

★ Roll Call Number

13-0398

Agenda Item Number

19

Date March 11, 2013

**SET HEARING FOR CONVEYANCE OF PROPERTY LOCATED WEST OF AND ADJACENT TO
VACATED SE 19TH STREET, NORTH OF SCOTT STREET, TO KEMIN HOLDINGS, LC FOR \$21,040**

WHEREAS, on October 25, 2010, by Roll Call No. 10-1786, the City Council of the City of Des Moines authorized the acquisition of the necessary right-of-way for a portion of the Southeast Connector Project; and

WHEREAS, on September 10, 2012, by Roll Call No. 12-1457, the City Council passed Ordinance No. 15,134 vacating the north/south alley right-of-way lying south of Raccoon Street between Southeast 18th Street and Southeast 19th Street, and, by Roll Call No. 12-1455, further approved the vacation of said alley right-of-way as requested by the Engineering Department to allow for staging of the Southeast Connector Project; and

WHEREAS, on October 17, 2012, the City of Des Moines closed on the purchase of real property locally known as 1823 Raccoon Street and Polk County District/Parcel No. 040/00664-001-000 from Midwest Automatic Fire Sprinkler Company for the Southeast Connector Project, and City staff negotiated the acquisition of real property interests needed for the Project from Kemin Holdings, LC, owner of the real property locally known as 1900 Scott Avenue which is located immediately west and south of and adjoining 1823 Raccoon Street and Polk County District/Parcel No. 040/00664-001-000; and

WHEREAS, the City Engineer has determined that a portion of the north/south alley right-of-way vacated by Ordinance No. 15,134, and a portion of 1823 Raccoon Street and Polk County District/Parcel No. 040/00664-001-000 as acquired from Midwest Automatic Fire Sprinkler Company, are not needed for construction or right-of-way purposes for the Southeast Connector Project and may be declared excess City-owned property; and

WHEREAS, Kemin Holdings, LC has offered to the City of Des Moines the purchase price of \$21,040.00 for the purchase of a fee simple interest in said excess City-owned property, as legally described below, for the purpose of expanding its existing business located at 1900 Scott Avenue, which purchase 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 property to be sold, 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, as follows:

1. That the City Council of the City of Des Moines proposes to sell the excess portion of the vacated north/south alley right-of-way lying south of Raccoon Street between Southeast 18th Street and Southeast 19th Street, and a portion of the excess City-owned property locally known as 1823 Raccoon Street and Polk County District/Parcel No. 040/00664-001-000, as specifically described below, to Kemin Holdings, LC for \$21,040.00:

LOTS 46 AND 47 AND A PORTION OF LOTS 45, AND 61, AND A PORTION OF THE VACATED SOUTHEAST 18TH COURT (ORDINANCE NO. 8561) ADJOINING LOT 61, AND A PORTION OF THE VACATED NORTH-SOUTH ALLEY (ORDINANCE NO. 15,134) ADJOINING LOTS 45 THRU 47, ALL IN CHARTER OAK ADDITION, AN OFFICIAL PLAT TO THE CITY OF DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 47; THENCE NORTH 71° (DEGREES) 32' (MINUTES) 50" (SECONDS) WEST, 318.56 FEET ON THE NORTH RIGHT OF WAY LINE OF THE VACATED CHICAGO, ROCK ISLAND & PACIFIC RAILROAD TO THE SOUTHEAST CORNER OF LOT 65 OF SAID PLAT; THENCE NORTH 00°27'54" EAST, 19.26 FEET ON THE EAST LINE OF SAID LOT; THENCE NORTH 90°00'00" EAST, 301.82 FEET TO THE EAST LINE OF SAID LOT 45; THENCE SOUTH 00°05'41" EAST, 120.09 FEET ON THE EAST LINE OF SAID LOTS 45 THRU 47 TO THE POINT OF BEGINNING, CONTAINING 0.48 ACRES (21,040 SQUARE FEET) MORE OR LESS,

3. That a public hearing will be held on March 25, 2013, at 5:00 p.m. in the City Council Chamber, 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.
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.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

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

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

T. M. Franklin Cownie 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