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Date December 4, 2017

**RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING
COMMISSION REGARDING CITY-INITIATED REQUEST FOR VACATION OF
RIGHT-OF-WAY LOCATED IN THE VICINITY OF SOUTHEAST 22ND STREET AND
SHAW STREET**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on November 16, 2017, its members voted 11-0 to recommend **APPROVAL** of a City-initiated request for vacation the following described right-of-way in the vicinity of Southeast 22nd Street and Shaw Street, to allow for sale to Kemin Industries, Inc. for the proposed expansion of its home office, research, and manufacturing facilities campus, subject to (1) the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned, relocated, or sold to Kemin Industries, Inc. or other future property owner; (2) reservation of any easements that are necessary to ensure access to any property adjacent to the requested right-of-way that Kemin Industries, Inc. or other future property owner is unable to acquire; and (3) reservation of any necessary easements for the segments of active railroads:

- (A) North/south alley between Southeast 22nd Street and Union Pacific Railroad running from East M.L. King, Jr. Parkway to Scott Avenue.
- (B) North/south alley between Southeast 22nd Street and Union Pacific Railroad running north from Shaw Street to a dead end.
- (C) North/south alley between Southeast 22nd Street and Union Pacific Railroad running south from Scott Avenue to dead end south of Shaw Street.
- (D) Southeast 22nd Street from East M.L. King, Jr. Parkway to Maury Street.
- (E) North/south alley between Southeast 22nd Street and Southeast 22nd Court running south from East M.L. King, Jr. Parkway to Shaw Street.
- (F) Southeast 22nd Court from East M.L. King, Jr. Parkway to Maury Street.
- (G) North/south alley between Southeast 22nd Court and Southeast 23rd Street running from Shaw Street north to a dead end.
- (H) East/west alley north of Scott Avenue running from Southeast 22nd Street west to the north/south alley.
- (I) Scott Avenue running from Southeast 22nd Street west to a dead-end west of the north/south alley.
- (J) Shaw Street running from Union Pacific Railroad east to a dead end.
- (K) Shaw Street running from the north/south alley west of Southeast 22nd Street to Southeast 23rd Street.

MOVED by _____ to receive and file the attached communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division.

 **Roll Call Number**

Agenda Item Number

22

Date December 4, 2017

-2-

FORM APPROVED:


 Glenna K. Frank, Assistant City Attorney

(11-2017-1.15)

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

MOTION CARRIED APPROVED

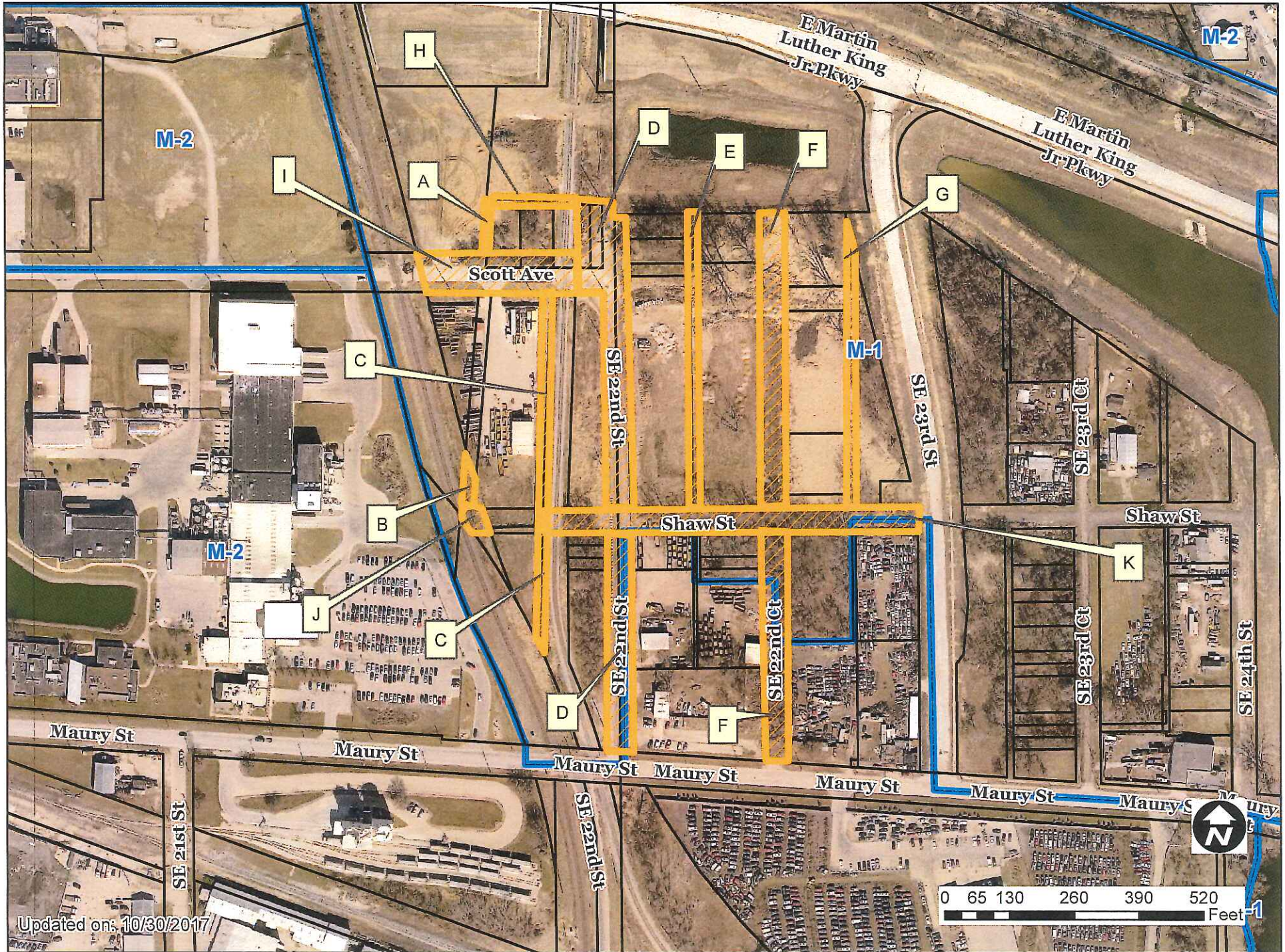
_____ Mayor

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



Updated on: 10/30/2017

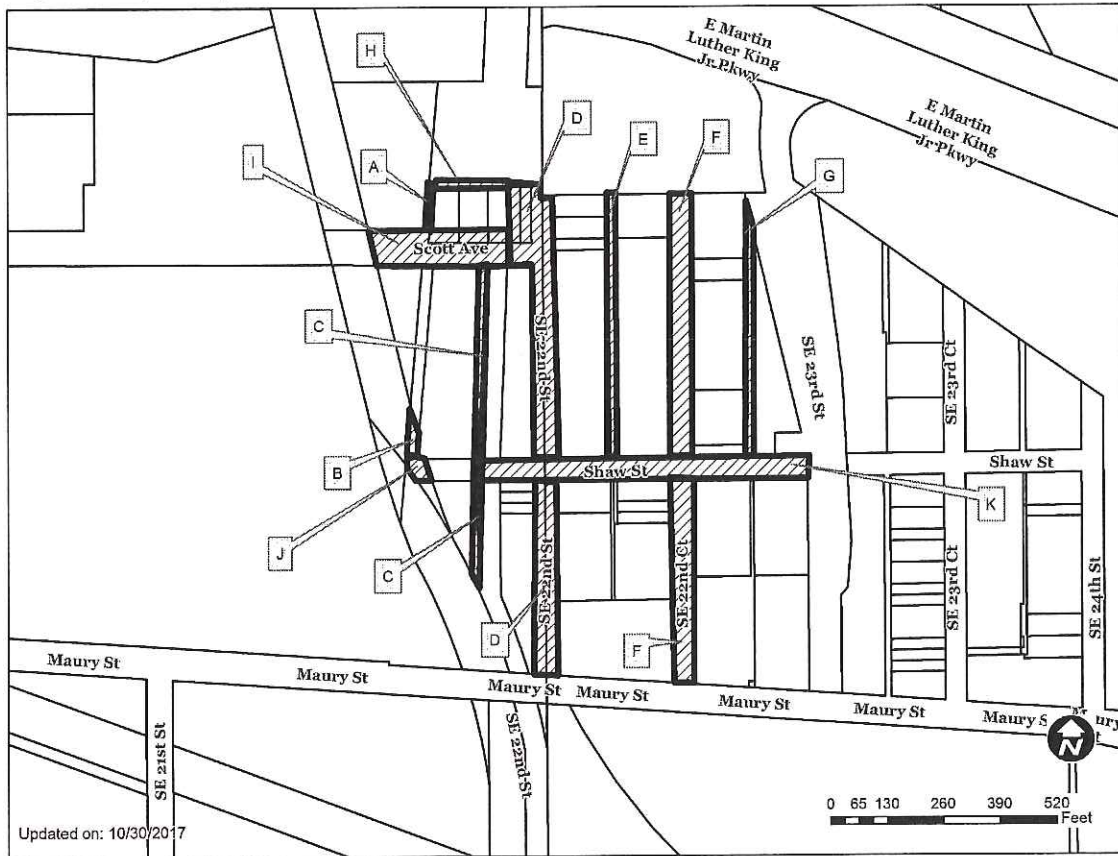
0 65 130 260 390 520 Feet

22

City initiated request in the vicinity of Southeast 22nd Street and Shaw Street (see map).		File #		
		11-2017-1.15		
Description of Action	Vacation of Right-Of-Way (ROW) to be sold to Kemin Industries, Inc. for the proposed expansion of their home office, research, and manufacturing facilities campus.			
PlanDSM Future Land Use	Current: Industrial. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	2035-2050: Southeast Connector, widen from 2 to 4 lanes.			
Current Zoning District	"M-1" Light Industrial District, "M-2" Heavy Industrial District and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Subject Property	2	0		
Outside Area (200 feet)				
Plan and Zoning Commission Action	Approval	11-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

City initiated, Vicinity of Southeast 22nd Street and Shaw Street

11-2017-1.15



1 inch = 258 feet

Date _____

Agenda Item _____

Roll Call # 22

November 22, 2017

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their November 16, 2017 meeting, the following action was taken regarding a City initiated request for vacation of the following segments of Right-Of-Way (ROW) in the vicinity of Southeast 22nd Street and Shaw Street to be sold to Kemin Industries, Inc. for the proposed expansion of their home office, research, and manufacturing facilities campus.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
JoAnne Corigliano				X
David Courard-Hauri	X			
Jacqueline Easley	X			
Jann Freed				X
John "Jack" Hilmes	X			
Lisa Howard	X			
Carolyn Jenison	X			
Greg Jones	X			
William Page	X			
Mike Simonson	X			
Rocky Sposato	X			
Steve Wallace				X
Greg Wattier				X

APPROVAL of vacation of the following segments of Right-Of-Way (ROW) in the vicinity of Southeast 22nd Street and Shaw Street to be sold to Kemin Industries, Inc. for the proposed expansion of their home office, research, and manufacturing facilities campus.
(11-2017-1.15)

Written Responses

2 in Favor
0 in opposition

RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation subject to the following conditions:

1. Reservation of any necessary easements for all existing utilities until such time that they are abandoned, relocated, or sold to Kemin Industries (or a future property owner).
2. Reservation of any easements that are necessary to ensure access to any property adjacent to the requested Right-of-Way that Kemin Industries (or a future property owner) is unable to acquire.
3. Reservation of any necessary easements for the segments of active railroads.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **I. Purpose of Request:** The proposed vacation of multiple segments of Right-of-Way would allow for Kemin Industries to assemble land necessary for a future expansion of its campus, which includes office, research, and manufacturing facilities. Kemin Industries is also in the process of acquiring all the parcels that adjoin the requested segments of Right-of-Way.
2. **Size of Site:** N/A.
3. **Existing Zoning (site):** "M-1" Light Industrial District and "M-2" Heavy Industrial District.
4. **Existing Land Use (site):** The majority of the requested Right-of-Way is undeveloped. However, there is a dead-end segment of an unpaved street within portions of the requested segments of Southeast 22nd Street and Scott Avenue Right-of-Way.
5. **Adjacent Land Use and Zoning:** The area that is north of Shaw Street is generally zoned "M-1" Light Industrial District and the area that is south of Shaw Street is generally zoned "M-2" Heavy Industrial District.
6. **General Neighborhood/Area Land Uses:** The subject segments of Right-of-Way are located in an industrial area to the south of East Martin Luther King, Jr. Parkway.
7. **Applicable Recognized Neighborhood(s):** The subject property is not located within a recognized neighborhood or within 250 feet of any recognized neighborhood. All neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda on October 27, 2017. Additionally, separate notifications of the hearing for this specific item were mailed on November 6, 2017 (10 days prior to the hearing) to the primary titleholder on file with the Polk County Assessor for each property adjacent to the requested Right-of-Way that would be vacated. A Final Agenda was mailed to all the recognized neighborhood associations on November 9, 2017.
8. **Relevant Zoning History:** None.

9. PlanDSM Land Use Plan Designation: Industrial.

10. Applicable Regulations: In consideration of the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to vacate land dedicated for a specific public purpose, such as for streets and parks, to determine whether the land is still needed for such purpose or may be released (vacated) for other use. The recommendation of the Commission is forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

- 1. Utilities:** There are existing sanitary sewers within multiple segments of the requested Right-of-Way. Easements must be reserved for these sewers, as well as any other existing utilities, until such time that they are abandoned, relocated, or sold to a future property owner.
- 2. Street System/Access:** The majority of the requested Right-of-Way is undeveloped. However, there is a dead-end street within portions of the requested segments of Southeast 22nd Street and Scott Avenue Right-of-Way. Kemin Industries in the process of acquiring all the parcels that adjoin the requested segments of Right-of-Way. Access easements must be provided if necessary to ensure access to any property that Kemin Industries is unable to acquire.
- 3. Rail Facilities:** There are two active north/south railroads that cross the requested segments of Right-of-Way. Easements must be provided to accommodate these.

SUMMARY OF DISCUSSION

Jacqueline Easley asked if anyone was present to speak on this item. None were present or requested to speak.

COMMISSION ACTION:

Greg Jones moved staff recommendation for approval of the requested vacation subject to the following conditions:

1. Reservation of any necessary easements for all existing utilities until such time that they are abandoned, relocated, or sold to Kemin Industries (or a future property owner).
2. Reservation of any easements that are necessary to ensure access to any property adjacent to the requested Right-of-Way that Kemin Industries (or a future property owner) is unable to acquire.
3. Reservation of any necessary easements for the segments of active railroads.

Motion passed: 11-0

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:tjh
Attachments

Item 11-2017-1.15 Date 11-6-2017

(am) (am not) in favor of the request.

(Circle One)
RECEIVED
COMMUNITY DEVELOPMENT

Print Name Tony Holt / Available material Handling

Signature [Handwritten Signature]

NOV 13 2017

Address all the land around streets

Reason for opposing or approving this request may be listed below.

Item 11-2017-1.15 Date Nov. 7, 2017

(am) (am not) in favor of the request.

KEMIN - PURCHASER OF SUBJECT PROPERTY

(Circle One)
RECEIVED
COMMUNITY DEVELOPMENT

Print Name Elizabeth A. Nelson

Signature [Handwritten Signature]

NOV 13 2017

Address 1900 Scott Ave / 2100 Menny Street

Reason for opposing or approving this request may be listed below.

We are buyer. Kemin Holdings.

