



Roll Call Number

Agenda Item Number

_____ 71A _____

Date September 16, 2024

An Ordinance entitled, "AN ORDINANCE vacating the surface and subsurface rights within portions of Ingersoll Avenue right-of-way adjoining 2701 Ingersoll Avenue",

presented.

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

FORM APPROVED:

(First of three required readings)

/s/ Mackenzie L. Moreno
Mackenzie L. Moreno
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
SIMONSON				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
TOTAL				
MOTION CARRIED			APPROVED	

CERTIFICATE

I, LAURA BAUMGARTNER, 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.

_____ Mayor

_____ City Clerk

ORDINANCE NO. _____

AN ORDINANCE vacating the surface and subsurface rights within portions of Ingersoll Avenue right-of-way adjoining 2701 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 the surface and subsurface rights within portions of Ingersoll Avenue right-of-way adjoining 2701 Ingersoll Avenue, more specifically described as follows, be and is hereby vacated:

SURFACE RIGHTS

PART OF INGERSOLL AVENUE RIGHT-OF-WAY ABUTTING THE WEST 180 FEET OF THAT PART OF LOT 16 OF THE OFFICIAL PLAT OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., LYING NORTH OF INGERSOLL AVENUE, 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 SOUTHWEST CORNER OF THE WEST 180 FEET OF SAID LOT 16 LYING NORTH OF INGERSOLL AVENUE; THENCE NORTH 89°(DEGREES) 49'(MINUTES) 07"(SECONDS) EAST, 180.00 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID INGERSOLL AVENUE TO THE SOUTHEAST CORNER OF THE WEST 180 FEET OF SAID LOT 16 LYING NORTH OF INGERSOLL AVENUE; THENCE SOUTH 00°10'53" EAST, 3.15 FEET; THENCE SOUTH 89°49'07" WEST, 180.00 FEET; THENCE NORTH 00°10'53" WEST, 3.15 FEET TO THE POINT OF BEGINNING.

CONTAINING 567 SQUARE FEET.

AND

SUBSURFACE RIGHTS

PART OF INGERSOLL AVENUE RIGHT-OF-WAY SOUTH OF THE WEST 180 FEET OF THAT PART OF LOT 16 OF THE OFFICIAL PLAT OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., LYING NORTH OF INGERSOLL AVENUE, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE WEST 180 FEET OF SAID LOT 16 LYING NORTH OF INGERSOLL AVENUE; THENCE SOUTH 00°(DEGREES) 10'(MINUTES) 53"(SECONDS) EAST 3.15 FEET; THENCE SOUTH 89° 49' 07" WEST, 37.00 FEET PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF SAID INGERSOLL AVENUE TO THE POINT OF BEGINNING; THENCE SOUTH 00°10'53" EAST, 2.00 FEET; THENCE SOUTH 89°49'07" WEST, 45.00 FEET; THENCE NORTH 00°10'53" WEST, 2.00 FEET; THENCE NORTH 89°49'07" EAST, 45.00 FEET PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF SAID INGERSOLL AVENUE TO THE POINT OF BEGINNING.


CONTAINING 90 SQUARE FEET.

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.

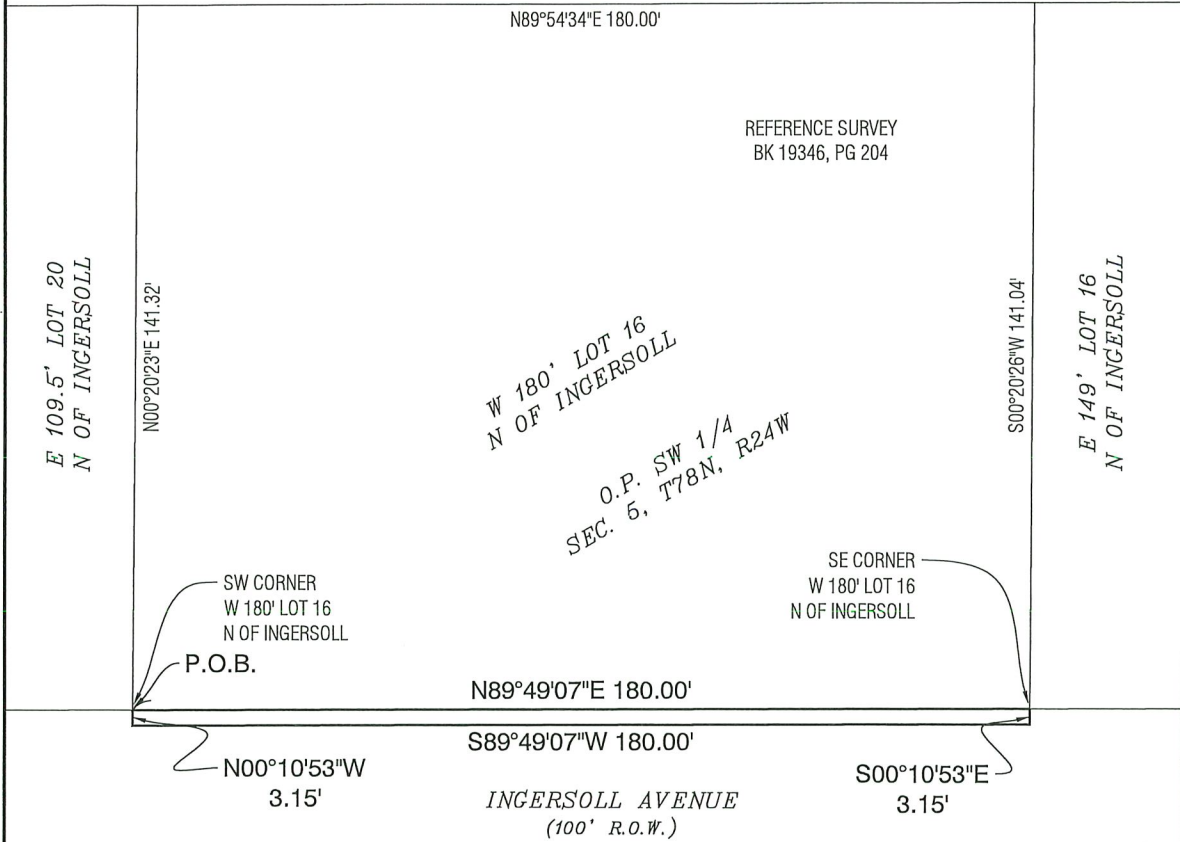
FORM APPROVED:



Mackenzie L. Moreno
Assistant City Attorney

EXHIBIT A RIGHT-OF-WAY VACATION

LINDEN STREET



PREPARED FOR:
 STAR LOFTS CONDOS
 STAR APARTMENTS, LLC
 STAR COMMERCIAL, LLC
 1307 50th STREET
 WEST DES MOINES, IA 50266

SITE ADDRESS:
 2701 INGERSOLL AVENUE
 DES MOINES, IA 50312

PROPERTY DESCRIPTION:

Part of Ingersoll Avenue right-of-way abutting the West 180 feet of that part of Lot 16 of the Official Plat of the Southwest Quarter of Section 5, Township 78 North, Range 24 West of the 5th P.M., lying North of Ingersoll Avenue, 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 Southwest corner of the West 180 feet of said Lot 16 lying North of Ingersoll Avenue; thence North 89°(degrees) 49'(minutes) 07"(seconds) East, 180.00 feet along the North right-of-way line of said Ingersoll Avenue to the Southeast corner of the West 180 feet of said Lot 16 lying North of Ingersoll Avenue; thence South 00°10'53" East, 3.15 feet; thence South 89°49'07" West, 180.00 feet; thence North 00°10'53" West, 3.15 feet to the point of beginning.

Containing 567 square feet.

EXHIBIT B SUBSURFACE VACATION

LINDEN STREET

N89°54'34"E 180.00'

REFERENCE SURVEY
BK 19346, PG 204

E 109.5' LOT 20
N OF INGERSOLL

N00°20'23"E 141.32'

W 180' LOT 16
N OF INGERSOLL

O.P. SW 1/4
SEC. 5, T78N, R24W

S00°20'26"W 141.04'

E 149' LOT 16
N OF INGERSOLL

SW CORNER
W 180' LOT 16
N OF INGERSOLL

SE CORNER
W 180' LOT 16
N OF INGERSOLL

P.O.B.

N89°49'07"E 98.00'

N89°49'07"E 45.00'

S89°49'07"W 37.00'

S89°49'07"W 45.00'

N00°10'53"W
2.00'

INGERSOLL AVENUE
(100' R.O.W.)

S00°10'53"E
3.15'

S00°10'53"E
2.00'

PREPARED FOR:
STAR LOFTS CONDOS
STAR APARTMENTS, LLC
STAR COMMERCIAL, LLC
1307 50th STREET
WEST DES MOINES, IA 50266

SITE ADDRESS:
2701 INGERSOLL AVENUE
DES MOINES, IA 50312

PROPERTY DESCRIPTION:

Part of Ingersoll Avenue right-of-way south of the West 180 feet of that part of Lot 16 of the Official Plat of the Southwest Quarter of Section 5, Township 78 North, Range 24 West of the 5th P.M., lying North of Ingersoll Avenue, now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as follows:

Commencing at the Southeast corner of the West 180 feet of said Lot 16 lying North of Ingersoll Avenue; thence South 00°(degrees)10'(minutes)53"(seconds) East, 3.15 feet; thence South 89°49'07" West, 37.00 feet parallel to the North right-of-way line of said Ingersoll Avenue to the Point of Beginning; thence South 00°10'53" East, 2.00 feet; thence South 89°49'07" West, 45.00 feet; thence North 00°10'53" West, 2.00 feet; thence North 89°49'07" East, 45.00 feet parallel to the North right-of-way line of said Ingersoll Avenue to the point of beginning.

Containing 90 square feet.

CGA Clapsaddle-Garber Associates, Inc
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Des Moines, Iowa 50312
Ph 515-288-4823
www.cgaconsultants.com

ELS 8-12-24

