

HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A PORTION OF SE 23RD 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 23rd 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, has offered to the City of Des Moines, Iowa (“City”) the purchase price of \$45,600 for the purchase of a portion of SE 23rd 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 street right-of-way as currently estimated 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.

WHEREAS, on June 3, 2024, by Roll Call No. 24-0798, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the street right-of-way be set for hearing on June 17, 2024, at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa; and

WHEREAS, due notice of said proposal to vacate and convey the street right-of-way was given 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 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 the proposed vacation and conveyance of a portion of SE 23rd street right-of-way, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the street right-of-way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of street right-of-way, legally described as follows, and said vacation is hereby approved:

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. The proposed sale of such vacated street right-of-way, as legally described below and to the grantee and for the consideration identified below, subject to reservation of easements therein, and said conveyance is hereby approved:

Grantee: Kemin Holdings, L.C.

Consideration: \$45,600

Legal Description:

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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. The City Manager is authorized to sign any minor and non-substantial amendments to the purchase agreement and is further authorized to grant any temporary rights of entry for construction-related activities prior to closing.
5. Upon proof of payment of the 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. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

Date June 17, 2024

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		

Connie Brewer 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