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CITY ADMINISTRATOR'S OFFICE MEMO

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To: Mayor and City Council

From: City Administrator, Kim Downs & Park & Recreation Director Kelly Willadsen

Date: February 23, 2017

RE: Proposal to vacate City owned Property-Kainz Park and request review of the Planning and Zoning Commission

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Hiawatha Staff is requesting Council's approval to consider vacating Kainz Park-710 Kainz Drive (Legal Description-Lot 23, Auditors Plat #372, Linn County, Iowa) and the potential swapping of land for the development of a dog park. Part of the process to vacate a city owned parcel the city council must request a review and receive a recommendation from the Planning and Zoning Commission as established in Ordinance 137.02. It is at this time we ask council to authorize a resolution for the purpose of a study and recommendation to City Council for consideration.

When in the judgement of the City Council it would be in the best interest of the City to dispose of a vacated street or alley, portion thereof or public ground, the Council may do so in accordance with the following provisions of Section 364.7 of the Iowa Code.

364.7 DISPOSAL OF PROPERTY.

A city may not dispose of an interest in real property by sale, lease for a term of more than three years, or gift, except in accordance with the following procedure:

1. The council shall set forth its proposal in a resolution and shall publish notice as provided in section 362.3, of the resolution and of a date, time and place of a public hearing on the proposal.
2. After the public hearing, the council may make a final determination on the proposal by resolution.
3. A city may not dispose of real property by gift except to a governmental body for a public purpose.

The intention of the disposal of Kainz Park is to purchase appropriate land that fits the use of a dog park and to be used in conjunction of the Cedar Valley Nature Trail for use of parking and restroom facilities.

Today Kainz Park is underutilized and its best fit would be commercial consideration of the adjacent zoning and Comprehensive Plan. Over the past four years the Park & Recreation Director and I fielded several phone calls from citizens requesting a dog park in our community. Our most recent citizens survey addressed the need for a dog park. Almost 30% of the respondents scored the need for a dog park as a high-medium priority.

Thank you for your consideration.

Robins Rd
Clymer Rd
Linner Dr
Boyson Ct
Hawkeye Dr
Kainz Dr
Boyson Rd
Industrial Ave
KAINZ
PAVILION

DRAFT

RESOLUTION NO. 17-
City Council

RESOLUTION REFERRING THE PROPOSAL TO VACATE KAINZ PARK PROPERTY TO THE PLANNING AND ZONING COMMISSION FOR STUDY AND RECOMMENDATION TO CITY COUNCIL
710 Kainz Drive, Lot 23, Auditors Plat No. 372, Linn County, Iowa

WHEREAS, the City of Hiawatha desires to vacate the City owned Kainz Park property located at 710 Kainz Drive and legally described as Lot 23, Auditors Plat No. 372, Linn County, Iowa, for the purpose of selling the parcel of land through a bid process and removing City responsibility for maintenance, in connection with the potential development of a dog park, and

WHEREAS, as per Code of Ordinances Chapter 137 Vacation and Disposal of Streets, Section 137.02 Planning and Zoning Commission, "Any proposal to vacate a street, alley, portion thereof or any public grounds shall be referred by the Council to the Planning and Zoning Commission for a study and recommendation prior to further consideration by the Council. The Commission shall submit a written report including recommendations to the Council within 30 days after the date the proposed vacation is referred to the Commission," and

WHEREAS, with the passage of this resolution, City Council formally refers the proposal to vacate the City owned Kainz Park property to the Planning and Zoning Commission as directed in Section 137.02 of the Code of Ordinances, and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA to refer the request to vacate City owned Kainz Park property located at 710 Kainz Drive and legally described as Lot 23, Auditors Plat No. 372, Linn County, Iowa, as requested by the City of Hiawatha, to the Planning and Zoning Commission for a study and recommendation prior to further consideration by City Council. "The Commission shall submit a written report including recommendations to the Council within 30 days after the date the proposed vacation is referred to the Commission."

AYES:
NAYS:
ABSENT:

PASSED AND APPROVED this 1st day of March, 2017.

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Bill Bennett, Mayor

ATTEST:

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Kelly Kornegor, City Clerk