

ORDINANCE NO. 16,383

AN ORDINANCE vacating the surface and subsurface rights within portions of Ingersoll Avenue right-of-way adjoining 2701 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 the surface and subsurface rights within portions of Ingersoll Avenue right-of-way adjoining 2701 Ingersoll Avenue, more specifically described as follows, be and is hereby vacated:

SURFACE RIGHTS

PART OF INGERSOLL AVENUE RIGHT-OF-WAY ABUTTING THE WEST 180 FEET OF THAT PART OF LOT 16 OF THE OFFICIAL PLAT OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M., LYING NORTH OF INGERSOLL AVENUE, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE WEST 180 FEET OF SAID LOT 16 LYING NORTH OF INGERSOLL AVENUE; THENCE NORTH 89°(DEGREES) 49'(MINUTES) 07"(SECONDS) EAST, 180.00 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID INGERSOLL AVENUE TO THE SOUTHEAST CORNER OF THE WEST 180 FEET OF SAID LOT 16 LYING NORTH OF INGERSOLL AVENUE; THENCE SOUTH 00°10'53" EAST, 3.15 FEET; THENCE SOUTH 89°49'07" WEST, 180.00 FEET; THENCE NORTH 00°10'53" WEST, 3.15 FEET TO THE POINT OF BEGINNING.

CONTAINING 567 SQUARE FEET.

AND

SUBSURFACE RIGHTS

PART OF INGERSOLL AVENUE RIGHT-OF-WAY SOUTH OF THE WEST 180 FEET OF THAT PART OF LOT 16 OF THE OFFICIAL PLAT OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M., LYING NORTH OF INGERSOLL AVENUE, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE WEST 180 FEET OF SAID LOT 16 LYING NORTH OF INGERSOLL AVENUE; THENCE SOUTH 00°(DEGREES) 10'(MINUTES) 53"(SECONDS) EAST 3.15 FEET; THENCE SOUTH 89° 49' 07"

WEST, 37.00 FEET PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF SAID INGERSOLL AVENUE TO THE POINT OF BEGINNING; THENCE SOUTH 00°10'53" EAST, 2.00 FEET; THENCE SOUTH 89°49'07" WEST, 45.00 FEET; THENCE NORTH 00°10'53" WEST, 2.00 FEET; THENCE NORTH 89°49'07" EAST, 45.00 FEET PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF SAID INGERSOLL AVENUE TO THE POINT OF BEGINNING.

CONTAINING 90 SQUARE FEET.

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: Mackenzie L. Moreno, Assistant City Attorney

Connie Boesen, Mayor

Attest: I, Laura Baumgartner, 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. 24-1281), passed by the City Council of said City at the meeting held on September 16, 2024 and signed by the Mayor on September 16, 2024 and published and provided by law in the Business Record on October 4, 2024. Authorized by Publication Order No. 12796.

Laura Baumgartner, City Clerk