

SET HEARING FOR APPROVAL OF DOCUMENTS TO CORRECT THE VACATION OF A PORTION OF ASHWORTH PARK LOCATED NORTH OF AND ADJOINING 514 FOSTER DRIVE

WHEREAS, on December 7, 2020, by Roll Call No. 20-2053, the City Council of the City of Des Moines voted to pass Ordinance No. 15,951 vacating approximately 7,504 square feet of Ashworth Park located north of and adjoining 514 Foster Drive to allow for an exchange of land of equitable value with David J. Steffes and Wendy S. Steffes, owners of 514 Foster Drive, subject to the reservation of easements for any existing utilities until such time that they are abandoned; and

WHEREAS, subsequent to passing Ordinance No. 15,951 a scrivener's error was discovered wherein "Foster Drive" was instead referred to as "Forest Drive"; and

WHEREAS, on March 8, 2021, by Roll Call No. 21-0413, the City Council of the City of Des Moines voted to repeal Ordinance No. 15,951 and pass Ordinance No. 15,987 in order to correct said scrivener's error; and

WHEREAS, said scrivener's error was not fully corrected thereby necessitating the need to repeal and replace Ordinance No 15,987 in order to correct said scrivener's error.

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 a corrected ordinance permanently vacating a portion of Ashworth Park located north of and adjoining 514 Foster Drive, legally described as follows, subject to the reservation of easements for any existing utilities until such time that they are abandoned:

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. That the meeting of the City Council at which the repeal of Ordinance No. 15,987 and the adoption of said corrected ordinance vacating such parkland is to be considered shall be on May 24, 2021, said meeting to be held at 5:00 p.m., in the City Council Chamber, Richard A. Clark Municipal

★ **Roll Call Number**

21-0693

Agenda Item Number

26

Date May 10, 2021

Page 2

Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa. Given Mayor Cownie's March 15, 2020 Proclamation, as amended, prohibiting indoor gatherings of ten or more persons on public property, Section One of the Governor's February 5, 2021 Proclamation strongly encouraging vulnerable Iowans to limit participation in gatherings of any size and any purpose during the COVID19 outbreak, and further given Section 108 of the Governor's February 5, 2021 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 public access to the meeting location as set forth below. To participate in the electronic meeting, access is available electronically and 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/85120305288?pwd=ZDkyenYrWVVB3eXpIVFRpVURTV1dGdz09>

Passcode: 214932

Or join by phone:

Dial:

US: +1 312 626 6799 or 833 548 0276 (Toll Free)

Webinar ID: 851 2030 5288

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. May 20, 2021 (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email cityclerk@dmgov.org).

3. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.

★ Roll Call Number

21-0693

Agenda Item Number

26

Date May 10, 2021

Page 3

Moved by Gatto to adopt.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

AW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED	APPROVED			

T.M. Franklin Cownie 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