

20-1869

19

Date November 23, 2020

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A PORTION OF ASHWORTH PARK LOCATED NORTH OF AND ADJOINING 514 FOSTER DRIVE AND APPROVAL OF A LAND EXCHANGE AGREEMENT WITH DAVID J. STEFFES AND WENDY S. STEFFES

WHEREAS, the City of Des Moines, Iowa, ("City") is the owner of certain excess parkland located in Ashworth Park and lying north of and adjoining 514 Foster Drive, Des Moines, Iowa (hereinafter "City Parcel"), more particularly described below; and

WHEREAS, David J. Steffes and Wendy S. Steffes, husband and wife, ("Seller") are the owners of certain property located at the west edge of 514 Foster Drive, Des Moines, Iowa, (hereinafter "Seller Parcel"), more particularly described below; and

WHEREAS, David J. Steffes and Wendy S. Steffes, have offered to the City of Des Moines, Iowa, the Seller Parcel in exchange for the City Parcel, described below, in order to assemble said City Parcel with their adjoining property for sideyard uses and to eliminate an existing encroachment of the driveway, subject to a reservation of easements therein; which represents an equitable exchange of value as determined by the City's Real Estate Division; and

WHEREAS, the City has no known current or anticipated public need for the City Parcel proposed to be exchanged and the City will not be inconvenienced by the vacation and conveyance of said City Parcel.

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 shall consider adoption of an ordinance permanently vacating a portion of Ashworth Park lying north of and adjoining 514 Foster Drive, Des Moines, Iowa legally described as follows, subject to the reservation of easements therein:

City Parcel:

A PART OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER LOT 34, LINDEN HEIGHTS, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE NORTH 87°(DEGREES) 59'(MINUTES) 18"(SECONDS) WEST ALONG THE NORTH LINE OF SAID LOT 34, A DISTANCE OF 250.14 FEET; THENCE NORTH 0°03'50" EAST, 30.02 FEET; THENCE SOUTH 87°59'18" EAST, 250.14 FEET; THENCE SOUTH 0°03'50" WEST, 30.02 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.17 ACRES (7504 SQ. FT.)

2. The City Council of the City of Des Moines, Iowa further proposes to exchange the vacated parkland described above for property of equal value owned by David J. Steffes and Wendy S. Steffes located at the west edge of 514 Foster Drive (Seller Parcel), legally described below:

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**Seller Parcel:**

THE WEST 45.00 FEET OF LOTS 34 AND "E", LINDEN HEIGHTS, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND CONTAINING 0.34 ACRES (14943 SQUARE FEET).

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such City property is to be considered shall be on December 7, 2020, said meeting to be held at 5:00 p.m., in the City Council Chamber, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa. Given Mayor Cownie's March 17, 2020 Proclamation, as amended, prohibiting indoor gatherings of ten or more persons on public property, Section One of the Governor's October 16, 2020 Proclamation strongly encouraging vulnerable Iowans to limit participation in gatherings of any size and any purpose during the COVID19 outbreak, and further given Section 109 of the Governor's October 16, 2020 Proclamation suspending the regulatory provisions of Iowa Code §§ 21.8, 26.12, and 414.12, or any other statute imposing a requirement to hold a public meeting or hearing, and further given the City Manager's decision to delay the opening of City buildings to the public due to the recent upwards spikes of positive COVID-19 cases and hospitalizations in Polk County and the need to maintain safety; it is impossible and impractical to have physical public access to the meeting location and the meeting will be conducted electronically with electronic and telephonic public access to the meeting location as set forth below. To participate in the electronic meeting, access is available telephonically (details below):

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join. <https://dmgov-org.zoom.us/j/81564162948?pwd=MmpGRUo0eVI4K0pQN1JIOTViZ3kwQT09>  
Passcode: 952043

Or join by phone:

Dial (for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 720 928 9299 or 833 548 0276 (Toll Free) or 877 853 5257 (Toll Free)

Webinar ID: 815 6416 2948

International numbers available: <https://dmgov-org.zoom.us/j/81564162948>

In addition, the City Council shall receive written views, comments, objections and arguments from any resident or taxpayer of the City that are received by the City Clerk prior to 5:00 p.m. December 3, 2020 (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1<sup>st</sup> Floor, Des Moines, IA 50309; Email [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org)).

4. 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.

5. There are no proceeds associated with this transaction.

★ Roll Call Number

Agenda Item Number

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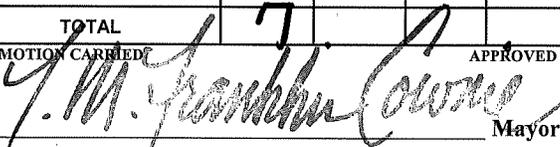
Date November 23, 2020

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland, Assistant City Attorney

Row

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	1			
BOESEN	1			
COLEMAN	1			
GATTO	1			
GRAY	1			
MANDELBAUM	1			
WESTERGAARD	1			
TOTAL	7			
MOTION CARRIED	APPROVED			
 Mayor				

CERTIFICATE

I, P. Kay Cmelik, 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.

P. Kay Cmelik City Clerk