



**Roll Call Number**

23-0895

**Agenda Item Number**

17B

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**Date** June 26, 2023

**SET HEARING FOR VACATION OF PARKLAND LOCATED EAST OF ILLINOIS STREET, SOUTH OF UNIVERSITY AVENUE, AND NORTH OF INTERSTATE 235 AND CONVEYANCE TO POLK COUNTY, IOWA**

**WHEREAS**, on June 26, 2023, by Roll Call No. 23-0894, the City Council approved a Memorandum of Understanding for the Riverwalk Dog Park and Lauridsen Skate Park Parking Lot with Polk County, providing that the City will consider vacation and conveyance to Polk County of approximately 2.24 acres of parkland within the southern portion of Riverwalk Dog Park for use for the parking lot construction and facilities, in exchange and consideration for design and construction by Polk County of replacement dog park facilities immediately north of existing Riverwalk Dog Park; and

**WHEREAS**, pursuant to said Memorandum of Understanding, the City of Des Moines proposes to vacate approximately 2.24 acres of parkland located along the Des Moines River east of Illinois Street, south of University Avenue, and north of Interstate 235, Des Moines, Iowa (hereinafter "Property"), and further proposes to convey said Property to Polk County, Iowa in exchange for the value of the design and construction work to be undertaken by Polk County for the shared parking facilities and replacement of dog park facilities as described in said Memorandum, with fair market value of the Property and estimated cost of Polk County's design and construction work being equivalent; and

**WHEREAS**, there is no known current or anticipated public benefit or need for the parkland that is proposed to be vacated that cannot be mitigated in the immediate area, and the City will not be inconvenienced by the proposed vacation and conveyance of said parkland.

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

1. That the City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating parkland located along the Des Moines River east of Illinois Street, south of University Avenue, and north of Interstate 235, more specifically described as follows:

A PARCEL OF LAND BEING PART OF LOT 2, BLOCK 'C', RIVER HILLS PLAT ONE, CITY OF DES MOINES, POLK COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 2, RIVER HILLS PLAT FIVE, IN SAID CITY OF DES MOINES, SAID POINT ALSO BEING ON THE SOUTH LINE OF UNIVERSITY AVENUE RIGHT-OF-WAY; THENCE S89°58'49"E, 60.00 FEET ALONG THE SOUTH LINE OF UNIVERSITY AVENUE RIGHT-OF-WAY TO THE EAST LINE OF ILLINOIS STREET RIGHT-OF-WAY; THENCE S00°02'32"E, 95.14 FEET ALONG SAID EAST LINE OF ILLINOIS STREET RIGHT-OF-WAY; THENCE CONTINUING ALONG SAID EAST LINE OF ILLINOIS STREET RIGHT-OF-WAY S26°53'53"W, 821.95 FEET TO THE POINT OF BEGINNING; THENCE S63°08'28"E, 160.30 FEET; THENCE S31°06'50"W, 425.68 FEET TO THE BEGINNING OF A 515



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FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY; THENCE SOUTHWESTERLY 78.64 FEET ALONG SAID CURVE, LONG CHORD BEARS S26°44'22"W, 78.56 FEET; THENCE S22°21'54"W, 161.55 FEET TO THE SOUTH LINE OF SAID LOT 2; THENCE N85°37'33"W, 153.72 FEET ALONG THE SOUTH LINE OF SAID LOT 2 TO THE SOUTHWEST CORNER THEREOF; THENCE N26°53'53"E, 313.97 FEET TO THE SOUTHEAST CORNER OF ILLINOIS STREET RIGHT-OF-WAY; THENCE N26°53'53"E, 408.93 FEET ALONG THE EAST LINE OF ILLINOIS STREET RIGHT-OF-WAY TO THE POINT OF BEGINNING.  
AREA OF SAID PARCEL #2023-45 IS 97,485 SQUARE FEET.

2. The City Council of the City of Des Moines further proposes to convey such vacated Property to Polk County, Iowa in exchange for the consideration of cost to Polk County of undertaking the construction of Riverwalk Dog Park facility improvements and parking lot improvements.

3. That the meeting of the City Council at which the adoption of said ordinance and the conveyance of such right-of-way is to be considered shall be on July 17, 2023, said meeting to be held 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. Persons interested in the proposal will be given the opportunity to express their views at that hearing.

4. That the City Clerk is hereby authorized and directed to publish notice of said proposal 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.

Moved by Gatto to adopt.

Second by Voss.

APPROVED AS TO FORM:

/s/ Chas M. Cahill  
Chas M. Cahill  
Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
SHEUMAKER				✓
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			1

MOTION CARRIED APPROVED  
*J. M. Frankhu Cownie*  
 Mayor

**CERTIFICATE**

I, LAURA BAUMGARTNER, 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.

*Laura Baumgartner*

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 Laura Baumgartner, City Clerk