



Roll Call Number

Agenda Item Number

57A

Date June 12, 2017

An Ordinance entitled, "AN ORDINANCE vacating subsurface rights in a portion of Ingersoll Avenue right-of-way adjoining 2301 Ingersoll Avenue",

presented.

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

FORM APPROVED:

(First of three required readings)

Ann DiDonato
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and TOTAL.

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.

MOTION CARRIED APPROVED

Mayor

City Clerk

Prepared by: Ann DiDonato, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, Iowa 50309 (515) 283-4535
Return to: City Clerk's Office, 400 Robert D. Ray Drive, Des Moines, Iowa 50309

ORDINANCE NO. _____

AN ORDINANCE vacating subsurface rights in a portion of Ingersoll Avenue right-of-way adjoining 2301 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 subsurface rights in a portion of Ingersoll Avenue right-of-way adjoining 2301 Ingersoll Avenue, more specifically described as follows, be and is hereby vacated:

THAT PART OF SUBSURFACE RIGHT OF WAY OF INGERSOLL AVENUE LYING SOUTH OF AND ADJACENT TO LOT 1 (EXCEPT THE WEST 33 FEET) AND LOTS 2 THROUGH 4 OF THE OFFICIAL PLAT OF LOT 13 OF OFFICIAL PLAT OF THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 78, RANGE 24 WEST OF THE 5TH P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 4; THENCE SOUTH 00°11'29" EAST, 2.00 FEET; THENCE SOUTH 89°48'31" WEST, 273.39 FEET; THENCE NORTH 00°11'29" WEST, 2.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF INGERSOLL AVENUE; THENCE NORTH 89°48'31" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE, 273.39 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.01 ACRES (547 S.F.).


PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

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:



Ann DiDonato
Assistant City Attorney