



Roll Call Number

17-0902

Agenda Item Number

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Date May 22, 2017

HOLD HEARING AND APPROVAL OF DOCUMENTS 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 street 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; and

WHEREAS, on May 8, 2017, by Roll Call No. 17-0764, it was duly resolved by the City Council of the City of Des Moines, Iowa, that the proposed vacation and conveyance of the City Right-of-Way be set down for hearing on May 22, 2017, at 5:00 p.m., in the City Council Chambers; and

WHEREAS, due notice of said proposal to vacate and convey the City Right-of-Way was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with City Council direction, those interested in the proposed vacation and conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council of the City of Des Moines, Iowa.

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

1. Upon due consideration of the facts and statements of interested persons, any and all objections to the proposed vacation and conveyance of the City Right-of-Way, as described herein, are hereby overruled and the hearing is closed.
2. There is no public need or benefit for the City Right-of-Way proposed to be vacated, and the public would not be inconvenienced by reason of the vacation of the segment of Ingersoll Avenue street right-of-way adjoining 539 Polk Boulevard, as legally described below, subject to the reservation of any



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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 said vacation is hereby approved:

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, 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. The proposed sale of such vacated right-of-way, as legally described below, to Elizabeth J. Carter and Jared M. Carter for \$150.00, together with payment by said grantee of the estimated publication and recording costs for this transaction, 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, is hereby approved:

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.



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4. The Mayor is authorized and directed to sign the Offer to Purchase and Quit Claim Deed for the conveyance as identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.
5. Upon proof of payment of the consideration plus \$113.00 for publication and recording costs, the City Clerk is authorized and directed to forward the original of the Quit Claim Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.
6. The Real Estate Division Manager is authorized and directed to forward the original of the Quit Claim Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.
7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim Deed and copies of the other documents to the grantees.
8. Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Lisa A. Wieland
Lisa A. Wieland, Assistant City Attorney

PSW

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

MOTION CARRIED APPROVED

J. 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