



Roll Call Number

Agenda Item Number

34 (A)

Date March 23, 2026

An Ordinance entitled, "AN ORDINANCE vacating air rights in portions of Ingersoll Avenue right-of-way adjoining 3404 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/ Grant Hyland

Grant Hyland
Assistant City Attorney

CERTIFICATE

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

MOTION CARRIED APPROVED

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

Prepared by: Grant Hyland, Assistant City Attorney, 1200 Locust Street, 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 air rights in portions of Ingersoll Avenue right-of-way adjoining 3404 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 air rights in portions of Ingersoll Avenue right-of-way adjoining 3404 Ingersoll Avenue., more specifically described as follows, be and is hereby vacated:

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 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-

ELEVATION IS ASSUMED AS 139.17 FEET FOR THE PURPOSE OF THIS DESCRIPTION. THE VACATION AREA IS 144 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:

/s/ Grant Hyland

Grant Hyland

Assistant City Attorney

PREPARED FOR:
CUTLER DEVELOPMENT
1307 50TH STREET
WEST DES MOINES, IA 50266
515-212-4188

PROPERTY OWNERS:
CITY OF DES MOINES
1200 LOCUST STREET
DES MOINES, IA 50304

VACATION EXHIBIT

3404 INGERSOLL AVE
DES MOINES, IOWA 50312

LEGAL DESCRIPTION - VACATION

A 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 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 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

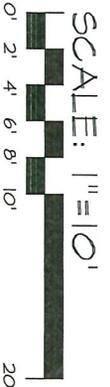
COMMENCING AS A POINT OF REFERENCE AT THE NW CORNER OF SAID LOT 14; THENCE S89°23'19"E, 185.00 FEET ALONG THE NORTH LINE OF SAID LOTS 14 & 15; SAID NORTH LINE ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF INGERSOLL AVENUE AS IT PRESENTLY ESTABLISHED, TO THE POINT OF BEGINNING; THENCE N00°36'41"E, 3.00 FEET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

THE PUBLIC RIGHT-OF-WAY VACATION 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. THE VACATION AREA IS 144 SQUARE FEET ~~E-28~~ **2-5-2026**



Civil Engineering Consultants, Inc.

2400 86th Street, Unit 12, Des Moines, Iowa 50322
515.276.4884 Fax: 515.276.7084 mail@cecinc.com



SHEET

1

OF 2

DATE: 02-03-2026
DESIGNED BY: SAJD
DRAWN BY: MDM

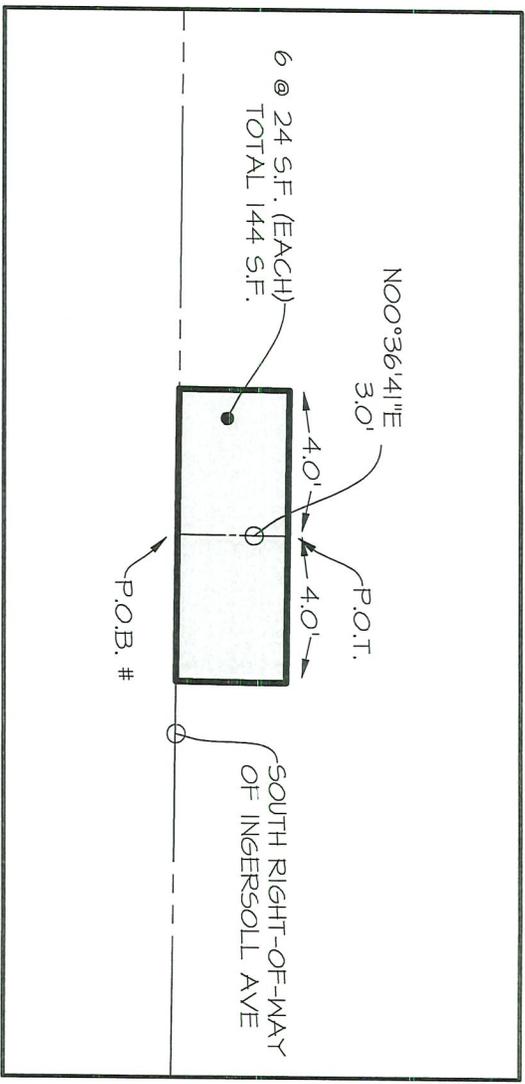
E-9337

LEGEND

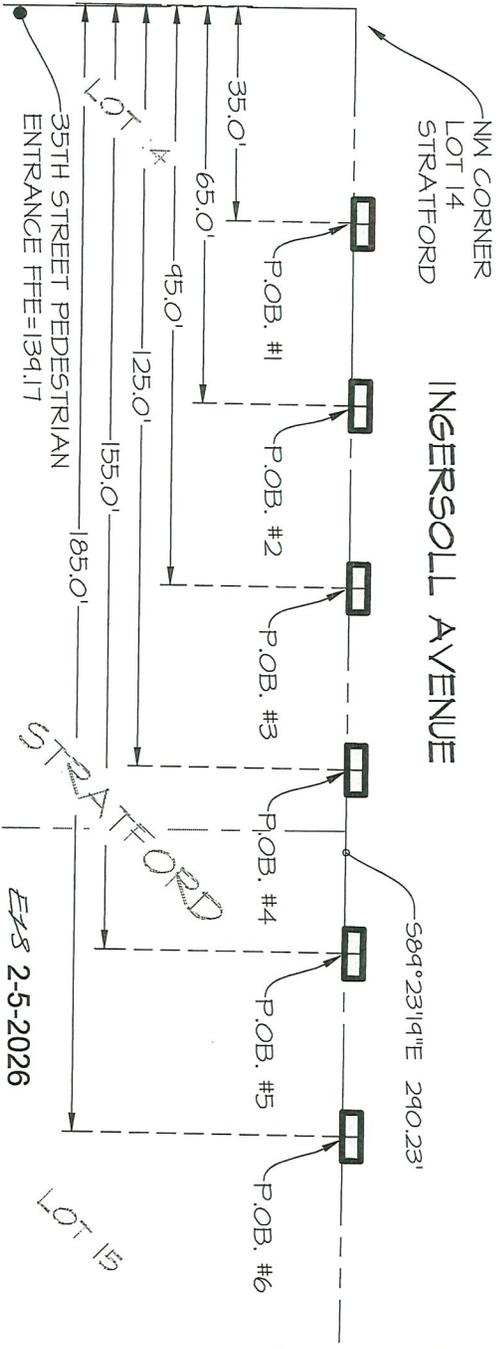
- VACATION LINES
- LOT LINES
- FOUND PROPERTY CORNER
- SET 3/4" I.R. W/B BLUE CAP #10301
- I.P. IRON PIPE
- I.R. IRON ROD
- P.O.B. / P.O.R. POINT OF BEGINNING / POINT OF REFERENCE
- P.O.T. POINT OF TERMINUS
- M. MEASURED BEARING & DISTANCE
- P. PREVIOUSLY RECORDED BEARING & DISTANCE
- TTT ADDRESS

**EXHIBIT
VACATION EXHIBIT**

3404 INGERSOLL AVE
DES MOINES, IOWA 50312

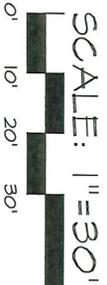


STANDARD DIMENSION
SCALE 1"=5'



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SHEET

2

OF 2

E-q337

DATE: 02-03-2026
DESIGNED BY: SJD
DRAWN BY: MDM