

Date October 24, 2016

**SET HEARING FOR VACATION AND CONVEYANCE OF A PORTION OF  
SOUTHEAST 19<sup>TH</sup> STREET RIGHT-OF-WAY, AND CONVEYANCE OF CITY-  
OWNED PROPERTY ALL ADJOINING 1900 SCOTT AVENUE TO KEMIN  
HOLDINGS, L.C. FOR \$36,375**

**WHEREAS**, Kemin Holdings, L.C. has requested the vacation and conveyance of a portion of Southeast 19<sup>th</sup> Street between Scott Avenue and the Southeast Connector and conveyance of a portion of City-owned property, both adjoining their business campus at 1900 Scott Avenue (collectively "City Property"), hereinafter more fully described, subject to reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated, to allow for business expansion; and

**WHEREAS**, Kemin Holdings, L.C., owner of the adjoining property at 1900 Scott Avenue, has offered to the City of Des Moines ("City") the purchase price of \$36,375.00 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, there is no known current or future public need or benefit for the right-of-way, and the City will not be inconvenienced by the vacation and conveyance of said City 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, Iowa, shall consider adoption of an ordinance permanently vacating a portion of Southeast 19<sup>th</sup> Street between Scott Avenue and the Southeast Connector, more specifically described as follows:

A PORTION OF SOUTHEAST 19TH STREET ADJOINING LOTS 40, 41, 44 AND 45, CHARTER OAK ADDITION, 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;

REFERRING TO THE SE CORNER LOT 47 CHARTER OAK ADDITION; THENCE NORTH 00°(DEGREES) 05'(MINUTES) 41"(SECONDS) WEST, 120.09 FEET ON THE WESTERLY RIGHT OF WAY LINE OF VACATED SOUTHEAST 19TH STREET (ORDINANCE NUMBER 15,099) TO THE NORTHWEST CORNER OF SAID VACATED STREET AND THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00°05'41" WEST, 30.85 FEET ON SAID RIGHT OF WAY LINE; THENCE NORTH 90°00'00" EAST, 80.00 FEET TO THE EAST RIGHT OF WAY LINE OF SOUTHEAST 19TH STREET; THENCE SOUTH 00°05'41" EAST, 34.85 FEET ON SAID EAST RIGHT OF WAY LINE TO THE NORTHEAST CORNER OF SAID VACATED STREET; THENCE NORTH 87°08'15" WEST, 80.10 FEET ON THE NORTH LINE OF SAID VACATED STREET TO THE POINT OF BEGINNING CONTAINING (2628 SQUARE FEET) 0.06 ACRES, MORE OR LESS.

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2. That if the City Council decides to vacate the above described right-of-way, the City of Des Moines, Iowa, further proposes to convey such right-of-way and additionally convey other adjoining excess City-owned property to Kemin Holdings, L.C. for \$36,375.00, subject to the reservation of easements therein and to the requirements of the Offer to Purchase:

A PORTION OF LOTS 2, 3, 19, 20, 23, 24, 40, 41, 44, 45, 61, 62, 65, 84, AND A PORTION OF THE FORMER CHICAGO, ROCK ISLAND & PACIFIC RAILROAD, AND A PORTION OF VACATED NORTH/SOUTH ALLEY ADJOINING LOTS 65 AND 84, AND A PORTION OF VACATED SE 18TH COURT (ORD. NO. 8561) ADJOINING LOTS 61, 62 AND 65, AND A PORTION OF VACATED NORTH/SOUTH ALLEY (ORD. NO 15,134) ADJOINING LOTS 44, 45, 61 AND 62, AND A PORTION OF VACATED SE 19TH STREET ADJOINING LOTS 40, 41, 44 AND 45, AND A PORTION OF VACATED NORTH/SOUTH ALLEY (ORD. NO. 9,355) ADJOINING LOTS 23, 24, 40 AND 41, AND A PORTION OF VACATED SE 19TH COURT (ORD. NO. 9,355) ADJOINING LOTS 19, 20, 23 AND 24, AND A PORTION OF VACATED NORTH/SOUTH ALLEY (ORD. NO. 9,355) ADJOINING LOTS 2, 3, 19 AND 20, ALL IN CHARTER OAK ADDITION, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHWEST CORNER OF LOT 74, OF SAID CHARTER OAK ADDITION; THENCE NORTH 03°(DEGREES) 47'(MINUTES) 47"(SECONDS) EAST, 262.12 FEET ON THE EASTERLY RIGHT OF WAY LINE OF SE 18TH STREET; THENCE NORTH 01°57'17" WEST, 80.98 FEET ON SAID EASTERLY RIGHT OF WAY LINE; THENCE NORTH 29°05'44" EAST, 27.41 FEET ON SAID EASTERLY RIGHT OF WAY LINE TO THE POINT OF BEGINNING; THENCE NORTH 44°32'32" EAST, 20.76 FEET; THENCE NORTH 79°25'06" EAST, 42.02 FEET; THENCE NORTH 90°00'00" EAST, 1083.03 FEET; THENCE SOUTH 57°02'16" WEST, 19.80 FEET; THENCE SOUTH 00°00'10" EAST, 20.00 FEET; THENCE SOUTH 89°59'30" WEST, 523.61 FEET TO THE EAST LINE OF SAID VACATED SE 19TH STREET; THENCE SOUTH 00°05'41" EAST, 3.58 FEET ON SAID EAST LINE; THENCE NORTH 87°26'24" WEST, 80.08 FEET TO THE WEST LINE OF SAID VACATED SE 19TH STREET; THENCE NORTH 90°00'00" WEST, 301.82 FEET TO THE WEST LINE OF SAID VACATED SE 18TH COURT; THENCE NORTH 00°35'49" WEST, 15.00 FEET ON SAID WEST LINE; THENCE NORTH 90°00'00" WEST, 169.60 FEET; THENCE SOUTH 81°56'44" WEST, 47.57 FEET TO THE POINT OF BEGINNING, CONTAINING: (31,357.92 SQUARE FEET) 0.72 ACRES, MORE OR LESS.

3. That the meeting of the City Council of the City of Des Moines, Iowa, at which the adoption of said ordinance and the conveyance of such real estate is to be considered by public hearing shall be on November 7, 2016, said meeting to be held at 5:00 p.m., in the Council Chamber, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa..

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.

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5. The proceeds from the sale of this property shall be deposited into the following accounts:
- Fed Title-23 Land Sales 2016-17 CIP, Page Street-16, ST500 - \$33,327.00.
  - Non-project related land sale proceeds are used to support general operating budget expenses: Org-EG064090 - \$3,048.00.

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

APPROVED AS TO FORM:

  
 Lisa A. Wieland, Assistant City Attorney

*rau*

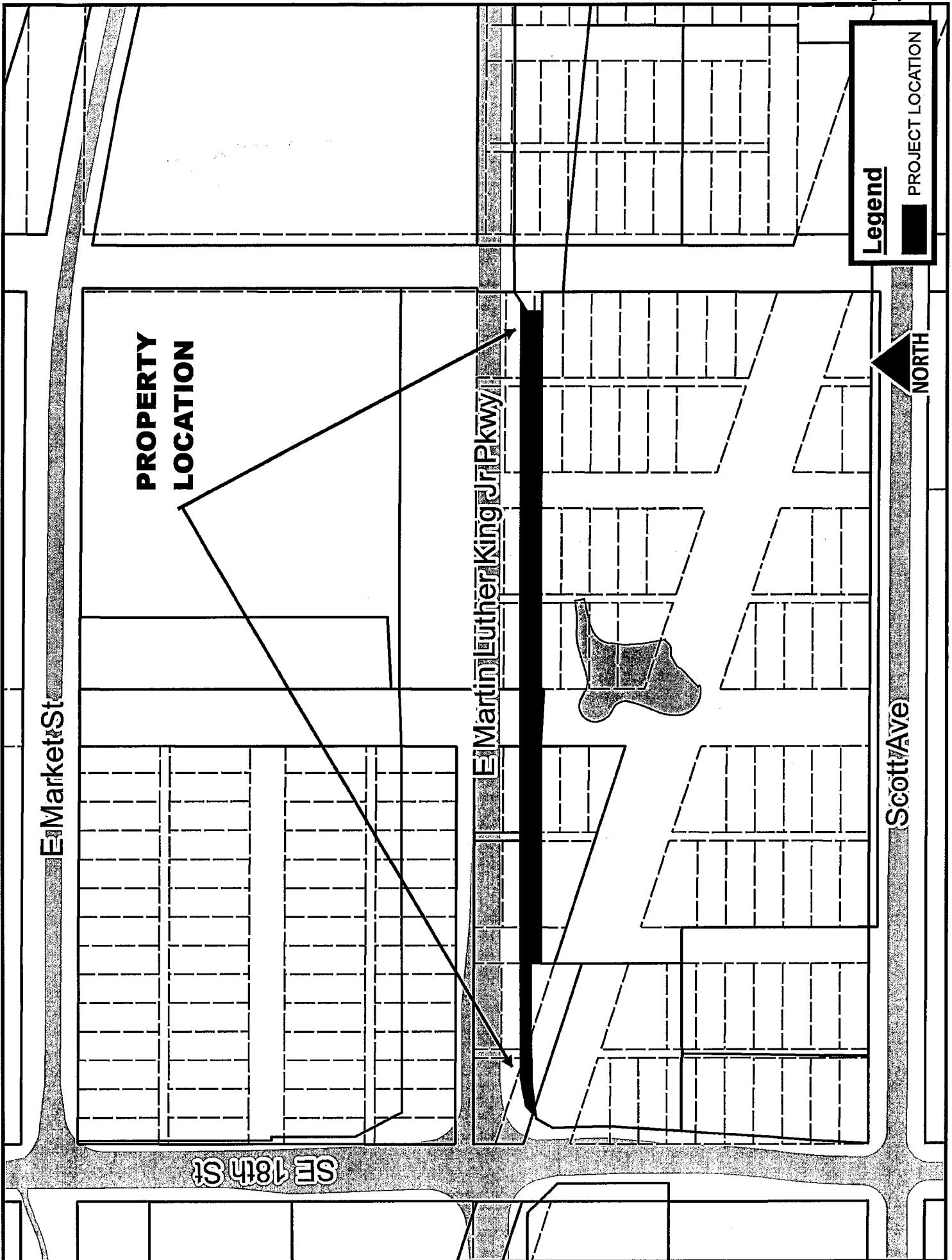
| COUNCIL ACTION | YEAS | NAYS | PASS     | ABSENT |
|----------------|------|------|----------|--------|
| COWNIE         |      |      |          |        |
| COLEMAN        |      |      |          |        |
| GATTO          |      |      |          |        |
| GRAY           |      |      |          |        |
| 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



**PROPERTY  
LOCATION**

**Legend**

PROJECT LOCATION

**NORTH**

E Market St

SE 18th St

E Martin Luther King Jr Pkwy

Scott Ave