



Roll Call Number

18-0352

Agenda Item Number

23

Date March 8, 2018

RESOLUTION SCHEDULING HEARING ON PROPOSED AGREEMENT FOR SALE OF REAL ESTATE WITH HELENA INDUSTRIES, INC., FOR THE SALE AND REDEVELOPMENT OF APPROXIMATELY 47 ACRES OF CITY-OWNED LAND SOUTH OF THE 3800 BLOCK OF VANDALIA ROAD

WHEREAS, Helena Industries, Inc. ("Helena"), operates an industrial facility in the City at 3525 Vandalia Road that employs approximately 120 full time workers and has a contract seasonal labor force that ranges between 50 and 120; and,

WHEREAS, Helena has continued to invest in its existing facility in the City, which has resulted in approximately \$30 million in ongoing improvements since 2008; and,

WHEREAS, the City endeavors to support existing businesses as stated in Plan DSM's Economic Development Goal 1; and,

WHEREAS, the City owns the adjoining real estate located south of Vandalia Road between SE 36th and SE 43rd Streets designated as "Parcel 2017-99" and "Parcel 2017-100" and more specifically described below; and,

WHEREAS, Helena has declared its intention to continue growing and expanding its industrial operations, by either acquiring the two adjoining City-owned Parcels for assembly with the existing Helena facility to create an expanded campus; or by moving a portion of its operations to other manufacturing facilities operated by Helena and related businesses outside the City of Des Moines; and,

WHEREAS, the City Manager has negotiated an *Agreement for Sale of Real Estate* with Helena which is on file and available for public inspection in the office of the City Clerk, whereby Helena has agreed that in consideration of the City's sale and conveyance to Helena of the two Parcels described below and the right to remove up to 500,000 cubic yards of fill from the planned City stormwater detention basin on the adjoining City-owned land to the south, Helena shall:

- i) Close on its purchase of the two Parcels by January 4, 2019, for a purchase price of \$702,150.00; and,
- ii) Improve the parcels by the construction of one or more buildings for manufacturing, warehousing, storage, office or other industrial use at a documented cost for labor and materials, exclusive of land and typical soft costs, of not less than \$5 million, all to be constructed in compliance with a Conceptual Development Plan approved by the City.

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



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1. The City of Des Moines hereby declares its intent to consider approving the proposed *Agreement for the Sale of Real Estate* with Helena Industries, Inc., and the sale and conveyance to Helena of the two Parcels described below, at a public hearing to be held on March 19, 2018, at 5:00 p.m., in the Council Chambers in the Richard A. Clark Municipal Services Center:

Parcel 2017-99:

A PARCEL OF LAND BEING A PART OF AND LYING ENTIRELY WITHIN LOT 4 AND LOT 5 OF HENDERSON ESTATE, AN OFFICIAL PLAT, FORMING AND BEING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 18, TOWNSHIP 78 NORTH, RANGE 23 WEST OF THE 5TH P.M.; THENCE ALONG THE NORTH LINE OF THE NORTHEAST QUARTER (NE ¼) OF SAID SECTION 18, NORTH 87°29'01" WEST, 404.66'; THENCE SOUTH 02°30'59" WEST, 50.00' TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF VANDALIA ROAD AS PRESENTLY ESTABLISHED, ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 00°17'55" EAST, 1274.78'; THENCE SOUTH 87°28'42" EAST, 684.20'; THENCE NORTH 00°17'55" WEST, 1274.82' TO A POINT ON SAID SOUTHERLY RIGHT OF WAY LINE OF VANDALIA ROAD AS PRESENTLY ESTABLISHED; THENCE ALONG SAID RIGHT OF WAY LINE, NORTH 87°28'42" WEST, 277.12' TO A FOUND ½" IRON ROD BEING ON THE EAST LINE OF SAID NORTHEAST QUARTER (NE ¼); THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE, NORTH 87°29'01" WEST, 407.08' TO THE POINT OF BEGINNING. CONTAINING 20.00 ACRES (871,165.61 SQ. FT.), MORE OR LESS.

AND, Parcel 2017-100:

A PARCEL OF LAND BEING A PART OF AND LYING ENTIRELY WITHIN LOT 5 AND LOT 6 OF HENDERSON ESTATE, AN OFFICIAL PLAT, FORMING AND BEING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 17, TOWNSHIP 78 NORTH, RANGE 23 WEST OF THE 5TH P.M.; THENCE ALONG THE NORTH LINE OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 17, SOUTH 87°28'42" EAST, 279.54'; THENCE SOUTH 02°31'18" WEST, 50.00' TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF VANDALIA ROAD AS PRESENTLY ESTABLISHED, ALSO BEING THE POINT OF BEGINNING; THENCE ALONG SAID RIGHT OF WAY LINE, SOUTH 87°28'42" EAST, 952.17'; THENCE SOUTH 02°21'18" WEST, 705.57'; THENCE NORTH 87°28'42" WEST, 24.73'; THENCE SOUTH 00°08'19" EAST, 568.32'; THENCE NORTH 87°28'42" WEST, 893.15'; THENCE NORTH 00°17'55" WEST, 1274.82' TO THE POINT OF BEGINNING. CONTAINING 26.81 ACRES (1,167,787.14 SQ. FT.), MORE OR LESS.



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- 2. The City Clerk is hereby authorized and directed to publish notice of said hearing in the form hereto attached, all in accordance with § 362.3 of the Iowa Code.

MOVED by Gatto to adopt.

FORM APPROVED:

Roger K. Brown
Roger K. Brown, Assistant City Attorney

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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

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | ✓ | | | |
| BOESEN | | | | ✓ |
| COLEMAN | ✓ | | | |
| GATTO | ✓ | | | |
| GRAY | ✓ | | | |
| MANDELBAUM | ✓ | | | |
| WESTERGAARD | ✓ | | | |
| TOTAL | 6 | | | 1 |

MOTION CARRIED

APPROVED

T. M. Franklin Cownie

Mayor