

Date September 12, 2016

**SET HEARING FOR CONVEYANCE OF RAIL EASEMENT IN
SE AGRIMERGENT BUSINESS PARK TO DES MOINES COLD STORAGE, INC.**

WHEREAS, on June 27, 2016, by Roll Call No. 16-1087, the City Council held a public hearing and approved the proposed purchase by Des Moines Cold Storage, Inc. and Crossroads Cold Storage, LLC (collectively "Developer") of City-owned property located at SE 43rd Street and Vandalia Road in the City's SE Agrimergent Business Park (also known as the SE AgriBusiness Park Urban Renewal Area), and approved an Urban Renewal Development Agreement with Developer, for relocation and expansion of the home office of Developer's multi-state business; and

WHEREAS, as part of the Development Agreement, the City agreed to undertake the property disposition process set forth in Iowa Code Section 364.7 for conveyance to Des Moines Cold Storage, Inc., and/or affiliated entity Crossroads Cold Storage, LLC, of an easement for rail spur usage over and across City-owned property adjoining the parcel acquired by Developer; and

WHEREAS, the easement will be granted to Developer in exchange and as consideration for Developer's improvements in the SE Agrimergent Business Park, to provide access from an existing railroad track to Developer's property which is essential to Developer's business model and relocation to the Business Park; and

WHEREAS, there is no known current or future public need for the easement proposed to be granted and the City will not be inconvenienced by the conveyance of said property interest.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

1. The City Council of the City of Des Moines, Iowa, proposes to convey an easement for rail spur usage to Des Moines Cold Storage, Inc. and/or Crossroads Cold Storage, LLC, within City-owned property in the SE Agrimergent Business Park at SE 43rd Street and Vandalia Road, as legally described below

A RAILROAD EASEMENT BEING A PART OF THE WEST HALF OF SECTION 17, TOWNSHIP 78 NORTH, RANGE 23 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF PARCEL B, AS RECORDED IN POLK COUNTY RECORDS AT BOOK 8392, PAGE 785; THENCE N00°16'38"W, 38.14 FEET; THENCE 35.87 FEET ALONG A 745.00 FOOT RADIUS CURVE, CONCAVE EAST, CHORD BEARING N01°06'08"E, 35.87 FEET; THENCE N02°28'54"E, 493.89 FEET; THENCE N87°28'58"W, 40.00 FEET; THENCE S02°28'54"W, 493.92 FEET; THENCE 37.80 FEET ALONG A 785.00 FOOT RADIUS CURVE, CONCAVE EAST, CHORD BEARING S01°06'08"W, 37.79 FEET; THENCE S00°16'38"E, 525.99 FEET; THENCE N89°43'22"E, 40.00 FEET TO A POINT ON THE EAST LINE OF PARCEL C, AS RECORDED IN POLK COUNTY RECORDS AT BOOK 8392, PAGE 785; THENCE N00°16'38"W, 487.85 FEET TO THE POINT OF BEGINNING. DESCRIBED EASEMENT CONTAINS 0.97 ACRES AND IS SUBJECT TO OTHER EASEMENTS AND RESTRICTIONS OF RECORD.

Date September 12, 2016

2. A public hearing shall be held at the Richard A. Clark Municipal Service Center (MSC), located at 1551 E. Martin Luther King, Jr. Parkway, Des Moines, Iowa, at 5:00 p.m. on September 26, 2016. At that time, the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.

3. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.

4. There are no proceeds associated with this proposed easement conveyance.

Moved by _____ to adopt.

APPROVED AS TO FORM:

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

132

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				

MOTION CARRIED APPROVED

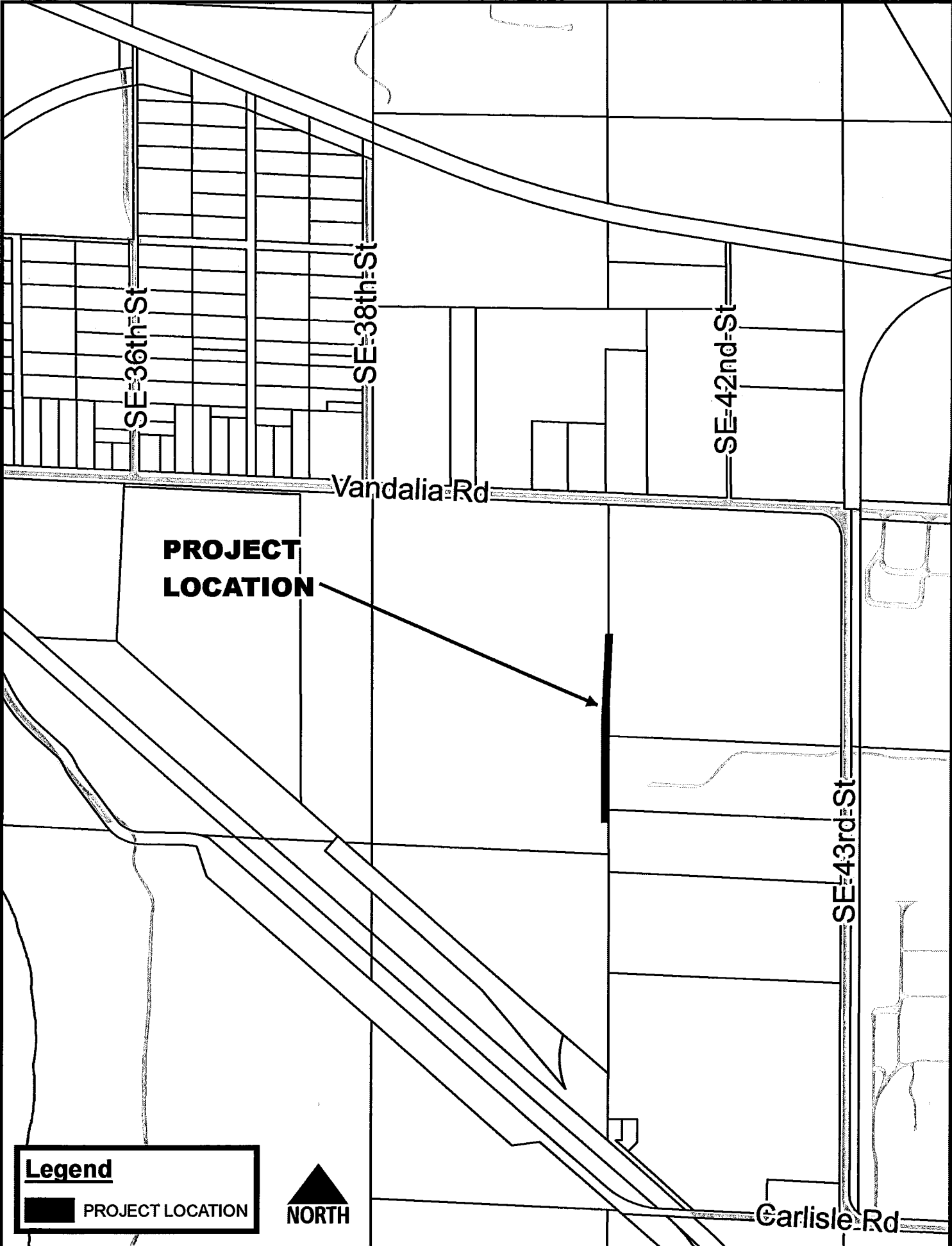
Mayor

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



**PROJECT
LOCATION**

Vandalia Rd

SE 36th St

SE 38th St

SE 42nd St

SE 43rd St

Carlisle Rd

Legend

PROJECT LOCATION



NORTH