

★ **Roll Call Number**

13-0497

Agenda Item Number

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Date March 25, 2013

**HOLD 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, and the City will not be inconvenienced by the sale of said property; and

WHEREAS, on March 11, 2013, by Roll Call No. 13-0398, it was duly resolved by the City Council that the proposed conveyance of real property located west of and adjacent to vacated SE 19th Street, north of Scott Street, be set down for hearing on March 25, 2013, at 5:00 p.m., in the City Council Chambers; and

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WHEREAS, due notice of said proposal to convey this public real property was given 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 this 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:

1. Upon due consideration of the facts and statements of interested persons, the objections to the proposed conveyance of the excess City-owned property as described below are hereby overruled and the hearing is closed.
2. There is no public need for the property described below and the public would not be inconvenienced by reason of the conveyance of 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, more specifically described as follows:

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:

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 the sale and conveyance of such property to Kemin Holdings, LC for \$21,040, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved.
4. The Mayor is authorized and directed to sign the Offer to Purchase and Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

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5. 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 this 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.
6. The Real Estate Division Manager is authorized and directed to forward the original of the 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.
7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Deed and copies of the other documents to the grantee.
8. The proceeds from the sale of this property will be deposited into the following account: 2012-13 CIP, Street Improvements – Page 36, SE Connector – SE 14th Street to SE 30th Street, STR249.

(Council Communication No. 13- 144)

Moved by Meyer to adopt.

APPROVED AS TO FORM:

Glenna K. Frank
 Glenna K. Frank
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
KIERNAN	✓			
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.

J. M. Franklin
 Mayor

Diane Rauh
 City Clerk