



Roll Call Number

23.0609

Agenda Item Number

48

Date April 24, 2023

RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM ARCHER-DANIELS-MIDLAND COMPANY (OWNER), REPRESENTED BY MIKE KUNTZ (OFFICER), FOR THE PROPERTY LOCATED IN THE VICINITY OF 1935 EAST EUCLID AVENUE, TO AMEND PLANDSM CREATING OUR TOMORROW PLAN TO REVISE THE FUTURE LAND USE CLASSIFICATION FROM INDUSTRIAL AND PARKS AND OPEN SPACE TO INDUSTRIAL, AND TO REZONE THE PROPERTY FROM “F” FLOOD DISTRICT AND “I2” INDUSTRIAL DISTRICT TO LIMITED “I2” INDUSTRIAL DISTRICT TO ALLOW FOR AN ADDITION TO AN EXISTING STRUCTURE AND OTHER IMPROVEMENTS

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 23, 2023, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Archer-Daniels-Midland Company (Owner), represented by Mike Kuntz (Officer), for the proposed rezoning from “F” Flood District and “I2” Industrial District to Limited “I2” Industrial District be found not in conformance with the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation of Industrial and Parks and Open Space; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 23, 2023, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Archer-Daniels-Midland Company (Owner), represented by Mike Kuntz (Officer), for the PlanDSM: Creating Our Tomorrow Plan Land Use Plan designation for the subject property from Industrial and Parks and Open Space to Industrial; and

WHEREAS, the City Plan and Zoning Commission has further advised that at a public hearing held on March 23, 2023, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Archer-Daniels-Midland Company (Owner), represented by Mike Kuntz (Officer), to rezone the Property from “F” Flood District and “I2” Industrial District to Limited “I2” Industrial District, to allow for an addition to an existing structure and other improvements, subject to the following conditions:

1. All new buildings, structures and/or equipment shall be located within the footprint of the buildings, structures and/or equipment that existed at the time of this rezoning to the satisfaction of the City’s Planning and Urban Design Administrator.; and
2. All development shall comply with floodplain regulations pursuant to Chapter 50 of the City Code.; and
3. Any future construction or development of the site must comply with all applicable site plan and design regulations of the Planning and Design Ordinance (Chapter 135 of City Code).; and

WHEREAS, the Property is legally described as follows:



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PART OF THE E-1/2 OF NE -1/4 OF SECTION 25, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH/ P.M., POLK COUNTY, IOWA, DESCRIBED AS FOLLOWS: BEGINNING AT THE CENTER POINT OF THE RIGHT-OF-WAY OF THE CHICAGO GREAT WESTERN RAILROAD AS NOW LOCATED WHERE IT INTERSECTS THE CENTER LINE OF EUCLID AVENUE AS NOW LOCATED, SAID POINT BEING 663.09 FEET SOUTH AND 74.4 FEET WEST OF THE NE CORNER OF SAID SECTION 25, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH/ P.M.; THENCE SOUTHERLY ALONG THE CENTER LINE OF THE RIGHT-OF-WAY OF THE CHICAGO GREAT WESTERN RAILROAD AS NOW LOCATED ON A 02° 08' CARVE TO THE RIGHT, 555 FEET TO THE POINT OF TANGENT; THENCE ON SAID TANGENT AND ALONG SAID CENTER LINE OF SAID RIGHT OF WAY 285 FEET TO THE POINT OF CURVE THENCE ON A 02° CURVE TO THE LEFT AND ALONG SAID CENTER LINE OF SAID RIGHT OF WAY 792.5 FEET THENCE WEST 100.30 FEET TO THE SHORT LINE RAILROAD AS NOW LOCATED, THENCE NORTHWESTERLY ALONG SAID CENTER LINE OF THE RIGHT-OF-WAY OF THE ST. PAUL AND KANSAS CITY SHORT LINE RAILROAD AS NOW LOCATED ON A 02° CURVE TO THE LEFT, 673 FEET TO THE POINT OF TANGENT; THENCE NORTHWESTERLY ON THE ST. PAUL AND KANSAS CITY SHORT LINE RAILROAD 762 FEET TO A POINT OF CURVE; THENCE NORTHWESTERLY ON A 02° CURVE TO THE ST. PAUL AND KANSAS CITY SHORT LINE RAILROAD, 255 FEET TO A POINT ON THE CENTER LINE OF SAID EUCLID AVENUE, AS NOW LOCATED; THENCE EAST ALONG THE CENTER LINE OF SAID EUCLID AVENUE AS NOW LOCATED 973.40 FEET TO PLACE OF BEGINNING.

SUBJECT TO THE RIGHT OF THE CITY OF DES MOINES TO USE FOR STREET PURPOSES ALL THAT PART OF EUCLID AVENUE LYING 75 FEET SOUTH OF THE CENTER LINE OF SAID EUCLID AVENUE AS NOW ESTABLISHED AND LOCATED, AND EXCEPTING AND RESERVING FROM A TRACT OF REAL ESTATE HEREINABOVE DESCRIBED THE FOLLOWING TWO (2) PARCELS OF LAND:

- 1. ALL THAT PART OF THE RIGHT-OF-WAY OF THE CHICAGO GREAT WESTERN RAILROAD COMPANY AS NOW LOCATED AND LYING 50 FEET WESTERLY OF AND ADJOINING THE CENTER LINE OF THE MAIN TRACK OF SAID ST. PAUL AND KANSAS CITY SHORT LINE RAILROAD COMPANY AS HEREINBEFORE DESCRIBED.**

- 2. ALL THAT PART OF THE RIGHT-OF-WAY OF THE ST. PAUL AND KANSAS CITY SHORT LINE RAILROAD COMPANY AS NOW LOCATED AND**



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LYING 50 FEET EASTERLY OF AND ADJOINING THE CENTER LINE OF THE MAIN TRACK OF SAID ST. PAUL AND KANSAS CITY SHORT LINE RAILROAD COMPANY AS HEREINBEFORE DESCRIBED.

EXCEPT PARCEL A:

A PARCEL OF LAND LOCATED IN THE S-1/2 NE-1/4 NE-1/4 OF SECTION 25, T79N, R24W OF THE 5TH P.M., POLK COUNTY, IOWA, LYING ON THE SOUTH SIDE OF PART OF THE FOLLOWING DESCRIBED CENTER LINE OF PRIMARY ROAD NO. U.S.6 AS SHOWN ON OFFICIAL PLANS FOR PROJECT U-206(17).

THE CENTERLINE DESIGNATED BY STATION POINTS 100 FEET APART, NUMBERED CONSECUTIVELY FROM WEST TO EAST, IS DESCRIBED AS FOLLOWS: BEGINNING AT STATION 52+59.5, A POINT ON THE EAST LINE OF SAID S-1/2 NE-1/4 NE-1/4 OF SAID SECTION 25, THENCE WEST 969.5 FEET TO STATION 42+90.

SAID PARCEL IS DESCRIBED AS FOLLOWS: ALL THAT PART OF THE S-1/2 NE-1/4 NE-1/4 OF SAID SECTION 25, LYING NORTHERLY OF A LINE BEGINNING AT A POINT 90 FEET NORMALLY DISTANT AND SOUTHERLY FROM CENTERLINE ON THE EASTERLY RIGHT-OF-WAY LINE OF THE C.R.I. & P.R.R., THENCE TO A POINT 75 FEET NORMALLY DISTANT SOUTHERLY FROM STATION 43+95, SAID POINT BEING ON THE PRESENT SOUTHERLY RIGHT-OF-WAY LINE OF PRIMARY ROAD NO. U.S.6.

SAID PARCEL CONTAINS 0.018 ACRES, MORE OR LESS, EXCLUSIVE OF PRESENT ESTABLISHED RIGHT-OF-WAY.

AND EXCEPT:

A TRACT OF LAND IN THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M. DESCRIBED AS FOLLOWS;COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 25, THENCE SOUTH 0°01'01" EAST, 737.47 FEET; THENCE SOUTH 89°53'22" WEST, 135.63 FEET TO THE POINT OF BEGINNING; THENCE SOUTHERLY ALONG A CURVE RIGHT 126.19 FEET WITH A RADIUS OF 2635.90 FEET, CHORD OF 126.18 FEET, AND A CHORD BEARING OF SOUTH 9°10'54" WEST; THENCE NORTH 24°10'52" WEST, 136.38 FEET; THENCE NORTH 89°53'22" EAST, 76.00 FEET ALONG THE EXISTING SOUTH RIGHT-OF-WAY LINE OF EAST EUCLID AVENUE (HIGHWAY U.S. 6) TO POINT OF BEGINNING ALL NOW INCLUDED IN AND FORMING A PART OF



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THE CITY OF DES MOINES, POLK COUNTY, IOWA. AREA BY SURVEY 4795.4 SQ. FEET. RECORDED IN BOOK 7530, PG 792 OF THE POLK COUNTY RECORDERS OFFICE.

AND EXCEPT:

A PART OF THE FORMER CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY'S RIGHT OF WAY (PREVIOUSLY KNOWN AS THE CHICAGO GREAT WESTERN RAILROAD) LYING NORTH OF EAST HULL AVENUE AND SOUTH OF EAST EUCLID AVENUE, LOCATED IN THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5th P.M., NOW INCLUDE IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 25; THENCE SOUTH 00°01'15" EAST ALONG THE EAST LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 737.42 FEET TO A POINT 75.00 FEET SOUTH OF THE CENTERLINE OF EAST EUCLID AVENUE, AS PRESENTLY ESTABLISHED; THENCE SOUTH 89°52'21" WEST ALONG A LINE 75.00 FEET SOUTH OF AND PARALLEL TO SAID CENTERLINE OF EAST EUCLID AVENUE, 135.63 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY OF SAID FORMER CHICAGO GREAT WESTERN RAILROAD COMPANY RIGHT OF WAY; THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT OF WAY AND ALONG A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 2635.90 FEET, WHOSE ARC LENGTH IS 126.32 FEET AND CHORD BEARS SOUTH 09°10'46" WEST, 126.35 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 79°26'52" EAST 50.00 FEET TO A POINT ON THE CENTERLINE OF SAID FORMER RAILROAD RIGHT OF WAY; THENCE SOUTHERLY ALONG SAID FORMER CENTERLINE ALONG A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 2685.90 FEET, WHOSE ARC LENGTH IS 90.02 FEET AND WHOSE CHORD BEARS SOUTH 11°30'44" WEST, 90.02 FEET; THENCE NORTH 76°31'37" WEST, 38.15 FEET; THENCE NORTH 14°46'03" EAST 66.29 FEET; THENCE NORTH 24°15'56" WEST, 26.73 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.08 ACRES (3384 SQ.FT.). RECORDED IN BOOK 16041, PG 922 OF THE POLK COUNTY RECORDERS OFFICE.

WHEREAS, on April 10, 2023, by Roll Call No. 23-0481, it was duly resolved by the City Council that the request for approval of the proposed amendment and rezoning be set down for hearing on April 24, 2023, at 5:00 p.m., at the City Council Chambers; and

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WHEREAS, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposals; and

WHEREAS, in accordance with said notice, those interested in said proposals, both for and against, have been given 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 any and all statements of interested persons and arguments of counsel, any objections to the proposed amendment and rezoning are hereby overruled, and the hearing is closed.
2. The proposed amendment to PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification for the Property from Industrial and Parks and Open Space to Industrial is hereby approved.
3. The proposed rezoning of the Property, as legally described above, from "F" Flood District and "I2" Industrial District to Limited "I2" Industrial District, to allow for an addition to an existing structure and other improvements, subject to the conditions set forth above, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Westergaard TO ADOPT. SECOND BY Boesen

FORM APPROVED:

/s/ Chas M. Cahill
Chas M. Cahill
Assistant City Attorney

(ZONG-2023-000008; COMP-2023-000003)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, SHEUMAKER, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL.

CERTIFICATE

I, LAURA BAUMGARTNER, 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.

MOTION CARRIED APPROVED
J. M. Franklin Cownie Mayor

Laura Baumgartner City Clerk