

★ Roll Call Number

11-0921

Agenda Item Number

52A

Date May 23, 2011

Resolution Closing Hearing on the Proposed Urban Renewal Development Agreement With Kemin Industries, Inc.; on the Proposed Vacation of Portions of Scott Avenue and SE 20th Street; on the Proposed Sale and Conveyance of Such Vacated Rights-Of-Way Together With Additional City-Owned Land North of Scott Avenue Between SE 20th and SE 22nd Streets to Kemin Industries, Inc.; and on the Proposed Rezoning of all Such Land Together With Additional Land North of Scott Avenue Between SE 19th and SE 20th Streets From the "M-1" Light Industrial District to the "M-2" Heavy Industrial District, for an Expansion of the Kemin Home Office, Research and Manufacturing Facilities

WHEREAS, on October 25, 2010, by Roll Call No. 10-1787, the City Council authorized the City Manager to negotiate with Kemin Industries, Inc. (hereinafter "Kemin"), on an Urban Renewal Development Agreement addressing economic development incentives associated with the construction of Kemin's Five-year Capital Improvement Plan attached hereto as Exhibit "B", for the expansion of its home office, research and manufacturing facilities in the vicinity of 2100 Maury Street; and,

WHEREAS, Kemin is a multistate and international business having its home office within the City of Des Moines in the SE AgriBusiness Urban Renewal Area, and a portion of the land needed for the expansion of the Kemin home office, research and manufacturing facilities is owned by the City of Des Moines; and,

WHEREAS, on April 25, 2011, by Roll Call No. 11-0682, the City Council approved preliminary terms of agreement with Kemin and declared its intent to consider approval of an Urban Renewal Development Agreement with Kemin consistent with those preliminary terms; and,

WHEREAS, the City Manager has negotiated an Urban Renewal Development Agreement with Kemin whereby the City would undertake the following obligations:

- to relocate the City facilities from the land designated as Disposition Parcel No. 6 and located north of Scott Avenue between SE 20th and SE 22nd Streets, all as more specifically described in Exhibit "A", for sale to Kemin for an expansion of its home office, research and manufacturing facilities, for a purchase price of \$800,000;
- to vacate and convey to Kemin the Scott Avenue rights-of-way from the east line of SE 20th Street to the west line of the existing Union Pacific Railroad right-of-way, and also the SE 20th Street right-of-way from the north line of Scott Avenue extending north to the south line of the future right-of-way for the SE Connector, all as more specifically described in Exhibit "A", for a total purchase price of \$102,000, to be deferred and forgiven if Kemin completes the expansion of its home office,

Date May 23, 2011

research and manufacturing facilities in substantial conformance with the Master Plan attached hereto as Exhibit "B"; and,

- to provide an economic development grant in the amount of \$500,000 to Kemin to be paid from the incremental taxes generated by the expansion and development of the Kemin home office, research and manufacturing facilities;

and Kemin would undertake the following obligations:

- to purchase the City properties as described above; and,
- to complete the expansion of its corporate campus in substantial conformance with the Master Plan attached hereto as Exhibit "B", to retain at least 332 full-time equivalent jobs, and create an additional 98 full-time equivalent jobs,

all as more specifically described in the proposed Urban Renewal Development Agreement, which is on file and available for public inspection in the office of the City Clerk; and,

WHEREAS, the land proposed to be redeveloped by Kemin for its planned expansion is currently all zoned "M-1" Light Industrial District, and Kemin's proposed expansion will include some uses on that require rezoning of such property to the "M-2" Heavy Industrial District; and,

WHEREAS, on April 25, 2011, by Roll Call No. 11-0682, the City Council resolved that the proposed vacation of portions of Scott Avenue and SE 20th Street; the proposed sale and conveyance of such vacated rights-of-way together with the City-owned property designated as Disposition Parcel No. 6, to Kemin Industries, Inc.; and the proposed rezoning of all such land together with the land west of SE 20th Street and designated as the "West Block", all as more specifically described in Exhibit "A", from the "M-1" Light Industrial District to the "M-2" Heavy Industrial District, be set down for hearing on May 23, 2011, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on May 5, 2007, as provided by law, setting forth the time and place for hearing on said proposed vacation, sale and rezoning of property; and,

WHEREAS, in accordance with said notice those interested in said proposed vacation, sale, and rezoning of property, both for and against, have been given 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, statements of interested persons and arguments of counsel, the objections to the proposed vacation, sale, and rezoning of property are hereby overruled, and the hearing is closed.

★ Roll Call Number  
11-0921

Agenda Item Number  
52A

-3-

Date May 23, 2011

2. There is no public need for the portions of the Scott Avenue and SE 20th Street rights-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation and conveyance of such public rights-of-way.

3. The proposed rezoning of Disposition Parcel No. 6, the West Block and the portions of Scott Avenue and SE 20th Street, all as more specifically described in Exhibit "A", from the "M-1" Light Industrial District to the "M-2" Heavy Industrial District classification is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan.

( Council Communication No. 11- 333 )

MOVED BY Meyer to adopt.

FORM APPROVED:

Roger K. Brown  
 Roger K. Brown

Assistant City Attorney

C:\Rog\Eco Dev\Kemin\Roll Calls\RC 11-05-23 Close Hrg.doc

Exhibits:

"A" - Legal Descriptions

"B" - Kemin Master Plan

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin 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.

Diane Rauh

City Clerk