

SET HEARING FOR APPROVAL OF DOCUMENTS FOR VACATION OF SURFACE AND SUBSURFACE RIGHTS WITHIN PORTIONS OF INGERSOLL AVENUE RIGHT-OF-WAY ADJOINING 2701 INGERSOLL AVENUE AND CONVEYANCE OF A PERMANENT EASEMENT FOR BUILDING ENCROACHMENT AND A PERMANENT EASEMENT FOR SUBSURFACE BUILDING ENCROACHMENT ON CITY-OWNED PROPERTY TO STAR LOFTS CONDOS FOR \$5,400

WHEREAS, on August 5, 2024, by Roll Call No. 24-1062 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 Star Lofts Condos to vacate surface and subsurface rights within portions of Ingersoll Avenue right-of-way adjoining 2701 Ingersoll Avenue, subject to the reservation of easements for all existing utilities in place until such time as they are abandoned or relocated; and

WHEREAS, Star Lofts Condos, the owner of 2701 Ingersoll Avenue, has offered to the City of Des Moines, Iowa (“City”) the purchase price of \$5,400.00 for the purchase of a Permanent Easement for Building Encroachment and a Permanent Easement for Subsurface Building Encroachment on City-Owned Property (“Easements”) over, through and across portions of Ingersoll Avenue right-of-way adjoining 2701 Ingersoll Avenue (hereinafter “Easement Area”) for the purpose of constructing, operating, maintaining and repairing a patio space in front of the building, and using, repairing, renovating, and maintaining a foundation for a retaining wall upon the vacated right-of-way, which price reflects the fair market value of the Easements as determined by the City’s Real Estate Division; and

WHEREAS, there is no known current or future public need for the street right-of-way proposed to be vacated, and the City will not be inconvenienced by the vacation of said property and the conveyance of the Easements in such vacated right-of-way.

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

1. That the City Council of the City of Des Moines, Iowa, shall consider adoption of an ordinance permanently vacating the portions of Ingersoll Avenue right-of-way adjoining 2701 Ingersoll Avenue, legally described as follows:

SURFACE RIGHTS

PART OF INGERSOLL AVENUE RIGHT-OF-WAY ABUTTING THE WEST 180 FEET OF THAT PART OF LOT 16 OF THE OFFICIAL PLAT OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., LYING NORTH OF INGERSOLL AVENUE, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Date August 19, 2024

QUARTER OF SECTION 5, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., LYING NORTH OF INGERSOLL AVENUE, 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 SOUTHWEST CORNER OF THE WEST 180 FEET OF SAID LOT 16 LYING NORTH OF INGERSOLL AVENUE; THENCE NORTH 89°(DEGREES) 49'(MINUTES) 07"(SECONDS) EAST, 180.00 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID INGERSOLL AVENUE TO THE SOUTHEAST CORNER OF THE WEST 180 FEET OF SAID LOT 16 LYING NORTH OF INGERSOLL AVENUE; THENCE SOUTH 00°10'53" EAST, 3.15 FEET; THENCE SOUTH 89°49'07" WEST, 180.00 FEET; THENCE NORTH 00°10'53" WEST, 3.15 FEET TO THE POINT OF BEGINNING.

CONTAINING 567 SQUARE FEET.

AND

PERMANENT EASEMENT FOR SUBSURFACE BUILDING ENCROACHMENT ON CITY-OWNED PROPERTY

PART OF VACATED INGERSOLL AVENUE RIGHT-OF-WAY SOUTH OF THE WEST 180 FEET OF THAT PART OF LOT 16 OF THE OFFICIAL PLAT OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., LYING NORTH OF INGERSOLL AVENUE, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE WEST 180 FEET OF SAID LOT 16 LYING NORTH OF INGERSOLL AVENUE; THENCE SOUTH 00°(DEGREES) 10'(MINUTES) 53"(SECONDS) EAST 3.15 FEET; THENCE SOUTH 89° 49' 07" WEST, 37.00 FEET PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF SAID INGERSOLL AVENUE TO THE POINT OF BEGINNING; THENCE SOUTH 00°10'53" EAST, 2.00 FEET; THENCE SOUTH 89°49'07" WEST, 45.00 FEET; THENCE NORTH 00°10'53" WEST, 2.00 FEET; THENCE NORTH 89°49'07" EAST, 45.00 FEET PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF SAID INGERSOLL AVENUE TO THE POINT OF BEGINNING.

CONTAINING 90 SQUARE FEET.

- 3. That the meeting of the City Council at which the adoption of said ordinance and the sale and conveyance of such right-of-way is to be considered shall be on September 16, 2024, said meeting to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines,

★ **Roll Call Number**

24-1148

Agenda Item Number

18

Date August 19, 2024

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. Persons interested in the proposal will be given the opportunity to express their views at that hearing.

In addition, the City Council shall receive written views, comments, objections and arguments from any resident of taxpayer of the City that are received by the City Clerk prior to 5:00 p.m. on September 12, 2024 (City Clerk’s Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; E-mail cityclerk@dmgov.org).

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.

Moved by Gatto to adopt. Second by Coleman.

APPROVED AS TO FORM:

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON	✓			
VOSS	✓			
COLEMAN	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	7			

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.

MOTION CARRIED APPROVED
Conie Boesen Mayor

Laura Baumgartner
Laura Baumgartner, City Clerk