



Roll Call Number

22-1173

Agenda Item Number

51

Date July 18, 2022

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HOLD HEARING FOR APPROVAL OF DOCUMENTS TO CORRECT THE VACATION OF PARKLAND ADJACENT TO THE NORTHEAST CORNER OF WAVELAND GOLF COURSE LOCATED SOUTH OF AND ADJOINING UNIVERSITY AVENUE

WHEREAS, on October 18, 2021, by Roll Call No. 21-1582, the City Council of the City of Des Moines voted to pass Ordinance No. 16,054 vacating a portion of Parkland adjacent to the northeast corner of Waveland Golf Course, 4908 University Avenue, lying south of and adjoining University Avenue right-of-way, subject to the reservation of easements for any existing utilities until such time that they are abandoned; and

WHEREAS, subsequent to passing Ordinance No. 16,054 an error was discovered in the legal description of the vacated Parkland leading to the need to repeal said ordinance and pass a new ordinance to vacate the properly described right-of-way; and

WHEREAS, on June 27, 2022, by Roll Call No. 22-0992, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed corrected vacation of the street right-of-way be set for hearing on July 18, 2022, 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 repeal Ordinance No. 16,054 and to correct the vacation of the Parkland was given 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, as follows:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed repeal of Ordinance No. 16,054 and the vacation of the Parkland 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 a portion of Parkland adjacent to the northeast corner of Waveland Golf Course, 4908 University Avenue, lying south of and adjoining University Avenue right-of-way, legally described as follows, subject to the reservation of easements for any existing utilities until such time that they are abandoned or relocated, and said vacation is hereby approved:

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:



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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 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 00°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).

Moved by Mandelbaum to adopt. Second by Voss

APPROVED AS TO FORM:

/s/ Mackenzie L. Moreno
Mackenzie L. Moreno
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, SHEUMAKER, VOSS, WESTERGAARD, and TOTAL (7 yeas).

Handwritten signature of J. M. Frankha Cowrie, Mayor

CERTIFICATE

I, Laura Baumgartner, Acting 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.

Handwritten signature of Laura Baumgartner

Laura Baumgartner, Acting City Clerk