

Date March 26, 2012

SET HEARING FOR VACATION AND CONVEYANCE OF PORTIONS OF SE 19<sup>TH</sup> STREET RIGHT-OF-WAY BETWEEN EAST MARKET STREET AND SCOTT AVENUE TO WASTE MANAGEMENT OF IOWA, INC. FOR \$43,845 AND KEMIN HOLDINGS, LC FOR \$35,508

WHEREAS, on February 27, 2012, by Roll Call No. 12-0277, following a Council-initiated request, the City Council received the recommendation from the Plan and Zoning Commission to vacate Southeast (SE) 19<sup>th</sup> Street from a point approximately 97 feet south of Raccoon Street to Scott Avenue, and Southeast (SE) 19<sup>th</sup> Street from East Market Street to a point approximately 78 feet north of Raccoon Street, hereinafter more fully described, subject to reservation of easement for all public utilities in place and provision of an access easement for 1900 Scott Avenue (a/k/a 1823 Raccoon Street) until such time that access to Scott Avenue via SE 19<sup>th</sup> Street is not necessary; and

WHEREAS, Waste Management of Iowa, Inc. is the owner of the property locally known as 201 SE 18<sup>th</sup> Street that abuts such right-of-way and has offered to the City of Des Moines the purchase price of \$43,845.00 for the vacation and purchase of a portion of such right-of-way as described below 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 as currently estimated by the City's Real Estate Division; and

WHEREAS, Kemin Holdings, LC is the owner of the property locally known as GeoParcel 7824-02-452-005 that abuts such right-of-way and has offered to the City of Des Moines the purchase price of \$35,508.00 for the vacation and purchase of a portion of such right-of-way as described below 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 as currently estimated by the City's Real Estate Division; and

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

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 Southeast 19<sup>th</sup> Street from a point approximately 97 feet south of Raccoon Street to Scott Avenue, and Southeast 19<sup>th</sup> Street from East Market Street to a point approximately 78 feet north of Raccoon Street, more specifically described as follows:

"Parcel A":

A PORTION OF SE 19TH STREET RIGHT OF WAY ADJOINING AND LYING WEST OF A PORTION OF LOT 38, BROOKS AND CO'S ADDITION TO THE CITY OF DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 38; THENCE SOUTH 00° (DEGREES) 05' (MINUTES) 41" (SECONDS) EAST, 448.09 FEET ON THE EAST RIGHT OF WAY LINE OF SE 19TH STREET; THENCE SOUTH 88°20'31" WEST, 80.03 FEET TO THE WEST RIGHT OF WAY LINE OF SE 19TH STREET; THENCE NORTH 00°05'41" WEST, 450.91 FEET ON SAID WEST RIGHT OF WAY LINE; THENCE SOUTH 89°38'16" EAST, 80.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.83 ACRES MORE OR LESS;

AND

Date March 26, 2012

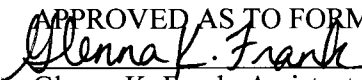
“Parcel B”:

A PORTION OF SE 19TH STREET RIGHT-OF-WAY AS PRESENTLY ESTABLISHED AND LYING EAST OF AND ADJOINING LOTS 45 THROUGH 53, CHARTER OAK ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND THE FORMER CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD RIGHT-OF-WAY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SE CORNER OF LOT 53, SAID CHARTER OAK ADDITION, SAID POINT ALSO ON THE WEST R.O.W. LINE OF SE 19TH STREET AS PRESENTLY ESTABLISHED; THENCE N.00°05'02"W., A DISTANCE OF 340.05 FEET ALONG SAID WEST R.O.W. OF SE 19TH STREET TO THE NORTH FORMER R.O.W. LINE OF THE CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD; THENCE N.00°10'58"W., A DISTANCE OF 120.09 FEET ALONG SAID WEST R.O.W. OF SE 19TH STREET; THENCE S.87°20'20"E., A DISTANCE OF 80.05 FEET TO A POINT ON THE EAST R.O.W. OF SE 19TH STREET; THENCE S.00°05'02"E., A DISTANCE OF 456.63 FEET ALONG SAID EAST R.O.W. LINE OF SE 19TH STREET TO THE NORTH R.O.W. LINE OF SCOTT STREET (AVENUE); THENCE N89°51'12"W., A DISTANCE OF 79.76 FEET ALONG SAID NORTH R.O.W. LINE OF SCOTT STREET (AVENUE) TO THE POINT OF BEGINNING. CONTAINING 36606 SQUARE FEET OR 0.840 ACRES MORE OR LESS AND SUBJECT TO ALL EASEMENTS OF RECORD.

2. That if the City Council decides to vacate the above described right-of-way, the City of Des Moines proposes to convey the vacated portion thereof described above as “Parcel A” to Waste Management of Iowa, Inc. for \$43,845.00, and the vacated portion thereof described above as “Parcel B” to Kemin Holdings, LC for \$35,508.00, subject to the Plan and Zoning Commission recommendations.
3. That the meeting of the City Council at which the adoption of said ordinance and the conveyance of such real estate is to be considered by public hearing shall be on April 9, 2012, said meeting to be held at 5:00 p.m., in the Council Chamber.
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. The proceeds from the sale of this property shall be deposited into the following account: 2012-13 CIP, Street Improvements - Page 36, SE Connector – SE 14<sup>th</sup> Street to SE 30<sup>th</sup> Street, STR 249.

APPROVED AS TO FORM:

  
 Glenna K. Frank, Assistant City Attorney

Moved by \_\_\_\_\_ to adopt.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

MOTION CARRIED APPROVED

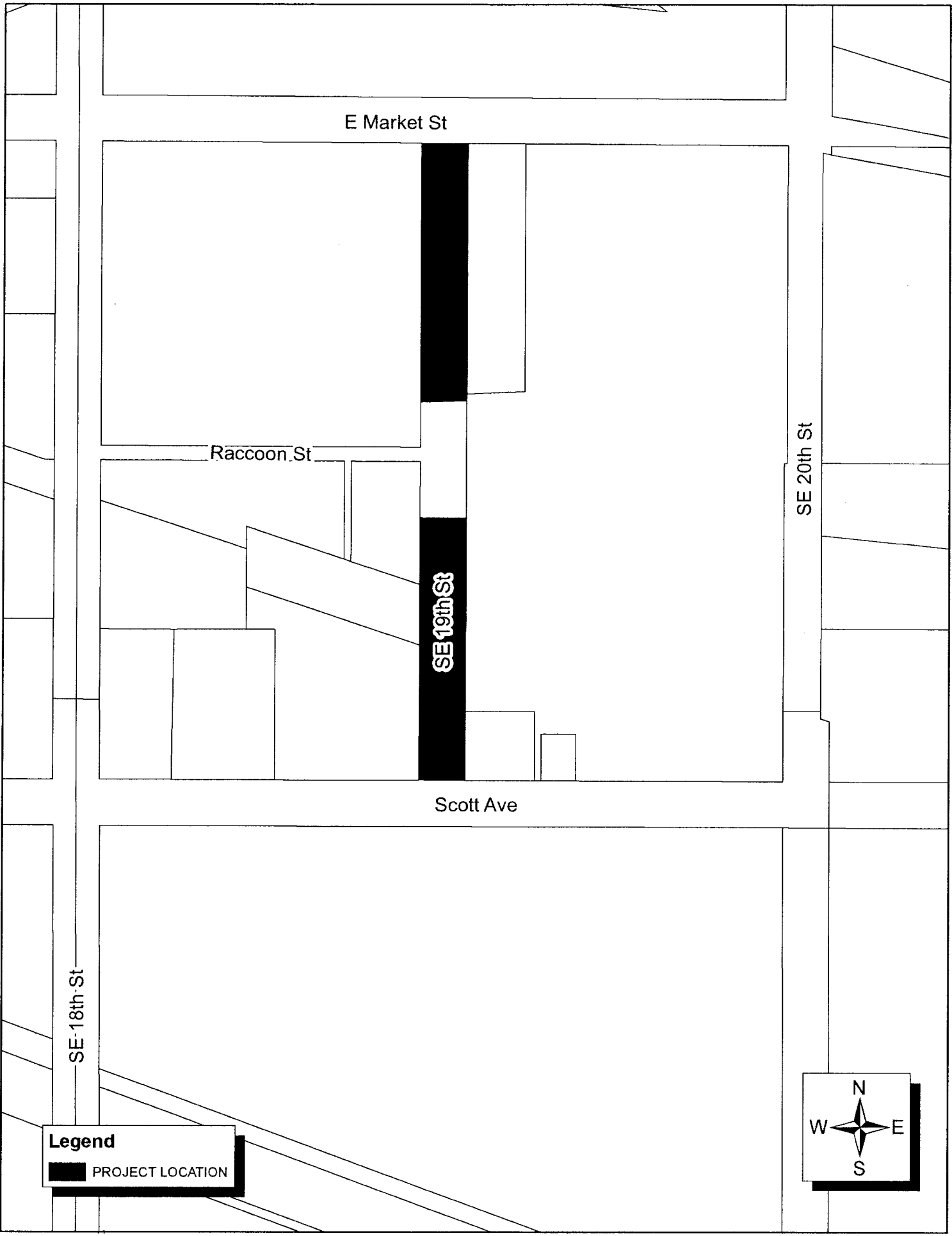
\_\_\_\_\_  
 Mayor

**CERTIFICATE**

I, DIANE RAUH, 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.

\_\_\_\_\_  
 City Clerk



E Market St

Raccoon St

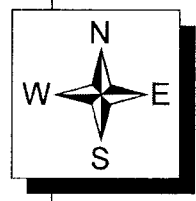
SE 19th St

SE 20th St

Scott Ave

SE 18th St

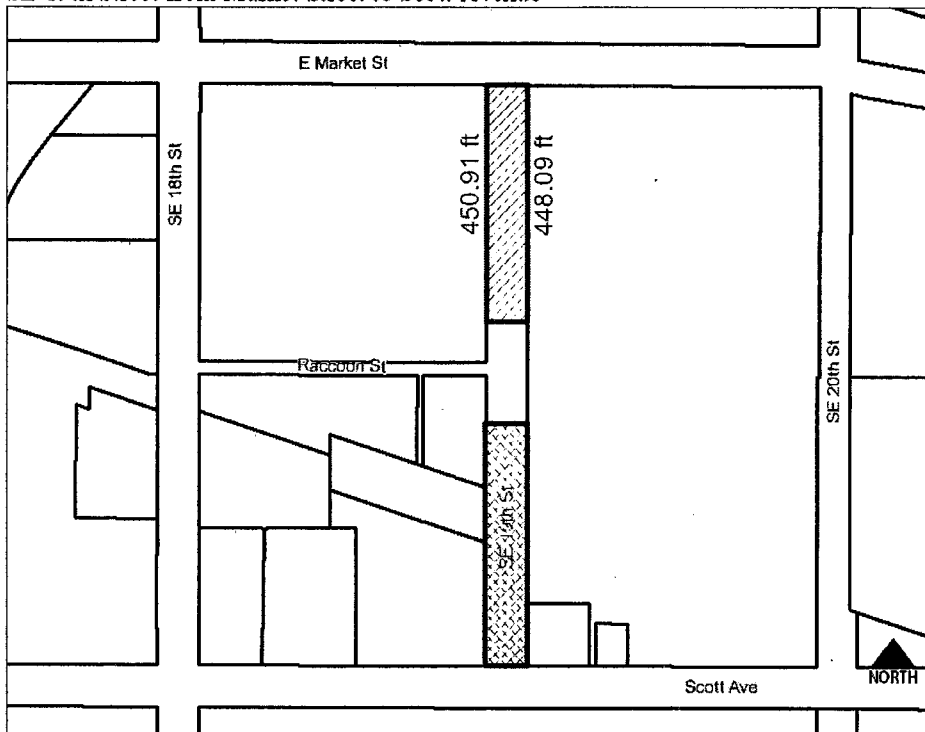
**Legend**  
PROJECT LOCATION



City Council initiated request represented by the City Engineer, Jeb Brewer to vacate segments of public street right-of-way in furtherance of the Southeast Connector project.		<b>File #</b> 11-2012-1.03		
<b>Description of Action</b>	Review and Approval to vacate the following segments of public street right-of-way in furtherance of the Southeast Connector project: Southeast 19 <sup>th</sup> Street from a point approximately 97 feet south of Raccoon Street to Scott Avenue. Southeast 19 <sup>th</sup> Street from East Market Street to a point approximately 78 feet north of Raccoon Street.			
<b>2020 Community Character Plan</b>	General Industrial			
<b>Horizon 2035 Transportation Plan</b>	Southeast Connector project to be constructed between the two areas to be vacated			
<b>Current Zoning District</b>	"M-1" Light Industrial District, and "M-2" Heavy Industrial District			
<b>Proposed Zoning District</b>	"M-1" Light Industrial District, and "M-2" Heavy Industrial District			
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	9-0			
Outside Area				
<b>Plan and Zoning Commission Action</b>	Approval		<b>Required 6/7 Vote of the City Council</b>	Yes
	Denial			No

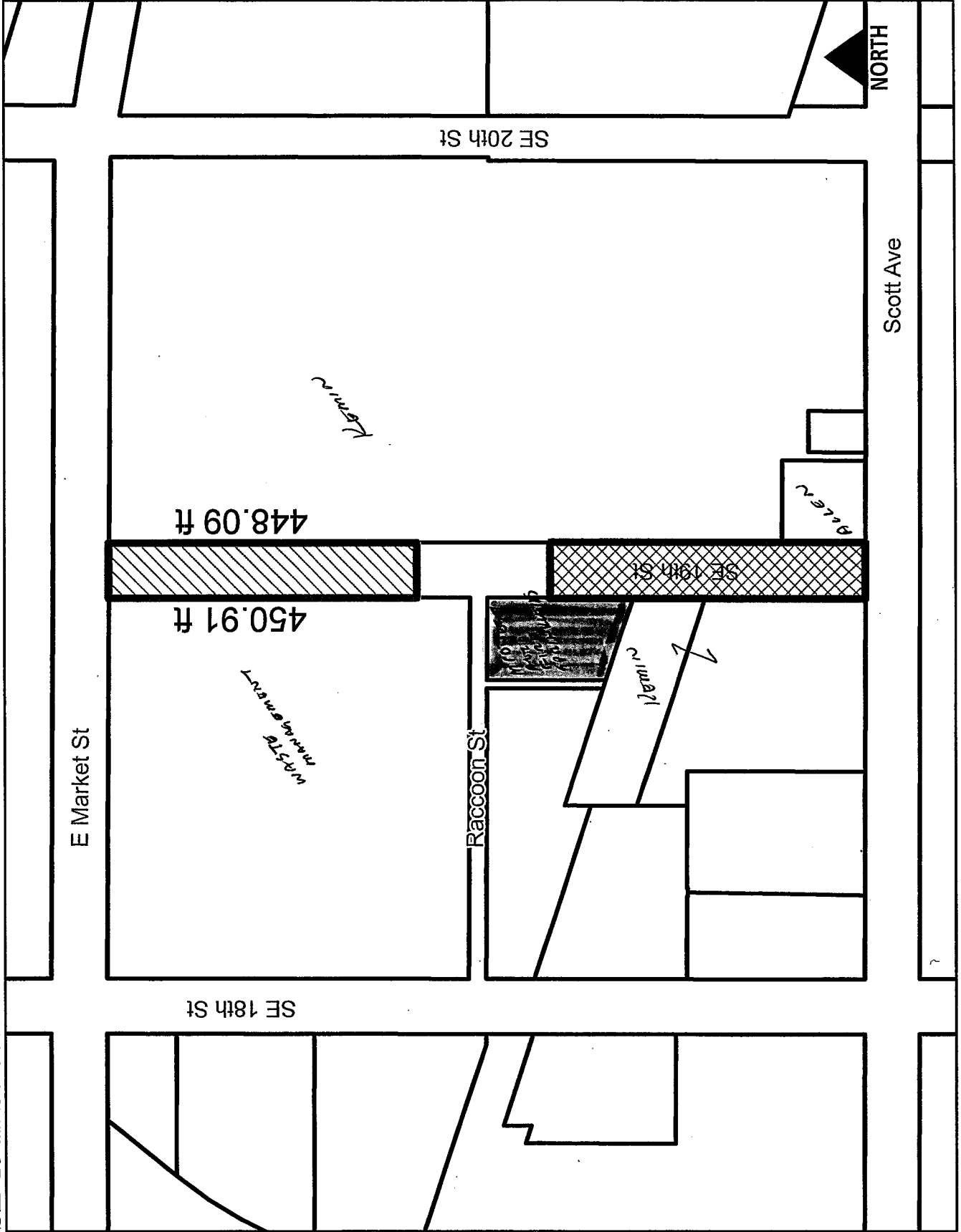
City Council Initiated (Kemin Industries & Waste Management) - SE 19th Street from Market Street to Scott Avenue

11-2012-1.03



City Council Initiated (Kemin Industries & Waste Management) -  
SE 19th Street from Market Street to Scott Avenue

11-2012-1.03



Date \_\_\_\_\_

Agenda Item 20

Roll Call # \_\_\_\_\_

February 17, 2012

Honorable Mayor and City Council  
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held February 16, 2012, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 9-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
JoAnne Corigliano				X
Shirley Daniels	X			
Jacqueline Easley	X			
Tim Fitzgerald				X
Dann Flaherty	X			
John "Jack" Hilmes				X
Joel Huston	X			
Ted Irvine	X			
Greg Jones	X			
William Page				X
Christine Pardee	X			
Mike Simonson	X			
CJ Stephens	X			



CITY PLAN AND ZONING COMMISSION  
 ARMORY BUILDING  
 602 ROBERT D. RAY DRIVE  
 DES MOINES, IOWA 50309 -1881  
 (515) 283-4182

ALL-AMERICA CITY  
 1949, 1976, 1981  
 2003

**APPROVAL** of a City Council initiated request represented by the City Engineer, Jeb Brewer to vacate Southeast 19<sup>th</sup> Street from a point approximately 97 feet south of Raccoon Street to Scott Avenue, and Southeast 19<sup>th</sup> Street from East Market Street to a point approximately 78 feet north of Raccoon Street of public street right-of-way in furtherance of the Southeast Connector project subject to the following conditions:

1. Reservation of easements for all utilities in place until such time that they are abandoned or relocated.
2. Provision of an access easement for 1900 Scott Avenue until such time that access to Scott Avenue via SE 19<sup>th</sup> Street is not necessary.

Written Responses

- 1 In Favor
- 0 In Opposition

**STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Staff recommends approval of the requested vacation subject to the following conditions:

1. Reservation of easements for all utilities in place until such time that they are abandoned or relocated.
2. Provision of an access easement for 1900 Scott Avenue until such time that access to Scott Avenue via SE 19<sup>th</sup> Street is not necessary.

## **STAFF REPORT**

### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The proposed vacation will allow the subject right-of-way to be utilized as part of property acquisition agreements with Kemin Industries and Waste Management for the SE Connector project.
2. **Existing Zoning (site):** Segment "A" is zoned "M-2" Heavy Industrial District and segment "B" is zoned "M-1" Light Industrial District.
3. **Existing Land Use (site):** Semi-developed street right-of-way.
4. **General Neighborhood/Area Land Uses:** The area contains a mix of industrial and undeveloped land.
5. **Applicable Recognized Neighborhood(s):** N/A.
6. **Relevant Zoning History:** N/A.
7. **2020 Community Character Land Use Plan Designation:** General Industrial.
8. **Applicable Regulations:** The Commission reviews all proposals to vacate land dedicated for a specific public purpose, such as for streets and parks, to determine whether the land is still needed for such purpose or may be released (vacated) for other use. The recommendation of the Commission is forwarded to the City Council.

### **II. ADDITIONAL APPLICABLE INFORMATION**

1. **Utilities:** The subject right-of-way contains overhead utilities. Easements must be provided for all utilities in place unless they are abandoned or relocated.
2. **Traffic/Street System:** The Engineering Department is in the process of assembling land for the construction of the SE Connector roadway. The Connector is planned to run along Raccoon Street in this area. This requires some property owners to be relocated and for others to be compensated for the loss of land. The subject segments of SE 19<sup>th</sup> Street would offset land the Connector project requires from the adjoining Waste Management of Iowa and Kemin Industries sites. The subject segments of SE 19<sup>th</sup> Street are semi-developed and only used for local traffic.
3. **Access:** The property located on the northeast corner of the SE 19<sup>th</sup> Street and Scott Avenue intersection currently is accessed from SE 19<sup>th</sup> Street. It is staff's understanding Kemin Industries is in the process of purchasing this property and the

access will not be needed in the future. Staff recommends that an access easement be provided until such time that it is no longer necessary.

**SUMMARY OF DISCUSSION**

*There was no discussion.*

**CHAIRPERSON OPENED THE PUBLIC HEARING**

*There was no one to speak in favor or in opposition of the applicant's request.*

**CHAIRPERSON CLOSED THE PUBLIC HEARING**

**COMMISSION ACTION:**

Jacqueline Easley moved staff recommendation to approve the requested vacation subject to the following conditions:

1. Reservation of easements for all utilities in place until such time that they are abandoned or relocated.
2. Provision of an access easement for 1900 Scott Avenue until such time that access to Scott Avenue via SE 19<sup>th</sup> Street is not necessary.

Motion passed 9-0.

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:clw

Attachment



Item 11-2012-1.03

Date 02-09-12

20

(am)  (am not) in favor of the request.

**RECEIVED**  
(circle one)  
**COMMUNITY DEVELOPMENT**

FEB 13 2012

DEPARTMENT

Print Name Jerry Bernholtz

Signature *Jerry Bernholtz*

Address 1823 Raccoon St., Des Moines

Reason for opposing or approving this request may be listed below:

We have discussed the closing of S.E. 19th Street & how it will adversely  
affect our business with Brian Standish of Kemio Industries. Kemio has  
agreed to ensure that we will have access to Skott Avenue until  
we vacate our property to make way for the S.E. Connector.