

Date January 9, 2017

**SET HEARING FOR AMENDMENT TO ORDINANCE NO. 15,524, VACATION OF A SEGMENT OF INGERSOLL AVENUE STREET RIGHT-OF-WAY AND CONVEYANCE OF A CORRECTED EASEMENT FOR BUS SHELTER ENCROACHMENT IN THE VACATED INGERSOLL AVENUE STREET RIGHT-OF-WAY TO DES MOINES AREA REGIONAL TRANSIT AUTHORITY**

**WHEREAS**, on October 24, 2016, by Roll Call No. 16-1854 and Ordinance No. 15,524, the City Council of the City of Des Moines voted to vacate a portion of City right-of-way located on Ingersoll Avenue west of Martin Luther King, Jr. Parkway, and to convey an Easement for Bus Shelter Encroachment on City-owned Property (hereinafter "Original Easement") in said vacated right-of-way to Des Moines Area Regional Transit Authority (hereinafter "DART") for \$200.00, for the purpose of constructing, operating and maintaining a DART bus stop shelter; and

**WHEREAS**, said Original Easement was filed in the Office of the Polk County Recorder on December 1, 2016, in Book 16290, Page 568; and

**WHEREAS**, the legal description used for Ordinance No. 15,524 and the Original Easement contained a scrivener's error, which error now must be corrected by amending Ordinance No. 15,524 to vacate the correct portion of City street right-of-way located on Ingersoll Avenue west of Martin Luther King, Jr. Parkway, as legally described below, and granting a Corrected Easement for Bus Shelter Encroachment on City-Owned Property in said vacated street right-of-way to DART for no additional consideration; and

**WHEREAS**, such portion of City street right-of-way located on Ingersoll Avenue west of Martin Luther King, Jr. Parkway, as legally described below, has been determined by the City Engineer and City Traffic Engineer to have no significant impact upon the public use of Ingersoll Avenue, and the City will not be inconvenienced by the vacation and conveyance of said Corrected Easement for Bus Shelter Encroachment on City-Owned Property.

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

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance amending Ordinance No. 15,524 and permanently vacating a portion of City street right-of-way located on Ingersoll Avenue west of Martin Luther King, Jr. Parkway, more specifically described as follows:

A PART OF THE INGERSOLL AVENUE RIGHT OF WAY IN THE OFFICIAL PLAT OF THE SOUTHWEST QUARTER (1/4) OF SECTION 5, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND DESCRIBED AS FOLLOWS:

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COMMENCING AT THE INTERSECTION OF NORTH RIGHT OF WAY LINE OF INGERSOLL AVENUE AND THE WEST LINE OF LOT 9 OF THE OFFICIAL PLAT OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 5; THENCE EAST ALONG THE SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 103 FEET; THENCE SOUTH AND PERPENDICULAR TO SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 8 FEET TO THE POINT OF BEGINNING; THENCE EAST AND PARALLEL TO SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 14 FEET; THENCE SOUTH AND PERPENDICULAR TO SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 6 FEET; THENCE WEST AND PARALLEL TO SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 14 FEET; THENCE NORTH AND PERPENDICULAR TO SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 6 FEET TO THE POINT OF BEGINNING; GENERALLY DEPICTED ON ATTACHED EXHIBIT "A".

2. That if the City Council decides to amend Ordinance No. 15,524 to vacate the correct portion of City street right-of-way located on Ingersoll Avenue west of Martin Luther King, Jr. Parkway, as described above, the City of Des Moines, Iowa, further proposes to convey a Corrected Easement for Bus Shelter Encroachment on City-Owned Property in such vacated City street right-of-way located on Ingersoll Avenue west of Martin Luther King, Jr. Parkway, to Des Moines Area Regional Transit Authority.
3. That the meeting of the City Council at which the adoption of said ordinance and conveyance of such property interest is to be considered shall be on January 23, 2017, said meeting to be held at 5:00 p.m., in the City Council Chamber, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa.
4. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached, in accordance with Section 362.3 of the Iowa Code.
5. There are no proceeds associated with this transaction.

★ Roll Call Number

Agenda Item Number

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Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

*Lisa A. Wieland*

Lisa A. Wieland, Assistant City Attorney

PLW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
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.

City Clerk

**EXHIBIT A**



Martin Luther King Jr Pkwy

Martin Luther King Jr Pkwy

PT LOT 9

PT LOT 9

**OFFICIAL PLAT OF  
SW 1/4 SEC 5-78-24**

PT LOT 9

PT LOT 10

103'

8'

14'

6'

SW CORNER  
OF LOT 9

Ingersoll Ave

**Legend**

 EASEMENT AREA