



Roll Call Number

17-0764

Agenda Item Number

30

Date May 8, 2017

SET HEARING FOR VACATION OF A SEGMENT OF INGERSOLL AVENUE RIGHT-OF-WAY LOCATED NORTH OF AND ADJOINING 539 POLK BOULEVARD AND CONVEYANCE TO ELIZABETH J. CARTER AND JARED M. CARTER FOR \$150.00

WHEREAS, on April 6, 2017, the City Plan and Zoning Commission voted to recommend to the City Council of the City of Des Moines, Iowa, that the south 13 feet of Ingersoll Avenue street right-of-way adjoining 539 Polk Boulevard, hereinafter more fully described, be vacated, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated and the requirement that all vegetation located within the traffic vision triangle, whether private property or City right-of-way, shall meet all requirements set forth in City code; and

WHEREAS, Elizabeth J. Carter and Jared M. Carter, owners of 539 Polk Boulevard, have offered to the City of Des Moines ("City") the purchase price of \$150.00 for the vacation and purchase of the Ingersoll Avenue right-of-way adjoining 539 Polk Boulevard (herein "City Right-of-Way"), to allow for construction of a 4-foot tall, 75% open fence at the perimeter of the side yard to within one (1) foot of the public sidewalk, which price reflects the fair market value of the City Right-of-Way as determined by the City's Real Estate Division; and

WHEREAS, there is no known current or future public need or benefit for the portion of the City Right-of-Way proposed to be vacated and sold, and the City will not be inconvenienced by the vacation and sale of said property.

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

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating a segment of Ingersoll Avenue street right-of-way adjoining 539 Polk Boulevard, legally described as follows, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated and the requirement that all vegetation located within the traffic vision triangle, whether private property or City right-of-way, shall meet all requirements set forth in City code:

A PORTION OF INGERSOLL AVENUE RIGHT OF WAY LYING NORTH OF AND ADJACENT TO LOT 13, INGERSOLL PARK, AN OFFICIAL PLAT, 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 NORTHEAST CORNER OF SAID LOT 13, THENCE N0°00'00"W ALONG THE EXTENDED WEST LINE OF SAID LOT 13, A DISTANCE OF 4.08 FEET; THENCE NORTHEASTERLY 10.94 FEET ALONG A 15.00 FOOT RADIUS CURVE NOT TANGENT TO THE PREVIOUS COURSE, CONCAVE NORTHWESTERLY, WHOSE CHORD LENGTH IS 10.70 FEET AND WHOSE CHORD BEARS N69°18'01"E; THENCE NORTHEASTERLY 8.84 FEET ALONG A 12.00 FOOT RADIUS CURVE,



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CONCAVE SOUTHEASTERLY, WHOSE CHORD LENGTH IS 8.64 FEET AND WHOSE CHORD BEARS N69°31'12"E; THENCE S89°22'03"E, 115.09 FEET TO A POINT THAT IS ON THE EXTENDED EAST LINE OF SAID LOT 13; THENCE S0°11'00"W, 10.63 FEET TO THE NORTHEAST CORNER OF SAID LOT 13; THENCE N89°33'45"W ALONG THE NORTH LINE OF SAID LOT 13, A DISTANCE OF 133.16 FEET TO THE POINT OF BEGINNING, CONTAINING 1380 SQUARE FEET AND SUBJECT TO EASEMENTS, COVENANTS AND RESTRICTIONS OF RECORD.

2. That if the City Council decides to vacate the above described right-of-way, the City further proposes to sell such vacated right-of-way, as legally described below, to Elizabeth J. Carter and Jared M. Carter for \$150.00, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or relocated and the requirement that all vegetation located within the traffic vision triangle, whether private property or City right-of-way, shall meet all requirements set forth in City code:

A PORTION OF THE VACATED INGERSOLL AVENUE RIGHT OF WAY LYING NORTH OF AND ADJACENT TO LOT 13, INGERSOLL PARK, AN OFFICIAL PLAT, 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 NORTHEAST CORNER OF SAID LOT 13, THENCE N0°00'00"W ALONG THE EXTENDED WEST LINE OF SAID LOT 13, A DISTANCE OF 4.08 FEET; THENCE NORTHEASTERLY 10.94 FEET ALONG A 15.00 FOOT RADIUS CURVE NOT TANGENT TO THE PREVIOUS COURSE, CONCAVE NORTHWESTERLY, WHOSE CHORD LENGTH IS 10.70 FEET AND WHOSE CHORD BEARS N69°18'01"E; THENCE NORTHEASTERLY 8.84 FEET ALONG A 12.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, WHOSE CHORD LENGTH IS 8.64 FEET AND WHOSE CHORD BEARS N69°31'12"E; THENCE S89°22'03"E, 115.09 FEET TO A POINT THAT IS ON THE EXTENDED EAST LINE OF SAID LOT 13; THENCE S0°11'00"W, 10.63 FEET TO THE NORTHEAST CORNER OF SAID LOT 13; THENCE N89°33'45"W ALONG THE NORTH LINE OF SAID LOT 13, A DISTANCE OF 133.16 FEET TO THE POINT OF BEGINNING, CONTAINING 1380 SQUARE FEET AND SUBJECT TO EASEMENTS, COVENANTS AND RESTRICTIONS OF RECORD.

3. That the meeting of the City Council at which the sale and conveyance of such vacated street right-of-way is to be considered shall be on May 22, 2017, said meeting to be held at 5:00 p.m., in the City Council Chamber, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa..

4. 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.

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



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Moved by Hensley to adopt.

APPROVED AS TO FORM:

[Signature]

Lisa A. Wieland, Assistant City Attorney

PSM

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED APPROVED

T. M. Franklin Council 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.

[Signature] City Clerk