



Roll Call Number

25-1234

Agenda Item Number

53

Date September 8, 2025

**APPROVING AGREEMENT WITH POLK COUNTY AND HOLDING HEARING  
FOR CONVEYANCE OF PROPERTY INTERESTS FOR THE  
IOWA CONFLUENCE WATER TRAILS PROJECT**

**WHEREAS**, the City of Des Moines, Iowa ("City") is the owner of certain excess real estate locally known as 1550 Grays Parkway, Des Moines, Iowa, more particularly described below; and

**WHEREAS**, Polk County, Iowa ("Polk County") has agreed to acquire a portion of the afore-mentioned real property for no consideration in accordance with Iowa Code §364.7(3) for the public purpose of creating a public park and recreation area as part of the Iowa Confluence Water Trails project (hereinafter "Project"), subject to a permanent easement upon, over and within said real property for the continued use and maintenance of and the right of access to any existing utilities and flood protection levee improvements now in place; and

**WHEREAS**, Polk County has also requested the conveyance by the City of a Permanent Easement for River Infrastructure, a Permanent Easement for Public Ingress and Egress, a Permanent Easement for Storm Sewer and Surface Water Flowage, a Permanent Easement for Recreational Trail and a Temporary Easement for Construction and Construction-Related Activities, all on City-owned property, as legally described below (collectively with the above-described fee conveyance, "Property"), for no consideration in accordance with Iowa Code §364.7(3) for the public purpose of creating a public park and recreation area as part of the Project; and

**WHEREAS**, the City Engineering Department and Polk County have negotiated an Agreement between Polk County and the City of Des Moines with Respect to Real Estate for the Central Iowa Water Trails Systems ("Agreement"), in form on file in the office of the City Clerk, setting forth the terms and conditions of said proposed conveyance, which terms include City liability for environmental contamination of the site existing prior to recording of the conveyance documents and County indemnification of the City, as may be assigned to ICON Water Trails and/or Polk County Conservation Board, for environmental contamination that may result from the development and use of the Property for recreational activities, and which terms further include conditions precedent to closing including environmental assessments which, if not met by the County, will result in termination of the Agreement and retention by the City of the Property; and

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

**WHEREAS**, on July 14, 2025, by Roll Call No. 25-0975, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance be set down for hearing on August 4, 2025, 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 convey the Property was given to all necessary parties as provided by law, setting forth the time and place for hearing on said proposal; and



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**WHEREAS**, said hearing was opened and continued to August 18, 2025, by Roll Call No. 25-1080, to allow for additional time as requested by Polk County to negotiate the Agreement, and thereafter further continued to September 8, 2025, by Roll Call No. 25-1153; and

**WHEREAS**, in accordance with City Council direction, those interested in the proposed conveyance, 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. The afore-described Agreement between the City and Polk County, Iowa, is hereby approved; the Mayor and City Clerk are authorized and directed to sign and attest, respectively, the Agreement on behalf of the City in form on file with the City Clerk; and the City Engineer and his designee(s) are authorized and directed to administer said Agreement on behalf of the City.
2. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyance of a portion of the excess City-owned property locally known as 1550 Grays Parkway, Des Moines, Iowa, as legally described below, for no consideration in accordance with Iowa Code §364.7(3) for the public purpose of creating a public park and recreation area as part of the Iowa Confluence Water Trails project, subject to a permanent easement upon, over and within the Property for the continued use and maintenance of and the right of access to any existing utilities and flood protection levee improvements now in place, and the conveyance of a Permanent Easement for River Infrastructure, a Permanent Easement for Public Ingress and Egress, a Permanent Easement for Storm Sewer and Surface Water Flowage, a Permanent Easement for Recreational Trail and a Temporary Easement for Construction and Construction-Related Activities, all on City-owned property, all as legally described below, to Polk County, Iowa for no consideration in accordance with Iowa Code §364.7(3) for the public purpose of creating a public park and recreation area as part of the Iowa Confluence Water Trails project, are hereby overruled and the hearing is closed.
3. There is no public need or benefit for the excess City-owned property proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of a portion of the excess City property locally known as 1550 Grays Parkway, Des Moines, Iowa, legally described as follows, subject to a permanent easement upon, over and within the Property for the continued use and maintenance of and the right of access to any existing utilities and flood protection levee improvements now in place, which will be included in the Quit Claim Deed from City to Polk County, Iowa, and the conveyance of a Permanent Easement for River Infrastructure, a Permanent Easement for Public Ingress and Egress, a Permanent Easement for Storm Sewer and Surface Water Flowage, a Permanent Easement for Recreational Trail and a Temporary Easement for Construction and Construction-Related Activities, all on City-owned property, all as legally described below, to Polk County, Iowa for no consideration in accordance with Iowa Code §364.7(3) for the public purpose of creating a public park and recreation area as part of the Iowa Confluence Water Trails project, and said conveyance is hereby approved:

FEE SIMPLE CONVEYANCE



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AN IRREGULAR SHAPED PORTION OF LOT 2, DICO PLAT NO.1, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEASTERLY CORNER OF LOT A IN SAID DICO PLAT NO.1, SAID POINT BEING A NORTHEASTERLY CORNER OF SAID LOT 2; THENCE S00°02'56"W ALONG THE EAST LINE OF SAID LOT 2, A DISTANCE OF 144.38 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S00°02'56"W ALONG THE EAST LINE OF SAID LOT 2, A DISTANCE OF 165.10 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE THE FOLLOWING 22 COURSES ALONG THE BANK OF THE RACCOON RIVER AS LOCATED MARCH OF 2022; S69°45'21"W, 91.78 FEET; THENCE S68°45'08"W, 172.66 FEET; THENCE S67°46'59"W, 145.57 FEET; THENCE S68°33'04"W, 89.46 FEET; THENCE S77°14'09"W, 144.51 FEET; THENCE S80°04'02"W, 249.91 FEET; THENCE S86°49'33"W, 144.00 FEET; THENCE N77°01'29"W, 143.26 FEET; THENCE N71°45'57"W, 163.27 FEET; THENCE N57°05'57"W, 159.89 FEET; THENCE N42°06'21"W, 140.69 FEET; THENCE N25°54'06"W, 215.47 FEET; THENCE N12°50'38"W, 228.64 FEET; THENCE N04°11'48"W, 175.94 FEET; THENCE N01°37'31"E, 127.45 FEET; THENCE N01°33'15"E, 116.48 FEET; THENCE N12°37'20"E, 118.41 FEET; THENCE N14°42'23"E, 150.65 FEET; THENCE N19°42'57"E, 140.90 FEET; THENCE N26°27'08"E, 103.10 FEET; THENCE N26°14'38"E, 92.58 FEET; THENCE N27°07'27"E, 75.40 FEET; THENCE LEAVING THE RIVER BANK N90°00'00"E, A DISTANCE OF 225.44 FEET; THENCE S09°18'39"E, A DISTANCE OF 153.78 FEET; THENCE S20°08'39"E, A DISTANCE OF 170.00 FEET; THENCE S45°34'08"E, A DISTANCE OF 1436.30 FEET; THENCE N89°55'25"E, A DISTANCE OF 102.99 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 38.00 ACRES.

#### PERMANENT EASEMENT FOR RIVER INFRASTRUCTURE

AN IRREGULAR SHAPED EASEMENT OVER AND ACROSS A PORTION OF GOVERNMENT LOT 12 OF SECTION 8, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., IN DES MOINES, POLK COUNTY, IOWA, ALL MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF PARCEL 2019-147, AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 17708 AT PAGE 704; THENCE S00°02'56"W ALONG THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID PARCEL 2019-147, A DISTANCE OF 223.01 FEET; THENCE S69°13'48"W, A DISTANCE OF 76.09 FEET TO THE POINT OF BEGINNING; THENCE S27°10'12"E, A DISTANCE OF 29.88 FEET; THENCE S70°14'24"W, A DISTANCE OF 90.06 FEET; THENCE N27°30'23"W, A DISTANCE OF 25.39 FEET; THENCE N65°46'07"E, A DISTANCE OF 47.85 FEET; THENCE N69°13'48"E, A DISTANCE OF 41.94 FEET TO THE POINT OF BEGINNING. CONTAINING 2,551 SQUARE FEET

#### PERMANENT EASEMENT FOR PUBLIC INGRESS AND EGRESS

AN IRREGULAR SHAPED PORTION OF LOT 1, LOT A AND LOT 2, DICO PLAT NO. 1, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT A; THENCE S00°02'56"W ALONG THE EAST LINE OF SAID LOT A AND SAID LOT 2, A DISTANCE OF 198.54 FEET; THENCE S89°55'25"W, A DISTANCE OF 102.99 FEET; THENCE N45°34'08"W, A DISTANCE OF 621.26 FEET; THENCE N44°25'52"E, A DISTANCE OF 253.16 FEET; THENCE S49°45'09"E, A

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DISTANCE OF 340.30 FEET; THENCE N00°02'56"E, A DISTANCE OF 229.84 FEET; THENCE N43°06'48"E, A DISTANCE OF 161.10 FEET TO THE EAST LINE OF SAID LOT 1; THENCE S00°02'56"W ALONG SAID EAST LINE, A DISTANCE OF 544.59 FEET TO THE POINT OF BEGINNING. CONTAINING 203,208 SQUARE FEET

**PERMANENT EASEMENT FOR STORM SEWER AND SURFACE WATER FLOWAGE**

A 30.00 FOOT WIDE EASEMENT OVER AND ACROSS A PORTION OF LOT 1, DICO PLAT No. 1, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE N00°02'56"E ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 72.03 FEET TO THE POINT OF BEGINNING; THENCE N39°45'12"W, A DISTANCE OF 122.21 FEET; THENCE N50°14'48"E, A DISTANCE OF 30.00 FEET; THENCE S39°45'12"E, A DISTANCE OF 86.20 FEET TO THE EAST LINE OF SAID LOT 1; THENCE S00°02'56"W ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 46.86 FEET TO THE POINT OF BEGINNING. CONTAINING 3,126 SQUARE FEET.

**PERMANENT EASEMENT FOR RECREATIONAL TRAIL**

AN IRREGULAR SHAPED EASEMENT OVER AND ACROSS A PORTION OF PARCEL 2019-147 IN DES MOINES, POLK COUNTY, IOWA, AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 17708 AT PAGE 704, ALL MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF SAID PARCEL 2019-147; THENCE N00°02'56"E ALONG THE WEST LINE OF SAID PARCEL 2019-147, A DISTANCE OF 198.35 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N00°02'56"E ALONG SAID WEST LINE, A DISTANCE OF 147.33 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 2019-147; THENCE SOUTHEASTERLY ALONG THE NORTH LINE OF SAID PARCEL 2019-147 AND ALONG A 414.19 FOOT RADIUS CURVE CONCAVE NORTHERLY, A DISTANCE OF 130.34 FEET, SAID CURVE HAVING A CHORD BEARING OF S76°25'43"E AND A CHORD LENGTH OF 129.80 FEET; THENCE S85°26'37"E ALONG SAID NORTH LINE, A DISTANCE OF 82.30 FEET; THENCE S11°54'57"E, A DISTANCE OF 66.65 FEET; THENCE N78°10'53"E, A DISTANCE OF 15.00 FEET; THENCE S11°54'57"E, A DISTANCE OF 40.00 FEET; THENCE S78°10'53"W, A DISTANCE OF 15.00 FEET; THENCE S11°54'57"E, A DISTANCE OF 24.93 FEET; THENCE SOUTHWESTERLY ALONG A 345.00 FOOT RADIUS CURVE CONCAVE NORTHERLY, A DISTANCE OF 104.40 FEET, SAID CURVE HAVING A CHORD BEARING OF S87°58'58"W AND A CHORD LENGTH OF 104.00 FEET; THENCE N83°20'54"W, A DISTANCE OF 54.25 FEET; THENCE NORTHWESTERLY ALONG A 470.00 FOOT RADIUS CURVE CONCAVE NORTHERLY, A DISTANCE OF 79.37 FEET TO THE POINT OF BEGINNING, SAID CURVE HAVING A CHORD BEARING OF N78°30'39"W AND A CHORD LENGTH OF 79.27 FEET. CONTAINING 31,502 SQUARE FEET.

**TEMPORARY EASEMENT FOR CONSTRUCTION AND CONSTRUCTION-RELATED ACTIVITIES**

AN IRREGULAR SHAPED EASEMENT OVER AND ACROSS A PORTION OF PARCEL 2019-147 IN DES MOINES, POLK COUNTY, IOWA, AS SHOWN ON THE PLAT OF SURVEY



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RECORDED IN BOOK 17708 AT PAGE 704, ALL MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF SAID PARCEL 2019-147; THENCE N00°02'56"E ALONG THE WEST LINE OF SAID PARCEL 2019-147, A DISTANCE OF 345.68 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 2019-147; THENCE SOUTHEASTERLY ALONG THE NORTH LINE OF SAID PARCEL 2019-147 AND ALONG A 414.19 FOOT RADIUS CURVE CONCAVE NORTHERLY, A DISTANCE OF 130.34 FEET, SAID CURVE HAVING A CHORD BEARING OF S76°25'43"E AND A CHORD LENGTH OF 129.80 FEET; THENCE S85°26'37"E ALONG SAID NORTH LINE, A DISTANCE OF 82.30 FEET; THENCE S11°54'57"E, A DISTANCE OF 66.65 FEET TO THE POINT OF BEGINNING; THENCE N78°10'53"E, A DISTANCE OF 40.85 FEET; THENCE S11°49'07"E, A DISTANCE OF 40.00 FEET; THENCE S78°10'53"W, A DISTANCE OF 40.78 FEET; THENCE N11°54'57"W, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING. CONTAINING 1,633 SQUARE FEET; AND

AN IRREGULAR SHAPED EASEMENT OVER AND ACROSS A PORTION OF PARCEL 2019-147 IN DES MOINES, POLK COUNTY, IOWA, AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 17708 AT PAGE 704, ALL MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL 2019-147; THENCE N00°02'56"E ALONG THE WEST LINE OF SAID PARCEL 2019-147, A DISTANCE OF 30.66 FEET; THENCE N67°30'04"E, A DISTANCE OF 49.58 FEET; THENCE S49°54'42"E, A DISTANCE OF 38.94 FEET TO THE SOUTH LINE OF SAID PARCEL 2019-147; THENCE S72°00'41"W ALONG THE SOUTH LINE OF SAID PARCEL 2019-147, A DISTANCE OF 79.52 FEET TO THE POINT OF BEGINNING. CONTAINING 2,016 SQUARE FEET.

4. Following approval as to form by the Legal Department, the Mayor is authorized and directed to sign the Quit Claim Deed, Permanent Easement for River Infrastructure, Permanent Easement for Public Ingress and Egress, Permanent Easement for Storm Sewer and Surface Water Flowage, Permanent Easement for Recreational Trail and Temporary Easement Construction and Construction-Related Activities for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

5. Following approval as to form by the Legal Department, the City Manager is authorized to sign any minor and non-substantial amendments to the Agreement and is further authorized to grant any temporary rights of entry for construction-related activities prior to closing.

6. Subject to confirmation by the City Engineering Department that Polk County has met all conditions precedent set forth in the Agreement, the City Clerk is authorized and directed to forward the original of the Quit Claim Deed, Permanent Easement for River Infrastructure, Permanent Easement for Public Ingress and Egress, Permanent Easement for Storm Sewer and Surface Water Flowage, Permanent Easement for Recreational Trail and Temporary Easement Construction and Construction-Related Activities, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department for the purpose of closing on the Property transfer and causing said documents to be recorded.



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7. The Real Estate Division Manager is authorized and directed to forward the original of the Quit Claim Deed, Permanent Easement for River Infrastructure, Permanent Easement for Public Ingress and Egress, Permanent Easement for Storm Sewer and Surface Water Flowage, Permanent Easement for Recreational Trail and Temporary Easement Construction and Construction-Related Activities, together with 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 these documents to be recorded.

8. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim Deed, Permanent Easement for River Infrastructure, Permanent Easement for Public Ingress and Egress, Permanent Easement for Storm Sewer and Surface Water Flowage, Permanent Easement for Recreational Trail and Temporary Easement Construction and Construction-Related Activities, and copies of the other documents to the grantee.

9. There will be no proceeds associated with this transaction.

Moved by Mandelbaum to adopt.

Second by Gatto.

APPROVED AS TO FORM:

/s/ Glenna K. Frank

Glenna K. Frank, Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
MANDELBAUM	✓			
SIMONSON	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

Connie Boesen

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