

Date March 26, 2018

HOLD HEARING FOR VACATION OF PARKLAND LOCATED EAST OF 2ND AVENUE AND CROCKER STREET AND CONVEYANCE TO POLK COUNTY, IOWA

WHEREAS, the City of Des Moines proposes to vacate approximately 5.79 acres of parkland located along the Des Moines River east of 2nd Avenue, north of the Iowa Women of Achievement Bridge, and south of Interstate 235, Des Moines, Iowa, as described below (hereinafter "Property"), and further proposes to convey said Property to Polk County, Iowa for no consideration in accordance with Iowa Code §364.7(3); and

WHEREAS, Polk County, Iowa then proposes to work with private entities to raise funds for and construct a skateboard park on the Property, and upon completion of said skateboard park, convey the Property back to the City of Des Moines for rededication as parkland and management by the City Park and Recreation Department; and

WHEREAS, said vacation and conveyance are subject to the condition that Polk County has received at least 50% of the costs of constructing said skateboard park, including a \$225,000 maintenance fund, and pledges for the remaining costs; and

WHEREAS, there is no known current or anticipated public benefit or need for the Property that is proposed to be vacated, and the City will not be inconvenienced by the proposed vacation and conveyance of said Property; and

WHEREAS, on March 19, 2018, by Roll Call No. 18-____, it was duly resolved by the City Council that the proposed vacation and conveyance of such Property be set down for hearing on March 26, 2018, at 7:30 a.m., in the Macrae Room, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway; and

WHEREAS, due notice of said proposal to vacate and convey said Property was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with said notice, those interested in said proposed vacation and conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

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

1. Upon due consideration of the facts and statements of interested persons, any and all objections to said proposed vacation and conveyance of said Property, as described herein, are hereby overruled and the hearing is closed.

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2. There is no public need or benefit for said Property and the public would not be inconvenienced by reason of the vacation of parkland located along the Des Moines River east of 2nd Avenue, north of the Iowa Women of Achievement Bridge, and south of Interstate 235, Des Moines, Iowa, legally as follows:

ALL OF BLOCK H, RIVER HILLS PLAT ONE, AN OFFICIAL PLAT;

AND

A PART OF THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 4, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID BLOCK H OF SAID RIVER HILLS PLAT ONE; THENCE NORTHEASTLY ALONG THE EAST LINE OF SAID BLOCK H TO A POINT ON A NORTH LINE OF SAID BLOCK H, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID BLOCK H; THENCE EASTERLY ALONG THE EASTERLY EXTENSION OF SAID NORTH LINE OF SAID BLOCK H TO THE WEST BANK OF THE DES MOINES RIVER; THENCE SOUTHWESTERLY ALONG SAID WEST BANK TO A POINT ON THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID BLOCK H; THENCE WESTERLY ALONG SAID EASTERLY EXTENSION TO THE POINT OF BEGINNING;

ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 5.79 ACRES (252,221 SQUARE FEET).

3. The proposed vacation and conveyance of such vacated parkland, as legally described below, to Polk County, Iowa for no consideration in accordance with Iowa Code §364.7(3), is hereby approved, with both the vacation and conveyance subject to the condition that Polk County has received at least 50% of the costs of constructing said skateboard park, including a \$225,000 maintenance fund, and pledges for the remaining costs:

ALL OF BLOCK H, RIVER HILLS PLAT ONE, AN OFFICIAL PLAT;

AND

A PART OF THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 4, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID BLOCK H OF SAID RIVER

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HILLS PLAT ONE; THENCE NORTHEASTLY ALONG THE EAST LINE OF SAID BLOCK H TO A POINT ON A NORTH LINE OF SAID BLOCK H, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID BLOCK H; THENCE EASTERLY ALONG THE EASTERLY EXTENSION OF SAID NORTH LINE OF SAID BLOCK H TO THE WEST BANK OF THE DES MOINES RIVER; THENCE SOUTHWESTERLY ALONG SAID WEST BANK TO A POINT ON THE EASTERLY EXTENSION OF THE SOUTH LINE OF SAID BLOCK H; THENCE WESTERLY ALONG SAID EASTERLY EXTENSION TO THE POINT OF BEGINNING;

ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APROXIMATELY 5.79 ACRES (252,221 SQUARE FEET).

4. The Mayor is authorized and directed to sign the Quit Claim Deed for the conveyance identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

5. Upon occurrence of the condition that Polk County has received at least 50% of the costs of constructing said skateboard park, including a \$225,000 maintenance fund, and pledges for the remaining costs, and upon final passage of an ordinance vacating said parkland, the City Clerk is authorized and directed to forward the original of the Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded upon closing.

6. The Real Estate Division Manager is authorized and directed to forward the original of the Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded upon closing, which closing shall not occur until the conditions in number 5 above are satisfied.

7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim Deed and copies of the other documents to the grantee.

8. There are no proceeds associated with this transaction.

★ Roll Call Number

Agenda Item Number

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Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato

Ann DiDonato, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
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