

★ **Roll Call Number** 24-1237 **Agenda Item Number** 29

Date September 16, 2024

SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF EXCESS CITY-OWNED PROPERTY LOCATED IN THE FOURMILE CREEK FLOODPLAIN TO POLK COUNTY, IOWA FOR THE USE AND BENEFIT OF THE POLK COUNTY CONSERVATION BOARD FOR THE LOWER FOURMILE CREEK GREENWAY PROJECT

WHEREAS, on July 15, 2019, by Roll Call No. 19-1121, the City Council of the City of Des Moines, Iowa (“City”) approved the Lower Fourmile Creek Greenway Management and Maintenance Chapter 28E Agreement (“28E Agreement”) between the City of Des Moines and the Polk County Conservation Board (“PCCB”); and

WHEREAS, the 28E Agreement provides for the transfer of certain lands from the City to Polk County to be managed by PCCB in accordance with the Lower Fourmile Creek Greenway Master Plan; and

WHEREAS, the City has identified a number of excess City-owned properties (“Property”) that are ready to be transferred to Polk County under the terms of said 28E Agreement; and

WHEREAS, in accordance with the 28E Agreement and Iowa Code 364.7, the City proposes to convey the Property to Polk County, Iowa, for the use and benefit of the Polk County Conservation Board at no cost for the public purpose of the Fourmile Creek Greenway Project, subject to the following conditions:

- a) 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 the right of entry for servicing same.
- b) Reservation of a permanent easement upon the Property for existing and/or future recreation trail.
- c) The Property will revert back to the City in the event that PCCB ceases to exist or loses its eligibility status as a public entity or qualified conservation organization.
- d) Compliance with the Lower Fourmile Creek Greenway Master Plan; and

WHEREAS, there is no known current or future public need for the City-owned property proposed to be conveyed and the City will not be inconvenienced by the conveyance of said Property.

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 proposes to convey the following City-owned property, all located within the Fourmile Creek Floodplain, as described below, to Polk County, Iowa, for the use and benefit of the Polk County Conservation Board at no cost, subject to the conditions listed above:

THE NORTH 9.0 OF LOT 633, AND

THE NORTH HALF (N 1/2) OF LOT 866, AND



Roll Call Number

24-1237

Agenda Item Number

29

Date September 16, 2024

LOTS 632, 634, 635, 644, AND 645, AND

LOTS 849 THROUGH 853, AND

LOTS 856, 857, 891, 902 AND 903, AND

ALL IN FOUR MILE, AN OFFICIAL PLAT, AND

LOTS 239 THROUGH 258 IN ELMWOOD PARK, AN OFFICIAL PLAT, AND

LOTS 4, 5 AND 6 IN SAID ELMWOOD PARK, - ***EXCEPT*** THE FOLLOWING DESCRIBED AREA: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 4; THENCE WEST ALONG THE NORTH LINE OF SAID LOT 4, A DISTANCE OF 12.14 FEET; THENCE SOUTHWESTERLY ALONG A CURVE WITH A RADIUS OF 370 FEET THROUGH SAID LOTS 4, 5 AND 6 TO A POINT ON THE SOUTH LINE OF SAID LOT 6, SAID POINT BEING 36.38 FEET WEST OF THE SOUTHEAST CORNER OF SAID LOT 6; THENCE EAST TO THE POINT OF BEGINNING-,

ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

2. A public hearing shall be held on October 7, 2024, 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. October 3, 2024, (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email cityclerk@dmgov.org).

3. 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.

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

★ Roll Call Number
24-1237

Agenda Item Number
29

Date September 16, 2024

Moved by Gatto to adopt, Second by Voss

APPROVED AS TO FORM:

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON	✓			
VOSS	✓			
COLEMAN	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	7			
MOTION CARRIED		APPROVED		
<u>Connie Boeser</u>		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 City Clerk