

ORDINANCE NO. 15,587

AN ORDINANCE vacating subsurface rights in a portion of Ingersoll Avenue right-of-way adjoining 2301 Ingersoll Avenue.

WHEREAS, all prior requirements of law pertaining to the vacation of public right-of-way have been fully observed; and

WHEREAS, it is desirable that the public right-of-way herein described be vacated;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Des Moines, Iowa:

Sec. 1. That subsurface rights in a portion of Ingersoll Avenue right-of-way adjoining 2301 Ingersoll Avenue, more specifically described as follows, be and is hereby vacated:

THAT PART OF SUBSURFACE RIGHT OF WAY OF INGERSOLL AVENUE LYING SOUTH OF AND ADJACENT TO LOT 1 (EXCEPT THE WEST 33 FEET) AND LOTS 2 THROUGH 4 OF THE OFFICIAL PLAT OF LOT 13 OF OFFICIAL PLAT OF THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 78, RANGE 24 WEST OF THE 5TH P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 4; THENCE SOUTH 00°11'29" EAST, 2.00 FEET; THENCE SOUTH 89°48'31" WEST, 273.39 FEET; THENCE NORTH 00°11'29" WEST, 2.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF INGERSOLL AVENUE; THENCE NORTH 89°48'31" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE, 273.39 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.01 ACRES (547 S.F.).

PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

Sec. 2. The City of Des Moines hereby reserves an easement upon the property described above for the continued use and maintenance of any utilities now in place, with the right of entry for servicing same.

Sec. 3. That the City Clerk is hereby authorized and directed to cause certified copies of this ordinance and proof of publication thereof together with proof of publication of the notice of the public hearing on this matter to be properly filed in the office of the Recorder of Polk County, Iowa.

Sec. 4. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Ann DiDonato, Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 17- 1016), passed by the City Council of said City at a meeting held June 12, 2017 signed by the Mayor on June 12, 2017 and published and provided by law in the Business Record on June 30, 2017. Authorized by Publication Order No. 9991.

Diane Rauh, City Clerk