

Date October 26, 2015

**HOLD HEARING FOR VACATION AND CONVEYANCE OF A PORTION OF SE 20TH STREET BETWEEN SCOTT AVENUE AND THE SE CONNECTOR, AND CONVEYANCE OF OTHER ADJOINING EXCESS CITY-OWNED PROPERTY, TO KEMIN HOLDINGS, L.C. FOR \$6,142.00**

**WHEREAS**, Kemin Holdings, L.C. has requested the vacation and conveyance of a portion of Southeast 20<sup>th</sup> Street between Scott Avenue and the Southeast Connector and conveyance of a portion of excess City-owned property all adjoining their business campus at 2100 Maury Street ("City Property"), hereinafter more fully described, to allow for construction of a new wellness path, western gate entrance and fencing; and

**WHEREAS**, Kemin Holdings, L.C., owner of the adjoining property at 2100 Maury Street, has offered to the City of Des Moines, Iowa ("City") the purchase price of \$6,142.00 for the vacation and purchase of the City Property, which price reflects the fair market value of the City Property as currently estimated by the City's Real Estate Division; and

**WHEREAS**, the City Property proposed to be vacated and conveyed has been determined by the City Engineer and City Traffic Engineer to have no significant impact on public access, and the City will not be inconvenienced by the vacation and conveyance of said City Property.

**WHEREAS**, on October 12, 2015, by Roll Call No. 15-1696, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of such City Property be set down for hearing on October 26, 2015, at 5:00 p.m., in the Council Chamber; and

**WHEREAS**, due notice of said proposal to vacate and convey said City Right-of-Way and further convey said excess City-owned property 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 of the City of Des Moines, Iowa.

**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 statements of interested persons, any and all objections to said proposed vacation and conveyance of the City Property 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 a portion of Southeast 20<sup>th</sup> Street between Scott Avenue and the Southeast Connector, more specifically described as follows:

Date October 26, 2015

A PORTION OF SE 20TH STREET, CHARTER OAK ADDITION, AN OFFICIAL PLAT INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY (R.O.W.) LINE OF SCOTT AVENUE AND THE WEST R.O.W. LINE OF VACATED SE 20TH STREET (ORDINANCE 15019); THENCE ALONG SAID WEST R.O.W. LINE OF SAID VACATED SE 20TH STREET, N.00°04'56"E., A DISTANCE OF 431.48 FEET, AND THE POINT OF BEGINNING; THENCE N.00°04'56"E., A DISTANCE OF 69.23 FEET ALONG THE WEST R.O.W. LINE OF SE 20TH STREET AS PRESENTLY ESTABLISHED; THENCE N.89°59'59"E., A DISTANCE OF 64.97 FEET TO THE EAST R.O.W. LINE OF SE 20TH STREET AS PRESENTLY ESTABLISHED; THENCE S.00°04'45"W., A DISTANCE OF 73.61 FEET ALONG SAID EAST R.O.W. LINE; THENCE N.86°08'35"W., A DISTANCE OF 65.11 FEET TO THE POINT OF BEGINNING. CONTAINING 4640 SQ.FT. OR 0.107 ACRES OF LAND MORE OR LESS.

3. That the sale and conveyance of such right-of-way and adjoining excess City-owned property, as described below, to Kemin Holdings, L.C. for \$6,142.00, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved:

A PORTION OF VACATED SE 20TH STREET AND LOTS 2, AND 3, CHARTER OAK ADDITION, AN OFFICIAL PLAT INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT A POINT AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY (R.O.W.) LINE OF SCOTT AVENUE AND THE WEST R.O.W. LINE OF VACATED SE 20TH STREET (ORDINANCE 15019); THENCE ALONG SAID WEST R.O.W. LINE OF SAID VACATED SE 20TH STREET, N.00°04'56"E., A DISTANCE OF 431.48 FEET TO THE POINT OF BEGINNING; THENCE N.00°04'56"E., A DISTANCE OF 30.96 FEET ALONG THE WEST R.O.W. LINE OF VACATED SE 20TH STREET AS PRESENTLY ESTABLISHED; THENCE S.89°59'50"W., A DISTANCE OF 28.12 FEET; THENCE N.00°00'10"W., A DISTANCE OF 20.00 FEET; THENCE N.57°02'18"E., A DISTANCE OF 33.58 FEET, TO A POINT ON THE WEST R.O.W. LINE OF VACATED SE 20TH STREET AS PRESENTLY ESTABLISHED; THENCE N.89°59'59"E., A DISTANCE OF 64.97 FEET, TO THE EAST R.O.W. LINE OF VACATED SE 20TH STREET AS PRESENTLY ESTABLISHED; THENCE ALONG THE EAST LINE OF SAID VACATED SE 20TH STREET, S.00°04'45"W., A DISTANCE OF 73.61 FEET; THENCE N.86°08'35"W., A DISTANCE OF 65.11 FEET TO THE POINT OF BEGINNING. CONTAINING 5459.84 SQ. FT. OR .125 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 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 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

50

Date October 26, 2015

forward the original of the Offer to Purchase and the Quit Claim 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.

6. The Real Estate Division Manager is authorized and directed to forward the original of the Quit Claim Deed, together with a certified copy of this resolution and of the affidavit of publication of 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 Deed and copies of the other documents to the grantee.

8. The proceeds from the sale of this property shall be deposited into the following accounts:
- 2015-16 CIP, Street Improvements, Southeast Connector-SE 14th to SE 30th Street, Page Streets - 35, STR249 - \$945.00.
  - Non-project related land sale proceeds are used to support general operating budget expenses: Org-EG064090 - \$5,197.00.

(Council Communication No. 15-570)

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

APPROVED AS TO FORM:

  
 Lisa A. Wieland, Assistant City Attorney

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