



Roll Call Number

19-1122

Agenda Item Number

48A

Date July 15, 2019

SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF EXCESS CITY-OWNED PROPERTY LOCATED IN THE FOURMILE CREEK FLOODPLAIN TO POLK COUNTY CONSERVATION BOARD FOR THE FOURMILE CREEK GREENWAY PROJECT

WHEREAS, on July 15, 2019, by Roll Call No. 19- 1122, the City Council of the City of Des Moines, Iowa (“City”) approved the Lower Fourmile Creek Greenway Management and Maintenance Chapter 28E Agreement (“28E Agreement”) between the City of Des Moines and the Polk County Conservation Board (“PCCB”); and

WHEREAS, the 28E Agreement provides for the transfer of certain lands from the City to Polk County to be managed by PCCB in accordance with the Lower Fourmile Creek Greenway Master Plan; and

WHEREAS, the City has identified a number of excess City-owned properties (“Property”) that are ready to be transferred to Polk County under the terms of said 28E Agreement, and

WHEREAS, in accordance with the 28E Agreement and Iowa Code 364.7, the City proposes to convey the Property to Polk County, Iowa, for the use and benefit of the Polk County Conservation Board at no cost for the public purpose of the Fourmile Creek Greenway Project, subject to the following conditions:

- a) Reservation of a permanent easement upon the Property for the continued use and maintenance of any public utilities now in place, including those for the benefit of the City of Des Moines and other public utilities, with the right of entry for servicing same.
- b) Compliance with the deed restrictions and open space requirements according to Title 44 of the Code of Federal Regulations (CFR) Part 80.19(a) for all properties acquired with funding from the U.S. Department of Homeland Security’s Federal Emergency Management Agency (FEMA) and the U.S. Department of Housing and Urban Development’s Community Development Block Grant – Disaster Recovery program (HUD CDBG-DR).
- c) Certification to the City every three (3) years that the federally funded properties are maintained consistent with the provisions of 44 CFR Part 80.
- d) The Property will revert back to the City in the event that PCCB ceases to exist or loses its eligibility status as a public entity or qualified conservation organization.
- e) Compliance with the Lower Fourmile Creek Greenway Master Plan.

WHEREAS, the City has received written approval from FEMA and HUD for the transfer of the Property to PCCB, subject to the conditions listed above.

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

1. The City Council of the City of Des Moines, Iowa proposes to convey the following Property, all located within NE Aurora Ave. on the north, E. 33rd Street and Colfax Ave on the west, E. University Ave. on the



Roll Call Number

19-1122

Agenda Item Number

48 A

Date July 15, 2019

south, and E. 42nd Street on the East, Des Moines, Iowa, as described below, to Polk County, Iowa, for the use and benefit of the Polk County Conservation Board at no cost, subject to the conditions listed above:

Polk County District/Parcel Numbers:

06004547000000, 06004546000000, 06004573001000, 06004527000000, 06004526000000, 06003072000000,
06009470000000, 06004600000000, 06004680000000, 06003325000000, 06004387000000, 06004391000000,
06009383001005, 06004579000000, 06003375001000, 06002854001000, 06003027001000, 06004575001000,
06003323000000, 06003139001000, 06003172000000, 06004627000000, 06004539001000, 06003091000000,
06003055000000, 06004617000000, 06004605000000, 06004549000000, 06002825002000, 06002967000000,
06004607000000, 06002881000000, 06003142001000, 06002876000000, 06004384000000, 06002968000000,
06004622000000, 06002885000000, 06003290002000, 06002794000000, 06004628000000, 06000558001000,
06000573002000, 06002956001000, 06004531001000, 06000592001000, 06004554000000, 06002793000000,
06003130000000, 06004488000000, 06004285002002, 06004564000000, 06008199005000, A PORTION OF
06009393002000, 06004522001000, 06004553000000, 06003089000000, 06004683000000, 06004487000000,
06003104003000, 06003104002000, 06004480002000, 06004663000000, 06002844000000, 06004521000000,
06002936000000, 06000605000000, 06001803000000, 06004596000000, 06002890002000, 06002883000000,
06003010000000, 06003192001000, 06003013000000, 06002893006000, 06004630001000, 06004611000000,
06008250000000, 06004470000000, 06008249000000, 06000576000000, 06003250000000, 06003332001000,
06004594000000, 06002878001000, 06004592000000, 06004562000000, 06003326000000, 06008092001000,
06002765003000, 06004477000000, 06008966002000, 06002897000000, 06002919001000, 06009088004000,
06002938000000, 06003092000000, 06004494000000, 06004285008001, 06003128001000, 06001797000000,
06003203001000, 06002841001000, 06003071000000, 06003196000000, 06004588000000, 06000606000000,
06004393000000, 06002937000000, A PORTION OF 06009473002000, 06003272001000, 06008041000000,
06003226001000, 06001788000000, 06004489000000, 06000548003000, 06003320000000, 06002765002002,
06000591004000, 06004484001000, 06003381003000, 06002884000000, 06003032001000, 06004528001000,
06008199003000, 06004492003000, 06002889000000, 06002928001000, 06003154000000, 06004476000000,
06008239000000, 06004496001000, 06002986001000, 06009087001000, 06004635001000, 06004380002000,
06009383001006, 06004684002000, 06003090000000, 06000591003000, 06003187001000, 06008199004000,
06004612000000, 06004624000000, 06000618000000, 06002939000000, 06000573003000, 06002995001000,
06004674001000, 06003126000000, 06004637002000, 06004559000000, 06004619000000, 06003331000000,
06004471000000, 06004517002000, 06002791000000, 06004404000000, 06004284000000, 06004589000000,
06000588002000, 06004609000000, 06003104004000, A PORTION OF 06007120002000, 06000604000000,
06002795000000, 06003062000000, 06004499000000, 06003285000000, 06008081000000, 06003095000000,
06003321000000, 06004485000000, 06003012000000, 06008042000000, 06002925001000, 06004518001000,
06000571000000, 06002985000000, 06003327001000, 06002846000000, 06004520000000, 06004603000000,
06004570001000, 06004474000000, 06002816002001, 06002833001002, 06008082000000, 06008248000000,
06004399000000, 06003063000000, 06004386000000, 06008177001000, 06002904000000, 06009093004001,
06002935000000, 06004601000000, 06004483000000, 06000578000000, 06004327001000, 06003286000000,
06004608000000, 06002837001000, 06003288000000, 06004662000000, 06003197001000, 06002979001000,
06002851000000, 06002947001002, 06004380001000, 06002893005000, 06003014000000, 06004519000000,
06003289000000, 06004621000000, 06004389001000, 06004681000000, 06003317000000, 06004392000000,
06004618000000, 06002941000000, 06003222000000, 06004394000000, 06008197002000, 06004634000000,
06002888000000, 06004669001000, 06002843000000, 06009081000000, 06002970000000, 06000549000000,



Roll Call Number

19-1122

Agenda Item Number

48 A

Date July 15, 2019

06003381002000, 06003283000000, 06008977000000, 06002852000000, 06003329000000, 06004598000000,
 06003213001000, 06008184000000, 06000593000000, 06004606000000, 06004599000000, 06008043000000,
 06004388000000, 06004556001000, 06002853000000, 06004337000000, 06008083000000, 06004590000000,
 06004335001000, 06003173001000, 06004626000000, 06004498000000, 06009080006000, 06004550000000,
 06004378000000, 06000574004000, 06004475000000, 06008040001000, 06003359001000, 06003287000000,
 06004595000000, 06002998001000, 06004625000000, 06003319000000, 06004490000000, 06004587000000,
 06003322000000, 06009080007000, 06003074001000, 06000577000000, 06004613001000, 06001802000000,
 06004479000000, 06004673001000, 06000550000000, 06002886001000, 06002821001000, 06003181001000,
 06002969000000, 06002761004000, 06009088013000, 06004593000000, 06009085003000, 06002847001000,
 06003015000000, 06004578000000, 06004563000000, 06009090001000, 06003168000000, 06003318000000,
 06004610000000, 06003258001000, 06001796000000, 06008133001000, 06004623000000, 06004493000000,
 06000574003000, 06000548004002, 06003057000000, 06004565001000, 06003073000000, 06009080008000,
 06004568001000, 06003133001000, 06004577000000, 06004525000000, 06003155001000, 06003018002000,
 06004484002000, 06000620000000, 06004597000000, 06004552000000, 06001799000000, 06004383000000,
 06007983000000, 06002877000000, 06008287001000, 06004486000000, 06001923003000, 06002927000000,
 06004591000000, 06004557000000, 06004548000000, 06004620000000, 06003094000000, 06008038000000,
 06003324000000, 06004491000000, 06002820001000, 06000557000000, 06002947001001, 06000548004003,
 06004478000000, 06002790000000, 06003016001000, 06004560001000, 06002940000000, 06003208001000,
 06001798000000, 06001789000000, 06003330000000, 06008086001000, 06004675000000, 06004602000000,
 06003093000000, 06002792000000, 06004629000000, 06003284000000, 06004604000000, 06004385000000,
 06004286000000, 06002971000000, 06004558000000

2. A public hearing shall be held on August 5, 2019, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time, the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.
3. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.
4. There will be no proceeds associated with the conveyance of this property.

★ Roll Call Number
19-1122

Agenda Item Number
48A

Date July 15, 2019

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Lisa A Wieland
 Lisa A Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

J. M. Franklin Cownie 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.

Diane Rauh City Clerk