

.....
Date March 9, 2026
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**SET HEARING FOR VACATION OF AIR RIGHTS WITHIN PORTIONS OF
INGERSOLL AVENUE RIGHT-OF-WAY ADJOINING 3404 INGERSOLL AVENUE
AND CONVEYANCE OF A PERMANENT EASEMENT FOR AIR SPACE ABOVE
CITY-OWNED PROPERTY TO GOLDFINCH COMMERCIAL, LLC AND GOLDFINCH
APARTMENTS, LP FOR \$1,100**

WHEREAS, Goldfinch Commercial, LLC, an Iowa limited liability company, and Goldfinch Apartments, LP, an Iowa limited partnership, the owners of 3404 Ingersoll Avenue, have requested that the City of Des Moines, Iowa (“City”) vacate air rights in portions of Ingersoll Avenue right-of-way adjoining 3404 Ingersoll Avenue, which request was not presented to the City’s Plan and Zoning Commission for review and has instead been determined by the City Traffic Engineer to have no significant impact upon the public use of the right-of-way, in accordance with Municipal Code 102-286(b); and

WHEREAS, Goldfinch Commercial, LLC and Goldfinch Apartments, LP, have offered to the City the purchase price of \$1,100.00 for the purchase of a Permanent Easement for Air Space Above City-Owned Property (“Easement”) over, through and across portions of Ingersoll Avenue right-of-way adjoining 3404 Ingersoll Avenue, (hereinafter “Easement Area”) for the purpose of constructing, operating, maintaining and repairing balconies for the building being constructed on the property, which price reflects the fair market value of the Easement as determined by the City’s Real Estate Division; and

WHEREAS, there is no known current or future public need for the Ingersoll Avenue right-of-way proposed to be vacated, and the City will not be inconvenienced by the vacation of said property and the conveyance of the Easement in such vacated right-of-way.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating air rights in portions of Ingersoll Avenue right-of-way adjoining 3404 Ingersoll Avenue, legally described as follows:

AN 8.00 FOOT WIDE VACATION OF PART OF INGERSOLL AVENUE PUBLIC RIGHT-OF-WAY LYING DIRECTLY ADJACENT TO LOTS 14 & 15 OF STRATFORD, AN OFFICIAL PLAT RECORDED IN BOOK 'E', PAGE 322 AT THE POLK COUNTY RECORDER'S OFFICE, CITY OF DES MOINES, POLK COUNTY, IOWA WITH A CENTERLINE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE NW CORNER OF SAID LOT 14; THENCE S89°23'19"E, 35.00 FEET ALONG THE NORTH LINE OF SAID LOT 14, SAID NORTH LINE ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF INGERSOLL

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BOTTOM OF THE LOWEST BALCONY STRUCTURAL MEMBER, AND 171.0 FEET, DEFINED AS THE TOP OF THE SECOND-FLOOR BALCONY SAFETY RAILING. THE EXISTING BUILDINGS 35TH STREET PEDESTRIAN ENTRANCE FINISHED FLOOR ELEVATION IS ASSUMED AS 139.17 FEET FOR THE PURPOSE OF THIS DESCRIPTION. THE VACATION AREA IS 144 SQUARE FEET

2. The City Council of the City of Des Moines, Iowa, further proposes to convey a Permanent Easement for Air Space Above City-Owned Property in such vacated right-of-way, as legally described below, to Goldfinch Commercial, LLC and Goldfinch Apartments, LP for \$1,100.00, subject to any and all easements, restrictions and covenants of record:

AN 8.00 FOOT WIDE AIR RIGHTS EASEMENT LYING DIRECTLY ADJACENT TO LOTS 14 & 15 OF STRATFORD, AN OFFICIAL PLAT RECORDED IN BOOK 'E', PAGE 322 AT THE POLK COUNTY RECORDER'S OFFICE, CITY OF DES MOINES, POLK COUNTY, IOWA WITH A CENTERLINE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE NW CORNER OF SAID LOT 14; THENCE S89°23'19"E, 35.00 FEET ALONG THE NORTH LINE OF SAID LOT 14, SAID NORTH LINE ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF INGERSOLL AVENUE AS IT PRESENTLY ESTABLISHED, TO THE POINT OF BEGINNING; THENCE N00°36'41"E, 3.00 FEET TO THE POINT OF TERMINUS,

AND

COMMENCING AS A POINT OF REFERENCE AT THE NW CORNER OF SAID LOT 14; THENCE S89°23'19"E, 65.00 FEET ALONG THE NORTH LINE OF SAID LOT 14, SAID NORTH LINE ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF INGERSOLL AVENUE AS IT PRESENTLY ESTABLISHED, TO THE POINT OF BEGINNING; THENCE N00°36'41"E, 3.00 FEET TO THE POINT OF TERMINUS,

AND

COMMENCING AS A POINT OF REFERENCE AT THE NW CORNER OF SAID LOT 14; THENCE S89°23'19"E, 95.00 FEET ALONG THE NORTH LINE OF SAID LOT 14, SAID NORTH LINE ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF INGERSOLL AVENUE AS IT PRESENTLY ESTABLISHED, TO THE POINT OF BEGINNING; THENCE N00°36'41"E, 3.00 FEET TO THE POINT OF TERMINUS,

AND

COMMENCING AS A POINT OF REFERENCE AT THE NW CORNER OF SAID LOT 14; THENCE S89°23'19"E, 125.00 FEET ALONG THE NORTH LINE OF SAID LOT 14, SAID NORTH LINE ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF INGERSOLL

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AVENUE AS IT PRESENTLY ESTABLISHED, TO THE POINT OF BEGINNING;
THENCE N00°36'41"E, 3.00 FEET TO THE POINT OF TERMINUS,

AND

COMMENCING AS A POINT OF REFERENCE AT THE NW CORNER OF SAID LOT 14;
THENCE S89°23'19"E, 155.00 FEET ALONG THE NORTH LINE OF SAID LOTS 14 & 15,
SAID NORTH LINE ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF INGERSOLL
AVENUE AS IT PRESENTLY ESTABLISHED, TO THE POINT OF BEGINNING;
THENCE N00°36'41"E, 3.00 FEET TO THE POINT OF TERMINUS,

AND

COMMENCING AS A POINT OF REFERENCE AT THE NW CORNER OF SAID LOT 14;
THENCE S89°23'19"E, 185.00 FEET ALONG THE NORTH LINE OF SAID LOTS 14 & 15,
SAID NORTH LINE ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF INGERSOLL
AVENUE AS IT PRESENTLY ESTABLISHED, TO THE POINT OF BEGINNING;
THENCE N00°36'41"E, 3.00 FEET TO THE POINT OF TERMINUS

THE AIR RIGHTS EASEMENT IS CONSTRAINED BETWEEN THE CITY OF DES
MOINES VERTICAL DATUM ELEVATION OF 156.0 FEET, DEFINED AS THE
BOTTOM OF THE LOWEST BALCONY STRUCTURAL MEMBER, AND 171.0 FEET,
DEFINED AS THE TOP OF THE SECOND-FLOOR BALCONY SAFETY RAILING. THE
EXISTING BUILDINGS 35TH STREET PEDESTRIAN ENTRANCE FINISHED FLOOR
ELEVATION IS ASSUMED AS 139.17 FEET FOR THE PURPOSE OF THIS
DESCRIPTION.

3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such right-of-way is to be considered shall be on March 23, 2026, said meeting to be held at 5:00 p.m., in the City Council Chamber, T.M. Franklin Cownie City Administration Building, 1200 Locust Street, 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. Persons interested in the proposal will be given the opportunity to express their views at that hearing.
4. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached all in accordance with §362.3 of the Iowa Code.
5. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

 **Roll Call Number**

Agenda Item Number

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Moved by _____ to adopt. Second by _____

APPROVED AS TO FORM:

/s/ Grant Hyland
 Grant Hyland, Assistant City Attorney

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

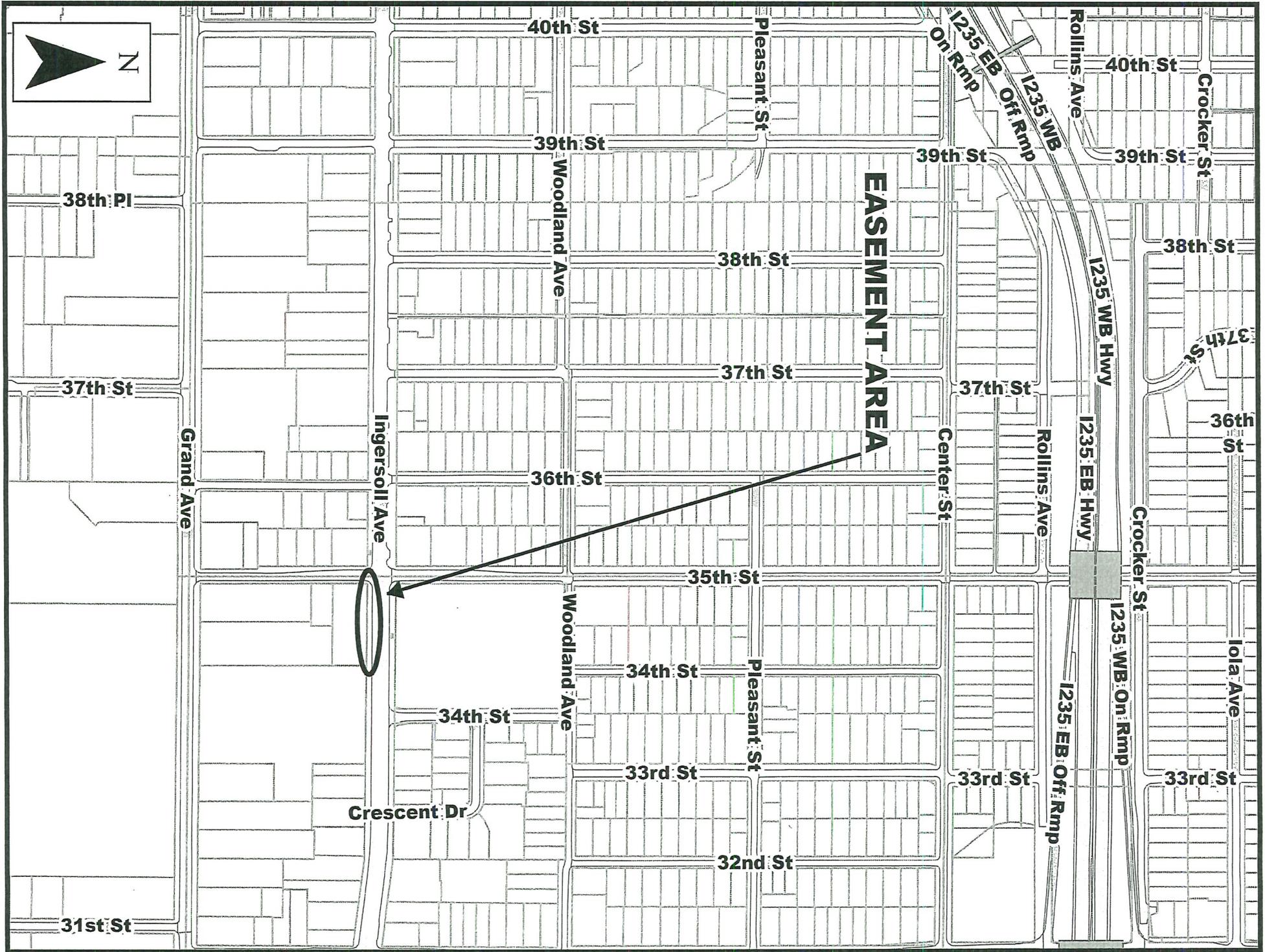
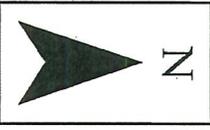
CERTIFICATE

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

 Laura Baumgartner, City Clerk



EASEMENT AREA