



Roll Call Number

20-0188

Agenda Item Number

44 A

Date January 27, 2020

**HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR EXCHANGE OF LAND BETWEEN THE CITY OF DES MOINES AND HRC NFS I, LLC FOR PROPERTY LOCATED SOUTH OF WEST MARTIN LUTHER KING, JR. PARKWAY BETWEEN SOUTHWEST 11<sup>TH</sup> STREET AND SOUTHWEST 16<sup>TH</sup> STREET**

**WHEREAS**, on January 23, 2017, by Roll Call No. 17-0136, the City Council of the City of Des Moines, Iowa, approved an Urban Renewal Development Agreement (the "Agreement") with HRC NFS I, LLC ("Developer"), and Hubbell Realty Company to construct certain public infrastructure, redevelop and market for redevelopment by third parties certain property located South of Martin Luther King, Jr. Parkway between Southwest 11<sup>th</sup> Street and Southwest 16<sup>th</sup> Street, more particularly described below; and

**WHEREAS**, as part of said Agreement, the Developer agreed to grant certain property to the City of Des Moines ("City") to relocate and expand existing stormwater detention facilities located on the Property in order to maximize the area available for redevelopment ("Developer Parcels") and;

**WHEREAS**, as part of said Agreement, the City agreed to grant any excess property leftover from the construction of the stormwater detention facilities to the Developer ("City Parcels"); and

**WHEREAS**, the fair market value of the land granted by Developer to City for the stormwater detention facilities is equal to the excess land to be granted to the Developer by the City, as determined by the City Real Estate Division; and

**WHEREAS**, the City has no known current or anticipated public need for the City Parcels proposed to be conveyed and the City will not be inconvenienced by the conveyance of said City Parcels; and

**WHEREAS**, on January 13, 2020, by Roll Call No. 20-0066, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance of the City Parcels and the acceptance of the Seller Parcels be set down for hearing on January 27, 2020, at 5:00 p.m., in the City Council Chambers; and

**WHEREAS**, due notice of said proposal to convey the City Parcels was given to all necessary parties 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:

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1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyances, as described below, are hereby overruled and the hearing is closed.

2. There is no public need or benefit for the excess City property proposed to be conveyed, and the public would not be inconvenienced by reason of the conveyance of certain City of Des Moines real estate located South of Martin Luther King, Jr. Parkway between Southwest 11<sup>th</sup> Street and Southwest 16<sup>th</sup> Street, Des Moines, Iowa (City Parcels), as legally described below, in exchange for parcels of equal value owned by HRC NFS I, LLC, and Hubbell Realty Company also located South of Martin Luther King, Jr. Parkway between Southwest 11<sup>th</sup> Street and Southwest 16<sup>th</sup> Street, Des Moines, Iowa (Developer Parcels), also legally described below:

**City Parcels:**

**PARCEL 2019-144**

PART OF ACQUISITION NO. 1 OF LOT 9, CENTRAL DES MOINES INDUSTRIAL PARK, AN OFFICIAL PLAT, AS SHOWN ON THE ACQUISITION PLAT IN THE QUIT CLAIM DEED RECORDED IN BOOK 8478, PAGE 395, CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 9; THENCE SOUTH 00°03'17" WEST ALONG THE WEST LINE OF SAID LOT 9, A DISTANCE OF 1019.30 FEET; THENCE SOUTH 89°44'28" EAST, 417.17 FEET TO THE NORTHWEST CORNER OF SAID ACQUISITION NO. 1 OF LOT 9 AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°44'28" EAST ALONG THE NORTH LINE OF SAID ACQUISITION NO. 1, A DISTANCE OF 186.48 FEET; THENCE SOUTH 00°01'38" EAST, 216.82 FEET; THENCE SOUTH 16°35'24" WEST, 133.64 FEET TO THE SOUTHERLY LINE OF SAID ACQUISITION NO. 1; THENCE NORTH 85°26'16" WEST ALONG SAID SOUTHERLY LINE, 368.10 FEET TO THE SOUTHWEST CORNER OF SAID ACQUISITION NO. 1; THENCE NORTH 04°33'55" EAST ALONG THE WESTERLY LINE OF SAID ACQUISITION NO. 1, A DISTANCE OF 79.55 FEET; THENCE NORTHEASTERLY CONTINUING ALONG SAID WESTERLY LINE AND A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 312.09 FEET, WHOSE ARC LENGTH IS 146.47 FEET AND WHOSE CHORD BEARS NORTH 54°46'40" EAST, 145.13 FEET; THENCE NORTHEASTERLY CONTINUING ALONG SAID WESTERLY LINE AND A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 520.07 FEET, WHOSE ARC LENGTH IS 180.67 FEET AND WHOSE CHORD BEARS NORTH 31°23'02" EAST, 179.76 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.26 ACRES (98,291 SQUARE FEET).

**PARCEL 2019-145**

PART OF ACQUISITION NO. 1 OF LOT 9, CENTRAL DES MOINES INDUSTRIAL PARK, AN OFFICIAL PLAT, AS SHOWN ON THE ACQUISITION PLAT IN THE QUIT CLAIM DEED RECORDED IN BOOK 8478, PAGE 395, CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 9; THENCE SOUTH 00°03'17" WEST ALONG THE WEST LINE OF SAID LOT 9, A DISTANCE OF 1019.30 FEET; THENCE SOUTH 89°44'28" EAST, 855.97 FEET TO



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A POINT ON THE NORTH LINE OF SAID ACQUISITION NO. 1 OF LOT 9 AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°44'28" EAST ALONG SAID NORTH LINE, 263.36 FEET TO THE NORTHEAST CORNER OF SAID ACQUISITION NO. 1; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID ACQUISITION NO. 1 AND A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 420.81 FEET, WHOSE ARC LENGTH IS 161.84 FEET AND WHOSE CHORD BEARS SOUTH 15°54'07" WEST, 160.85 FEET; THENCE NORTH 89°41'51" WEST, 122.15 FEET; THENCE NORTHWESTERLY ALONG A CURVE CONCAVE NORTHEASTERLY WHOSE RADIUS IS 66.00 FEET, WHOSE ARC LENGTH IS 83.08 FEET AND WHOSE CHORD BEARS NORTH 53°38'09" WEST, 77.70 FEET; THENCE NORTH 17°34'27" WEST, 114.51 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.78 ACRES (33,966 SQUARE FEET).

**PARCEL 2019-146**

PART OF ACQUISITION NO. 2 OF LOTS 6, 7, AND 9, CENTRAL DES MOINES INDUSTRIAL PARK, AN OFFICIAL PLAT, AS SHOWN ON THE ACQUISITION PLAT IN THE QUIT CLAIM DEED RECORDED IN BOOK 8478, PAGE 395, CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 9; THENCE SOUTH 00°03'17" WEST ALONG THE WEST LINE OF SAID LOT 9, A DISTANCE OF 1019.30 FEET; THENCE SOUTH 89°44'28" EAST, 1119.34 FEET TO THE NORTHEAST CORNER OF ACQUISITION NO. 1 OF SAID LOT 9, CENTRAL DES MOINES INDUSTRIAL PARK, AN OFFICIAL PLAT AS SHOWN ON THE ACQUISITION PLAT IN THE QUIT CLAIM DEED RECORDED IN BOOK 8478, PAGE 395; THENCE SOUTH 89°44'58" EAST, 50.15 FEET TO THE NORTHWEST CORNER OF SAID ACQUISITION NO. 2 AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°44'58" EAST ALONG THE NORTH LINE OF SAID ACQUISITION NO. 2, A DISTANCE OF 556.77 FEET; THENCE SOUTHWESTERLY ALONG A CURVE CONCAVE SOUTHEASTERLY WHOSE RADIUS IS 244.00 FEET, WHOSE ARC LENGTH IS 71.67 FEET AND WHOSE CHORD BEARS SOUTH 29°05'04" WEST, 71.41 FEET; THENCE SOUTH 20°40'13" WEST, 53.18 FEET; THENCE SOUTHWESTERLY ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 66.00 FEET, WHOSE ARC LENGTH IS 80.21 FEET AND WHOSE CHORD BEARS SOUTH 55°29'11" WEST, 75.36 FEET; THENCE NORTH 89°41'51" WEST, 167.64 FEET; THENCE NORTHWESTERLY ALONG A CURVE CONCAVE NORTHEASTERLY WHOSE RADIUS IS 81.00 FEET, WHOSE ARC LENGTH IS 70.58 FEET AND WHOSE CHORD BEARS NORTH 64°44'11" WEST, 68.36 FEET; THENCE NORTH 39°46'30" WEST, 45.23 FEET; THENCE NORTHWESTERLY ALONG A CURVE CONCAVE SOUTHWESTERLY WHOSE RADIUS IS 94.00 FEET, WHOSE ARC LENGTH IS 77.48 FEET AND WHOSE CHORD BEARS NORTH 63°23'17" WEST, 75.30 FEET; THENCE NORTH 87°00'03" WEST, 4.02 FEET; THENCE SOUTHWESTERLY ALONG A CURVE CONCAVE SOUTHEASTERLY WHOSE RADIUS IS 114.00 FEET, WHOSE ARC LENGTH IS 114.03 FEET AND WHOSE CHORD BEARS SOUTH 64°20'40" WEST, 109.33 FEET; THENCE SOUTH 35°41'23" WEST, 18.49 FEET; THENCE SOUTHWESTERLY ALONG A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 81.00 FEET, WHOSE ARC LENGTH IS 49.56 FEET AND WHOSE CHORD BEARS SOUTH 53°13'11" WEST, 48.79 FEET TO THE WESTERLY LINE OF SAID ACQUISITION NO. 2; THENCE NORTHERLY ALONG SAID WESTERLY LINE AND A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 459.02 FEET, WHOSE ARC LENGTH IS 155.33 FEET AND WHOSE CHORD BEARS NORTH 13°50'26" EAST, 154.59 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.49 ACRES (64,873 SQUARE FEET).

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**Developer Parcels:**

**PARCEL 2019-147 LEGAL DESCRIPTION**

PART OF OUTLOTS 'Y' AND 'Z' AND A PART OF LOTS 6, 7 AND 9, CENTRAL DES MOINES INDUSTRIAL PARK, AN OFFICIAL PLAT AND PART OF LOTS 80, 81 AND 85, FACTORY ADDITION, AN OFFICIAL PLAT, ALL IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID OUTLOT 'Z'; THENCE NORTH 00°03'17" EAST ALONG THE WEST LINE OF SAID OUTLOT 'Z' AND 'Y', 345.68 FEET TO THE NORTHERLY LINE OF SAID OUTLOT 'Y'; THENCE EASTERLY ALONG SAID NORTHERLY LINE AND A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 414.19 FEET, WHOSE ARC LENGTH IS 130.34 FEET AND WHOSE CHORD BEARS SOUTH 76°25'22" EAST, 129.80 FEET; THENCE SOUTH 85°26'16" EAST ALONG SAID NORTHERLY LINE, 608.91 FEET; THENCE NORTHEASTERLY ALONG THE EASTERLY LINE OF ACQUISITION NO. 1 OF SAID LOT 9 AS SHOWN ON ACQUISITION PLAT IN THE QUIT CLAIM DEED RECORDED IN BOOK 8478, PAGE 395 AND A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 343.07 FEET, WHOSE ARC LENGTH IS 331.04 FEET AND WHOSE CHORD BEARS NORTH 66°51'24" EAST, 318.35 FEET; THENCE CONTINUING NORTHEASTERLY ALONG SAID EASTERLY LINE AND A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 436.89 FEET, WHOSE ARC LENGTH IS 91.03 FEET AND WHOSE CHORD BEARS NORTH 33°07'04" EAST, 90.87 FEET; THENCE SOUTH 89°41'51" EAST, 30.10 FEET; THENCE EASTERLY ALONG A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 81.00 FEET, WHOSE ARC LENGTH IS 27.64 FEET AND WHOSE CHORD BEARS NORTH 80°31'34" EAST, 27.51 FEET TO THE WESTERLY LINE OF ACQUISITION NO. 2 OF SAID LOTS 6, 7, AND 9 AS SHOWN ON ACQUISITION PLAT IN THE QUIT CLAIM DEED RECORDED IN BOOK 8478, PAGE 395; THENCE SOUTHWESTERLY ALONG SAID WESTERLY LINE AND A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 470.81 FEET, WHOSE ARC LENGTH IS 131.64 FEET AND WHOSE CHORD BEARS SOUTH 31°18'00" WEST, 131.22 FEET; THENCE CONTINUING SOUTHWESTERLY ALONG SAID WESTERLY LINE AND A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 393.07 FEET, WHOSE ARC LENGTH IS 179.04 FEET AND WHOSE CHORD BEARS SOUTH 52°16'06" WEST, 177.50 FEET TO THE SOUTHWEST CORNER OF SAID ACQUISITION NO. 2; THENCE SOUTH 85°27'11" EAST ALONG THE SOUTHERLY LINE OF SAID ACQUISITION NO. 2, A DISTANCE OF 376.23 FEET; THENCE EASTERLY ALONG THE SOUTHEASTERLY LINE OF SAID ACQUISITION NO. 2 AND A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 433.07 FEET, WHOSE ARC LENGTH IS 320.37 FEET AND WHOSE CHORD BEARS NORTH 73°19'25" EAST, 313.11 FEET; THENCE NORTHEASTERLY CONTINUING ALONG SAID SOUTHEASTERLY LINE AND A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS IS 366.47 FEET, WHOSE ARC LENGTH IS 334.62 FEET AND WHOSE CHORD BEARS NORTH 26°00'40" EAST, 323.11 FEET; THENCE NORTH 01°19'09" WEST CONTINUING ALONG SAID SOUTHEASTERLY LINE, 17.94 FEET TO THE NORTHEAST CORNER OF SAID ACQUISITION NO. 2; THENCE NORTH 89°44'58" WEST ALONG THE NORTH LINE OF SAID ACQUISITION NO. 2, A DISTANCE OF 13.98 FEET; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE SOUTHEASTERLY WHOSE RADIUS IS 244.00 FEET, WHOSE ARC LENGTH IS 6.46 FEET AND WHOSE CHORD BEARS NORTH 38°15'24" EAST, 6.46 FEET; THENCE NORTH 49°37'16" EAST, 89.82 FEET TO THE SOUTHWEST CORNER OF LOT 47 OF GRAY'S STATION PLAT 4, AN OFFICIAL PLAT; THENCE NORTH 70°36'11" EAST ALONG THE SOUTHERLY LINE OF SAID LOT 47, A DISTANCE OF 87.89 FEET; THENCE NORTH 89°58'20" EAST CONTINUING ALONG SAID SOUTHERLY LINE, 162.99 FEET; THENCE NORTH 75°44'51" EAST CONTINUING ALONG SAID SOUTHERLY

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LINE, 36.34 FEET; THENCE NORTH 45°45'01" EAST CONTINUING ALONG SAID SOUTHERLY LINE, 36.34 FEET TO THE SOUTHEAST CORNER OF SAID LOT 47; THENCE SOUTH 00°00'30" WEST ALONG THE EAST LINE OF THE WEST 100 FEET OF SAID LOT 80, A DISTANCE OF 447.11 FEET; THENCE SOUTH 45°36'19" EAST, 692.69 FEET TO THE WESTERLY LINE OF SAID LOT 81; THENCE SOUTH 76°09'29" EAST, 50.00 FEET; THENCE SOUTHERLY ALONG A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 740.65 FEET, WHOSE ARC LENGTH IS 76.04 FEET AND WHOSE CHORD BEARS SOUTH 17°00'55" WEST, 76.01 FEET; THENCE NORTH 70°20'25" WEST, 50.00 FEET TO SAID WESTERLY LINE OF LOT 81; THENCE NORTH 45°36'19" WEST, 663.55 FEET TO SAID EAST LINE OF THE WEST 100 FEET OF LOT 80; THENCE SOUTH 00°01'40" EAST ALONG SAID EAST LINE, 439.03 FEET TO THE NORTH BANK AND MEANDER LINE OF THE RACCOON RIVER; THENCE NORTH 71°44'57" WEST ALONG SAID MEANDER LINE AND ALONG THE SOUTHERLY LINE OF SAID OUTLOT 'Z', 888.50 FEET; THENCE NORTH 83°01'49" WEST CONTINUING ALONG SAID SOUTHERLY LINE, 463.82 FEET; THENCE NORTH 89°10'53" WEST CONTINUING ALONG SAID SOUTHERLY LINE, 291.24 FEET; THENCE SOUTH 82°06'06" WEST CONTINUING ALONG SAID SOUTHERLY LINE, 296.82 FEET; THENCE SOUTH 72°02'02" WEST CONTINUING ALONG SAID SOUTHERLY LINE, 228.32 FEET TO THE POINT OF BEGINNING AND CONTAINING 17.87 ACRES (778,612 SQUARE FEET). THE PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

3. The Mayor is authorized and directed to sign the and Quit Claim Deeds for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
4. The Deed from the Developer is hereby accepted in exchange for the Quit Claim Deeds and The City Clerk is authorized accept the Deed and forward the original of the to the Real Estate Division of the Engineering Department for the purpose of causing said document to be recorded.
5. The City Clerk is authorized and directed to forward the original of the Quit Claim Deeds, 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 Deeds, 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 the 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 Deeds for the City Parcels and copies of the other documents to the grantee.
8. There are no proceeds associated with this transaction.

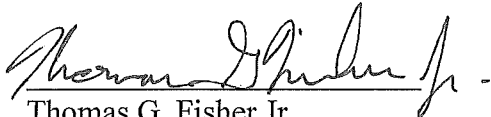
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Moved by Mandelbaum to adopt.

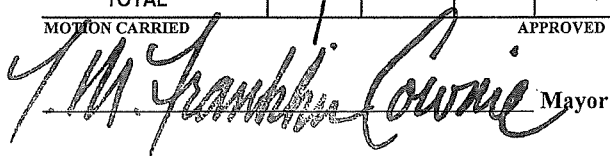
APPROVED AS TO FORM:

  
Thomas G. Fisher Jr.  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

  
Tom Frank Mayor

CERTIFICATE

I, P. Kay Cmelik, 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.

  
P. Kay Cmelik City Clerk