

Date July 27, 2015

**RESOLUTION HOLDING HEARING ON REQUEST FROM
ELECTRICAL POWER PRODUCTS, INC. (EP2) (DEVELOPER) FOR FIRST AMENDMENT TO THE
VISION FUELS PUD CONCEPTUAL PLAN ON PROPERTY LOCATED IN THE
SE AGRIBUSINESS URBAN RENEWAL AREA**

WHEREAS, on November 19, 2007, by Roll Call No. 07-2256, the City Council adopted Ordinance No. 14,726, to rezone real property located in the City's SE AgriBusiness Urban Renewal Area in the vicinity of the 3801 block of Vandalia Road, including approximately 42 acres thereof located at SE 43rd Street and Vandalia Road ("Property"), from "M-1" Light Industrial District to "PUD" Planned Unit Development District classification for the Vision Fuels PUD; and

WHEREAS, on November 19, 2007, by Roll Call No. 07-2254, the City Council approved the "Vision Fuels" PUD Conceptual Plan for 165 acres of land to be developed with light industrial and limited heavy industrial uses, which Plan included the Property; and

WHEREAS, on June 22, 2015, by Roll Call No. 15-1092, the City Council received and filed a communication from the City Manager regarding a request from Electrical Power Products (EP2) and Electro Management Corp. as holding company for EP2 (collectively "Developer") to purchase the Property for relocation and expansion of its Des Moines-based industrial facility; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 16, 2015, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from EP2 for review and approval of an amendment to the "Vision Fuels" PUD Conceptual Plan to allow for the redevelopment project as described in Roll Call No. 15-1092, subject to the revisions set forth in the communication from the Commission; and

WHEREAS, on June 13, 2015, by Roll Call No. 15-1143, it was duly resolved by the City Council that the request from EP2 for approval of a 1st amendment to the "Vision Fuels" PUD Conceptual Plan for the Property as legally described below, be set down for hearing on July 27, 2015 at 5:00 P.M., in the Council Chamber at City Hall; and

WHEREAS, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposed amendment to the "Vision Fuels" PUD Conceptual Plan; and

WHEREAS, in accordance with said notice, those interested in said proposed amendment to the approved "Vision Fuels" PUD Conceptual Plan, both for and against, have been given 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. Upon due consideration of the facts and any statements of interested persons and arguments of counsel, any and all objections to the proposed 1st amendment to the "Vision Fuels" PUD Conceptual Plan for the Property, representing approximately 42 acres located at SE 43rd Street and Vandalia Road in the City's SE AgriBusiness Urban Renewal Area and legally described as follows, are hereby overruled, and the hearing is closed:

A PARCEL OF LAND IN THE NW1/4 OF SECTION 17, TOWNSHIP 78 NORTH, RANGE 23 WEST OF THE 5TH P.M., INCLUDING PARTS OF LOT 13, DAWSON & SWEENEY ESTATE(ALSO KNOWN AS ESTATE OF SWEENEY & DAWSON) , A DISTRICT COURT ESTATE PLAT, AND

(continued)

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LOT 6, PARTITION PLAT OF HENDERSON ESTATE, A DISTRICT COURT ESTATE PLAT RECORDED IN DISTRICT COURT JOURNAL BOOK 12, PAGE 26 AND POLK COUNTY AUDITOR'S BOOK 'J', PAGE 22, ALL IN THE CITY OF DES MOINES, POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE N1/4 CORNER OF SAID SECTION 17; THENCE S00°01'25"E, 1323.30 FEET ALONG THE EAST LINE OF SAID NW1/4 TO THE NE CORNER OF PARCEL 'B' OF SE1/4 NW1/4, AN OFFICIAL PARCEL RECORDED IN BOOK 8392, PAGE 785 AT THE POLK COUNTY RECORDER'S OFFICE; THENCE N87°32'48"W, 16.52 FEET ALONG THE NORTH LINE OF SAID PARCEL 'B' TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE WEST LINE OF THE EAST 16.5 FEET OF SAID NW1/4; THENCE CONTINUING N87°32'48"W, 1300.82 FEET ALONG SAID NORTH LINE TO THE NW CORNER OF SAID PARCEL 'B'; THENCE CONTINUING N87°32'48"W, 120.33 FEET TO A POINT; THENCE, N00°01'25"W, 1291.88 FEET ALONG A LINE THAT IS PARALLEL TO THE EAST LINE OF SAID NW1/4 TO A POINT THAT IS 33.00 FEET SOUTH OF THE NORTH LINE OF SAID NW1/4; THENCE S87°28'58"E, 1291.03 FEET ALONG A LINE THAT IS 33.00 FEET SOUTH OF AND PARALLEL TO SAID NORTH LINE TO POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 136.09 FEET AND A CHORD BEARING S43°45'12"E, AN ARC LENGTH OF 207.73 FEET TO A POINT OF TANGENCY, SAID POINT ALSO BEING ON THE WEST LINE OF THE EAST 16.50 FEET OF SAID NW1/4; THENCE S00°01'25"E, 1160.10 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING AND CONTAINING 42.00 ACRES MORE OR LESS.

2. The attached communication from the Plan and Zoning Commission is hereby received and filed.
3. The proposed 1st amendment to the "Vision Fuels" PUD Conceptual Plan, as on file in the Community Development Department, is hereby found to be in conformance with the Des Moines' 2020 Community Character Land Use Plan and is hereby approved, subject to the revisions identified in the communication from the Plan and Zoning Commission received by the City Council by this Roll Call, and subject to the Community Development Director finding that such revisions have been satisfied by amendments to the Plan.

(Council Communication No. 15-429)

FORM APPROVED:

MOVED BY _____ TO ADOPT.

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

(ZON2015-00119)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
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