

12-0456

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Date March 26, 2012

SET HEARING FOR VACATION AND CONVEYANCE OF PORTIONS OF SE 19TH STREET RIGHT-OF-WAY BETWEEN EAST MARKET STREET AND SCOTT AVENUE TO WASTE MANAGEMENT OF IOWA, INC. FOR \$43,845 AND KEMIN HOLDINGS, LC FOR \$35,508

WHEREAS, on February 27, 2012, by Roll Call No. 12-0277, following a Council-initiated request, the City Council received the recommendation from the Plan and Zoning Commission to vacate Southeast (SE) 19th Street from a point approximately 97 feet south of Raccoon Street to Scott Avenue, and Southeast (SE) 19th Street from East Market Street to a point approximately 78 feet north of Raccoon Street, hereinafter more fully described, subject to reservation of easement for all public utilities in place and provision of an access easement for 1900 Scott Avenue (a/k/a 1823 Raccoon Street) until such time that access to Scott Avenue via SE 19th Street is not necessary; and

WHEREAS, Waste Management of Iowa, Inc. is the owner of the property locally known as 201 SE 18th Street that abuts such right-of-way and has offered to the City of Des Moines the purchase price of \$43,845.00 for the vacation and purchase of a portion of such right-of-way as described below for the purpose of redevelopment with its adjoining property, subject to reservation of easement for public utilities, which price reflects the fair market value of the property as currently estimated by the City's Real Estate Division; and

WHEREAS, Kemin Holdings, LC is the owner of the property locally known as GeoParcel 7824-02-452-005 that abuts such right-of-way and has offered to the City of Des Moines the purchase price of \$35,508.00 for the vacation and purchase of a portion of such right-of-way as described below for the purpose of redevelopment with its adjoining property, subject to the Plan and Zoning Commission recommendations, which price reflects the fair market value of the property as currently estimated by the City's Real Estate Division; and

WHEREAS, there is no known current or future public need or benefit for the right-of-way proposed to be vacated and conveyed, and the City will not be inconvenienced by the vacation and conveyance of said property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. That the City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating Southeast 19th Street from a point approximately 97 feet south of Raccoon Street to Scott Avenue, and Southeast 19th Street from East Market Street to a point approximately 78 feet north of Raccoon Street, more specifically described as follows:

"Parcel A":

A PORTION OF SE 19TH STREET RIGHT OF WAY ADJOINING AND LYING WEST OF A PORTION OF LOT 38, BROOKS AND CO'S 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 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 38; THENCE SOUTH 00° (DEGREES) 05' (MINUTES) 41" (SECONDS) EAST, 448.09 FEET ON THE EAST RIGHT OF WAY LINE OF SE 19TH STREET; THENCE SOUTH 88°20'31" WEST, 80.03 FEET TO THE WEST RIGHT OF WAY LINE OF SE 19TH STREET; THENCE NORTH 00°05'41" WEST, 450.91 FEET ON SAID WEST RIGHT OF WAY LINE; THENCE SOUTH 89°38'16" EAST, 80.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.83 ACRES MORE OR LESS;

AND



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"Parcel B":

A PORTION OF SE 19TH STREET RIGHT-OF-WAY AS PRESENTLY ESTABLISHED AND LYING EAST OF AND ADJOINING LOTS 45 THROUGH 53, CHARTER OAK ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND THE FORMER CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD RIGHT-OF-WAY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SE CORNER OF LOT 53, SAID CHARTER OAK ADDITION, SAID POINT ALSO ON THE WEST R.O.W. LINE OF SE 19TH STREET AS PRESENTLY ESTABLISHED; THENCE N.00°05'02"W., A DISTANCE OF 340.05 FEET ALONG SAID WEST R.O.W. OF SE 19TH STREET TO THE NORTH FORMER R.O.W. LINE OF THE CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD; THENCE N.00°10'58"W., A DISTANCE OF 120.09 FEET ALONG SAID WEST R.O.W. OF SE 19TH STREET; THENCE S.87°20'20"E., A DISTANCE OF 80.05 FEET TO A POINT ON THE EAST R.O.W. OF SE 19TH STREET; THENCE S.00°05'02"E., A DISTANCE OF 456.63 FEET ALONG SAID EAST R.O.W. LINE OF SE 19TH STREET TO THE NORTH R.O.W. LINE OF SCOTT STREET (AVENUE); THENCE N89°51'12"W., A DISTANCE OF 79.76 FEET ALONG SAID NORTH R.O.W. LINE OF SCOTT STREET (AVENUE) TO THE POINT OF BEGINNING. CONTAINING 36606 SQUARE FEET OR 0.840 ACRES MORE OR LESS AND SUBJECT TO ALL EASEMENTS OF RECORD.

2. That if the City Council decides to vacate the above described right-of-way, the City of Des Moines proposes to convey the vacated portion thereof described above as "Parcel A" to Waste Management of Iowa, Inc. for \$43,845.00, and the vacated portion thereof described above as "Parcel B" to Kemin Holdings, LC for \$35,508.00, subject to the Plan and Zoning Commission recommendations.
3. That the meeting of the City Council at which the adoption of said ordinance and the conveyance of such real estate is to be considered by public hearing shall be on April 9, 2012, said meeting to be held at 5:00 p.m., in the Council Chamber.
4. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with Section 362.3 of the Iowa Code.
5. The proceeds from the sale of this property shall be deposited into the following account: 2012-13 CIP, Street Improvements - Page 36, SE Connector – SE 14th Street to SE 30th Street, STR 249.

APPROVED AS TO FORM:

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

Moved by Hensley to adopt.

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

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.

T. M. Franklin Mayor

Diane Rauh City Clerk