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Date October 12, 2009

SET HEARING FOR CONVEYANCE OF AN ENCROACHMENT EASEMENT TO ALLOW FOR ENCROACHMENT OF THE EXISTING BUILDING AND IMPROVEMENTS AT 514 FOSTER DRIVE TO GEOFFREY J. INGRAM, TRUSTEE OF EARL J. INGRAM REVOCABLE MANAGEMENT TRUST FOR \$2,060

WHEREAS, Geoffrey J. Ingram, Trustee of the Earl J. Ingram Revocable Trust, the current titleholder of 514 Foster Drive, has discovered that a portion of the existing residence located on the property currently encroaches slightly into Ashworth Park, and in order to address the situation, the titleholder is requesting that the City grant the Trust an encroachment easement; and

WHEREAS, City Real Estate Division and Parks Department staff have determined that the conveyance of this encroachment easement will have no significant impact upon the public use of the adjoining parkland, subject to the condition that the easement shall terminate and the rights revert to the City in the event of destruction of the existing garage structure; and

WHEREAS, the titleholder of 514 Foster Drive has offered to the City of Des Moines the purchase price identified below for the encroachment easement described below, which purchase price reflects the fair market value of the property as currently estimated by the City's Real Estate Division.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. That the City of Des Moines proposes to sell such encroachment easement, as described below, to the grantee and for the consideration identified below:

To: Geoffrey J. Ingram, Trustee of the Earl J. Ingram Revocable Trust, for \$2,060.

AN IRREGULAR SHAPED "ENCROACHMENT EASEMENT" LOCATED IN THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 78 NORTH, RANGE 25 WEST OF THE 5TH P.M., BEING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, DESCRIBED AS; COMMENCING AT THE NORTHEAST CORNER OF LOT 34, LINDEN HEIGHTS, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; THENCE NORTH 87°(DEGREES) 05' (MINUTES) 49" (SECONDS) WEST, 19.64 FEET, TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 87° 05' 49" WEST ALONG THE NORTH LINE OF SAID LOT 34, A DISTANCE OF 102.31 FEET; THENCE NORTH 08° 18' 22" EAST, 17.63 FEET; THENCE SOUTH 81° 41' 38" EAST, 28.73 FEET; THENCE SOUTH 08° 18' 22" WEST, 4.50 FEET; THENCE SOUTH 82° 25' 32" EAST, 27.02 FEET; THENCE NORTH 08° 27' 33" EAST, 14.33 FEET; THENCE SOUTH 81° 42' 43" EAST, 45.03 FEET; THENCE SOUTH 05° 01' 14" WEST, 18.22 FEET TO THE POINT OF BEGINNING.
ENCROACHMENT CONTAINS 1648 SQUARE FEET MORE OR LESS

★ **Roll Call Number**

Agenda Item Number

17

Date October 12, 2009

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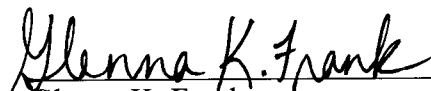
3. That the meeting of the City Council at which the sale and conveyance of such encroachment easement is to be considered shall be on October 26, 2009, said meeting to be held at 5:00 p.m., in the Council Chamber.

4. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.

5. The proceeds from the sale of this property shall be deposited into the following account: Property Maintenance Endowment Fund, SP767, ENG980500.

Moved by _____ to adopt.

APPROVED AS TO FORM:



 Glenna K. Frank
 Assistant City Attorney

DRW

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

MOTION CARRIED APPROVED

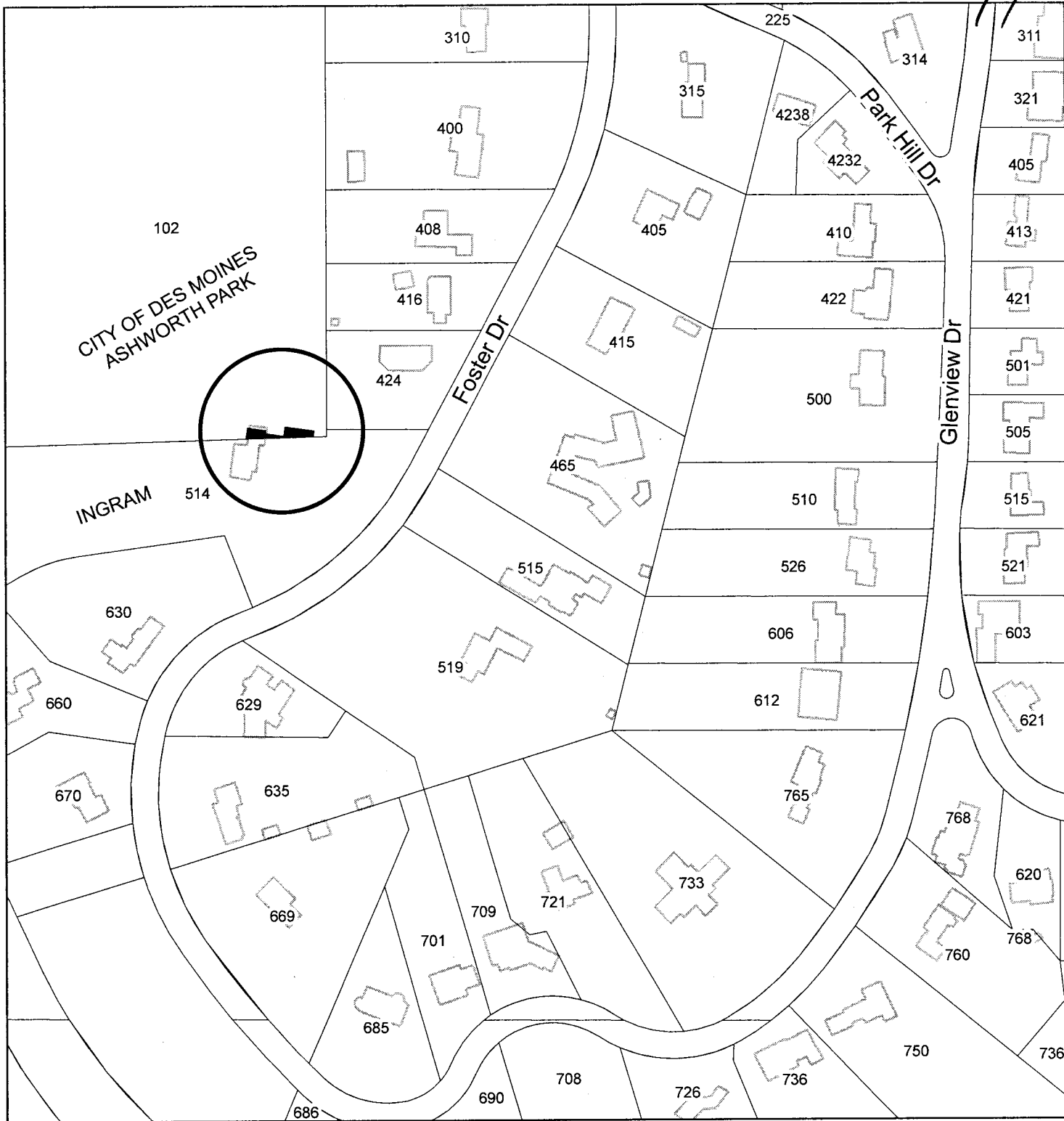
 Mayor

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.

 City Clerk



CITY OF DES MOINES
ASHWORTH PARK

INGRAM

Foster Dr

Park Hill Dr

Glenview Dr

686

690

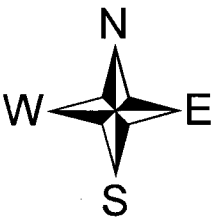
708

726

736

750

736



Legend

 PROJECT LOCATION

**ASHWORTH PARK
ENCROACHMENT EASEMENT -
NORTH OF 514 FOSTER DRIVE**