

★ Roll Call Number

08-1176

Agenda Item Number

17

Project Name: Disposition – Non-Project Related – 119/ Striggles Legacy II, LLC - Page 1

Date July 14, 2008

**RESOLUTION AUTHORIZING AND APPROVING PARTIAL RELEASE OF UTILITY  
EASEMENT RESERVATION FOR A PORTION OF INGERSOLL AVENUE RIGHT-OF-WAY  
BETWEEN 17<sup>TH</sup> STREET AND 18<sup>TH</sup> STREET**

**WHEREAS**, on July 18, 2005, by Roll Call No. 05-1662, the City Council adopted a recommendation from the City Plan and Zoning Commission that a portion of the Ingersoll Avenue right-of-way between 17<sup>th</sup> Street and 18<sup>th</sup> Street, hereinafter more fully described, be vacated and sold; and

**WHEREAS**, on March 28, 2005, by Roll Call No. 05-707, the City Council adopted a recommendation from the City Plan and Zoning Commission that the East/West alley between Ingersoll Avenue and Grand Avenue from 17<sup>th</sup> Street to 18<sup>th</sup> Street, hereinafter more fully described, be vacated and sold; and

**WHEREAS**, on November 21, 2005, by Roll Call No. 05-2790, it was duly resolved by the City Council that the proposed vacation and conveyance of such right-of-way be set down for hearing on December 5, 2005, at 5:00 p.m., in the Council Chamber; and

**WHEREAS**, on December 5, 2005, by Roll Call No. 05-2922, the City Council of the City of Des Moines, Iowa approved the sale and conveyance of such right-of-way to Striggles Legacy II, LLC for \$2,000.00; and

**WHEREAS**, Striggles Legacy II, LLC has submitted a site plan to the City's Community Development Department, which plan has been approved, and will submit building plans for construction of residential units, retail commercial space and parking improvements in and adjacent to the previously transferred right-of-way, and in the process has requested that a portion of the easement reservation for utilities upon said property, as described in the Quit Claim Deed from the City to Striggles Legacy II, LLC and recorded in the office of the Recorder of Polk County, Iowa on January 12, 2006, in Book 11482, Pages 823-829, be released by the City of Des Moines; and

**WHEREAS**, the City has no need for the existing easement reservation upon the portion of the property to be released.

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

1. There is no public need for the property interest described below and the public would not be inconvenienced by reason of the release of this portion of the City's utility reservation easement specifically described as follows:

A part of Lot 6 in Lowell Chamberlains Addition, an Official Plat in the City of Des Moines, Polk County, Iowa, described as follows:

Beginning at the Northeast Corner of said Lot 6; thence N86°27'21"W along the north line of said Lot 6, a distance of 42.44 feet; thence N74°33'00"E, a distance of 28.93 feet to the south line of an Electric Line Easement described in Book 11731 Page 456 in the County Recorder's Office; thence S89°00'36"E along

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said south line a distance of 10.01 feet to the northerly extension of the east line of said Lot 6; thence S23°43'34"E along said extended east line, a distance of 11.09 feet to the Point of Beginning. Said tract of land contains 250 square feet more or less.

2. The release of such portion of the City's utility reservation easement be and is hereby approved.
3. The Mayor is authorized and directed to sign the Partial Release of Utility Reservation and the City Clerk is authorized and directed to attest to the Mayor's signature.
4. The City Clerk is authorized and directed to forward the original of this Partial Release of Utility Reservation to the Real Estate Division of the Engineering Department for the purpose of causing said document to be recorded.
5. The Real Estate Division Manager is authorized and directed to forward the original of the Partial Release of Utility Reservation to the Polk County Recorder's Office for the purpose of causing this document to be recorded.
6. Upon receipt of the recorded document back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Partial Release of Utility Reservation to the grantee.

Moved by Mahaffey to adopt.

APPROVED AS TO FORM:

Glenna K. Frank  
Glenna K. Frank, Assistant City Attorney

RSN

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLISSIS	✓			
TOTAL	7			

MOTION CARRIED APPROVED  
T. M. Franklin 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.

Diane Rauh City Clerk