



**Roll Call Number**

**Agenda Item Number**

22

**Date** April 18, 2022

**SET HEARING FOR APPROVAL OF DOCUMENTS FOR CONVEYANCE OF A PERMANENT EASEMENT FOR BUILDING ENCROACHMENT IN CITY PROPERTY LOCATED SOUTH OF AND ADJOINING 2811 INGERSOLL AVENUE TO PEACHTREE PROPERTIES, L.C. FOR 2,475.00**

**WHEREAS**, on November 21, 2005, by Roll Call No. 05-2806, the City Council of the City of Des Moines, Iowa passed Ordinance No. 14,512 vacating a strip of right-of-way on the north side of Ingersoll Avenue adjoining the property at 2811 Ingersoll Avenue, as legally described below, (hereinafter “Easement Area”); and

**WHEREAS**, Peachtree Properties, L.C., owner of 2811 Ingersoll Avenue, has offered to the City of Des Moines (“City”) the purchase price of \$2,475.00 for the purchase of a Permanent Easement for Building Encroachment (hereinafter “Easement”) in said property to allow for the use, repair, renovation, and maintenance of an attached raised platform and surface encroachments, from the adjoining building into the Easement Area, which price reflects the fair market value of the City Property as determined by the City’s Real Estate Division; and

**WHEREAS**, there is no known current or future public need or benefit for the Easement proposed to be conveyed, and the City will not be inconvenienced by the conveyance of said Permanent Easement for Building Encroachment.

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

1. The City Council of the City of Des Moines, Iowa, proposes to convey a Permanent Easement for Building Encroachment, as legally described, to Peachtree Properties, L.C., for \$2,475.00:

THE NORTH 6.0 FEET OF VACATED INGERSOLL AVENUE RIGHT OF WAY LYING SOUTH OF AND ADJOINING THE EAST 28.0 FEET OF LOT 14, BLOCK 4, MCCAIN PLACE, AN OFFICIAL PLAT, AND LYING SOUTH OF AND ADJOINING THE WEST 27.0 FEET OF LOT 15 IN SAID BLOCK 4, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING APPROXIMATELY 330 SQUARE FEET.

Vacated by Ordinance No. 14,512, passed November 21, 2005.

2. A public hearing shall be held on May 9, 2022, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa. At that time the City Council will consider the above-described proposal and any other(s) submitted prior to or during the public hearing.

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In addition, the City Council shall receive written views, comments, objections and arguments from any resident or taxpayer of the City that are received by the City Clerk prior to 5:00 p.m. May 5, 2022 (City Clerk’s Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1<sup>st</sup> Floor, Des Moines, IA 50309; Email cityclerk@dmgov.org).

Please check the posted agenda in advance of the May 9, 2022 meeting for any update on the manner in which the public hearing will be conducted to comply with COVID-19 social distancing and safety guidelines.

3. The City Clerk is hereby authorized and directed to publish notice of said proposal and hearing in the form hereto attached, all in accordance with Section 362.3 of the Iowa Code.

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

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

APPROVED AS TO FORM:

/s/ Lisa A. Wieland

Lisa A. Wieland, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHEUMAKER				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

**CERTIFICATE**

I, P. Kay Cmelik, 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

