



**Roll Call Number**

24-0798

**Agenda Item Number**

16

**Date** June 3, 2024

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**SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A PORTION OF SE 23<sup>RD</sup> STREET RIGHT-OF-WAY ADJOINING 2200 MAURY STREET AND CONVEYANCE TO KEMIN HOLDINGS, L.C. FOR \$45,600**

**WHEREAS**, Kemin Holdings, L.C. has requested the vacation and conveyance of a portion of SE 23<sup>rd</sup> Street right-of-way adjoining 2200 Maury Street, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated, which request was not presented to the City’s Plan and Zoning Commission for review and has instead been determined by the City Traffic Engineer to have no significant impact upon the public use of the right-of-way, in accordance with Municipal Code 102-286(b); and

**WHEREAS**, Kemin Holdings, L.C., the owner of 2200 Maury Street, Des Moines, Iowa, has offered to the City of Des Moines, Iowa (“City”) the purchase price of \$45,600 for the purchase of a portion of the SE 23<sup>rd</sup> Street right-of-way for incorporation into their adjoining 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 the SE 23<sup>rd</sup> Street right-of-way as determined by the City’s Real Estate Division; and

**WHEREAS**, there is no known current or future public need for the street right-of-way proposed to be vacated and sold, and the City will not be inconvenienced by the vacation and sale of said property.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, that:

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating the portion of SE 23<sup>rd</sup> Street right-of-way adjoining 2200 Maury Street, legally described as follows:

A PARCEL OF LAND LOCATED IN THE NW 1/4 OF SECTION 12, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M. NOW IN AND FORMING A PART OF DES MOINES, POLK COUNTY, IOWA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 19 IN BLOCK 10, JACK'S PLAT, AN OFFICIAL PLAT; THENCE N 00°20'35" W, A DISTANCE OF 538.16 FEET TO THE POINT OF BEGINNING; THENCE N 02°29'51" W, A DISTANCE OF 50.75 FEET TO A CURVE CONCAVE SOUTHWESTERLY WITH A RADIUS OF 1941.41 FEET; THENCE ALONG SAID CURVE, WHOSE CHORD BEARS N 07°19'07" W, WITH A CHORD LENGTH OF 147.59 FEET, A DISTANCE OF 147.62 FEET; THENCE N 10°25'36" W, A DISTANCE OF 408.88 FEET; THENCE S 89°26'11" W, A DISTANCE

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OF 47.08 FEET; THENCE S 00°12'22" E, A DISTANCE OF 14.73 FEET; THENCE S 13°25'36" E, A DISTANCE OF 549.16 FEET; THENCE S 89°28'01" W, A DISTANCE OF 60.86 FEET; THENCE S 00°11'49" E, A DISTANCE OF 50.01 FEET; THENCE N 89°27'33" E, A DISTANCE OF 75.20 FEET TO THE POINT OF BEGINNING.

CONTAINING 22,777 SQUARE FEET (0.523 ACRES) MORE OR LESS.

2. The City Council of the City of Des Moines, Iowa, further proposes to sell the portion of SE 23<sup>rd</sup> Street right-of-way adjoining 2200 Maury Street, as legally described and to the grantee and for the consideration identified below, subject to reservation of easements therein

Grantee: Kemin Holdings, L.C.

Consideration: \$45,600.00

Legal Description:

A PARCEL OF LAND LOCATED IN THE NW 1/4 OF SECTION 12, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M. NOW IN AND FORMING A PART OF DES MOINES, POLK COUNTY, IOWA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 19 IN BLOCK 10, JACK'S PLAT, AN OFFICIAL PLAT; THENCE N 00°20'35" W, A DISTANCE OF 538.16 FEET TO THE POINT OF BEGINNING; THENCE N 02°29'51" W, A DISTANCE OF 50.75 FEET TO A CURVE CONCAVE SOUTHWESTERLY WITH A RADIUS OF 1941.41 FEET; THENCE ALONG SAID CURVE, WHOSE CHORD BEARS N 07°19'07" W, WITH A CHORD LENGTH OF 147.59 FEET, A DISTANCE OF 147.62 FEET; THENCE N 10°25'36" W, A DISTANCE OF 408.88 FEET; THENCE S 89°26'11" W, A DISTANCE OF 47.08 FEET; THENCE S 00°12'22" E, A DISTANCE OF 14.73 FEET; THENCE S 13°25'36" E, A DISTANCE OF 549.16 FEET; THENCE S 89°28'01" W, A DISTANCE OF 60.86 FEET; THENCE S 00°11'49" E, A DISTANCE OF 50.01 FEET; THENCE N 89°27'33" E, A DISTANCE OF 75.20 FEET TO THE POINT OF BEGINNING.

CONTAINING 22,777 SQUARE FEET (0.523 ACRES) MORE OR LESS.

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such right-of-way is to be considered shall be on June 17, 2024, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing. Persons interested in the proposal will be given the opportunity to express their views at that hearing.

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- 4. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.
- 5. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

Moved by Gatto to adopt. Second by Voss.

APPROVED AS TO FORM:

/s/ Mackenzie L. Moreno  
Mackenzie L. Moreno, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON	✓			
VOSS	✓			
COLEMAN	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	7			

MOTION CARRIED APPROVED

Conie Boesen Mayor

**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.

Laura Baumgartner  
Laura Baumgartner, City Clerk