

ORDINANCE NO. 16,544

AN ORDINANCE vacating air rights in portions of Ingersoll Avenue right-of-way adjoining 3404 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 air rights in portions of Ingersoll Avenue right-of-way adjoining 3404 Ingersoll Avenue., more specifically described as follows, be and is hereby vacated:

AN 8.00 FOOT WIDE VACATION OF PART OF INGERSOLL AVENUE PUBLIC RIGHT-OF-WAY LYING DIRECTLY ADJACENT TO LOTS 14 & 15 OF STRATFORD, AN OFFICIAL PLAT RECORDED IN BOOK 'E', PAGE 322 AT THE POLK COUNTY RECORDER'S OFFICE, CITY OF DES MOINES, POLK COUNTY, IOWA WITH A CENTERLINE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE NW CORNER OF SAID LOT 14; THENCE S89°23'19"E, 35.00 FEET ALONG THE NORTH LINE OF SAID LOT 14, SAID NORTH LINE ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF INGERSOLL AVENUE AS IT PRESENTLY ESTABLISHED, TO THE POINT OF BEGINNING; THENCE N00°36'41"E, 3.00 FEET TO THE POINT OF TERMINUS,

AND

COMMENCING AS A POINT OF REFERENCE AT THE NW CORNER OF SAID LOT 14; THENCE S89°23'19"E, 65.00 FEET ALONG THE NORTH LINE OF SAID LOT 14, SAID NORTH LINE ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF INGERSOLL AVENUE AS IT PRESENTLY ESTABLISHED, TO THE POINT OF BEGINNING; THENCE N00°36'41"E, 3.00 FEET TO THE POINT OF TERMINUS,

AND

COMMENCING AS A POINT OF REFERENCE AT THE NW CORNER OF SAID LOT 14; THENCE S89°23'19"E, 95.00 FEET ALONG THE NORTH LINE OF SAID LOT 14, SAID NORTH LINE ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF INGERSOLL AVENUE AS IT PRESENTLY ESTABLISHED, TO THE POINT OF BEGINNING; THENCE N00°36'41"E, 3.00 FEET TO THE POINT OF TERMINUS,

AND

COMMENCING AS A POINT OF REFERENCE AT THE NW CORNER OF SAID LOT 14; THENCE S89°23'19"E, 125.00 FEET ALONG THE NORTH LINE OF SAID LOT 14, SAID NORTH LINE ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF INGERSOLL AVENUE AS IT PRESENTLY ESTABLISHED, TO THE POINT OF BEGINNING; THENCE N00°36'41"E, 3.00 FEET TO THE POINT OF TERMINUS,

AND

COMMENCING AS A POINT OF REFERENCE AT THE NW CORNER OF SAID LOT 14; THENCE S89°23'19"E, 155.00 FEET ALONG THE NORTH LINE OF SAID LOTS 14 & 15, SAID NORTH LINE ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF INGERSOLL AVENUE AS IT PRESENTLY ESTABLISHED, TO THE POINT OF BEGINNING; THENCE N00°36'41"E, 3.00 FEET TO THE POINT OF TERMINUS,

AND

COMMENCING AS A POINT OF REFERENCE AT THE NW CORNER OF SAID LOT 14; THENCE S89°23'19"E, 185.00 FEET ALONG THE NORTH LINE OF SAID LOTS 14 & 15, SAID NORTH LINE ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF INGERSOLL AVENUE AS IT PRESENTLY ESTABLISHED, TO THE POINT OF BEGINNING; THENCE N00°36'41"E, 3.00 FEET TO THE POINT OF TERMINUS

THE PUBLIC RIGHT-OF-WAY VACATION IS CONSTRAINED BETWEEN THE CITY OF DES MOINES VERTICAL DATUM ELEVATION OF 156.0 FEET, DEFINED AS THE BOTTOM OF THE LOWEST BALCONY STRUCTURAL MEMBER, AND 171.0 FEET, DEFINED AS THE TOP OF THE SECOND-FLOOR BALCONY SAFETY RAILING. THE EXISTING BUILDINGS 35TH STREET PEDESTRIAN ENTRANCE FINISHED FLOOR ELEVATION IS ASSUMED AS 139.17 FEET FOR THE PURPOSE OF THIS DESCRIPTION. THE VACATION AREA IS 144 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: Grant Hyland, 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. 26-0388), passed by the City Council of said City at the meeting held on March 23, 2026 and signed by the Mayor on March 23, 2026 and published and provided by law in the Business Record on April 10, 2026.

Authorized by Publication Order No. 13245.

Laura Baumgartner, City Clerk