1.8 acres) ("Property") for redevelopment as senior apartments; and

**WHEREAS**, on June 13, 2011, by Roll Call No. 11-1051, the City Council declared by resolution that 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; and

**WHEREAS**, Franklin Field Senior Apartments, LLLP has offered to the City of Des Moines the purchase price of \$172,500 for the Property, which price reflects the appraised price per square foot 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; and

**WHEREAS**, Franklin Field Senior Apartments, LLLP and the City Real Estate Division are negotiating the terms of an Offer to Purchase, which Offer will include, among other terms, the provision that closing on the sale of the Property shall be subject to approval of rezoning of the Property and further subject to Iowa Finance Authority review and approval; and

**WHEREAS**, the Property has been declared as excess property by the City Council, and the City will not be inconvenienced by the sale of said parcel.

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

1. That the City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating an approximately 1.8-acre portion of Glendale Cemetery, more specifically described as follows:

A tract of land in the SE ¼ of the NW Fractional ¼ of Section 31, Township 79 North, Range 24 West of the 5<sup>th</sup> P.M., in the City of Des Moines, Polk County, Iowa; Beginning at the Northeast Corner of Lot H in Mesa Park, an Official Plat; thence South 90° (degrees) 00' (minutes) 00" (seconds) East, parallel to the North line of said SE ¼ NW ¼, a distance of 470.41 feet; thence S00°36'35"E, a distance of 86.62 feet; thence S89°23'25"W, a distance of 71.00 feet; thence S00°36'35"E, a distance of 56.00 feet; thence N89°23'25"E, a distance of 71.00 feet; thence S00°36'35"E, a distance of 28.89 feet; thence N90°00'00"W, a distance of 469.70 feet; thence N00°50'54"W, a distance of 171.52 feet to the Point of Beginning; said tract being subject to and together with any and all easements of record. Said tract contains 1.76 acres more or less.

★ **Roll Call Number**

**Agenda Item Number**

19

Page 2

**Date** July 11, 2011

2. That if the City Council decides to vacate the above-described excess property, the City of Des Moines further proposes to sell such property to Franklin Field Senior Apartments, LLLP, for the consideration of \$172,500.00, with closing subject to the provision set forth above, and in accordance with the requirements of the Plan and Zoning Commission recommendations and the terms of the Offer.

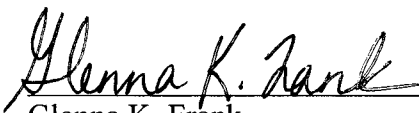
3. That the meeting of the City Council at which the adoption of said ordinance and the proposed conveyance of such real estate is to be considered shall be on July 25, 2011, said meeting to be held at 5:00 p.m., in the Council Chamber.

4. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with Section 362.3 of the Iowa Code.

5. The proceeds associated with this property will be deposited into the following account: Fund: CP040, ORG:PKS990000, Project: PKS138.

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

  
 \_\_\_\_\_  
 Glenna K. Frank  
 Assistant City Attorney

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

July 8, 2011



The Honorable Mayor  
and  
Members of the City Council  
City of Des Moines

RE: Sale of Property at Glendale Cemetery and Waveland Golf Course

Dear Mayor and City Council Members:

In accordance with the June 13<sup>th</sup> Council meeting request, by Roll Call No. 11-1049, here is the general schedule of the Franklin Field disposition process. In addition, we included the Waveland request time frame.

At the City Council Workshop on April 11, 2011, City staff presented you with an outline of the disposition process for two developer initiated proposals to purchase a portion of Waveland Golf Course for a 6 unit townhome development and for a portion of Glendale Cemetery for a 40 unit senior housing tax credit project. Both of these proposals have completed multiple staff, neighborhood, Golf Advisory Committee, Cemetery Committee, and Park Board reviews, and they are now ready to proceed with various City Council actions. Below is a summary of the steps that have been completed to date and the remaining City Council actions that are required.

#### Glendale Cemetery

The Glendale Cemetery parcel consists of approximately 1.76 acres (76,666 square feet) located off of Franklin Avenue west of the Franklin Community Center. The site does not include the community garden area south of Franklin Avenue. The developer, Franklin Field Senior Apartments, LLLP, proposes to purchase the City's parcel at fair market value. The property has been appraised by an independent appraiser, and the fair market value is equal to \$172,500. The subject property is part of the original land purchase for Glendale Cemetery, and there are no deed restrictions or covenants that prohibit or affect the sale of the property.

#### Land Conveyance Process/Schedule to date and remaining actions:

April 11, 2011	Council workshop to present developer's proposal
April 20, 2011	Cemetery Committee initial review
May 10, 2011	Notification of Park Board meeting to neighborhood groups and property owners within 250' of proposed project
May 11, 2011	Cemetery Committee second review
May 17, 2011	Neighborhood meeting at Franklin Community Center
May 24, 2011	Park Board review
June 13, 2011	City Council received and filed Park Board and staff recommendations

July 8, 2011

Page 2

- |               |   |
|---------------|---|
| July 11, 2011 | Set date of public hearing for July 11, 2011 for vacation and conveyance of cemetery land   |
| July 25, 2011 | Public hearing for vacation and sale of cemetery property and 1 <sup>st</sup> and final reading for vacation of cemetery land (assumes waiver of 2 <sup>nd</sup> /3 <sup>rd</sup> ordinance readings; closing subject to rezoning approval and IFA Tax Credits) |

Rezoning Process/Schedule to date and remaining actions:

- Applicant must be titleholder or have consent of the titleholder to file a rezoning application.
- Schedule (earliest possible for zoning only, will be delayed if no consent by current titleholder for rezoning application and/or no submittal of an application by the appropriate deadline):

- |                |  |
|----------------|--|
| May 10, 2011   | Held pre-application meeting   |
| July 20, 2011  | Rezoning application due to Community Development Dept.  |
| Aug. 18, 2011  | Plan and Zoning holds public hearing   |
| Aug. 29, 2011  | Council sets date of public hearing  |
| Sept. 12, 2011 | Council holds 1 <sup>st</sup> and final public hearing on rezoning (assumes waiver of 2 <sup>nd</sup> /3 <sup>rd</sup> ordinance readings) |

### Waveland Golf Course

The Waveland Golf Course parcel consists of approximately 0.21 acres (9,253 square feet) located north of the Waveland Tennis Courts off of Observatory Road. The developer, Russ Parks, proposes to exchange a comparable parcel of land adjoining Cummins Woods as consideration for the conveyance of the City's parcel. The subject property is part of the original land purchase for Waveland Golf Course, and there are no deed restrictions or covenants that prohibit or affect the sale of the property.

Land Conveyance Process/Schedule to date and remaining actions:

- |                |  |
|----------------|--|
| 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 Board review  |
| July 7, 2010   | Second Park and Recreation Board's Citizen Golf Advisory Committee review  |
| July 27, 2010  | Second Park Board review   |
| Sept. 13, 2010 | City Council received and filed Park Board and staff recommendations and referred item to City Manager for review and recommendation and negotiation of a purchase agreement |
| April 11, 2011 | Council Workshop to present developer's revised proposal for land exchange   |
| April 26, 2011 | Park Board review of land exchange proposal  |

July 8, 2011

Page 3

- July 11, 2011 City Council to receive and file Park Board and staff recommendations
- July 11, 2011 Set date of public hearing for July 11, 2011 for vacation and conveyance of park land
- July 25, 2011 Public hearing for vacation and sale of park land and 1<sup>st</sup> and final reading for vacation of park land (assumes waiver of 2<sup>nd</sup>/3<sup>rd</sup> ordinance readings; closing subject to rezoning approval and IFA Tax Credits)

Rezoning Process/Schedule to date and remaining actions:

- Applicant must be titleholder or have consent of the titleholder to file a rezoning application.
- Schedule (earliest possible for zoning only, will be delayed if no consent by current titleholder for rezoning application and/or no submittal of an application by the appropriate deadline):

- April 20, 2010 Held pre-application meeting
- July 20, 2011 Rezoning application due to Community Development Dept.
- Aug. 18, 2011 P&Z holds public hearing
- Aug. 29, 2011 Council sets date of public hearing
- Sept. 12, 2011 Council holds 1<sup>st</sup> and final public hearing on rezoning (assumes waiver of 2<sup>nd</sup>/3<sup>rd</sup> ordinance readings)

Please feel free to contact me if I can provide any additional information.

Sincerely,



Richard A. Clark  
City Manager

cc: Community Development Director  
Park and Recreation Director  
City Clerk