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**Date** July 10, 2017 .....

**SET HEARING TO CORRECT THE VACATION OF A SEGMENT OF INGERSOLL AVENUE RIGHT-OF-WAY LOCATED NORTH OF AND ADJOINING 539 POLK BOULEVARD AND CONVEYANCE TO ELIZABETH J. CARTER AND JARED M. CARTER FOR \$150.00**

**WHEREAS**, on May 22, 2017, by Roll Call No. 17-0902, the City Council passed Ordinance No. 15,584, intending to vacate a segment of Ingersoll Avenue located north of and adjoining 539 Polk Boulevard ("City Right-of-Way"); and

**WHEREAS**, on May 22, 2017, by Roll Call No. 17-0902, the City Council further intended to approve the conveyance of such vacated City Right-of-Way to adjoining owners Elizabeth J. Carter and Jared M Carter, for \$150.00, to allow for construction of a 4-foot tall, 75% open fence at the perimeter of the side yard to within one (1) foot of the public sidewalk; which price reflects the fair market value of the City Right-of-Way as determined by the City's Real Estate Division; and

**WHEREAS**, upon recording the Quit Claim Deed transferring the property to Elizabeth J. Carter and Jared M Carter, the Polk County Auditor determined that the legal description of the City Right-of-Way as set forth in the Ordinance and Deed contained a scrivener's error which must be corrected in order to effectuate the proposed vacation and conveyance to Elizabeth J. Carter and Jared M Carter; and

**WHEREAS**, there is no known current or future public need or benefit for the City Right-of-Way proposed to be vacated and conveyed, and the City will not be inconvenienced by the vacation and conveyance of said 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 shall consider adoption of an ordinance permanently vacating a segment of Ingersoll Avenue located north of and adjoining 539 Polk Boulevard, more specifically described as follows, for the purpose of correcting the legal description included in Ordinance No. 15,584:

A PORTION OF INGERSOLL AVENUE RIGHT OF WAY LYING NORTH OF AND ADJACENT TO LOT 13, INGERSOLL PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 13, THENCE N0°00'00"W ALONG THE EXTENDED WEST LINE OF SAID LOT 13, A DISTANCE OF 4.08 FEET; THENCE NORTHEASTERLY 10.94 FEET ALONG A 15.00 FOOT RADIUS CURVE NOT TANGENT TO THE PREVIOUS COURSE, CONCAVE NORTHWESTERLY, WHOSE CHORD LENGTH IS 10.70 FEET

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AND WHOSE CHORD BEARS N69°18'01"E; THENCE NORTHEASTERLY 8.84 FEET ALONG A 12.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, WHOSE CHORD LENGTH IS 8.64 FEET AND WHOSE CHORD BEARS N69°31'12"E; THENCE S89°22'03"E, 115.09 FEET TO A POINT THAT IS ON THE EXTENDED EAST LINE OF SAID LOT 13; THENCE S0°11'00"W, 10.63 FEET TO THE NORTHEAST CORNER OF SAID LOT 13; THENCE N89°33'45"W ALONG THE NORTH LINE OF SAID LOT 13, A DISTANCE OF 133.16 FEET TO THE POINT OF BEGINNING, CONTAINING 1380 SQUARE FEET AND SUBJECT TO EASEMENTS, COVENANTS AND RESTRICTIONS OF RECORD.

2. That, if the City Council first decides to vacate the above-described right-of-way, the City of Des Moines proposes to convey such vacated right-of-way, legally described as follows, to Elizabeth J. Carter and Jared M Carter, for \$150.00, to allow for construction of a 4-foot tall, 75% open fence at the perimeter of the side yard to within one (1) foot of the public sidewalk, and for the purpose of correcting the legal description included in Roll Call No. 17-0902:

A PORTION OF THE VACATED INGERSOLL AVENUE RIGHT OF WAY LYING NORTH OF AND ADJACENT TO LOT 13, INGERSOLL PARK, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 13, THENCE N0°00'00"W ALONG THE EXTENDED WEST LINE OF SAID LOT 13, A DISTANCE OF 4.08 FEET; THENCE NORTHEASTERLY 10.94 FEET ALONG A 15.00 FOOT RADIUS CURVE NOT TANGENT TO THE PREVIOUS COURSE, CONCAVE NORTHWESTERLY, WHOSE CHORD LENGTH IS 10.70 FEET AND WHOSE CHORD BEARS N69°18'01"E; THENCE NORTHEASTERLY 8.84 FEET ALONG A 12.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, WHOSE CHORD LENGTH IS 8.64 FEET AND WHOSE CHORD BEARS N69°31'12"E; THENCE S89°22'03"E, 115.09 FEET TO A POINT THAT IS ON THE EXTENDED EAST LINE OF SAID LOT 13; THENCE S0°11'00"W, 10.63 FEET TO THE NORTHEAST CORNER OF SAID LOT 13; THENCE N89°33'45"W ALONG THE NORTH LINE OF SAID LOT 13, A DISTANCE OF 133.16 FEET TO THE POINT OF BEGINNING, CONTAINING 1380 SQUARE FEET AND SUBJECT TO EASEMENTS, COVENANTS AND RESTRICTIONS OF RECORD.

3. That the meeting of the City Council at which the sale and conveyance of such vacated street right-of-way is to be considered shall be on July 24, 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 proposals in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.

★ **Roll Call Number**

**Agenda Item Number**

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5. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

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

APPROVED AS TO FORM:

Ann DiDonato  
Ann DiDonato, Assistant City Attorney

*RTW*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

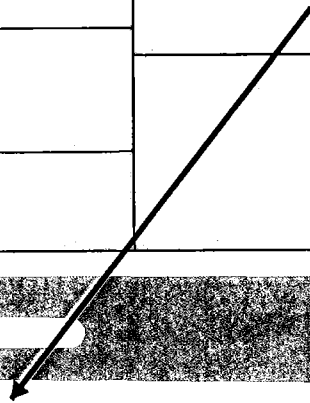
**CERTIFICATE**

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

**PROJECT  
LOCATION**



45th St

Ingersoll Ave

46th St

Polk Blvd

Grand Ave

45th St

**Legend**

 PROJECT LOCATION

