★ **Roll Call Number**

Agenda Item Number
45A

Date January 23, 2017

An Ordinance entitled, "AN ORDINANCE amending Ordinance No. 15,524 to correct a portion of the legal description therein to permanently vacate a portion of City street right-of-way located on Ingersoll Avenue west of Martin Luther King, Jr. Parkway",

presented.

Moved by_____ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)

Lisa A. Wieland
Assistant City Attorney

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

45A

Prepared by: Lisa A. Wieland, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, Iowa 50309 (515) 283-4124
Return to: City Clerk's Office, 400 Robert D. Ray Drive, Des Moines, Iowa 50309

ORDINANCE NO. _____

AN ORDINANCE amending Ordinance No. 15,524 to correct a portion of the legal description therein to permanently vacate a portion of City street right-of-way located on Ingersoll Avenue west of Martin Luther King, Jr. Parkway.

WHEREAS, all prior requirements of law pertaining to the vacation of public right-of-way have been fully observed; and

WHEREAS, due to a scrivener's error in Ordinance No. 15,524, it is desirable that a portion of Ordinance No. 15,524 be amended and 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 amending Ordinance No. 15,524 to repeal the legal description labeled "Ingersoll Ave. and MLK Jr. Pkwy, Northwest Corner" and replace said legal description by 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, be and is hereby approved:

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 5TH P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND DESCRIBED AS FOLLOWS:

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".

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.

Sec. 5. A corrected copy of Ordinance No. 15,524, reflecting this amendment, is attached hereto for reference.

FORM APPROVED:

Lisa A. Wieland
Assistant City Attorney

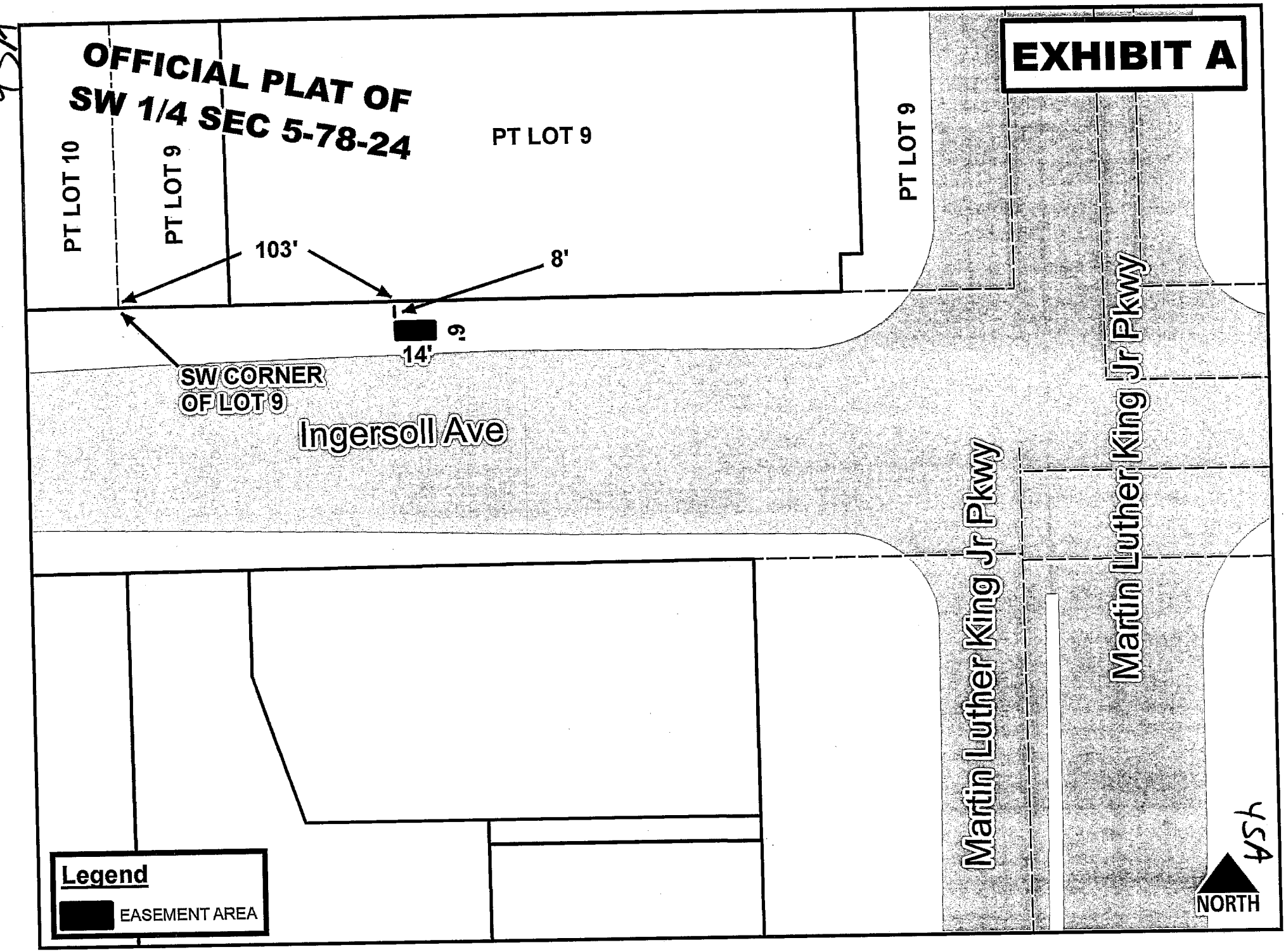
EXHIBIT A
OFFICIAL PLAT OF
SW 1/4 SEC 5-78-24
PT LOT 10
PT LOT 9
PT LOT 9
PT LOT 9
103'
8'
9'
14'
SW CORNER
OF LOT 9
Ingersoll Ave
Martin Luther King Jr Pkwy
Martin Luther King Jr Pkwy
Legend
EASEMENT AREA
NORTH
454

45A

Prepared by: Lisa A. Wieland, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, Iowa 50309 (515) 283-4124
Return to: City Clerk's Office, 400 Robert D. Ray Drive, Des Moines, Iowa 50309

AMENDED
ORDINANCE NO. 15,524

AN ORDINANCE vacating portions of City right-of-way located at various points along Ingersoll Avenue and East University 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 portions of City right-of-way located at various points along Ingersoll Avenue and East University Avenue, more specifically described as follows, be and is hereby vacated:

E. University Avenue, East of E. 14th, North side
A 6 FOOT STRIP OF GROUND LYING SOUTHEAST OF AND PERPENDICULAR TO A LINE AND BEING A PART OF LOTS 412, 413 AND 415, SUBDIVISION OF BLOCK A IN POLK AND HUBBELL'S ADDITION TO CAPITAL PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND SAID LINE DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS 4.5 FEET EAST OF AND 18 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT 415; THENCE ALONG A STRAIGHT LINE TO A POINT OF TERMINUS AND SAID POINT IS 9.42 FEET WEST OF AND 19.37 FEET SOUTH OF SAID NORTHWEST CORNER.

Ingersoll Ave. and 18th St., Northeast Corner
A 6 FOOT STRIP OF GROUND LYING NORTHWEST OF AND PERPENDICULAR TO A LINE AND BEING A PART OF THE INGERSOLL AVENUE RIGHT OF WAY LYING IN LOT C, J.C. SAVERY'S ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND SAID LINE DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS 222 FEET WEST OF AND 58 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT C; THENCE ALONG A STRAIGHT LINE TO A POINT OF TERMINUS AND SAID POINT IS 60.4 FEET NORTH OF AND 206.5 FEET WEST OF SAID SOUTHEAST CORNER.

Ingersoll Ave. and 35th St., Northeast Corner

A PART OF THE INGERSOLL AVENUE RIGHT OF WAY IN STRATFORD, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 18 OF SAID STRATFORD; THENCE SOUTH ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 18, A DISTANCE OF 11 FEET AND TO THE POINT OF BEGINNING; THENCE EAST AND PARALLEL WITH THE SOUTH LINE OF LOT 17 IN SAID STRATFORD, A DISTANE OF 12 FEET; THENCE SOUTH AND PERPENDICULAR TO THE SOUTH LINE OF SAID LOT 17, A DISTANCE OF 6 FEET; THENCE WEST AND PARALLEL TO THE SOUTH LINE OF SAID LOTS 17 AND 18, A DISTANCE OF 14 FEET; THENCE NORTH AND PERPENDICULAR TO THE SOUTH LINE OF SAID LOT 18, A DISTANCE OF 6 FEET; THENCE EAST AND PARALLEL TO THE SOUTH LINE OF SAID LOT 18, A DISTANCE OF 2 FEET TO THE POINT OF BEGINNING.

Ingersoll Ave. and 35th St., Southwest Corner

A PART OF THE INGERSOLL AVENUE RIGHT OF WAY IN THE OFFICIAL PLAT OF THE SOUTHEAST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SECTION 6, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 36 OF THE OFFICIAL PLAT OF THE SOUTHEAST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 6; THENCE WEST ALONG THE NORTH LINE OF SAID LOT 36, A DISTANCE OF 55 FEET; THENCE NORTH AND PERPENDICULAR TO SAID NORTH LINE, A DISTANCE OF 4 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH AND PERPENDICULAR TO SAID NORTH LINE, A DISTANCE OF 6 FEET; THENCE EAST AND PARALLEL TO SAID NORTH LINE, A DISTANCE OF 14 FEET; THENCE SOUTH AND PERPENDICULAR TO SAID NORTH LINE, A DISTANCE OF 6 FEET; THENCE WEST AND PARALLEL TO SAID NORTH LINE, A DISTANCE OF 14 FEET TO THE POINT OF BEGINNING.

Ingersoll Ave. and 42nd St., Northeast Corner

A PART OF THE INGERSOLL AVENUE RIGHT OF WAY LYING IN LOT 3, GREENWOOD PARK, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 3; THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 31 FEET; THENCE NORTH AND PERPENDICULAR TO SAID SOUTH LINE, A DISTANCE OF 4 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH AND PERPENDICULAR TO SAID SOUTH LINE, A DISTANCE OF 6 FEET; THENCE

EAST AND PARALLEL TO SAID SOUTH LINE, A DISTANCE OF 14 FEET; THENCE SOUTH AND PERPENDICULAR TO SAID SOUTH LINE, A DISTANCE OF 6 FEET; THENCE WEST AND PARALLEL TO SAID SOUTH LINE, A DISTANCE OF 14 FEET TO THE POINT OF BEGINNING.

Ingersoll Ave. and MLK Jr. Pkwy, Northwest Corner

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 5TH P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND DESCRIBED AS FOLLOWS:

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".

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.

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FORM APPROVED:

Lisa A. Wieland
Assistant City Attorney

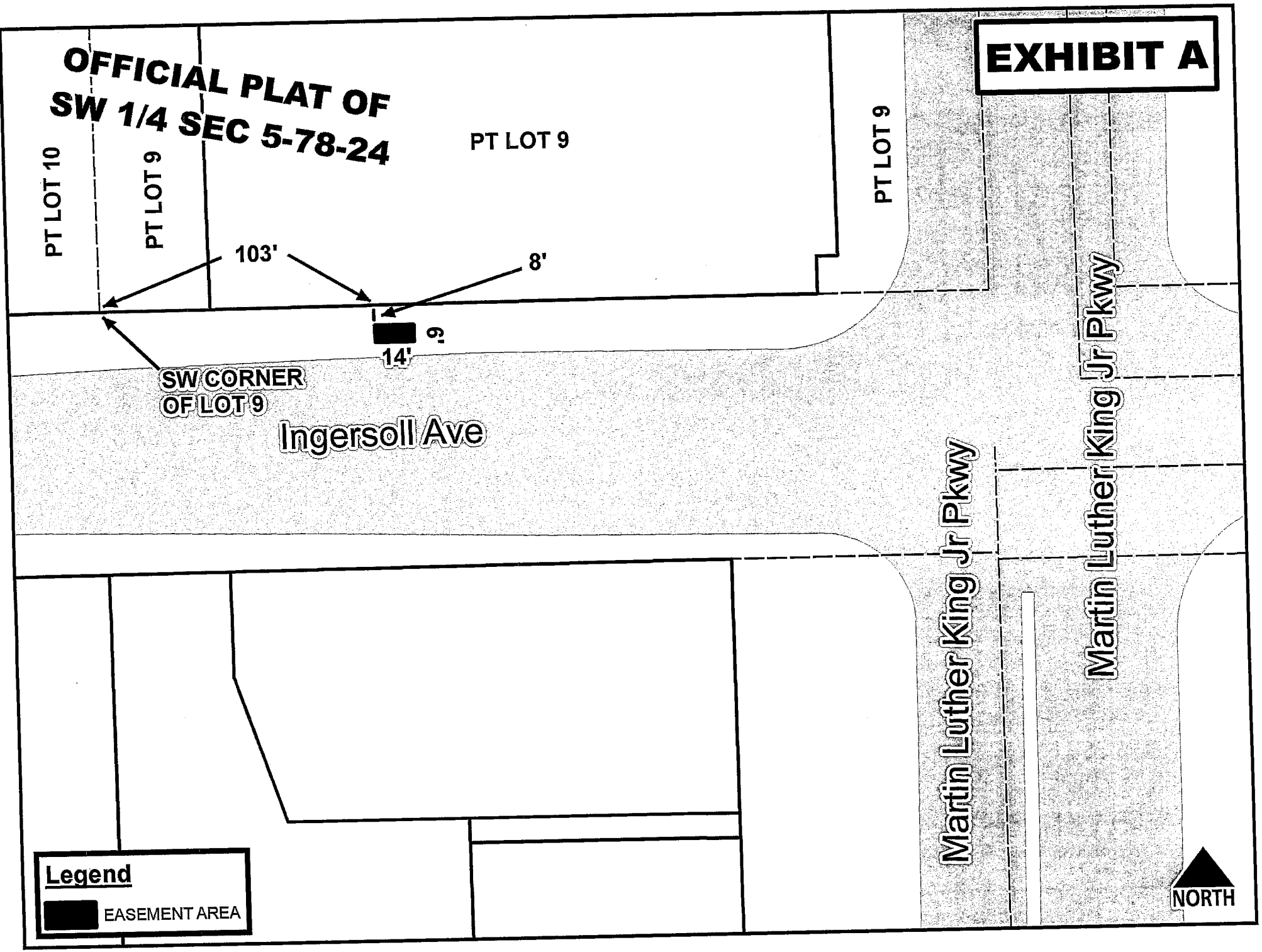
EXHIBIT A
OFFICIAL PLAT OF
SW 1/4 SEC 5-78-24
PT LOT 10
PT LOT 9
PT LOT 9
PT LOT 9
103'
8'
9'
14'
SW CORNER
OF LOT 9
Ingersoll Ave
Martin Luther King Jr Pkwy
Martin Luther King Jr Pkwy
Legend
EASEMENT AREA
NORTH