



Roll Call Number

17-2190

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Date December 18, 2017

HOLD HEARING FOR VACATION OF CITY RIGHT-OF-WAY BOUNDED BY MARTIN LUTHER KING JR., PARKWAY ON THE NORTH, MAURY STREET ON THE SOUTH, SOUTHEAST 23RD STREET ON THE EAST, AND THE UNION PACIFIC RAILROAD RIGHT-OF-WAY ON THE WEST AND CONVEYANCE OF SAID VACATED RIGHT-OF-WAY AND OTHER EXCESS CITY PROPERTY WITHIN AND ADJOINING SAID BOUNDARY TO KEMIN HOLDINGS, L.C. FOR \$455,402.00

WHEREAS, on November 16, 2017, the City Plan and Zoning Commission voted to recommend to the City Council of the City of Des Moines, Iowa, that segments of right-of-way in the vicinity of Southeast 22nd Street and Shaw Street and bounded by Martin Luther King, Jr. Parkway on the north, Maury Street on the south, Southeast 23rd Street on the east, and the Union Pacific Railroad right-of-way on the west, hereinafter more fully described, be vacated, subject to reservation of easements for all existing utilities in place until such time that they are abandoned or relocated, to allow the property to be conveyed to Kemin Holdings, L.C. for the proposed expansion of their home office, research, and manufacturing facilities campus; and

WHEREAS, Kemin Holdings, L.C. has offered to the City of Des Moines ("City") \$455,402.00 for the purchase of the vacated ROW, and other excess City property, within and adjoining the area bounded by Martin Luther King, Jr. Parkway on the north, Maury Street on the south, Southeast 23rd Street on the east, and the Union Pacific Railroad right-of-way on the west ("Property"), for the proposed expansion of their home office, research, and manufacturing facilities campus at 2100 Maury Street, subject to the reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated, which price reflects the fair market value of said Property as determined by the City's Real Estate Division; and

WHEREAS, there is no known current or future public need for the Property proposed to be sold, and the City will not be inconvenienced by the vacation and conveyance of said Property.

WHEREAS, on December 4, 2017, by Roll Call No. 17-2060, it was duly resolved by the City Council that the proposed vacation and conveyance of the Property be set down for hearing on December 18, 2017, at 5:00 p.m., in the City Council Chamber; and

WHEREAS, due notice of said proposal to vacate and convey the Property was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with said notice, those interested in said proposed vacation and 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, as follows:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to said proposed vacation of segments of right-of-way in the vicinity of Southeast 22nd Street and Shaw Street



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and bounded by Martin Luther King, Jr. Parkway on the north, Maury Street on the south, Southeast 23rd Street on the east, and the Union Pacific Railroad right-of-way on the west, and conveyance of said right-of-way and other excess City property, as described below, are hereby overruled and the hearing is closed.

2. There is no public need for the property proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of segments of right-of-way in the vicinity of Southeast 22nd Street and Shaw Street and bounded by Martin Luther King, Jr. Parkway on the north, Maury Street on the south, Southeast 23rd Street on the east, and the Union Pacific Railroad right-of-way on the west, as legally described below, and said vacation is hereby approved:

ALL THAT PART OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 4 LYING SOUTH OF THE WESTERLY RIGHT OF WAY LINE OF SOUTHEAST 23RD STREET AND AS DESCRIBED IN PLAT OF SURVEY RECORDED IN BOOK 16485 PAGE 889 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA;

AND

ALL THAT PART OF THE SOUTHEAST 22ND COURT RIGHT OF WAY LYING NORTH OF THE NORTH RIGHT OF WAY LINE OF MAURY STREET AND LYING SOUTH OF THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 48 IN SAID BLOCK 4;

AND

ALL OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 5;

AND

ALL THAT PART OF THE SOUTHEAST 22ND STREET RIGHT OF WAY IN SECTION 12, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M. LYING NORTH OF THE NORTH RIGHT OF WAY LINE OF MAURY STREET AND LYING SOUTH OF THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 48 IN SAID BLOCK 5;

AND

ALL THAT PART OF THE SOUTHEAST 22ND STREET RIGHT OF WAY IN SECTION 11, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M. LYING NORTH OF THE NORTH RIGHT OF WAY LINE OF MAURY STREET AND LYING SOUTH OF THE EASTERLY EXTENSION OF THE NORTH RIGHT OF WAY LINE OF THE ALLEY LYING NORTH OF AND ADJOINING BLOCK 6;

AND

ALL OF THE EAST/WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING SAID BLOCK 6;

AND



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ALL OF THE NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING SAID BLOCK 6;

AND

ALL OF LOTS 8 AND 9 IN SAID BLOCK 6;

AND

THE SOUTH 30 FEET OF LOTS 1, 2, 3, 4, 5, 6 AND 7 IN SAID BLOCK 6;

AND

ALL THAT PART OF THE SCOTT STREET RIGHT OF WAY LYING WEST OF THE NORTHERLY EXTENSION OF THE EAST LINE OF LOT 1 IN BLOCK 7 AND LYING EAST OF THE EASTERLY LINE OF THE UNION PACIFIC RAILROAD RIGHT OF WAY IN SAID SECTION 11, SAID EASTERLY LINE DESCRIBED IN VACATION ORDINANCE 15219, RECORDED IN BOOK 15003 PAGE 673 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA;

AND

ALL OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN SAID BLOCK 7;

AND

ALL THAT PART OF SHAW STREET RIGHT OF WAY LYING WEST OF THE NORTHERLY EXTENSION OF THE WEST RIGHT OF WAY LINE OF SOUTHEAST 23RD STREET AND LYING EAST OF THE SOUTHERLY EXTENSION OF THE WEST LINE OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN SAID BLOCK 7;

ALL OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 8;

AND

THE SOUTH 14 FEET OF THE NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 10;

AND

ALL THAT PART OF SOUTHEAST 21ST COURT RIGHT OF WAY LYING NORTH OF THE WESTERLY EXTENSION OF THE NORTH LINE OF SHAW STREET RIGHT OF WAY AND LYING SOUTH OF THE EASTERLY LINE OF THE UNION PACIFIC RAILROAD RIGHT OF WAY IN SAID SECTION 11;

AND

ALL THAT PART OF SHAW STREET RIGHT OF WAY LYING WEST OF THE EASTERLY LINE OF THE UNION PACIFIC RAILROAD RIGHT OF WAY IN SAID SECTION 11 AND LYING EAST OF THE NORTHEASTERLY RIGHT OF WAY LINE OF THE FORMER CHICAGO, ROCK ISLAND AND



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PACIFIC RAILROAD AND LYING EAST OF THE SOUTHERLY EXTENSION OF THE WESTERLY RIGHT OF WAY LINE OF SOUTHEAST 21ST COURT;

ALL IN JACK'S PLAT, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

3. The proposed conveyance of such vacated street and alley right-of-way, and other excess City property, in the area bounded by Martin Luther King, Jr. Parkway on the north, Maury Street on the south, Southeast 23rd Street on the east, and the Union Pacific Railroad right-of-way on the west, as legally described and to the grantees and for the consideration identified below, subject to the requirements of the City Plan and Zoning Commission recommendation, including the reservation of easements for all existing utilities in place, until such time that they are abandoned or relocated, is hereby approved:

Grantee: Kemin Holdings, L.C.

Consideration: \$455,402.00

Legal Description:

ALL OF DISPOSAL PARCEL 2017-85 RECORDED IN BOOK 16485 PAGE 889 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA, BEING A PART OF BLOCK 4, JACK'S PLAT, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;

AND

ALL OF LOTS 43 THROUGH 48 IN BLOCK 4 OF SAID JACK'S PLAT;

AND

ALL THAT PART OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY IN SAID BLOCK 4 LYING SOUTH OF THE WESTERLY RIGHT OF WAY LINE OF SOUTHEAST 23RD STREET AND AS DESCRIBED IN PLAT OF SURVEY RECORDED IN BOOK 16485 PAGE 889 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA;

AND

ALL THAT PART OF VACATED SOUTHEAST 22ND COURT RIGHT OF WAY LYING NORTH OF THE NORTH RIGHT OF WAY LINE OF MAURY STREET AND LYING SOUTH OF THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 48 IN SAID BLOCK 4;

AND

ALL OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 5 OF SAID JACK'S PLAT;

AND



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ALL OF LOTS 1 THROUGH 4, AND ALL OF LOTS 44 THROUGH 48, ALL IN BLOCK 5 OF SAID JACK'S PLAT;

AND

ALL THAT PART OF VACATED SOUTHEAST 22ND STREET RIGHT OF WAY IN SECTION 12, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M. LYING NORTH OF THE NORTH RIGHT OF WAY LINE OF MAURY STREET AND LYING SOUTH OF THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 48 IN SAID BLOCK 5;

AND

ALL THAT PART OF VACATED SOUTHEAST 22ND STREET RIGHT OF WAY IN SECTION 11, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M. LYING NORTH OF THE NORTH RIGHT OF WAY LINE OF MAURY STREET AND LYING SOUTH OF THE EASTERLY EXTENSION OF THE NORTH RIGHT OF WAY LINE OF THE VACATED ALLEY LYING NORTH OF AND ADJOINING BLOCK 6 OF SAID JACK'S PLAT;

AND

ALL OF THE VACATED EAST/WEST ALLEY RIGHT OF WAY LYING NORTH OF AND ADJOINING SAID BLOCK 6;

AND

ALL OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING SAID BLOCK 6;

AND

ALL OF LOTS 1, 2, 8 AND 9 IN SAID BLOCK 6;

AND

THE SOUTH 30 FEET OF LOTS 3, 4, 5, 6 AND 7 IN SAID BLOCK 6;

AND

-EXCEPT THE SOUTH 30 FEET-, THE WEST 8 FEET OF LOT 3, IN SAID BLOCK 6;

AND

ALL THAT PART OF VACATED SCOTT STREET RIGHT OF WAY LYING WEST OF THE NORTHERLY EXTENSION OF THE EAST LINE OF LOT 1 IN BLOCK 7 OF SAID JACK'S PLAT AND LYING EAST OF THE EASTERLY LINE OF THE UNION PACIFIC RAILROAD RIGHT OF WAY IN SAID SECTION 11, SAID EASTERLY LINE DESCRIBED IN VACATION ORDINANCE 15219, RECORDED IN BOOK 15003 PAGE 673 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA;

AND



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ALL THAT PART OF VACATED SOUTHEAST 21ST COURT RIGHT OF WAY LYING NORTH OF THE WESTERLY EXTENSION OF THE NORTH LINE OF VACATED SHAW STREET RIGHT OF WAY AND LYING SOUTH OF THE EASTERLY LINE OF THE UNION PACIFIC RAILROAD RIGHT OF WAY IN SAID SECTION 11;

AND

ALL THAT PART OF VACATED SHAW STREET RIGHT OF WAY LYING WEST OF THE EASTERLY LINE OF THE UNION PACIFIC RAILROAD RIGHT OF WAY IN SAID SECTION 11 AND LYING EAST OF THE NORTHEASTERLY RIGHT OF WAY LINE OF THE FORMER CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD AND LYING EAST OF THE SOUTHERLY EXTENSION OF THE WESTERLY RIGHT OF WAY LINE OF VACATED SOUTHEAST 21ST COURT;

AND

ALL OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY IN SAID BLOCK 7;

AND

ALL THAT PART OF VACATED SHAW STREET RIGHT OF WAY LYING WEST OF THE NORTHERLY EXTENSION OF THE WEST RIGHT OF WAY LINE OF SOUTHEAST 23RD STREET AND LYING EAST OF THE SOUTHERLY EXTENSION OF THE WEST LINE OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY IN SAID BLOCK 7;

AND

ALL OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 8 OF SAID JACK'S PLAT;

AND

ALL OF LOTS 1 THROUGH 4 AND THE EAST HALF (1/2) OF VACATED ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING SAID LOTS 1 THROUGH 4, ALL IN BLOCK 9 OF SAID JACK'S PLAT;

AND

ALL OF THE WEST HALF (1/2) OF VACATED ALLEY RIGHT OF WAY LYING EAST OF AND ADJOINING LOTS 26 THROUGH 36 IN SAID BLOCK 9;

AND

THE SOUTH 14 FEET OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 10 OF SAID JACK'S PLAT;

AND



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ALL OF LOTS 30 THROUGH 38 AND THE WEST HALF (1/2) OF VACATED ALLEY RIGHT OF WAY LYING EAST OF AND ADJOINING SAID LOTS 30 THROUGH 38, ALL IN SAID BLOCK 10;

AND

ALL THAT PART OF VACATED SCOTT STREET RIGHT OF WAY THAT CROSSES THE UNION PACIFIC RAILROAD RIGHT OF WAY BETWEEN SOUTHEAST 20TH STREET AND VACATED SOUTHEAST 22ND STREET AND VACATED BY ORDINANCE 15219 AND RECORDED IN BOOK 15003 PAGE 673 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA, BEING A PART OF BROOKS & CO'S ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;

AND

ALL OF DISPOSAL PARCEL 2017-83 AND DISPOSAL PARCEL 2017-84 RECORDED IN BOOK 16485 PAGE 889 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA, BEING A PART OF LOT 1, FAIRLAWN, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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.
5. Upon proof of payment of the \$455,402.00 consideration, plus \$113.00 for publication and recording costs, the City Clerk is authorized and directed to forward the original of the 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 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 Quit Claim Deed and a copy of the other documents to the grantee.
8. The proceeds from the sale of this property shall be deposited into the following accounts:
 - 1) \$138,153.00 to the SE Connector Project, ST256
 - 2) \$317,249.00 to the General Operating budget, Org – EG064090

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(Council Communication No. 17- 839)

Moved by Gatto to adopt.

APPROVED AS TO FORM:

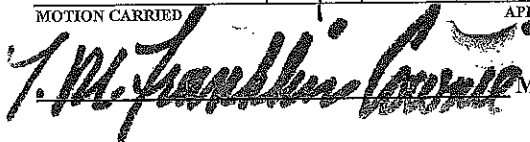

 Lisa A. Wieland, Assistant City Attorney

psw

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