

Date April 11, 2011

SET HEARING FOR THE VACATION OF A. H. BLANK PARK AT 7011 SW 9TH STREET AND A.H. BLANK PARK ZOO AT 7401 SW 9TH AS PARKLAND

WHEREAS, on December 30, 1963, by Roll Call No. 6358, the City Council dedicated a 138.11 acre site in the vicinity of the 7400 block of SW 9th Street as the "A. H. Blank Park"; and

WHEREAS, within the 138.11 site designated as the A. H. Blank Park are the facilities known as the A. H. Blank Park located at 7011 SW 9th Street (Park), A. H. Blank Park Zoo located at 7401 SW 9th Street (Zoo), and the Blank Municipal Golf Course; and

WHEREAS, on February 16, 2005, by Roll Call No. 05-376, the CITY and the Blank Park Zoo Foundation, Inc. (BPZF) entered into a Chapter 28E Agreement for the operation and management of the Zoo and the adjacent Park; and

WHEREAS, the CITY and the BPZF desire to enter into a proposed lease and new operation, management and maintenance agreement for the Zoo and Park, as legally described below (Lease Agreement):

THAT PART OF THE NORTHEAST ¼ AND THAT PART OF THE SOUTHEAST ¼ OF SECTION 33, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., AS THE WEST 632.0 FEET OF THE NORTHEAST ¼ OF SAID SECTION 33, (EXCEPT THE NORTH 1420.0 FEET OF THE NORTHEAST ¼), AND THE SOUTHEAST ¼ OF SAID SECTION 33 (EXCEPT THE SOUTH 40 ACRES OF THE EAST 60 ACRES OF SAID SOUTHEAST ¼. FURTHER DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST ¼ OF SAID SECTION 33; THENCE EAST ALONG THE SOUTH LINE OF SAID NORTHEAST ¼, A DISTANCE OF 33.0 FEET TO THE EAST RIGHT OF WAY LINE OF SOUTHWEST 9TH STREET; THENCE NORTH ALONG THE EAST RIGHT OF WAY LINE OF SOUTHWEST 9TH STREET 1204.0 FEET; AND THE POINT OF BEGINNING; THENCE EAST 599.0 FEET; THENCE SOUTH ALONG A LINE 599.0 FEET EAST OF AND PARALLEL WITH THE EAST RIGHT OF WAY LINE OF SOUTHWEST 9TH STREET TO A POINT APPROXIMATELY 623.00 FEET SOUTH; TO THE NORTHWEST CORNER OF PARCEL "A" AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 8041 PAGE 37; THENCE EAST ON THE NORTH PARCEL LINE OF SAID PARCEL "A" TO THE NORTHEAST CORNER OF SAID PARCEL "A". THENCE SOUTH ALONG THE EAST PARCEL LINE OF PARCEL "A" TO A THE SOUTH LINE OF THE EAST-WEST RODGERS ROAD AS CURRENTLY ESTABLISHED. THENCE WEST TO THE EASTLINE OF THE NORTH-SOUTH CARTER STREET AS CURRENTLY ESTABLISHED THENCE SOUTH-SOUTHEAST ALONG THE EAST LINE OF CARTER STREET TO A POINT 65 FEET NORTH OF THE SOUTH PARCEL LINE AND 300 FEET WEST OF THE EAST PARCEL LINE. THENCE SOUTHWESTERLY TO A POINT APPROX. 375 FEET WEST OF THE EAST PARCEL LINE ON THE SOUTH PARCEL LINE, TO THE CORNER POST OF THE EXISTING NORTHERN BLANK GOLF COURSE FENCE. THENCE FOLLOWING SAID FENCE TO THE WEST-SOUTHWEST TO A POINT 500 FEET EAST OF THE EAST RIGHT-OF-WAY LINE OF SE 9TH STREET; THENCE SOUTHWESTERLY 320.0 FEET TO A POINT 290.0 FEET SOUTH OF MASON AVE RIGHT OF WAY LINE EXTENDED THENCE WESTERLY 320.0 FEET TO THE EAST RIGHT OF WAY LINE OF SOUTHWEST 9TH STREET; THENCE NORTH ALONG THE EAST RIGHT OF WAY LINE OF SOUTHWEST 9TH STREET 1,970.0 FEET TO THE POINT OF BEGINNING, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

; and

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WHEREAS, as part of its consideration under the proposed Lease Agreement the BPZF desires to enhance and improve the Zoo and Park by being responsible for the construction and funding of improvements to the Zoo and Park in the amount of not less than \$16,600,000, pursuant to a conceptual master plan for development of the Zoo and Park, which plan is subject to approval by the City Council; and

WHEREAS, the Park and Recreation Board has approved the guiding principles for the Lease Agreement with BPZF of the Zoo and Park.

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 as parkland the below described portion of A. H. Blank Park, which includes the sites commonly known as A. H. Blank Park at 7011 SW 9th Street and A. H. Blank Park Zoo at 7401 SW 9th Street:

THAT PART OF THE NORTHEAST ¼ AND THAT PART OF THE SOUTHEAST ¼ OF SECTION 33, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., AS THE WEST 632.0 FEET OF THE NORTHEAST ¼ OF SAID SECTION 33, (EXCEPT THE NORTH 1420.0 FEET OF THE NORTHEAST ¼), AND THE SOUTHEAST ¼ OF SAID SECTION 33 (EXCEPT THE SOUTH 40 ACRES OF THE EAST 60 ACRES OF SAID SOUTHEAST ¼. FURTHER DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST ¼ OF SAID SECTION 33; THENCE EAST ALONG THE SOUTH LINE OF SAID NORTHEAST ¼, A DISTANCE OF 33.0 FEET TO THE EAST RIGHT OF WAY LINE OF SOUTHWEST 9TH STREET; THENCE NORTH ALONG THE EAST RIGHT OF WAY LINE OF SOUTHWEST 9TH STREET 1204.0 FEET; AND THE POINT OF BEGINNING; THENCE EAST 599.0 FEET; THENCE SOUTH ALONG A LINE 599.0 FEET EAST OF AND PARALLEL WITH THE EAST RIGHT OF WAY LINE OF SOUTHWEST 9TH STREET TO A POINT APPROXIMATELY 623.00 FEET SOUTH; TO THE NORTHWEST CORNER OF PARCEL "A" AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 8041 PAGE 37; THENCE EAST ON THE NORTH PARCEL LINE OF SAID PARCEL "A" TO THE NORTHEAST CORNER OF SAID PARCEL "A". THENCE SOUTH ALONG THE EAST PARCEL LINE OF PARCEL "A" TO A THE SOUTH LINE OF THE EAST-WEST RODGERS ROAD AS CURRENTLY ESTABLISHED. THENCE WEST TO THE EASTLINE OF THE NORTH-SOUTH CARTER STREET AS CURRENTLY ESTABLISHED THENCE SOUTH-SOUTHEAST ALONG THE EAST LINE OF CARTER STREET TO A POINT 65 FEET NORTH OF THE SOUTH PARCEL LINE AND 300 FEET WEST OF THE EAST PARCEL LINE. THENCE SOUTHWESTERLY TO A POINT APPROX. 375 FEET WEST OF THE EAST PARCEL LINE ON THE SOUTH PARCEL LINE, TO THE CORNER POST OF THE EXISTING NORTHERN BLANK GOLF COURSE FENCE. THENCE FOLLOWING SAID FENCE TO THE WEST-SOUTHWEST TO A POINT 500 FEET EAST OF THE EAST RIGHT-OF-WAY LINE OF SE 9TH STREET; THENCE SOUTHWESTERLY 320.0 FEET TO A POINT 290.0 FEET SOUTH OF MASON AVE RIGHT OF WAY LINE EXTENDED THENCE WESTERLY 320.0 FEET TO THE EAST RIGHT OF WAY LINE OF SOUTHWEST 9TH STREET; THENCE NORTH ALONG THE EAST RIGHT OF WAY LINE OF SOUTHWEST 9TH STREET 1,970.0 FEET TO THE POINT OF BEGINNING, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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2. That the meeting of the City Council at which the adoption of said ordinance is to be considered shall be on April 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 vacation in the form hereto attached all in accordance with §362.3 of the Iowa Code.

(Council Communication No. 11-219)

Moved by Coleman 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	6			1

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.

T. M. Franklin Council
Mayor

Diane Rauh
City Clerk