

★ **Roll Call Number**

16-1651

Agenda Item Number

57

Date September 26, 2016

**HOLD HEARING FOR CONVEYANCE OF RAIL EASEMENT IN
SE AGRIMERGENT BUSINESS PARK TO DES MOINES COLD STORAGE, INC.**

WHEREAS, on June 27, 2016, by Roll Call No. 16-1087, the City Council held a public hearing and approved the proposed purchase by Des Moines Cold Storage, Inc. and Crossroads Cold Storage, LLC (collectively "Developer") of City-owned property located at SE 43rd Street and Vandalia Road in the City's SE Agrimergent Business Park (also known as the SE AgriBusiness Park Urban Renewal Area), and approved an Urban Renewal Development Agreement with Developer, for relocation and expansion of the home office of Developer's multi-state business; and

WHEREAS, as part of the Development Agreement, the City agreed to undertake the property disposition process set forth in Iowa Code Section 364.7 for conveyance to Des Moines Cold Storage, Inc., and/or affiliated entity Crossroads Cold Storage, LLC, of an easement for rail spur usage over and across City-owned property adjoining the parcel acquired by Developer; and

WHEREAS, the easement will be granted to Developer in exchange and as consideration for Developer's improvements in the SE Agrimergent Business Park, to provide access from an existing railroad track to Developer's property which is essential to Developer's business model and relocation to the Business Park; and

WHEREAS, there is no known current or future public need for the easement proposed to be granted and the City will not be inconvenienced by the conveyance of said property interest; and

WHEREAS, on September 12, 2016, by Roll Call No. 16-1513, it was duly resolved by the City Council that the proposed conveyances be set down for hearing on September 26, 2016, at 5:00 p.m., in the City Council Chambers at the Municipal Service Center; and

WHEREAS, due notice of said proposal to convey the easement 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 the 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, any and all objections to the proposed conveyance of the rail easement as described below are hereby overruled and the hearing is closed.
2. There is no public need for the property interest described below and the public would not be inconvenienced by reason of the conveyance of an easement for rail spur usage to Des Moines Cold Storage, Inc. and/or Crossroads Cold Storage, LLC, within City-owned property in the SE Agrimergent Business Park at SE 43rd Street and Vandalia Road, as legally described below, and said conveyance is hereby approved:

A RAILROAD EASEMENT BEING A PART OF THE WEST HALF OF SECTION 17, TOWNSHIP 78 NORTH, RANGE 23 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

★ Roll Call Number

116-1651

Agenda Item Number

59

Date September 26, 2016

BEGINNING AT THE NORTHWEST CORNER OF PARCEL B, AS RECORDED IN POLK COUNTY RECORDS AT BOOK 8392, PAGE 785; THENCE N00°16'38"W, 38.14 FEET; THENCE 35.87 FEET ALONG A 745.00 FOOT RADIUS CURVE, CONCAVE EAST, CHORD BEARING N01°06'08"E, 35.87 FEET; THENCE N02°28'54"E, 493.89 FEET; THENCE N87°28'58"W, 40.00 FEET; THENCE S02°28'54"W, 493.92 FEET; THENCE 37.80 FEET ALONG A 785.00 FOOT RADIUS CURVE, CONCAVE EAST, CHORD BEARING S01°06'08"W, 37.79 FEET; THENCE S00°16'38"E, 525.99 FEET; THENCE N89°43'22"E, 40.00 FEET TO A POINT ON THE EAST LINE OF PARCEL C, AS RECORDED IN POLK COUNTY RECORDS AT BOOK 8392, PAGE 785; THENCE N00°16'38"W, 487.85 FEET TO THE POINT OF BEGINNING. DESCRIBED EASEMENT CONTAINS 0.97 ACRES AND IS SUBJECT TO OTHER EASEMENTS AND RESTRICTIONS OF RECORD.

- 3. Following approval as to form by the Legal Department, the Mayor is authorized and directed to sign the Easement for the conveyance as identified above, in substantially the form on file in the office of the City Clerk, and the City Clerk is authorized and directed to attest to the Mayor's signature.
4. The City Clerk is authorized and directed to forward the original of the Easement, together with certified copies 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.
5. The Real Estate Division Manager is authorized and directed to forward the original of the Easement, together with certified copies 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.
6. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Easement and copies of the other documents to the grantee.
7. There are no proceeds associated with this proposed easement conveyance.

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Glenna K. Frank, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and TOTAL.

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.

Mayor signature and 'MOTION CARRIED' stamp

Diane Rauh City Clerk signature