



Roll Call Number

22-0172

Agenda Item Number

23

Date February 7, 2022

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A PORTION OF BIRDLAND PARK AND CONVEYANCE TO DES MOINES METROPOLITAN WASTEWATER RECLAMATION AUTHORITY (WRA) FOR THE WRA BIRDLAND PUMP STATION REPLACEMENT PROJECT

WHEREAS, the City of Des Moines is the owner of certain parkland located in Birdland Park, and lying south of and adjoining 1900 Saylor Road, Des Moines, Iowa (“Property”), upon which the City of Des (City) constructed a existing wastewater pump station and related conveyance facilities including a force main sanitary sewer and all related appurtenances thereto (collectively the “Improvements”); and

WHEREAS, the Des Moines Metropolitan Wastewater Reclamation Authority (“WRA”) is a legal entity created for the purpose of conveying and treating wastewater from seventeen regional communities, and the City of Des Moines is one of the seventeen member communities that is a party to the Second Amended and Restated Agreement for the Des Moines Metropolitan Wastewater Reclamation Authority dated June 6, 2014, with an effective date of July 1, 2004 (“Agreement”); and

WHEREAS, the WRA plans to construct a replacement pump station (“Replacement Pump Station”) near the location of the City’s existing Birdland Pump Station; and

WHEREAS, the Agreement stipulated that the WRA may request such real property interest(s) as it needs to accomplish its public purposes from any participating community in relation to the construction, use, operation, maintenance, or other purpose of any improvements; and

WHEREAS, the WRA has requested the property interests necessary to construct the replacement WRA Birdland Pump Station; and

WHEREAS, once the Replacement Pump Station is fully constructed and fully operational and upon final acceptance by the WRA, the City’s Improvements will be transferred to the WRA by virtue of a Bill of Sale to the WRA; and

WHEREAS, there is no known current or future public need for the Property proposed to be conveyed and the City will not be inconvenienced by the conveyance of said Property, except the Improvements, to the WRA; and

WHEREAS, in accordance with Iowa Code 364.7(3), the City proposes to convey the Property, except the Improvements, to the WRA at no cost for the public purpose of the WRA replacing the City of Des Moines Birdland Pump Station and taking over ownership and management of the wastewater pump station and related conveyance facilities including a force main sanitary sewer, subject to the 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



Roll Call Number

22-0172

Agenda Item Number

23

Date February 7, 2022

the right of entry for servicing same, until such time as said utilities are abandoned or relocated, and further subject to the reservation of an access easement for the City to access its Improvements.

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 Birdland Park lying south of and adjoining 1900 Saylor Road, Des Moines, Iowa legally described as follows, subject to the reservation of easements therein:

THAT PART OF LOT 7 IN THOMPSON ESTATES, BEING A SUBDIVISION OF PART OF SECTIONS 26, 27, 28, 34, 35 & 36, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT DATED 1866 AND RECORDED IN BOOK A PAGE 192, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1 IN GORDON PLACE, BEING A SUBDIVISION OF SAID SECTION 35, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 20, 1925 IN BOOK I PAGE 185; THENCE SOUTH 89 DEGREES 49 MINUTES 03 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT 1, 3.64 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTH LINE, SOUTH 89 DEGREES 49 MINUTES 03 SECONDS WEST, 124.49 FEET TO A MEANDER LINE OF THE DES MOINES RIVER; THENCE NORTH 38 DEGREES 15 MINUTES 05 SECONDS WEST ALONG SAID MEANDER LINE, 177.16 FEET; THENCE CONTINUING ALONG SAID MEANDER LINE, NORTH 68 DEGREES 48 MINUTES 18 SECONDS WEST, 29.21 FEET; THENCE NORTH 51 DEGREES 31 MINUTES 34 SECOND EAST, 125.75 FEET; THENCE NORTH 05 DEGREES 31 MINUTES 03 SECONDS EAST, 23.87 FEET; THENCE NORTH 32 DEGREES 24 MINUTES 42 SECONDS WEST, 50.07 FEET; THENCE NORTH 57 DEGREES 35 MINUTES 18 SECONDS EAST, 26.32 FEET TO THE WESTERLY LINE OF SAYLOR ROAD AS MONUMENTED AND OCCUPIED AND A NON-TANGENT CURVE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 593.00 FEET, A CHORD BEARING OF SOUTH 25 DEGREES 13 MINUTES 48 SECONDS EAST AND A CHORD LENGTH OF 58.33 FEET, FOR AN ARC LENGTH OF 58.35 FEET TO A POINT OF TANGENCY; THENCE SOUTH 28 DEGREES 02 MINUTES 56 SECONDS EAST ALONG SAID WESTERLY LINE OF SAYLOR ROAD, 225.65 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG SAID WESTERLY LINE BEING A CURVE TO THE LEFT, HAVING A RADIUS OF 523.00 FEET, A CHORD BEARING OF SOUTH 31 DEGREES 19 MINUTES 59 SECONDS EAST AND A CHORD LENGTH OF 59.93 FEET, FOR AN ARC LENGTH OF 59.96 FEET TO A POINT OF TANGENCY; THENCE SOUTH 34 DEGREES 37 MINUTES 02 SECONDS EAST ALONG SAID WESTERLY LINE, 5.54 FEET TO THE POINT OF BEGINNING, IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, CONTAINING 31,341 SQUARE FEET.

2. The City Council of the City of Des Moines, Iowa further proposes to convey the vacated parkland legally described above, except the Improvements, to the Des Moines Metropolitan Wastewater Reclamation Authority at no cost, subject to the reservation of a permanent easement upon the Property



Roll Call Number

22-0172

Agenda Item Number

23

Date February 7, 2022

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, until such time as said utilities are abandoned or relocated, and further subject to the reservation of an access easement for the City to its Improvements.

3. That the meeting of the City Council at which the adoption of said ordinance and the proposed conveyance is to be considered shall be on February 21, 2022, 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.

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. February 17, 2022 (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email cityclerk@dmgov.org).

Please check the posted agenda in advance of the February 21, 2022 meeting for any update on the manner in which the public hearing will be conducted to comply with COVID-19 social distancing and safety guidelines.

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 will be no proceeds associated with the conveyance of this property.

Moved by Gatto to adopt. Second by Boesen.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland

Lisa A Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
SHEUMAKER	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED		APPROVED		
<u>J. M. Frank</u> 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