

★ **Roll Call Number**
.....17-0138.....

Agenda Item Number
.....44.....

Date.....January 23, 2017.....

**HOLD 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 for the City Property proposed to be sold, and the City will not be inconvenienced by the conveyance of said City Property; and

WHEREAS, on January 9, 2017, by Roll Call No. 16-0036, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed issuance of a Corrected Quit Claim Deed conveying said City Property be set down for hearing on January 23, 2017, at 5:00 p.m., in the City Council Chambers, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa; and

WHEREAS, due notice of said proposal to convey the City 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 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.

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

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed issuance of a Corrected Quit Claim Deed conveying City-owned real 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, are hereby overruled and the hearing is closed.

2. There is no public need or benefit for the City Property proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of the Property, legally described as follows, to Kemin Holdings, L.C., and said conveyance is hereby approved, subject to the reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated, and subject to 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 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.

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3. The Mayor is authorized and directed to sign the Corrected Quit Claim Deed for the conveyance as identified above, 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 Corrected Quit Claim 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 Corrected Quit Claim 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 Corrected Quit Claim Deed and copies of the other documents to the grantee.
8. There are no proceeds associated with the issuance of this Corrected Quit Claim Deed.

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland
Lisa A. Wieland, Assistant City Attorney

psw

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

MOTION CARRIED 7 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