



**Roll Call Number**

11-1197

**Agenda Item Number**

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**Date** July 11, 2011

**SET HEARING FOR VACATION AND CONVEYANCE OF A PORTION OF WAVELAND GOLF COURSE TO RUSSELL D. AND MARILYN A. PARKS IN EXCHANGE FOR A COMPARABLE PARCEL OF LAND ADJOINING CUMMINS WOODS**

**WHEREAS**, Russell D. and Marilyn A. Parks are the owners of property on the north side of Observatory Road that adjoins Waveland Golf Course, and on March 17, 2010, Russell Parks submitted a request to the City’s Parks Department to purchase a 70-foot by 132.19-foot portion of Waveland Golf Course (“Waveland Golf Course parcel”) to incorporate with his existing property for redevelopment as a six-unit townhome project; and

**WHEREAS**, on September 13, 2010, by Roll Call No. 10-1504, the City Council received a recommendation from the City Park and Recreation Board that the above referenced Waveland Golf Course parcel be vacated and sold, and the City Council referred said recommendation to the City Manager for further review and recommendation; and

**WHEREAS**, on December 2, 2010, Russell Parks submitted a revised request to the City’s Parks Department to purchase said Waveland Golf Course parcel, in exchange for conveyance to the City of a 50-foot by 190.56-foot portion of land adjoining Cummins Woods and owned by Russell D. and Marilyn A. Parks (“Russell Parks parcel”) as consideration for said purchase, as shown on the attached drawing, which property has been determined by the City’s Real Estate Division to be comparable in value and use to the Waveland Golf Course parcel; and

**WHEREAS**, on July 11, 2011, by Roll Call No. 11-1198 \_\_\_\_\_, the City Council received a recommendation from the City Park and Recreation Board that the above referenced Waveland Golf Course parcel be vacated and conveyed, in exchange and as consideration for conveyance to the City of said Russell Parks parcel; and

**WHEREAS**, the City Parks Department and Real Estate Division have negotiated the terms of the land exchange with buyers Russell D. and Marilyn A. Parks, which will include, among other terms, provisions that (1) the exchange of the parcels shall occur on or before December 31, 2011, unless otherwise agreed upon by the parties, said exchange being subject to the due diligence period of the buyer and City rezoning approval, and (2) the buyers shall be required to obtain and provide to City a survey for the above-referenced Waveland Golf Course parcel, as more fully described below, of which the full parcel or a portion thereof shall be conveyed to Russell D. and Marilyn A. Parks for development and the remainder, if any, shall be retained by the City and rededicated; and

**WHEREAS**, there is no known current or future public need for the parkland property proposed to be vacated and sold, as it does not serve any use as part of the Waveland Golf Course and the City will not be inconvenienced by the sale of said Waveland Golf Course parcel and will benefit from acquisition and acceptance of the Russell Parks parcel.

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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 a portion of Waveland Golf Course, more specifically described as follows:

A PORTION OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5<sup>TH</sup> P.M. ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF THE SAID NORTHWEST QUARTER WHICH IS THE SOUTHWEST CORNER OF LOT 17 OF THE OFFICIAL REPLAT OF THE OFFICIAL PLAT OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5<sup>TH</sup> P.M. AND ALSO ON THE NORTH RIGHT-OF-WAY LINE OF OBSERVATORY ROAD, AS PRESENTLY ESTABLISHED; THENCE WEST, PERPENDICULAR TO THE SAID EAST LINE OF THE SAID NORTHWEST QUARTER, A DISTANCE OF 70.00 FEET; THENCE NORTH, PARALLEL WITH THE SAID EAST LINE, A DISTANCE OF 132.19 FEET; THENCE EAST, PERPENDICULAR TO THE SAID EAST LINE, A DISTANCE OF 70.00 FEET TO THE SAID EAST LINE; THENCE SOUTH, ALONG THE SAID EAST LINE, A DISTANCE OF 132.19 FEET TO THE POINT OF BEGINNING.

2. That if the City Council decides to vacate the above described parkland, the City of Des Moines proposes to convey such parkland as described below to Russell D. and Marilyn A. Parks in exchange and as consideration for conveyance to the City of a 50-foot by 190.56-foot portion of land adjoining Cummins Woods and owned by Russell D. and Marilyn A. Parks:

A VACATED PORTION OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5<sup>TH</sup> P.M. ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF THE SAID NORTHWEST QUARTER WHICH IS THE SOUTHWEST CORNER OF LOT 17 OF THE OFFICIAL REPLAT OF THE OFFICIAL PLAT OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5<sup>TH</sup> P.M. AND ALSO ON THE NORTH RIGHT-OF-WAY LINE OF OBSERVATORY ROAD, AS PRESENTLY ESTABLISHED; THENCE WEST, PERPENDICULAR TO THE SAID EAST LINE OF THE SAID NORTHWEST QUARTER, A DISTANCE OF 70.00 FEET; THENCE NORTH, PARALLEL WITH THE SAID EAST LINE, A DISTANCE OF 132.19 FEET; THENCE EAST, PERPENDICULAR TO THE SAID EAST LINE,

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A DISTANCE OF 70.00 FEET TO THE SAID EAST LINE; THENCE SOUTH, ALONG THE SAID EAST LINE, A DISTANCE OF 132.19 FEET TO THE POINT OF BEGINNING.  
 (Subject to survey; a portion of this parcel may be retained by City.)

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. There will be no proceeds associated with the exchange of these properties.

Moved by Moore to adopt. and refer to the City Manager to provide a plan for gating, fencing and staging of equipment and work vehicles during construction.

APPROVED AS TO FORM:

Glenna K. Frank  
 Glenna K. Frank  
 Assistant City Attorney

*BSW*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

**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  
 Mayor

Diane Rauh  
 City Clerk