



Roll Call Number

Agenda Item Number

40

Date November 17, 2025

HOLD HEARING FOR CONVEYANCE OF CITY OWNED PROPERTY LOCATED AT 100 11th STREET TO HYPER ENERGY BAR LLC FOR \$554,000

WHEREAS, the City of Des Moines, Iowa, (“City”) is the owner of certain real estate located on the north side of West Martin Luther King, Jr. Parkway between Southwest 11th Street and Southwest 14th Street, consisting of excess City property locally known as 100 11th Street, Des Moines, Iowa (hereinafter “Property”), more particularly described below; and

WHEREAS, the City Council of the City of Des Moines (the “City”) has received a proposal in the form of a Real Estate Purchase Agreement (the “Agreement”) with Hyper Energy Bar LLC (“Buyer”), which Agreement proposes the sale of certain City-owned real property to Buyer for \$554,000.00 and other good and valuable consideration, under the terms and conditions set forth in the Agreement, including the reservation of any necessary easements for all existing and future utilities until such time that they are abandoned or relocated, and further subject to additional reservations and restrictions, if any, which will be included in the Quit Claim Deed from City to Buyer, which price reflects the fair market value of the City Property as determined by an independent appraisal; and

WHEREAS, it is in the best interests of the City to sell the Property to Hyper Energy Bar LLC; and

WHEREAS, on November 3, 2025 by Roll Call No. 25-1479, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance be set down for hearing on November 17, 2025, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

WHEREAS, due notice of said proposal to convey the Property was given to all necessary parties as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with City Council direction, those interested in the proposed 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.

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 the proposed conveyance of 100 11th Street, Des Moines, Iowa, as described herein, are hereby overruled and the hearing is closed.
2. The excess City owned property is proposed to be conveyed with reservations of rights for partial use as a stormwater detention basin and the public would not be inconvenienced by reason of the conveyance of 100 11th Street, Des Moines, Iowa, as legally described, to the grantee, and for the



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consideration identified below, subject to a reservation of easements therein and said conveyance is hereby approved:

Grantee: Hyper Energy Bar LLC

Consideration: \$554,000.00

Legal Description:

A PART OF LOT 4 OF THE ORIGINAL PLAT OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN, AN OFFICIAL PLAT, AND PART OF DISPOSAL PARCEL 19, AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 12736 PAGE 582, 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 SOUTHEAST CORNER OF SAID DISPOSAL PARCEL 19, SAID POINT BEING ON THE NORTH LINE OF WEST MARTIN LUTHER KING PARKWAY; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID DISPOSAL PARCEL 19 AND WESTERLY EXTENSION THEREOF AND A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 4169.12 FEET, WHOSE ARC LENGTH IS 986.01 FEET AND WHOSE CHORD BEARS NORTH 88°01'10" WEST, 983.71 FEET TO THE WEST LINE OF SAID LOT 4; THENCE NORTH 75°35'33" WEST ALONG THE WEST LINE OF SAID LOT 4, A DISTANCE OF 193.85 FEET TO THE NORTHWEST CORNER OF SAID LOT 4; THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 4 AND A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 1793.42 FEET, WHOSE ARC LENGTH IS 40.85 FEET AND WHOSE CHORD BEARS SOUTH 86°25'52" EAST, 40.85 FEET; THENCE EASTERLY CONTINUING ALONG SAID NORTH LINE AND A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 44215.92 FEET, WHOSE ARC LENGTH IS 295.41 FEET AND WHOSE CHORD BEARS SOUTH 86°28'10" EAST, 295.41 FEET; THENCE EASTERLY CONTINUING ALONG SAID NORTH LINE AND A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 1915.64 FEET, WHOSE ARC LENGTH IS 278.34 FEET AND WHOSE CHORD BEARS NORTH 88°58'02" EAST, 278.09 FEET; THENCE EASTERLY CONTINUING ALONG SAID NORTH LINE AND A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 2231.69 FEET, WHOSE ARC LENGTH IS 321.37 FEET AND WHOSE CHORD BEARS NORTH 80°15'15" EAST, 321.09 FEET; THENCE NORTH 76°19'07" EAST CONTINUING ALONG SAID NORTH LINE, 32.16 FEET TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE SOUTH 00°08'33" EAST ALONG THE EAST LINE OF SAID LOT 4, A DISTANCE OF 17.54 FEET TO A POINT ON THE NORTHERLY LINE OF SAID DISPOSAL PARCEL 19; THENCE NORTH 74°14'30" EAST ALONG SAID NORTHERLY LINE AND IT'S EASTERLY EXTENSION THEREOF, 150.17 FEET TO A POINT ON THE EASTERLY LINE OF SAID DISPOSAL PARCEL 19; THENCE SOUTHEASTERLY ALONG SAID EASTERLY LINE AND A CURVE



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CONCAVE SOUTHWESTERLY WHOSE RADIUS IS 202.59 FEET, WHOSE ARC LENGTH IS 121.10 FEET AND WHOSE CHORD BEARS SOUTH 33°27'51" EAST, 119.30 FEET; THENCE SOUTH 16°20'17" EAST CONTINUING ALONG SAID EASTERLY LINE, 30.88 FEET; THENCE SOUTH 22°57'12" WEST CONTINUING ALONG SAID EASTERLY LINE, 24.49 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.10 ACRES (91,338 SQUARE FEET).

3. The Mayor is authorized and directed to sign the Real Estate Purchase Agreement and the City Clerk is authorized and directed to attest to the Mayor's signature.
4. 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.
5. The City Manager and respective designees are authorized and directed to administer compliance with the Agreement as needed, including enforcement of buy-back provisions, if necessary.
6. Upon the grantee's satisfaction of all conditions precedent set forth in the Agreement, and as part of Closing, the Mayor is hereby authorized and directed to execute the Quit Claim Deed conveying the Property.
7. 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 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.
8. Upon receipt of the original Quit Claim Deed from the City Clerk 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 the notice of this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.
9. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim Deed and copies of the other documents to the grantee.
10. Proceeds from the sale of 100 11th street (\$554,000.00) will be deposited into the Southeast Connector project account, ST256.



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(Council Communication No. 25-427)

Moved by _____ to adopt. Second by _____.

APPROVED AS TO FORM:

/s/ Grant Hyland
Grant Hyland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
SIMONSON				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

CERTIFICATE

I, Laura Baumgartner, 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

