



Roll Call Number

23-0583

Agenda Item Number

23

Date April 24, 2023

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF A PORTION OF INGERSOLL AVENUE RIGHT-OF-WAY ADJOINING 1910 INGERSOLL AVENUE AND CONVEYANCE OF A PERMANENT EASEMENT FOR BUILDING ENCROACHMENT TO COMMUNITY FOUNDATION OF GREATER DES MOINES FOR \$600.00

WHEREAS, on February 7, 2022, by Roll Call No. 22-0169, the City Council of the City of Des Moines, Iowa voted to receive and file a recommendation from the City Plan and Zoning Commission to approve a request from Community Foundation of Greater Des Moines to vacate a portion of Ingersoll Avenue right-of-way adjoining 1910 Ingersoll Avenue to allow continued encroachment of the existing building into the adjoining right-of-way; and

WHEREAS, Community Foundation of Greater Des Moines, owner of 1910 Ingersoll Avenue, has offered to the City of Des Moines, Iowa (“City”) the purchase price of \$600.00 for the purchase of a Permanent Easement for Building Encroachment under, over, through, and across a small segment of Ingersoll Avenue right-of-way located north of and adjoining 1910 Ingersoll Avenue, Des Moines, Iowa (hereinafter “Property”); and

WHEREAS, the City has no known current or anticipated public need for the Property proposed to be vacated, and the City will not be inconvenienced by the vacation of said Property and conveyance of a Permanent Easement for Building Encroachment therein.

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

1. The City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating a segment of Ingersoll Avenue right-of-way located north of and adjoining 1910 Ingersoll Avenue, Des Moines, Iowa, legally described as follows:

Part of Ingersoll Avenue right-of-way being a part of Lot 2 in Cottage Hill Addition, 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 intersection of the East line of said Lot 2 and the South right-of-way line of Ingersoll Avenue, as it is presently established; thence South 89°(degrees) 49’(minutes) 38”(seconds) West, 49.00 feet along the South right-of-way line of said Ingersoll Avenue; thence North 00°10’22” West, 1.00 feet; thence North 89°49’38” East, 37.00 feet; thence North 00°10’22” West, 1.00 feet; thence North 89°49’38” East, 11.99 feet to the East line of said Lot 2; thence South 00°32’44” East, 2.00 feet along the East line of said Lot 2 to the point of beginning.

Containing 61.0 square feet, more or less.

2. The City Council of the City of Des Moines, Iowa, further proposes to convey a Permanent Easement for Building Encroachment, as legally described below, to Community Foundation of Greater Des Moines, for \$600.00:



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Beginning at the intersection of the East line of said Lot 2 and the South right-of-way line of Ingersoll Avenue, as it is presently established; thence South 89°(degrees) 49'(minutes) 38"(seconds) West, 49.00 feet along the South right-of-way line of said Ingersoll Avenue; thence North 00°10'22" West, 1.00 feet; thence North 89°49'38" East, 37.00 feet; thence North 00°10'22" West, 1.00 feet; thence North 89°49'38" East, 11.99 feet to the East line of said Lot 2; thence South 00°32'44" East, 2.00 feet along the East line of said Lot 2 to the point of beginning.

Containing 61.0 square feet, more or less.

3. That the meeting of the City Council at which the adoption of said ordinance and the conveyance of such easement is to be considered shall be on May 8, 2023, at 5:00 p.m. in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, 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.

Please check the posted agenda in advance of the May 8, 2023 meeting for any update on the manner in which the public hearing will be conducted to comply with COVID-19 social distancing and safety guidelines.

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.



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Moved by Gatto to adopt. Second by Boesen

APPROVED AS TO FORM:

/s/ Mackenzie L. Moreno
Mackenzie L. Moreno, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, SHEUMAKER, VOSS, WESTERGAARD, and TOTAL.

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.

J. M. Franklin Cowrie Mayor

Laura Baumgartner City Clerk