

Date ..... December 9, 2019 .....

**SET HEARING FOR CONVEYANCE OF CITY-OWNED PROPERTY LOCATED IN THE VICINITY OF 200 SE 15TH STREET TO DES MOINES INDUSTRIAL, LLC FOR DEVELOPMENT OF A MULTI-MODAL TRANSLOADING FACILITY WITHIN THE SE AGRIBUSINESS URBAN RENEWAL AREA FOR \$1,434,000.00**

**WHEREAS**, on January 26, 1998, by Roll Call No. 98-275, the City Council of the City of Des Moines approved the SE AgriBusiness Urban Renewal Plan, and such Plan has been amended 11 times (the urban renewal plan so amended is herein referred to as the “Plan”), covering real property located between SE 14<sup>th</sup> Street and SE 43<sup>rd</sup> Street and extending north from the Des Moines River to Dean Avenue; and

**WHEREAS**, City staff and Des Moines Industrial, LLC (“Buyer”) have negotiated terms relating to the sale of City-owned property located in the vicinity of 200 SE 15<sup>th</sup> Street (“Property”) and located in the SE AgriBusiness Urban Renewal Area, for the purchase price of \$1,434,000.00, for construction and operation of a multi-modal transloading facility, including a minimum 115,200 square foot warehouse building, a minimum 37,500 square foot bulk mineral storage building, and related parking and access drives, rail trackage, signage, signals, safety measures, and site improvements (collectively “Improvements”), which purchase price equals fair market value for the Property as determined by the City’s Real Estate Division; and

**WHEREAS**, City staff and Des Moines Industrial, LLC have further negotiated terms of an Urban Renewal Development Agreement for the sale and development of the Property, which terms include but are not limited to:

- conditions precedent to closing on the sale of the Property, and receipt of the Certificate of Completion for the Improvements and the Economic Development Grant;
- the requirement that the Developer design and construct reconfiguration of stormwater detention basins contained within the Property which the Developer wishes to utilize for stormwater management purposes;
- provision to Developer of an Economic Development Grant to be paid in 30 semi-annual installments, providing 75 percent of project generated tax increment (TIF) funding; and
- special remedies for the City relating to major delay in completion of the Improvements, failure to close on the purchase of the Property, failure to comply with funding and operational agreements related to the transloading facility, and future closure of the Improvements; and

**WHEREAS**, the proposed use of the Property and Improvements constitute industrial buildings and facilities in accordance with Iowa Code Section 403.8; and

**WHEREAS**, there is no known current or anticipated public benefit or need for the Property proposed to be sold, and the City will not be inconvenienced by the sale of said Property.

**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 sell the real property in the vicinity of 200 SE 15<sup>th</sup> Street, Des Moines, Iowa, legally described below, to Des Moines Industrial, LLC, in exchange for \$1,434,000.00:

Property excluding East Market Street:

DISPOSAL PARCEL 2017-81, RECORDED IN BOOK 16485 PAGE 889 AT THE RECORDER’S OFFICE OF POLK COUNTY, IOWA AND BEING A PORTION OF LOTS 38 AND 39, CAPITAL ADDITION, AND A

Date December 9, 2019

PORTION OF LOTS 36, BROOKS AND COS ADDITION TO THE CITY OF DES MOINES, ALL OFFICIAL PLATS, ALL NOW FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 39; THENCE NORTH 00°(DEGREES) 17'(MINUTES) 46"(SECONDS) WEST, 33.21 FEET ON THE WEST LINE OF SAID LOT; THENCE NORTH 89°42'14" EAST, 120.42 FEET; THENCE NORTH 01°11'18" WEST, 78.83 FEET; THENCE NORTH 89°51'12" EAST, 314.91 FEET TO THE WEST RIGHT OF WAY LINE OF SE 18TH STREET; THENCE SOUTH 00°08'48" EAST, 131.06 FEET ON SAID WEST RIGHT OF WAY LINE; THENCE NORTH 90°00'00" WEST, 381.07 FEET TO THE SOUTH LINE OF SAID LOT 38; THENCE NORTH 71°33'42" WEST, 55.65 FEET ON THE SOUTH LINE OF SAID LOTS 38 AND 39 TO THE POINT OF BEGINNING;

AND

STORM WATER MANAGEMENT PARCEL 2017-78, RECORDED IN BOOK 16485 PAGE 889 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA AND BEING A PORTION OF LOTS 28 THRU 31, AND ALL OF LOTS 32 THRU 34, 40 THRU 44, AND A PORTION OF VACATED ALLEY ADJOINING SAID LOTS, A PORTION OF VACATED ELM STREET ADJOINING LOTS 31 THRU 34, ALL IN CAPITAL ADDITION AND A PORTION OF LOTS 34, AND 35, BROOKS AND COS ADDITION TO THE CITY OF DES MOINES, AND A PORTION OF FORMER CHICAGO, ROCK ISLAND, & PACIFIC RAILROAD, ALL OFFICIAL PLATS, ALL NOW FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 40; THENCE SOUTH 00°(DEGREES) 17'(MINUTES) 46"(MINUTES) EAST, 99.11 FEET ON THE EAST LINE OF SAID LOT 40 TO THE NORTH LINE OF SAID FORMER CHICAGO, ROCK ISLAND, & PACIFIC RAILROAD; THENCE SOUTH 71°33'42" EAST, 55.65 FEET ON SAID NORTH LINE; THENCE NORTH 90°00'00" WEST, 394.14 FEET; THENCE WESTERLY 130.98 FEET ON A TANGENT CURVE TO THE LEFT WITH A RADIUS OF 5115.00 FEET, A CHORD OF WHICH BEARS NORTH 89°15'59" WEST, 130.97 FEET; THENCE NORTH 78°45'06" EAST, 41.57 FEET; THENCE NORTH 45°26'58" EAST, 419.76 FEET TO THE NORTH RIGHT OF WAY LINE OF SAID VACATED ELM STREET; THENCE SOUTH 89°54'52" EAST, 91.71 FEET ON SAID NORTH RIGHT OF WAY LINE; THENCE SOUTH 00°17'46" EAST, 184.00 FEET ON THE EAST LINE OF SAID LOT 34, CAPITAL ADDITION AND ITS NORTHERLY AND SOUTHERLY EXTENSION THEREOF TO THE NORTHWEST CORNER OF SAID LOT 40; THENCE SOUTH 89°54'50" EAST, 39.23 FEET ON THE NORTH LINE OF SAID LOT 40 TO THE POINT OF BEGINNING;

AND

ALL OF VACATED EAST ELM STREET RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOTS 1, 2 AND 3 OF SAID CAPITAL ADDITION;

AND

ALL OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING SOUTH OF AND ADJOINING LOTS 35, 36 AND 37 OF SAID CAPITAL ADDITION;

AND

Date ..... December 9, 2019 .....

PARCEL A, RECORDED IN BOOK 14883 PAGE 81 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA AND BEING A PORTION OF LOT 1, OFFICIAL PLAT OF BLOCK 33 OF BROOKS & COS ADDITION, AN OFFICIAL PLAT; AND A PORTION OF BLOCK 33, BROOKS & COS ADDITION, AN OFFICIAL PLAT, AND A PORTION OF LOTS 8 THRU 19, COTTAGE ADDITION, AN OFFICIAL PLAT; AND LOTS 11 THRU 27 AND A PORTION OF LOTS 28 THRU 31, A PORTION OF VACATED ELM STREET ADJOINING LOTS 6 THRU 19, CAPITAL ADDITION, AN OFFICIAL PLAT; AND A PORTION OF PART OF BLOCK 34, BROOKS & COS ADDITION TO CITY OF DES MOINES, AN OFFICIAL PLAT; AND ALL OF LOTS 4 AND 5 AND A PORTION OF LOTS 3 AND 6, AND A PORTION OF THE VACATED ALLEY ADJOINING LOTS 3 AND 4, CHOICE ADDITION TO DES MOINES IOWA, AN OFFICIAL PLAT; AND A PORTION OF VACATED SOUTHEAST 16TH STREET, AND A PORTION OF THE VACATED RIGHT OF WAY OF THE FORMER CHICAGO, ROCK ISLAND, AND PACIFIC RAILROAD (C.R.I. & P. RAILROAD), AND A PORTION OF A VACATED RAILROAD, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 33; THENCE SOUTH 89°(DEGREES) 54'(MINUTES) 41"(SECONDS) EAST, 1142.21 FEET ON THE SOUTHERLY RIGHT OF WAY LINE OF EAST MARKET STREET TO THE NORTHEAST CORNER OF SAID LOT 11, CAPITAL ADDITION; THENCE SOUTH 00°17'46" EAST, 132.00 FEET ON THE EAST LINE OF SAID LOT 11, CAPITAL ADDITION, TO THE SOUTHEAST CORNER OF SAID LOT 11, CAPITAL ADDITION; THENCE SOUTH 89°54'56" EAST, 182.88 FEET ON THE NORTH RIGHT OF WAY LINE OF VACATED ELM STREET; THENCE SOUTH 45°26'58" WEST, 419.76 FEET; THENCE SOUTH 78°45'06" WEST, 41.58 FEET; THENCE 483.09 FEET ON A 5115.00 FOOT RADIUS CURVE TO THE LEFT WITH A CHORD LENGTH OF 482.91 FEET AND BEARS SOUTH 85°49'38" WEST; THENCE SOUTH 83°07'17" WEST, 125.73 FEET; THENCE NORTH 16°26'52" WEST, 99.67 FEET; THENCE NORTH 88°58'52" WEST, 351.66 FEET TO THE EAST RIGHT OF WAY LINE OF SOUTHEAST 15TH STREET; THENCE NORTH 00°03'46" EAST, 384.98 FEET ON SAID EAST RIGHT OF WAY LINE TO THE POINT OF BEGINNING;

AND

STORM WATER MANAGEMENT PARCEL 2017-77, RECORDED IN BOOK 16485 PAGE 889 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA AND BEING A PORTION OF LOTS 1 THRU 8 AND A PORTION OF VACATED RACON STREET ADJOINING LOT 1, ALL IN COTTAGE ADDITION, AND A PORTION OF LOT 1, BLOCK 33, BROOKS AND COS ADDITION TO THE CITY

OF DES MOINES, ALL OFFICIAL PLATS, ALL NOW FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: REFERRING TO THE SOUTHWEST CORNER LOT 102 IN SAID COTTAGE GROVE ADDITION, THENCE NORTH 00°(DEGREES) 03'(MINUTES) 46"(SECONDS) EAST, 384.17 FEET ON THE EAST RIGHT OF WAY LINE OF SOUTHEAST 15TH STREET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00°03'46" EAST, 147.68 FEET ON SAID EAST RIGHT OF WAY LINE; THENCE SOUTH 88°58'52" EAST, 351.64 FEET; THENCE SOUTH 16°26'52" EAST, 99.67 FEET; THENCE SOUTH 83°07'17" WEST 382.72 FEET TO THE POINT OF BEGINNING;

AND

Southeast 15<sup>th</sup> Street Portion of the Property (To be presented separately to Council for vacation):

Date December 9, 2019

ALL THAT PART OF VACATED SOUTHEAST 15<sup>TH</sup> STREET RIGHT OF WAY LYING SOUTH OF THE SOUTH RIGHT OF WAY LINE OF VACATED EAST MARKET STREET, AND LYING NORTH OF THE EASTERLY EXTENSION OF THE NORTH LINE OF THE SOUTH 15 FEET OF LOT 8 IN BENNETT PLACE, AN OFFICIAL PLAT, AND ALL LYING WITHIN BROOKS AND COS ADDITION TO THE CITY OF DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;

AND

-EXCEPT THE SOUTH 15 FEET OF EAST 15 FEET OF LOT 8-, LOTS 1 THROUGH 24, ALL IN BENNETT PLACE, AN OFFICIAL PLAT;

AND

ALL OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOTS 1 THROUGH 8 IN SAID BENNETT PLACE;

AND

ALL OF THE VACATED SOUTHEAST 14<sup>TH</sup> COURT RIGHT OF WAY LYING WEST OF AND ADJOINING LOTS 9 THROUGH 16 IN SAID BENNETT PLACE;

AND

ALL OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOTS 17 THROUGH 24 IN SAID BENNETT PLACE;

AND

LOTS 25 THROUGH 31, -EXCEPT THAT PART OF SAID LOTS LYING WEST OF A LINE DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH LINE OF SAID LOT 31, SAID POINT BEING 29.75 FEET EAST OF THE NORTHWEST CORNER OF SAID LOT 31, THENCE SOUTH TO A POINT ON THE SOUTH LINE OF SAID LOT 31, SAID POINT BEING 29.5 FEET EAST OF THE SOUTHWEST CORNER OF SAID LOT 31; THENCE SOUTH TO A POINT ON THE NORTH LINE OF SAID LOT 28, SAID POINT BEING 29 FEET EAST OF THE NORTHWEST CORNER OF SAID LOT 28; THENCE SOUTH TO A POINT ON THE NORTH LINE OF SAID LOT 27, SAID POINT BEING 28.75 FEET EAST OF THE NORTHWEST CORNER OF SAID LOT 27; THENCE SOUTH TO A POINT ON THE SOUTH LINE OF SAID LOT 26, SAID POINT BEING 28.5 FEET EAST OF THE SOUTHWEST CORNER OF SAID LOT 26; THENCE SOUTH TO A POINT ON THE SOUTH LINE OF SAID LOT 25, SAID POINT BEING 28 FEET EAST OF THE SOUTHWEST CORNER OF SAID LOT 25, AND SAID POINT BEING THE POINT OF TERMINUS OF SAID LINE-, ALL IN SAID BENNETT PLACE;

AND

-EXCEPT THE WEST 28 FEET THEREOF-, AND -EXCEPT THE EAST 50 FEET THEREOF-, ALL THAT PART OF BLOCK 49 OF SAID BROOKS AND COS ADDITION TO THE CITY OF DES

Date December 9, 2019

MOINES LYING NORTH OF THE NORTH RIGHT OF WAY LINE OF EAST MARTIN LUTHER KING JR PARKWAY, SAID NORTH RIGHT OF WAY LINE BEING ESTABLISHED AND RECORDED IN BOOK 15696 PAGE 382 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA;

ALL NOW FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 21.82 ACRES (950,562 SQUARE FEET).

AND

Market Street Portion of the Property (To be presented separately to Council for vacation)

-EXCEPT THE WEST 60 FEET THEREOF-, ALL THAT PART OF VACATED EAST MARKET STREET RIGHT OF WAY LYING EAST OF THE WEST LINE OF BROOKS AND COS ADDITION, AN OFFICIAL PLAT, AND LYING WEST OF THE WEST RIGHT OF WAY LINE OF SOUTHEAST 18<sup>TH</sup> STREET, ALL IN SAID BROOKS AND COS ADDITION TO THE CITY OF DES MOINES, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 4.68 ACRES (203,985 SQUARE FEET).

2. A public hearing shall be held on December 16, 2019 at 5:00 p.m. in the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. 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 authorized and directed to publish notice of the proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.

MOVED BY \_\_\_\_\_ TO ADOPT.

APPROVED AS TO FORM:

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GREY				
MANDELBAUM				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	

**CERTIFICATE**

I, P. Kay Cmelik, 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.

\_\_\_\_\_ Mayor

\_\_\_\_\_ City Clerk