



Roll Call Number

21-1582

Agenda Item Number

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Date October 18, 2021

HOLD HEARING FOR VACATION OF PARKLAND ADJACENT TO WAVELAND GOLF COURSE LOCATED SOUTH OF AND ADJOINING UNIVERSITY AVENUE

WHEREAS, the City of Des Moines, Iowa, ("City") is the owner of certain parkland adjacent to the northeast corner of Waveland Golf Course, 4908 University Avenue, lying south of and adjoining University Avenue right-of-way (hereinafter "Parkland"), more particularly described below; and

WHEREAS, the Parkland has never been operated as a public park nor have any park facilities been constructed on the Parkland and the Parkland has not been used as part of the Waveland Golf Course, and there is no current public benefit or need for use of such land for park or golf course purposes, and the City will not be inconvenienced by the proposed vacation of said Parkland; and

WHEREAS, on October 4, 2021, by Roll Call No. 21-1471, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation of the Parkland be set for hearing on October 18, 2021, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

WHEREAS, due notice of said proposal to vacate said Parkland, was given to all necessary parties as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with City Council direction, those interested in the proposed vacation, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

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

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation of certain parkland adjacent to the northeast corner of Waveland Golf Course, 4908 University Avenue, lying south of and adjoining University Avenue right-of-way, as described herein, are hereby overruled and the hearing is closed.

2. There is no public need or benefit for the Parkland proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of said Parkland, legally described as follows, and said vacation is hereby approved, subject to the reservation of any necessary easements for all existing utilities in place until such time as they may be abandoned or relocated:

A PARCEL OF LAND IN THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., NOW IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF SAID SECTION 1; THENCE ALONG THE NORTH LINE OF SAID SECTION 1 SOUTH 89°42'13" EAST, FOR A DISTANCE OF 2611.90 FEET; THENCE SOUTH 00°17'47" WEST, FOR A DISTANCE OF 41.41 FEET TO THE POINT-OF-BEGINNING; THENCE SOUTH 00°07'23" EAST, FOR A DISTANCE OF 18.01 FEET; THENCE



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SOUTH 39°03'44" WEST, FOR A DISTANCE OF 53.50 FEET; THENCE NORTH 89°41'31" WEST, FOR A DISTANCE OF 56.06 FEET; THENCE NORTH 40°59'06" WEST, FOR A DISTANCE OF 41.52 FEET; THENCE NORTH 07°07'23" WEST, FOR A DISTANCE OF 28.54 FEET; THENCE SOUTH 89°41'31" EAST, FOR A DISTANCE OF 117.03 FEET TO THE POINT-OF-BEGINNING.

CONTAINING 5,861 SQUARE FEET (0.135 ACRES MORE OR LESS).

3. Upon final passage of an ordinance vacating said Parkland and approval by resolution of this City Council, the City Clerk is authorized and directed to forward a certified copy of this resolution and of the affidavit of publication of the notice of this hearing to the Polk County Recorder's Office for the purpose of causing said documents to be recorded.

Moved by Voss to adopt.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

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

MOTION CARRIED

APPROVED

J. M. Franke 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