



**Roll Call Number**

**Agenda Item Number**

40A

**Date** March 18, 2024

An Ordinance entitled, "AN ORDINANCE vacating a portion of the City right-of-way located on the north side of Ingersoll Avenue between 23<sup>th</sup> Street and Martin Luther King, Jr. Parkway",

presented.

Moved by \_\_\_\_\_ that this ordinance be considered and given first vote for passage. Second<sup>d</sup> by \_\_\_\_\_.

FORM APPROVED:

(First of three required readings)

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
TOTAL				
MOTION CARRIED	APPROVED			

**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.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

40A

Prepared by: Mackenize L. Moreno, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, Iowa 50309 (515) 283-4535  
Return to: City Clerk's Office, 400 Robert D. Ray Drive, Des Moines, Iowa 50309

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE vacating a portion of the City right-of-way located on the north side of Ingersoll Avenue between 23<sup>th</sup> Street and Martin Luther King, Jr. Parkway.

WHEREAS, all prior requirements of law pertaining to the vacation of public right-of-way have been fully observed; and

WHEREAS, it is desirable that the public right-of-way herein described be vacated;

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

Sec. 1. That a portion of the City right-of-way located on the north side of Ingersoll Avenue between 23<sup>th</sup> Street and Martin Luther King, Jr. Parkway, more specifically described as follows, be and is hereby vacated:

**LEGAL DESCRIPTION 100-V1:**

A PORTION OF INGERSOLL AVENUE RIGHT OF WAY IN THE OFFICIAL PLAT OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF INGERSOLL AVENUE AND THE WEST LINE OF LOT 9 OF SAID OFFICIAL PLAT; THENCE NORTH 89°(DEGREES) 53'(MINUTES) 47"(SECONDS) EAST, 79.61 FEET ON SAID NORTH RIGHT OF WAY LINE; THENCE SOUTH 00°52'53" EAST, 21.82 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°55'38" EAST, 13.68 FEET; THENCE SOUTH 00°29'05" EAST, 7.56 FEET; THENCE NORTH 89°58'38" WEST, 13.63

FEET; THENCE NORTH 00°52'53" WEST, 7.54 FEET TO THE POINT OF BEGINNING CONTAINING 103 SQUARE FEET.

SUBJECT TO ALL EASEMENTS AND AGREEMENTS OF RECORD.

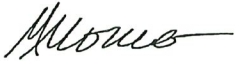
FOR THE PURPOSE OF THIS DESCRIPTION, ALL BEARING AND DISTANCES ARE REFERENCED TO NAD83(2011) IA SPCS SOUTH ZONE, US SURVEY FOOT.

Sec. 2. The City of Des Moines hereby reserves an easement upon the property described above for the continued use and maintenance of any utilities now in place, with the right of entry for servicing same.

Sec. 3. That the City Clerk is hereby authorized and directed to cause certified copies of this ordinance and proof of publication thereof together with proof of publication of the notice of the public hearing on this matter to be properly filed in the office of the Recorder of Polk County, Iowa.

Sec. 4. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:



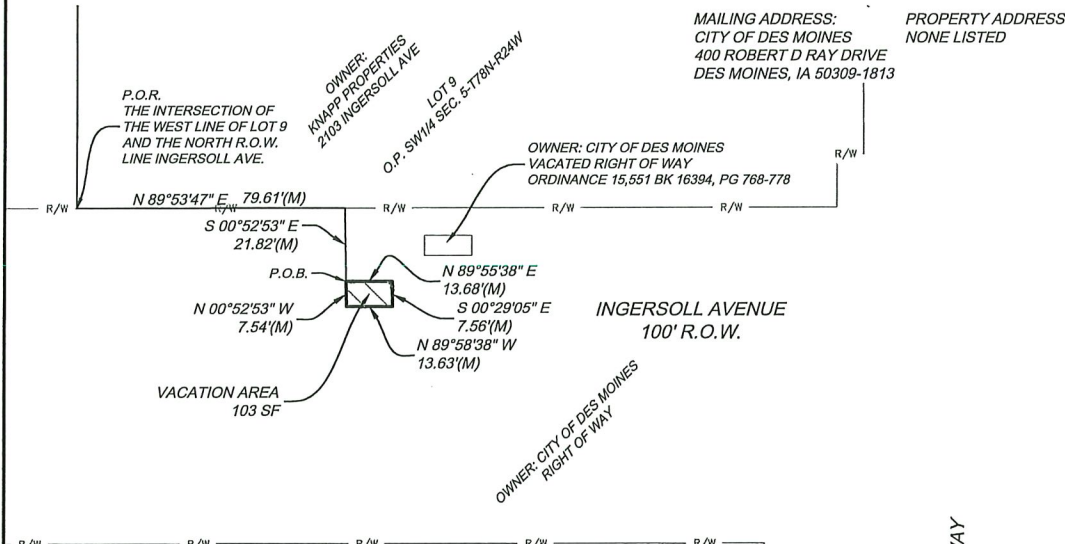
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Mackenzie L. Moreno  
Assistant City Attorney

Index Legend	
City:	Des Moines County: Polk County
Geo Parcel:	7824-05-630-038
Description:	Pt of O.P. SW1/4 Sec. 5, T78N,R24W
Proprietor:	City of Des Moines
Surveyor:	Chad W. Marsh
Company:	Kirkham Michael
Return To:	4390 114th Street Urbandale, Iowa 50322 (515) 270-0848

# VACATION EXHIBIT

EXHIBIT 100-V1



MAILING ADDRESS:  
CITY OF DES MOINES  
400 ROBERT D RAY DRIVE  
DES MOINES, IA 50309-1813

PROPERTY ADDRESS:  
NONE LISTED

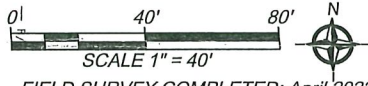
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FIELD SURVEY COMPLETED: April 2022

- LEGEND**
- ▲ FND. SECTION CORNER (AS NOTED)
  - △ SET SECTION CORNER
  - FOUND PROPERTY CORNER (AS NOTED)
  - SET 5/8"x24" REROD W/ YELLOW PLASTIC CAP #17340 OR CUT "X"
  - X CALCULATED POINT NOT SET
  - M MEASURED
  - R RECORDED PREVIOUSLY
  - P.O.R. POINT OF REFERENCE
  - P.O.B. POINT OF BEGINNING
  - I.R. IRON ROD
  - I.P. IRON PIPE
  - SECTION LINE
  - R/W- EXISTING RIGHT-OF-WAY LINE
  - EXISTING LOT LINE
  - P/L- PROPERTY LINE
  - ▨ VACATION AREA

- NOTES**
1. MONUMENTS SHOWN TO BE SET WILL BE ESTABLISHED AFTER CONSTRUCTION IS COMPLETE
  2. ERROR OF CLOSURE FOR THIS PLAT IS WITHIN 1:5000



I hereby certify that this land surveying document and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

*Chad W. Marsh* 5-24-23  
CHAD W. MARSH DATE

License Number 17340  
My license renewal date is DECEMBER 31, 2024.

Pages or sheets covered by this seat:  
This Sheet Only

**SURVEY FOR:**

CITY OF DES MOINES  
400 Robert D. Ray Drive  
Des Moines, Iowa 50309-1891  
Phone: (515) 283-4542

KM PROJECT NO. 1901600 DATE: 5/24/2023



Kirkham Michael  
4390 114th Street  
Urbandale, IA 50322  
Phone: 515-270-0848 Fax: 515-270-1067

SHEET

1 OF 1

MARTIN LUTHER KING JR. PARKWAY

*EPS 6-1-23*