

★ Roll Call Number

22-1464

Agenda Item Number

67

Date September 12, 2022

HOLD HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF EXCESS CITY PROPERTY LOCATED IN THE BLOCK BOUNDED BY SE 23RD STREET ON THE WEST, SE 24TH STREET ON THE EAST, MAURY STREET ON THE SOUTH AND DEAN'S LAKE ON THE NORTH TO KEMIN HOLDINGS, L.C. FOR \$566,636

WHEREAS, the City of Des Moines, Iowa, ("City") is the owner of certain excess real estate south of Martin Luther King, Jr. Parkway and located in the block bounded by SE 23rd Street on the west, SE 24th Street on the east, Maury Street on the south and Dean's Lake on the north (hereinafter collectively "Property"), more particularly described below; and

WHEREAS, Kemin Holdings, L.C., an Iowa limited liability company, has offered to the City of Des Moines, Iowa, the purchase price of \$566,636.00 for the purchase of said Property, subject to the terms and conditions of the Offer to Purchase Real Estate from the City of Des Moines and Acceptance, in order to combine the Property with their parcels located west of SE 23rd Street for future redevelopment, which price reflects the fair market value of said Property as determined by an independent appraisal; and

WHEREAS, the Offer to Purchase said Property also includes the following terms:

- A. Kemin shall have a due diligence period of 24 months;
- B. Closing is contingent upon Kemin acquiring all private property within the block bounded by SE 23rd Street on the west, SE 24th Street on the east, Maury Street on the south and Dean's Lake on the north;
- C. If Kemin proceeds to closing on the Property, the City will present a separate purchase agreement to Kemin to purchase any active right-of-way available to be vacated and conveyed for assemblage based on a price of \$1.55 per square foot, which price reflects the fair market value of said active right of way, as determined by an independent appraisal, subject to all City and legal requirements;
- D. Closing on the Property is further subject to a Conceptual Development Plan that has been reviewed and approved by the City of Des Moines City Manager or his designee, which shall require Buyer to relocate the existing sidewalk along SE 23rd Street and construct an eight (8) foot wide sidewalk, with a two (2) foot buffer on either side of said sidewalk, within the City right-of-way between the Property and Dean's Lake;
- E. The conveyance of this Property is subject to any and all easements, restrictions, and covenants of record on the Property, and additionally subject to the reservation of an easement upon the Property which will be included in the Quit Claim Deed for the continued use and maintenance of any and all utilities now in place; and

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WHEREAS, the City has no known current or anticipated public need for the Property proposed to be sold and the City will not be inconvenienced by the sale of said Property; and

WHEREAS, on August 22, 2022, by Roll Call No. 22-1327, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed conveyance of the Property be set down for hearing on September 12, 2022, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to convey the Property 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:

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed conveyance, 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 real estate located in the block bounded by SE 23rd Street on the west, SE 24th Street on the east, Maury Street on the south and Dean's Lake on the north, as legally described, to the grantees, and for the consideration identified below, and said conveyance be and is hereby approved, subject to a reservation of easements therein and the conditions set forth in the Offer:

Grantee: Kemin Holdings, L.C.

Consideration: \$566,636.00

Legal Description:

DISPOSAL PARCEL 2017-86, RECORDED IN BOOK 16485 PAGE 889 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:

A PORTION OF SE 23RD STREET ADJOINING LOTS 42 THRU 47, BLOCK 3, AND A PORTION OF LOTS 25 THRU 41, AND A PORTION OF LOTS 44 THRU 47 AND LOTS 42 AND 43, AND A WEST HALF OF THE NORTH/SOUTH ALLEY ADJOINING LOTS 25 THRU 35, ALL IN BLOCK 3, JACK'S PLAT, AN OFFICIAL PLAT, NOW FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 25; THENCE SOUTH 89°(DEGREES) 26'(MINUTES) 51"(SECONDS) WEST, 85.62 FEET ON THE SOUTH LINE OF

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SAID LOT 25; THENCE NORTH 02°56'48" WEST, 175.20 FEET; THENCE NORTH 07°25'50" WEST, 251.85 FEET TO THE SOUTHWEST CORNER OF SAID LOT 42; THENCE CONTINUING NORTH 07°25'50" WEST, 161.18 FEET; THENCE SOUTH 54°45'36" EAST, 178.49 FEET TO THE EAST LINE OF SAID LOT 44; THENCE SOUTH 00°16'08" EAST, 205.71 FEET ON THE EAST LINES OF SAID LOTS 36 THRU 44 TO THE SOUTHEAST CORNER OF SAID LOT 36; THENCE NORTH 89°21'28" EAST, 7.00 FEET; THENCE SOUTH 00°16'08" EAST, 275.03 FEET; THENCE SOUTH 89°26'51" WEST, 7.00 FEET TO THE POINT OF BEGINNING,

AND

DISPOSAL PARCEL 2017-87, RECORDED IN BOOK 16485 PAGE 889 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:
A PORTION OF LOTS 6 THRU 9, AND LOTS 10 THRU 14, ALL IN BLOCK 3, JACK'S PLAT, AN OFFICIAL PLAT, NOW FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 14; THENCE NORTH 00°(DEGREES) 16'(MINUTES) 08"(SECONDS) EAST, 220.63 FEET ON THE WEST LINES OF SAID LOTS 6 THRU 14; THENCE SOUTH 54°45'36" EAST, 153.37 FEET TO THE WEST RIGHT OF WAY LINE OF SE 23RD COURT; THENCE SOUTH 00°17'45" EAST, 130.97 FEET ON SAID WEST RIGHT OF WAY LINE TO THE SOUTHEAST CORNER OF SAID LOT 14; THENCE SOUTH 89°27'52" WEST, 124.91 FEET ON THE SOUTH LINE OF SAID LOT 14 TO THE POINT OF BEGINNING,

AND

DISPOSAL PARCEL 2017-88, RECORDED IN BOOK 16485 PAGE 889 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:
A PORTION OF LOTS 15 THRU 18 AND LOTS 19 THRU 24, ALL IN BLOCK 2, JACK'S PLAT, AN OFFICIAL PLAT, NOW FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 24; THENCE SOUTH 89°(DEGREES) 27'(MINUTES) 47"(SECONDS) WEST, 124.95 FEET ON THE SOUTH LINE OF SAID LOT 24 TO THE SOUTHWEST CORNER OF SAID LOT 24; THENCE NORTH 00°17'13" WEST, 245.14 FEET ON THE WEST LINES OF SAID LOTS 15 THRU 24; THENCE SOUTH 54°45'36" EAST, 153.58 FEET TO THE WEST RIGHT OF WAY LINE OF SE 24TH STREET; THENCE SOUTH 00°16'14" EAST, 155.35 FEET ON SAID WEST RIGHT OF WAY LINE TO THE POINT OF BEGINNING,

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AND

DISPOSAL PARCEL 2017-90, RECORDED IN BOOK 16485 PAGE 889 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS:
A PORTION OF LOTS 21 THRU 40, BLOCK 11, JACK'S PLAT, AN OFFICIAL PLAT, NOW FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 21; THENCE NORTH 86°(DEGREES) 12'(MINUTES) 34"(SECONDS) WEST, 100.30 FEET ON THE SOUTH LINE OF SAID LOT 21; THENCE NORTH 00°21'33" WEST, 222.03 FEET; THENCE NORTH 37°52'52" EAST, 24.17 FEET; THENCE NORTH 04°58'33" EAST, 104.37 FEET; THENCE NORTH 03°32'42" WEST, 130.34 FEET; THENCE NORTH 02°56'48" WEST, 18.95 FEET TO THE NORTH LINE OF SAID LOT 40; THENCE NORTH 89°27'47" EAST, 83.50 FEET ON SAID NORTH LINE TO THE NORTHEAST CORNER OF SAID LOT 40; THENCE SOUTH 00°21'21" EAST, 501.53 FEET ON THE EAST LINE OF LOTS 21 THRU 40 TO THE POINT OF BEGINNING,

AND

LOTS 1 THROUGH 20, BLOCK 11, JACK'S PLAT, AN OFFICIAL PLAT, NOW FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA,

AND

LOTS 14 THROUGH 17, BLOCK 12, JACK'S PLAT, AN OFFICIAL PLAT, NOW FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA,

AND

THE NORTH 16 FEET OF LOT 26, BLOCK 12, JACK'S PLAT, AN OFFICIAL PLAT, NOW FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA,

AND

ALL OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING EAST OF AND ADJOINING THE NORTH 16 FEET OF LOT 26, BLOCK 12, JACK'S PLAT, AN OFFICIAL PLAT, NOW FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA,

AND

THE EAST HALF (E 1/2) OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOTS 4 THROUGH 16, BLOCK 12, JACK'S PLAT, AN

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OFFICIAL PLAT, NOW FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA,

AND

THE WEST HALF (W 1/2) OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY LYING WEST OF AND ADJOINING LOTS 28 THROUGH 30, BLOCK 12, JACK'S PLAT, AN OFFICIAL PLAT, NOW FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA,

AND

THE EAST HALF (E 1/2) OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 3, JACK'S PLAT, AN OFFICIAL PLAT, LYING SOUTH OF THE NORTHWESTERLY EXTENSION OF THE NORTHERLY LINE OF DISPOSAL PARCEL 2017-87 SHOWN ON PLAT OF SURVEY AND RECORDED IN BOOK 16485 PAGE 889 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA, AND LYING NORTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 14 IN SAID BLOCK 3, NOW FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA,

AND

THE WEST HALF (W 1/2) OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 3, JACK'S PLAT, AN OFFICIAL PLAT, LYING SOUTH OF THE NORTHWESTERLY EXTENSION OF THE NORTHERLY LINE OF DISPOSAL PARCEL 2017-87 SHOWN ON PLAT OF SURVEY AND RECORDED IN BOOK 16485 PAGE 889 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA, AND LYING NORTH OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 36 IN SAID BLOCK 3, NOW FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA,

AND CONTAINING APPROXIMATELY 5.38 ACRES (234,192 SQUARE FEET).

AND

ALL OF THE VACATED NORTH/SOUTH ALLEY IN BLOCK 11, JACK'S PLAT, AN OFFICIAL PLAT, NOW FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA,

AND

ALL OF THE VACATED SHAW STREET RIGHT OF WAY LYING SOUTH OF AND ADJOINING BLOCK 2, JACK'S PLAT, AN OFFICIAL PLAT, NOW FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA,

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-EXCEPT THAT PART LYING WITHING DEDICATION TRACT 8 SHOWN ON PLAT OF SURVEY AND RECORDED IN BOOK 16485 PAGE 889 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA-,

ALL OF THE VACATED SHAW STREET RIGHT OF WAY LYING SOUTH OF AND ADJOINING BLOCK 3, JACK'S PLAT, AN OFFICIAL PLAT, NOW FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA,

AND

ALL OF THE VACATED SOUTHEAST 23RD COURT RIGHT OF WAY LYING SOUTH OF THE SOUTHEASTERLY EXTENSION OF THE NORTHERLY LINE OF DISPOSAL PARCEL 2017-87 SHOWN ON PLAT OF SURVEY AND RECORDED IN BOOK 16485 PAGE 889 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA, AND LYING NORTH OF A LINE RUNNING FROM THE SOUTHEAST CORNER OF LOT 20, BLOCK 11, JACK'S PLAT, AN OFFICIAL PLAT, TO THE SOUTHWEST CORNER OF LOT 22, BLOCK 12 OF SAID JACK'S PLAT, NOW FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA,

AND

ALL OF THE VACATED SOUTHEAST 24TH STREET RIGHT OF WAY LYING SOUTH OF THE SOUTHEASTERLY EXTENSION OF THE NORTHERLY LINE OF DISPOSAL PARCEL 2017-88 SHOWN ON PLAT OF SURVEY AND RECORDED IN BOOK 16485 PAGE 889 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA, AND LYING NORTH OF A LINE RUNNING FROM THE SOUTHEAST CORNER OF LOT 21, BLOCK 12, JACK'S PLAT, AN OFFICIAL PLAT, TO THE SOUTHWEST CORNER OF LOT 23, BLOCK 13 OF SAID JACK'S PLAT, NOW FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA,

AND

ALL OF THE VACATED NORTH/SOUTH ALLEY RIGHT OF WAY IN BLOCK 2, JACK'S PLAT, AN OFFICIAL PLAT, LYING SOUTH OF THE NORTHWESTERLY EXTENSION OF THE NORTHERLY LINE OF DISPOSAL PARCEL 2017-88 SHOWN ON PLAT OF SURVEY AND RECORDED IN BOOK 16485 PAGE 889 AT THE RECORDER'S OFFICE OF POLK COUNTY, IOWA, NOW FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA,

AND CONTAINING APPROXIMATELY 2.70 ACRES (117,611 SQUARE FEET);

3. The Mayor is authorized and directed to sign the Offer to Purchase for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

4. Upon Kemin's satisfaction of all conditions contained in the Offer and the City's receipt of the purchase price therein, the City Clerk is authorized and directed to forward the original of the Quit

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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.

5. 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 the documents to be recorded.

6. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall deliver the original of the Quit Claim Deed and copies of the other documents to the grantee.

7. Proceeds from this sale will be deposited into the SE Connector Project: Org – ST256, and the general operating budget: Org – EG064090.

(Council Communication No. 22-404)

Moved by Gatto to adopt. Second by Voss

APPROVED AS TO FORM:

/s/ Lisa A. Wieland
Lisa A. Wieland, Assistant City Attorney

Table with columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, SHEUMAKER, VOSS, WESTERGAARD, TOTAL, MOTION CARRIED, APPROVED. Includes signature of Mayor T. M. Frank.

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