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Date June 10, 2013

**HOLD HEARING FOR VACATION AND CONVEYANCE OF A PORTION OF SCOTT AVENUE
RIGHT-OF-WAY TO KEMIN HOLDINGS, LC FOR \$10,587**

WHEREAS, on May 20, 2013, by Roll Call No. 13-0793, the City Council received a recommendation from the City Plan and Zoning Commission that the north twelve feet (12') of Scott Avenue adjoining the properties at 1830, 1900, 1916, and 1920 Scott Avenue between a point approximately 300 feet east of Southeast 18th Street to Southeast 20th Street ("City right-of-way") be vacated, subject to reservation of easement for any existing utilities currently located therein; and

WHEREAS, Kemin Holdings, LC ("Kemin") is the owner of the real properties locally known as 1830, 1900, 1916 and 1920 Scott Avenue which abut the City right-of-way, and Kemin has offered to the City of Des Moines the purchase price of \$10,587.00 for the vacation and purchase of a fee simple interest in the City right-of-way, as legally described below, which purchase 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 sold, and the City will not be inconvenienced by the vacation and sale of said right-of-way; and

WHEREAS, on May 20, 2013, by Roll Call No. 13-0794, it was duly resolved by the City Council that the proposed vacation and conveyance of such right-of-way be set down for hearing on June 10, 2013, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to vacate and convey public right-of-way was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with said notice, those interested in said proposed vacation and 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:

1. Upon due consideration of the facts and statements of interested persons, any objections to said proposed vacation and conveyance of public right-of-way as described below are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the right-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation of the north twelve feet (12') of Scott Avenue adjoining the properties at 1830, 1900, 1916, and 1920 Scott Avenue between a point approximately 300 feet east of Southeast 18th Street to Southeast 20th Street, more specifically described as follows, and said vacation is hereby approved:

THE NORTH TWELVE (12) FEET OF THE EXISTING EIGHTY (80) FOOT RIGHT-OF-WAY AS PRESENTLY ESTABLISHED OF SCOTT AVENUE LYING BETWEEN THE EXTENSION OF THE EAST RIGHT-OF-WAY LINE OF THE VACATED SE 18TH COURT AS PREVIOUSLY ESTABLISHED AND THE EXTENSION OF THE WEST RIGHT-OF-WAY LINE OF SE 20TH STREET AS PRESENTLY ESTABLISHED MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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Date June 10, 2013

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Page 2

BEGINNING AT THE SOUTHEAST CORNER OF LOT 11, CHARTER OAK ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE NORTH 89°(DEGREES)47'(MINUTES)15"(SECONDS) WEST, A DISTANCE OF 882.26 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF SCOTT AVENUE AS PRESENTLY ESTABLISHED TO THE SOUTHWEST CORNER OF LOT 54 OF SAID CHARTER OAK ADDITION; THENCE SOUTH 00°05'02" EAST, A DISTANCE OF 12.00 FEET; THENCE SOUTH 89°47'15" EAST, A DISTANCE OF 882.24 FEET; THENCE NORTH 00°00'02" EAST A DISTANCE OF 12.00 FEET TO THE POINT OF BEGINNING, CONTAINING 10,587 SQUARE FEET OR 0.243 ACRES OF LAND MORE OR LESS.

3. That the sale and conveyance of such vacated right-of-way as described below to Kemin Holdings, LC for \$10,587, together with payment by Kemin Holdings, LC of the estimated publication and recording costs for this transaction, be and is hereby approved, subject to reservation of easement for existing utilities:

THE VACATED NORTH TWELVE (12) FEET OF THE EXISTING EIGHTY (80) FOOT RIGHT-OF-WAY AS PRESENTLY ESTABLISHED OF SCOTT AVENUE LYING BETWEEN THE EXTENSION OF THE EAST RIGHT-OF-WAY LINE OF THE VACATED SE 18TH COURT AS PREVIOUSLY ESTABLISHED AND THE EXTENSION OF THE WEST RIGHT-OF-WAY LINE OF SE 20TH STREET AS PRESENTLY ESTABLISHED MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 11, CHARTER OAK ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE NORTH 89°(DEGREES)47'(MINUTES)15"(SECONDS) WEST, A DISTANCE OF 882.26 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF SCOTT AVENUE AS PRESENTLY ESTABLISHED TO THE SOUTHWEST CORNER OF LOT 54 OF SAID CHARTER OAK ADDITION; THENCE SOUTH 00°05'02" EAST, A DISTANCE OF 12.00 FEET; THENCE SOUTH 89°47'15" EAST, A DISTANCE OF 882.24 FEET; THENCE NORTH 00°00'02" EAST A DISTANCE OF 12.00 FEET TO THE POINT OF BEGINNING, CONTAINING 10,587 SQUARE FEET OR 0.243 ACRES OF LAND MORE OR LESS.

4. The Mayor is authorized and directed to sign the Offer to Purchase and the Quit Claim Deed for the conveyance to Kemin Holdings, LC, as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

5. Upon final passage of an ordinance vacating the said right-of-way and upon proof of payment of the consideration plus \$113.00 for publication and recording costs, the City Clerk is authorized and directed to forward the original of the said Deed, 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 causing said documents to be recorded following closing.

6. The Real Estate Division Manager is authorized and directed to proceed to forward the original of the Deed, 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.

7. 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 and copies of the other documents to the grantee.

★ Roll Call Number

Agenda Item Number

49

Date June 10, 2013

Page 3

8. The proceeds from the sale of this property shall be deposited into the following account: Fund: SP767, Org: ENG980500.

(Council Communication No.13- 289)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include 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

May 7, 2013

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 May 2, 2013, the following action was taken regarding a request from Kemin Holdings, LC (owner) represented by Elizabeth Nelson to vacate the north 12 feet of Scott Avenue adjoining the properties at 1830, 1900, 1916, and 1920 Scott Avenue between a point approximately 300 feet east of Southeast 18th Street to Southeast 20th Street.

COMMISSION RECOMMENDATION:

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

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

APPROVAL for vacation of a portion of Scott Avenue, subject to reservation of easements for any existing utilities currently located within the right-of-way. (11-2013-1.07)

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation of a portion of Scott Avenue, subject to reservation of easements for any existing utilities currently located within the right-of-way.



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

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed vacation will allow the applicant to install a freestanding monument type sign identifying the main campus and other directional signage in closer proximity to Scott Avenue. The intent is to provide better visibility and wayfinding for the employees, vendors, and visitors arriving at the new main campus for Kemin Industries that is currently under development.
2. **Size of Site:** 6,603 square feet.
3. **Existing Zoning (site):** "M-1" Light Industrial District & "M-2" Heavy Industrial District.
4. **Existing Land Use (site):** Scott Avenue right-of-way.
5. **Adjacent Land Use and Zoning:**
 - North* – "M-1" & M-2"; Uses are a warehouse land under development for the Kemin Industries main campus.
 - South* – "M-2"; Use is the Darling National, animal rendering facility.
6. **General Neighborhood/Area Land Uses:** The subject right-of-way is within an industrial area.
7. **Applicable Recognized Neighborhood(s):** The subject property is not within a recognized neighborhood area, nor within 250 feet of any recognized neighborhood association. Notifications of the hearing for this specific item were mailed on April 22, 2013 (10 days prior to the scheduled hearing) to the primary titleholder on file with the Polk County Assessor for each property adjoining the site.
8. **Relevant Zoning History:** None.
9. **2020 Community Character Land Use Plan Designation:** General Industrial.
10. **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:** Easements must be provided for any existing utilities in place until such time that they may be relocated. There are Mid-American Energy aerial electrical utility lines that have been identified within the requested right-of-way for which an easement will need to be reserved.
2. **Street System/ Access:** It is not anticipated that the requested right-of-way will affect the function of Scott Avenue or any access to the adjoining properties. There is

currently approximately 24 feet of unimproved right-of-way width north of the improved portion of Scott Avenue. Traffic Engineering staff have indicated that a minimum of 12 feet of this width adjoining the paved width of Scott Avenue would need to be preserved as public right-of-way. The applicant has requested that the remainder of the right-of-way width north of the paved street be vacated.

- 3. Development Requirements:** Any signs must be installed by a sign contractor licensed with the City in accordance with permits issued by the Permit and Development Center.

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.

COMMISSION ACTION:

Ted Irvine moved to approve the requested vacation of a portion of Scott Avenue, subject to reservation of easements for any existing utilities currently located within the right-of-way.

Motion passed 9-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:clw
Attachment

Request from Kemin Holdings, LC (owner) represented by Elizabeth Nelson to vacate the north 12 feet of Scott Avenue adjoining the properties at 1830, 1900, 1916, and 1920 Scott Avenue between a point approximately 300 feet east of Southeast 18 th Street to Southeast 20 th Street.				File # 11-2013-1.07	
Description of Action	Approval to vacate the north 12 feet of Scott Avenue adjoining the properties at 1830, 1900, 1916, and 1920 Scott Avenue between a point approximately 300 feet east of Southeast 18 th Street to Southeast 20 th Street subject to reservation of easements for any existing utilities currently located within the right-of-way.				
2020 Community Character Plan	General Industrial				
Horizon 2035 Transportation Plan	No Planned Improvements				
Current Zoning District	"M-1" Light Industrial District and "M-2" Heavy Industrial District				
Proposed Zoning District	"M-1" Light Industrial District and "M-2" Heavy Industrial District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area					
Plan and Zoning Commission Action	Approval	9-0	Required 6/7 Vote of the City Council	Yes	N/A
	Denial			No	

Kemin Industries - Vicinity of SE 20th Street & Scott Avenue

11-2013-1.07

