 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: April 9, 2012
	Agenda Item No. 43 Roll Call No. <u>12-0556</u> Communication No. <u>12-158</u> Submitted by: Jeb E. Brewer, P.E., City Engineer

AGENDA HEADING:

Hold hearing for vacation and conveyance of portions of SE 19th Street right-of-way between East Market Street and Scott Avenue to Waste Management of Iowa, Inc. for \$43,845 and to Kemin Holdings, LC for \$35,508.

SYNOPSIS:

Recommend approval for vacation and conveyance of portions of SE 19th Street right-of-way between East Market Street and Scott Avenue to Waste Management of Iowa, Inc., Jeff M. Harris, President, 1001 Fannin, Suite 4001, Houston, Texas 77002 for \$43,845 and to Kemin Holdings, LC, Dr. Christopher Nelson, President, 2100 Maury Street, Des Moines, Iowa 50317 for \$35,508. This action is required by Iowa law prior to making a final determination on the proposed sale by resolution. There is no current or anticipated public need for this property, except for the easements identified below. The sale of these portions of SE 19th Street will help minimize the impacts to Waste Management of Iowa, Inc. and Kemin Holdings, LC from the City’s partial acquisitions of their property for the SE Connector Project.

FISCAL IMPACT:

Amount: \$79,353 (Total Revenue)

Funding Source: Sale proceeds will be deposited into the following account: 2012-13 CIP, Street Improvements - Page 36, SE Connector – SE 14th Street to SE 30th Street, STR 249.

ADDITIONAL INFORMATION:

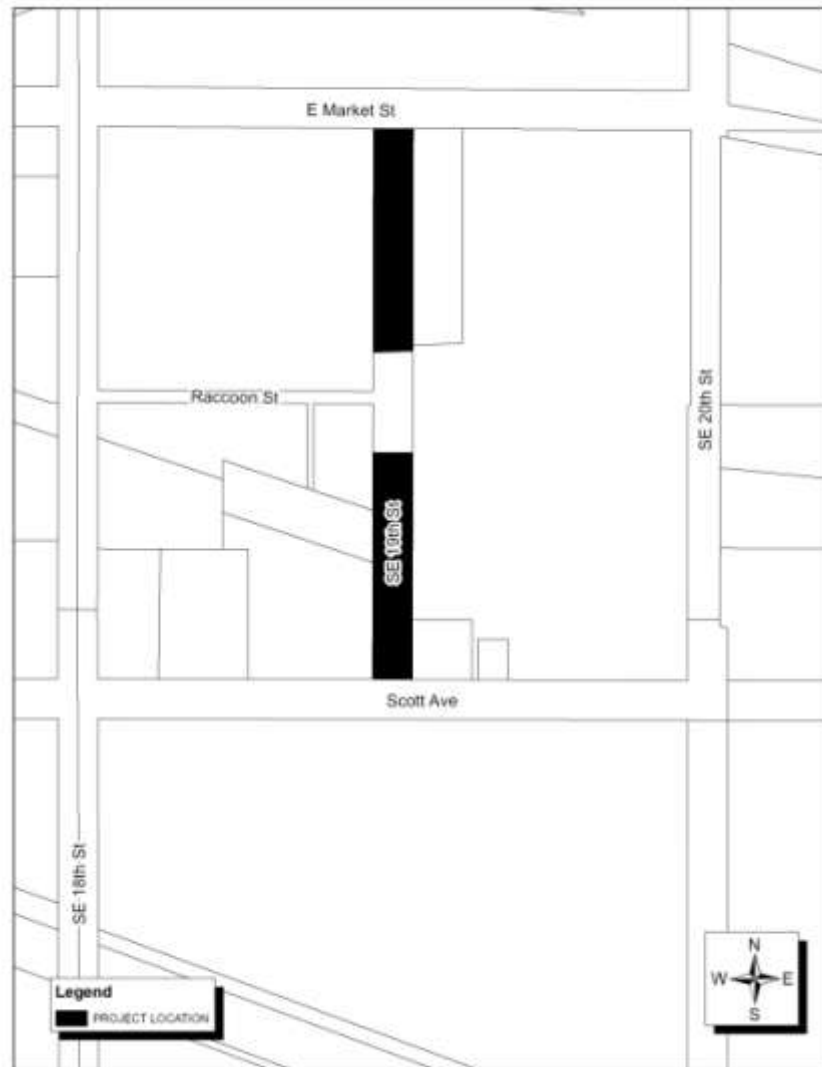
On February 27, 2012, by Roll Call No. 12-0277, the City Council received the recommendation from the Plan and Zoning Commission to vacate SE 19th Street from a point approximately 97 feet south of Raccoon Street to Scott Avenue, and Southeast 19th Street from East Market Street to a point approximately 78 feet north of Raccoon Street, be vacated and conveyed to Waste Management of Iowa, Inc. and Kemin Holdings, LC, subject to reservation of easements for all public utilities in place and a provision of an access easement for Midwest Sprinkler at 1900 Scott Avenue, until such time that access to Scott Avenue via SE 19th Street is not necessary.

Waste Management of Iowa, Inc. is the owner of the property locally known as 201 SE 18th Street abutting SE 19th Street right-of-way and has offered to the City of Des Moines the purchase price of \$43,845.00 for the vacation and conveyance of a portion of such right-of-way for the purpose of redevelopment with its adjoining property, subject to reservation of easement for public utilities, which

price reflects the fair market value of the property based on independent appraisals obtained by the City's Real Estate Division.

Kemin Holdings, LC is the owner of the property identified as Polk County GeoParcel 7824-02-452-005 abutting SE 19th Street right-of-way and has offered to the City of Des Moines the purchase price of \$35,508.00 for the vacation and conveyance of a portion of such right-of-way for the purpose of redevelopment with its adjoining property, subject to the Plan and Zoning Commission recommendations, which price reflects the fair market value of the property based on independent appraisals obtained by the City's Real Estate Division.

The City of Des Moines has negotiated with Waste Management of Iowa, Inc. and Kemin Holdings, LC, to acquire portions of each of their properties needed for the SE Connector Project, subject to the sale of the above referenced portions of SE 19th Street. The sale of these portions of SE 19th Street will allow Waste Management of Iowa, Inc. to replace parking spaces lost due to the SE Connector Project and will allow Kemin Holdings, LC to assemble and incorporate the property into their new corporate headquarters development.



PREVIOUS COUNCIL ACTION(S):

Date: March 26, 2012

Roll Call Number: 12-0456

Action: [On](#) set hearing for vacation and conveyance of portions of SE 19th Street right-of-way between East Market Street and Scott Avenue to Waste Management of Iowa, Inc. for \$43, 845 and to Kemin Holdings, LC for \$35,508. Moved by Hensley to adopt. Motion Carried 7-0.

Date: February 27, 2012

Roll Call Number: 12-0277

Action: [Regarding](#) request from City Council, represented by the City Engineer, Jeb Brewer, to vacate Southeast 19th Street from a point approximately 97 feet south of Raccoon Street to Scott Avenue, and Southeast 19th Street from East Market Street to a point approximately 78 feet north of Raccoon Street of public street right-of-way, subject to reservation of easements for all public utilities in place and subject to the provision of an access easement for 1900 Scott Avenue until such time that access to Scott Avenue via SE 19th Street is no longer necessary. Moved by Meyer to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.

Date: October 25, 2010

Roll Call Number: 10-1785

Action: (A) [Receive](#) and file City Manager Communication. ([Council Communication No. 10-636](#)) Moved by Meyer to receive and file. Motion Carried 7-0.

Roll Call Number: 10-1786

Action: (B) [Authorization](#) to proceed with acquisition of necessary right-of-way and easements for the SE Connector – SE 14th Street to SE 30th Street. Moved by Meyer to adopt. Motion Carried 7-0.

Roll Call Number: 10-1787

Action: (C) [Approve](#) recommendation from the City Manager regarding economic development incentives to retain Kemin Industries, Inc. and accommodate a proposed expansion in the vicinity of 2100 Maury Street. Moved by Meyer to: 1) Authorize the City Manager to negotiate with Kemin Industries Inc. on an Urban Renewal Development Agreement addressing economic development incentives associated with the construction of Kemin's Five-year Capital Expansion Plan in the City of Des Moines, subject to further City Council review and approval; 2) Authorize the City Manager to hold discussions with Polk County for possible acquisition of County-owned parcels located in the proposed economic development project area; 3) Authorize City Manager to evaluate and recommend potential interim and permanent locations for City services now located on land to be acquired for construction of the SE Connector, subject to further City Council review and approval; 4) Initiate the vacation of the Scott Avenue right-of-way beginning at E. 20th Street and extending to the east edge of the proposed economic development project area; 5) Initiate the appropriate amendments to the SE Agribusiness Urban Renewal Plan; all as more specifically described in the Council Communication. Motion Carried 7-0.

Roll Call Number: 10-1788

Action: (D) [Approving](#) application from Kemin Industries, Inc. to Iowa Department of Economic Development for Enterprise Zone Benefits and a forgivable loan to assist in the expansion of its corporate headquarters in the Des Moines Agribusiness Enterprise Zone. Moved by Meyer to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: Plan and Zoning Commission

Date: February 16, 2012

Resolution Number: 11-2012-1.03

Action: Regarding request from City Council, represented by the City Engineer, Jeb Brewer, to vacate Southeast 19th Street from a point approximately 97 feet south of Raccoon Street to Scott Avenue, and Southeast 19th Street from East Market Street to a point approximately 78 feet north of Raccoon Street of public street right-of-way, subject to reservation of easements for all public utilities in place and subject to the provision of an access easement for 1900 Scott Avenue until such time that access to Scott Avenue via SE 19th Street is no longer necessary.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the second floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to cityclerk@dmgov.org.