

★ Roll Call Number

Agenda Item Number

58

Date August 10, 2009

Communication from Geoffrey Ingram, 514 Foster Drive, Joel Romey, and Alex Galyon, to speak regarding an encroachment side yard setback issue.

Moved by \_\_\_\_\_ to receive and file comments.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	

**CERTIFICATE**

I, DIANE RAUH, 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.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

58

**Rauh, Diane I.**

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**From:** councilSpeak@dmgov.org  
**Sent:** Thursday, July 30, 2009 1:46 PM  
**To:** gjingram01@msn.com  
**Subject:** Request to Speak

## **Registration Form to Speak at City Council Meeting**

To: The Honorable Mayor and Members of the City Council  
City of Des Moines, IA  
C/O City Clerk

I/We *Geoffrey Ingram, Joel Romey and Alex Galyon*, hereby request permission to speak at the Des Moines City Council Meeting of *Monday, August 10, 2009*, regarding

The discovery of an encroachment side yard setback issue and to resolve that setback issue with a land trade with the Des Moines Parks Department.

**Name:** Geoffrey Ingram

**Address:** 514 Foster Drive

**Daytime Phone:** (515) 238-9414

**Email Address:** [gjingram01@msn.com](mailto:gjingram01@msn.com)

### **Procedural Rules of Des Moines City Council**

#### Part III. Agenda

##### *Rule 16. Citizen Agenda Requests.*

Any citizen may request the right to have an item placed on the Agenda (including a request to speak) by filing such request in writing with the City Clerk prior to noon on the Wednesday preceding the Council meeting.

#### Part V. Citizen Participation

##### *Rule 27. Citizen's Right to Address Council.*

Persons other than Council Members shall be permitted to address the Council only upon specific Agenda Items.

##### *Rule 28. Manner of Addressing Council.*

A person desiring to address the Council shall step to the podium, state his or her name, address, and group affiliation (if any) and speak clearly into the microphone.

##### *Rule 29. Time Limit on Citizen's Remarks.*

Citizens shall be limited to five minutes speaking time per item, unless additional time is granted by the presiding officer. Total citizen input on any subject under Council consideration can be limited to a fixed period by the presiding officer. A majority vote of the Council may extend the time limitations of this rule.

**Rauh, Diane I.**

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**From:** Brown, Roger K.  
**Sent:** Monday, August 03, 2009 10:12 AM  
**To:** Rauh, Diane I.  
**Cc:** Bergman, Bruce E.  
**Subject:** FW: Ingram land exchange  
**Attachments:** Ingram plat and permit materials.pdf

Please add a copy of this plat to the Request to Speak by Geoffrey Ingram regarding the encroachment of a garage at 514 Foster Drive into Ashworth Park. It shows the land swap proposed by Geoffrey Ingram to remedy the encroachment.

Roger Brown  
283-4541

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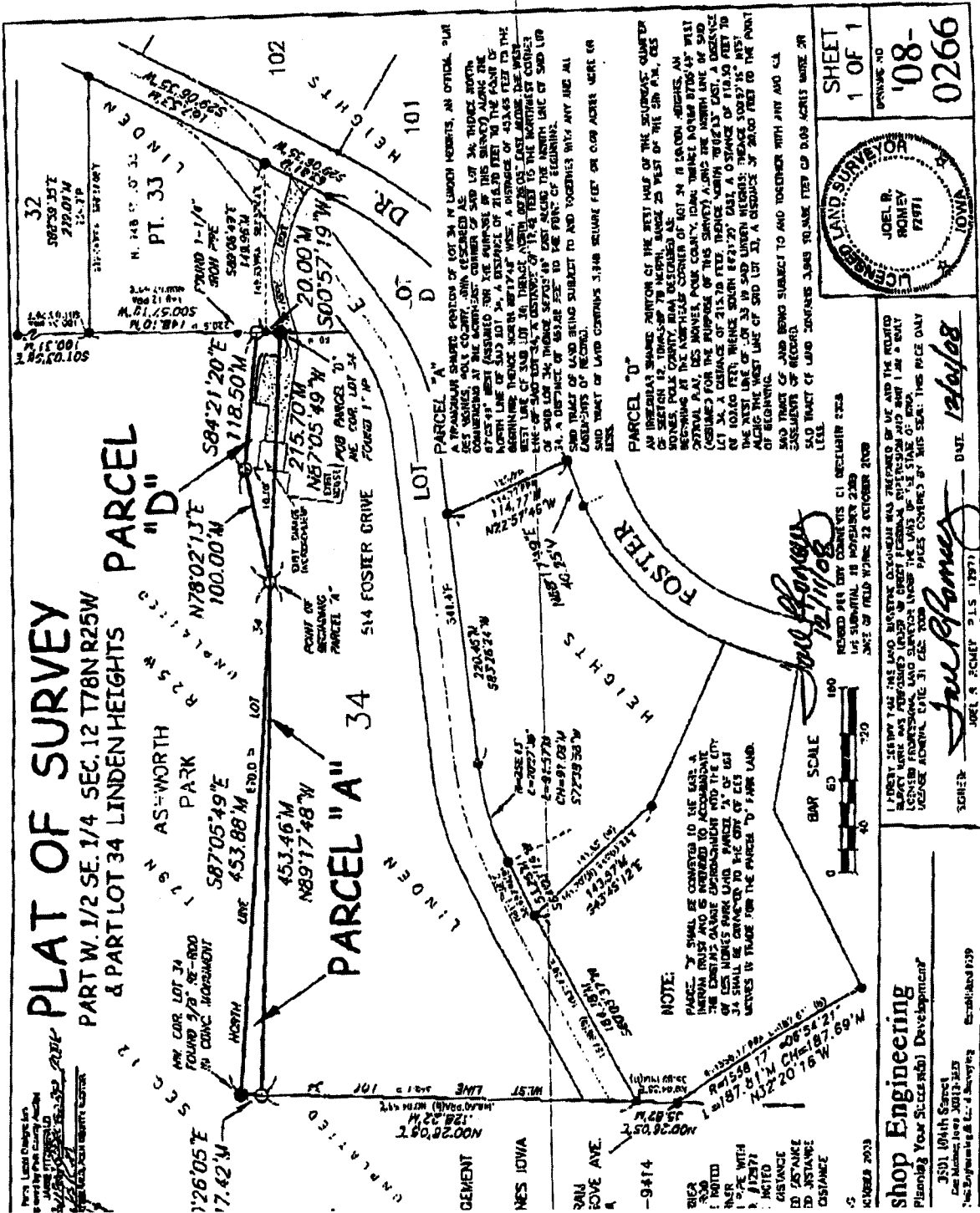
**From:** Alex Galyon [mailto:AGalyon@bevinglaw.com]  
**Sent:** Monday, August 03, 2009 10:06 AM  
**To:** Brown, Roger K.  
**Subject:** Ingram land exchange

Roger

Thank you for taking the time to speak with me this morning about this matter. Attached are the recorded plat map, as well as the original building permit materials from 1964 when the garage was constructed. The Ingrams propose to exchange parcel A for parcel D, which are 3,948 and 3,949 square feet in size respectively. We do not believe this exchange would create any irregular boundaries that would be difficult for the parks department to maintain. Further, as we discussed, since the garage was built in 1964 with city approval, it appears that some form of land swap is an equitable resolution to a problem created 45 years ago.

Alexander P. Galyon  
Beving, Swanson & Forrest, P.C.  
Attorneys at Law  
321 East Walnut St., Suite 200  
Des Moines, IA 50309  
[agalyon@bevinglaw.com](mailto:agalyon@bevinglaw.com)  
phone: 515-237-1181  
fax: 515-288-9409

EXHIBIT "A"



**ZONING APPROVED**  
 -15-64 *11*  
**DIVISION OF BUILDINGS**



**APPLICATION FOR PERMIT  
 BUILDING**

LEWIS HEYER, INSPECTOR OF BUILDINGS

Use Zone	Height & Area	Fire Zone	Received by	Date of Appl.	Date Issued	Permit No.
-1		3	<i>EP</i>	7-15-64	7-15-64	76123

APPLICANT FILL IN HEAVILY OUTLINED PORTION ONLY

Name	Lot No. <i>E + D 4 34</i>	Block	
Address	Address <i>Linden Ave</i>		
City	Size of Lot <i>362' X 670'</i>	No. of Bldgs. Now on Lot <i>2</i>	
State License No.	Tel. No.	Use of Bldg. Now on Lot <i>Single Home + Garage</i>	
Name <i>Richard W. ...</i>	Building Address <i>514 Foster Ave.</i>		
Street <i>737 - 2nd</i>	Nearest Cross St.		
City <i>Des Moines</i>	OWNER	Name <i>Carl J. ...</i>	
State <i>Iowa</i>		Tel. No. <i>3-1748</i>	
DESCRIPTION OF WORK <i>Remodel</i>		Mail Address <i>Same</i>	
		City	Tel. No.

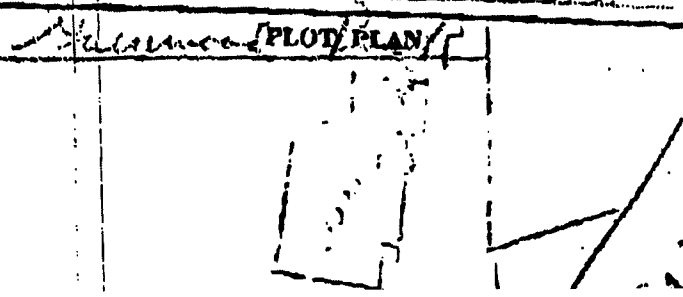
I hereby acknowledge that I have read this application and state that the above is correct and agree to comply with all city ordinances and state laws regulating building construction.

Signature of Owner  
 Authorized Agent *[Signature]*

*Remodel kitchen two*  
*by single car. should +*  
*new addition + att.*

*22'5" X 24'8"*  
*(kitchen two)*

Type	Group
No. of Rooms	No. of Families
<i>15'8" X 30'8" + 2.4' X 16'</i>	



# BUILDING PERMIT

Building Department  
DES MOINES, IOWA

76123

Fee \$ \_\_\_\_\_ } Total \$ 39.00  
Penalty \$ \_\_\_\_\_ }  
Net \$ 35000

Treasurer's Receipt No. 185785

Date 7-15-64

Permission is hereby granted to Carl J. Johnson

Alter } Two story Residence addn. 15'8" x 30'8" + 24' x 16' +  
Erect } 10'8" x 12' (2) Remodel existing two story (3) Att. Lm. 22'8" x 12'4"

be used as Home of Remodel Dwelling

Lot E of D & Lot 34 Block \_\_\_\_\_ Addition \_\_\_\_\_ District \_\_\_\_\_  
Linden Ave Street \_\_\_\_\_ Map \_\_\_\_\_

Said improvements to be constructed in compliance with all laws and ordinances governing same.

This permit DOES NOT AUTHORIZE the use of any street, alley or sidewalk for depositing building materials, or does it authorize the placing of any obstruction in or upon any street, alley or sidewalk.

(If the use of any part of a street or sidewalk is desired in connection with the construction of said building, written application must be made therefor to the Building Department, and a bond, to indemnify the City against loss on account of injury to persons or damage to property, must be given.)

**NOTICE!** It is required that this building be inspected four times during construction.  
1st. When footings are ready to be poured.  
2nd. When foundation walls are in, before backfilling.  
3rd. When building is framed, before lathing.  
4th. Final inspection. "Failure to notify the Department of the time for such inspection shall automatically cancel the permit."  
SEE ARTICLE 4, BUILDING CODE

Fred Steyer  
Inspector of Buildings.

By [Signature]

Permit 76123

## CITY OF DES MOINES Building Department APPLICATION FOR CERTIFICATE OF OCCUPANCY AND COMPLIANCE

Notice is hereby given to the Building Department that the \_\_\_\_\_

06/19/2009 14:53 4154990445  
JAN 09-2009 11:46 From:

To: 14154990445

Page: 6/14

EXHIBIT 'C'

check.

City Treasurer's Office No. 185785

Des Moines, Iowa, 7-15-09

Received of Carl J. Ingram \$ 39.00  
EXACTLY 39 AND 00 CTS 00 Dollars

In payment of Bldg Per. # 76123

Street Fund

E. Robbins Treasurer,  
or E. Robbins Pres.