

★ Roll Call Number

13-0794

Agenda Item Number

25A

Date May 20, 2013

**SET HEARING FOR VACATION AND CONVEYANCE OF A PORTION OF SCOTT AVENUE
RIGHT-OF-WAY TO KEMIN HOLDINGS, L.C. FOR \$10,587**

WHEREAS, on May 20, 2013, by Roll Call No. 13- 0793, the City Council received a recommendation from the City Plan and Zoning Commission that the north twelve feet (12') of Scott Avenue adjoining the properties at 1830, 1900, 1916, and 1920 Scott Avenue between a point approximately 300 feet east of Southeast 18th Street to Southeast 20th Street ("City right-of-way") be vacated, subject to reservation of easement for any existing utilities currently located therein; and

WHEREAS, Kemin Holdings, L.C. ("Kemin") is the owner of the real properties locally known as 1830, 1900, 1916 and 1920 Scott Avenue which abut the City right-of-way, and Kemin has offered to the City of Des Moines the purchase price of \$10,587.00 for the vacation and purchase of a fee simple interest in the City right-of-way, as legally described below, 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 right-of-way proposed to be vacated and sold, and the City will not be inconvenienced by the vacation and sale of said right-of-way.

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 the north twelve feet (12') of Scott Avenue adjoining the properties at 1830, 1900, 1916, and 1920 Scott Avenue between a point approximately 300 feet east of Southeast 18th Street to Southeast 20th Street, more specifically described as follows:

THE NORTH TWELVE (12) FEET OF THE EXISTING EIGHTY (80) FOOT RIGHT-OF-WAY AS PRESENTLY ESTABLISHED OF SCOTT AVENUE LYING BETWEEN THE EXTENSION OF THE EAST RIGHT-OF-WAY LINE OF THE VACATED SE 18TH COURT AS PREVIOUSLY ESTABLISHED AND THE EXTENSION OF THE WEST RIGHT-OF-WAY LINE OF SE 20TH STREET AS PRESENTLY ESTABLISHED MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 11, CHARTER OAK ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE NORTH 89°(DEGREES) 47'(MINUTES) 15"(SECONDS) WEST, A DISTANCE OF 882.26 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF SCOTT AVENUE AS PRESENTLY ESTABLISHED TO THE SOUTHWEST CORNER OF LOT 54 OF SAID CHARTER OAK ADDITION; THENCE SOUTH 00°05'02" EAST, A DISTANCE OF 12.00 FEET; THENCE SOUTH 89°47'15" EAST, A DISTANCE OF 882.24 FEET; THENCE NORTH 00°00'02" EAST A DISTANCE OF 12.00 FEET TO THE POINT OF BEGINNING, CONTAINING 10,587 SQUARE FEET OR 0.243 ACRES OF LAND MORE OR LESS.

2. That if the City Council decides to vacate the above described right-of-way, the City of Des Moines further proposes to sell such vacated right-of-way, as described below, to Kemin Holdings, L.C. for \$10,587.00, subject to retention by the City of an easement for existing utilities and any additional conditions that may be required by the City:

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THE VACATED NORTH TWELVE (12) FEET OF THE EXISTING EIGHTY (80) FOOT RIGHT-OF-WAY AS PRESENTLY ESTABLISHED OF SCOTT AVENUE LYING BETWEEN THE EXTENSION OF THE EAST RIGHT-OF-WAY LINE OF THE VACATED SE 18TH COURT AS PREVIOUSLY ESTABLISHED AND THE EXTENSION OF THE WEST RIGHT-OF-WAY LINE OF SE 20TH STREET AS PRESENTLY ESTABLISHED MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 11, CHARTER OAK ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE NORTH 89°(DEGREES) 47'(MINUTES) 15"(SECONDS) WEST, A DISTANCE OF 882.26 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF SCOTT AVENUE AS PRESENTLY ESTABLISHED TO THE SOUTHWEST CORNER OF LOT 54 OF SAID CHARTER OAK ADDITION; THENCE SOUTH 00°05'02" EAST, A DISTANCE OF 12.00 FEET; THENCE SOUTH 89°47'15" EAST, A DISTANCE OF 882.24 FEET; THENCE NORTH 00°00'02" EAST A DISTANCE OF 12.00 FEET TO THE POINT OF BEGINNING, CONTAINING 10,587 SQUARE FEET OR 0.243 ACRES OF LAND MORE OR LESS.

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such right-of-way is to be considered shall be on June 10, 2013, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.
4. That the City Clerk is hereby authorized and directed to publish notice of said proposals 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: Fund: SP767, Org: ENG980500.

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			

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