

Date November 7, 2016

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HOLD HEARING FOR VACATION AND CONVEYANCE OF A PORTION OF SOUTHEAST 19TH 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 19th 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, to allow for assemblage with their existing property; 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.

WHEREAS, on October 24, 2016, by Roll Call No. 16-1819, 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 November 7, 2016, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to vacate and convey a portion of said Southeast 19th Street 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 19th Street between Scott Avenue and the Southeast Connector, more specifically described as follows:

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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.

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 \$36,375.00, together with payment by such grantee of the estimated publication and recording costs for this transaction, subject to the reservation of easements therein, be and is hereby approved:

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

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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.

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. The City Manager is authorized to sign any minor and non-substantial amendments to the purchase agreement and is further authorized to grant any temporary rights of entry for construction-related activities prior to closing.
6. 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 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.
7. 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.
8. 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.
9. 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.

★ Roll Call Number

Agenda Item Number

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(Council Communication No. 16-633)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland
Lisa A. Wieland, Assistant City Attorney

PNW

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