

★ Roll Call Number
17-0036

Agenda Item Number
28

Date January 9, 2017

Page 1

SET HEARING TO CORRECT THE LEGAL DESCRIPTION FOR CONVEYANCE OF A PORTION OF PREVIOUSLY VACATED SOUTHEAST 19TH STREET RIGHT-OF-WAY AND CITY-OWNED PROPERTY ALL ADJOINING 1900 SCOTT AVENUE TO KEMIN HOLDINGS, L.C.

WHEREAS, on November 7, 2016, by Roll Call No. 16-1943, City Council of the City of Des Moines, Iowa, intended to approve the conveyance of a portion of vacated Southeast 19th Street right-of-way and City-owned property all adjoining 1900 Scott Avenue (hereinafter "City Property"), to Kemin Holdings, L.C., in order to allow Kemin Holdings, L.C. to assemble the excess City property with its adjoining business campus at 1900 Scott Avenue; and

WHEREAS, upon receiving the recorded Quit Claim Deed back from the Polk County Recorder transferring the City Property to Kemin Holdings, L.C., it was determined that the legal description of the City Property set forth in the Quit Claim Deed contained a scrivener's error which must be corrected in order to effectuate the proposed conveyance to Kemin Holdings, L.C.; and

WHEREAS, Kemin Holdings, L.C., owner of the adjoining property, has paid to the City of Des Moines the purchase price of \$36,375.00 for the City Property, subject to the reservation of easements therein and the conditions contained in the Offer to Purchase, which price reflects the fair market value of the City Property as currently estimated by the City's Real Estate Division; and

WHEREAS, the legal description contained in Ordinance No. 15,531 passed by the City Council of the City of Des Moines, Iowa on November 7, 2016, by Roll Call No. 16-1945 vacating the portion of Southeast 19th Street right-of-way being conveyed was correct and needs no further revision or correction; and

WHEREAS, there is no known current or future public need or benefit for the City Property proposed to be conveyed, and the City will not be inconvenienced by the conveyance of said portion of vacated Southeast 19th Street right-of-way and City-owned property all adjoining 1900 Scott Avenue.

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

1. The City Council of the City of Des Moines, Iowa, proposes to issue a Corrected Quit Claim Deed conveying the City-owned property consisting of previously vacated Southeast 19th Street right-of-way and excess City-owned property all located north of and adjoining 1900 Scott Avenue, Des Moines, Iowa, as legally described below, to Kemin Holdings, L.C., subject to the reservation of easements therein and the conditions contained in the Offer to Purchase:

A PORTION OF LOTS 2, 3, 19, 20, 23, 24, 40, 41, 44, 45, 61, 62, 65, 84, AND A PORTION OF THE FORMER CHICAGO, ROCK ISLAND & PACIFIC RAILROAD, AND A PORTION OF VACATED



Roll Call Number

17-0036

Agenda Item Number

28

Date January 9, 2017

Page 2

NORTH/SOUTH ALLEY ADJOINING LOTS 65 AND 84, AND A PORTION OF VACATED SE 18TH COURT (ORD. NO. 8561) ADJOINING LOTS 61, 62 AND 65, AND A PORTION OF VACATED NORTH/SOUTH ALLEY (ORD. NO 15,134) ADJOINING LOTS 44, 45, 61 AND 62, AND A PORTION OF VACATED SE 19TH STREET ADJOINING LOTS 40, 41, 44 AND 45, AND A PORTION OF VACATED NORTH/SOUTH ALLEY (ORD. NO. 9,355) ADJOINING LOTS 23, 24, 40 AND 41, AND A PORTION OF VACATED SE 19TH COURT (ORD. NO. 9,355) ADJOINING LOTS 19, 20, 23 AND 24, AND A PORTION OF VACATED NORTH/SOUTH ALLEY (ORD. NO. 9,355) ADJOINING LOTS 2, 3, 19 AND 20, ALL IN CHARTER OAK ADDITION, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHWEST CORNER OF LOT 74, OF SAID CHARTER OAK ADDITION; THENCE NORTH 03°(DEGREES) 47'(MINUTES) 47"(SECONDS) EAST, 262.12 FEET; THENCE CONTINUING NORTH 03°47'47" EAST, 99.80 FEET; THENCE NORTH 01°57'17" WEST, 80.98 FEET; THENCE NORTH 29°05'44" EAST, 27.41 FEET TO THE POINT OF BEGINNING; THENCE NORTH 44°32'32" EAST, 20.76 FEET; THENCE NORTH 79°25'06" EAST, 42.02 FEET; THENCE NORTH 90°00'00" EAST, 1083.03 FEET; THENCE SOUTH 57°02'16" WEST, 19.80 FEET; THENCE SOUTH 00°00'10" EAST, 20.00 FEET; THENCE SOUTH 89°59'30" WEST, 523.61 FEET TO THE EAST LINE OF SAID VACATED SE 19TH STREET; THENCE SOUTH 00°05'41" EAST, 3.58 FEET ON SAID EAST LINE; THENCE NORTH 87°26'24" WEST, 80.08 FEET TO THE WEST LINE OF SAID VACATED SE 19TH STREET; THENCE NORTH 90°00'00" WEST, 301.82 FEET TO THE WEST LINE OF SAID VACATED SE 18TH COURT; THENCE NORTH 00°35'49" WEST, 15.00 FEET ON SAID WEST LINE; THENCE NORTH 90°00'00" WEST, 169.60 FEET; THENCE SOUTH 81°56'44" WEST, 47.57 FEET TO THE POINT OF BEGINNING, CONTAINING: (31,357.92 SQUARE FEET) 0.72 ACRES, MORE OR LESS.

SUBJECT TO ALL EASEMENTS AND AGREEMENTS OF RECORD.

2. A public hearing shall be held on January 23, 2017, at 5:00 p.m. in the City Council Chamber, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, 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.
3. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.
4. There are no proceeds associated with the issuance of this Corrected Quit Claim Deed.

★ Roll Call Number
17-0036

Agenda Item Number
28

Page 3

Date January 9, 2017

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland
Lisa A. Wieland
Assistant City Attorney

RAW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED APPROVED

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