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CHG BM



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Kind: EASEMENT WITH TRANSFER
Recorded: 06/26/2017 at 04:24:46 PM
Fee Amt: \$42.00 Page 1 of 7
Polk County Iowa
JULIE M. HAGGERTY RECORDER
File# 2016-00107887

BK 16538 PG 665-671

Prepared by: Sara Henry, Real Estate Coordinator, City of Des Moines, 400 Robert D. Ray Drive, Des Moines, IA 50309-1891, (515) 283-4190

RETURN TO Return to: Real Estate Division, City of Des Moines, 400 Robert D. Ray Drive, Des Moines, IA 50309-1891

Project: Developer Easement

Activity ID: 321111000

Project Location: 2301 Ingersoll Avenue, Des Moines, Iowa 50312

Parcel No.: 104

PERMANENT EASEMENT FOR PUBLIC PEDESTRIAN WAY

23 Ingersoll, L.L.C., a Delaware limited liability company (hereinafter referred to as the "Grantor"), in consideration of the approval by the City of Des Moines, Iowa, of the site plan for the development of the property in which this easement is located, does/do hereby convey unto the City of Des Moines, Iowa, a municipal corporation (hereinafter referred to as the "City"), a Permanent Easement for a Public Pedestrian Way over, through and across the following described property:

A PART OF LOTS 6 THROUGH 15, LOT 21, AND THE VACATED LINDEN STREET, BLOCK "C", WOODLAND PARK, AN OFFICIAL PLAT, AND A PART OF LOTS 1 AND 4 OF THE OFFICIAL PLAT OF LOT 13 OF THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AREA "A"

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 4 OF SAID OFFICIAL PLAT OF LOT 13 OF THE SOUTHWEST 1/4 OF SECTION 5; THENCE SOUTH 89°48'31" WEST ALONG THE SOUTH LINE OF SAID LOT 4, A DISTANCE OF 13.00 FEET; THENCE NORTH 00°05'27" EAST, 89.53 FEET; THENCE NORTH 90°00'00" WEST, 6.00 FEET; THENCE NORTH 00°05'25" EAST, 333.92 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF HIGH STREET; THENCE NORTH 89°51'04" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 10.25 FEET TO THE WEST RIGHT-OF-WAY LINE OF 23RD STREET; THENCE SOUTH 00°00'53" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, 279.03 FEET; THENCE NORTH 89°51'33" EAST CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, 7.97 FEET; THENCE SOUTH 00°00'53" EAST CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, 144.43 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.12 ACRES (5,120 S.F.),

AREA "B"

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1 (EXCEPT THE WEST 33 FEET); THENCE NORTH 00°09'59" EAST ALONG THE EAST RIGHT-OF-WAY LINE OF 24TH STREET, 423.67 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF HIGH STREET; THENCE NORTH 89°51'04" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, 1.50 FEET; THENCE SOUTH 00°09'59" WEST, 379.25 FEET; THENCE SOUTH 89°50'01" EAST, 5.42 FEET; THENCE SOUTH 00°00'00" WEST, 28.00 FEET; THENCE SOUTH 00°10'47" WEST, 16.38 FEET TO THE NORTH RIGHT-OF-WAY LINE OF INGERSOLL AVENUE; THENCE SOUTH 89°48'31" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE, 7.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.02 ACRES (879 S.F.).

PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

Which property is also described and depicted on the plat attached hereto as Exhibit "A"

(hereinafter referred to as the "Easement Area") for all activities related to the purpose of the City constructing, reconstructing, repairing, enlarging and maintaining an artificial surface and sidewalk for pedestrians and bicycles within the Easement Area, together with the full rights of the City and the public, subject to State Laws and City Ordinances, to use said Easement Area for ingress and egress.

This Easement shall be subject to the following terms and conditions:

1. **ERECTION OF STRUCTURES PROHIBITED.** Grantor shall not erect any structure, building or fence over or within the Easement Area.
2. **OBSTRUCTIONS PROHIBITED.** Grantor shall not erect or cause to be placed on the Easement Area any structure, material, device, thing, or matter which could possibly obstruct or impede the usage of the Easement Area by pedestrians or bicycles.
3. **MAINTENANCE OF EASEMENT.** Grantor shall keep and preserve all portions of the Easement Area in good repair and condition at all times, and shall not plant nor permit to grow any trees or other vegetative growth which might reasonably be expected to obstruct or impair usage of the Easement Area.
4. **CHANGE OF GRADE PROHIBITED.** Grantor shall not change the grade, elevation or contour of any part of the Easement Area without obtaining the prior written consent of the City Engineer.
5. **RIGHT OF ACCESS.** The City, its agents, contractors, employees and assigns shall have the right of access to the Easement Area and have all rights of ingress and egress reasonably necessary for the use and enjoyment of the Easement Area. This Easement allows the City, its agents, contractors, employees and assigns the right to enter in, upon and onto the Easement Area at any time to perform any and all activities related to or necessary for the construction, reconstruction, repair, enlargement or maintenance of the public pedestrian way, including but not limited to the following activities: (1) grading and excavation; (2) hauling, transporting and storage of materials and equipment; (3) removal of any unauthorized plantings or structures placed or erected within the Easement Area; (4) trimming and/or removal of trees, shrubs, and landscaping within or encroaching upon the Easement Area; and (5) utility work including but not limited to relocation, placement and removal of various utility facilities such as electric poles and wires, water lines, sewer lines and natural gas facilities that are within or encroaching upon the Easement Area. This right of access shall begin on the date that Grantor executes this document.
6. **EASEMENT RUNS WITH LAND.** This Easement shall be deemed to run with the land and shall be binding on Grantor and on Grantor's successors and assigns.
7. **APPROVAL BY CITY COUNCIL.** This Easement shall not be binding until it has received final approval and acceptance by the Des Moines City Council or its designee, which approval and acceptance shall be noted on this Easement.
8. **SPECIAL PROVISIONS.** This Easement may be assigned by the City.

Grantor does hereby covenant with the City that Grantor holds said real estate described in this Easement by Title In Fee Simple; that Grantor has good and lawful authority to convey the same;

and said Grantor covenants to warrant and defend the said premises against the lawful claims of all persons whomsoever.

Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share, if any, in and to the interests conveyed by this Easement.

Words and phrases herein including acknowledgment hereof shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

[Signature Pages to Follow]

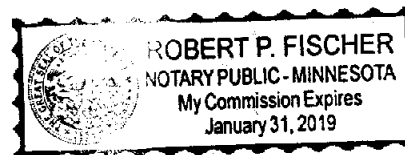
Signed this 15 day of June, 2017.

23 Ingersoll, LLC

[Signature]
By: Jeff Koch
Title: Manager

On this 15 day of June, 2017, before me, the undersigned, a Notary Public in the State of MN, personally appeared Jeff Koch, who, being by me duly sworn did state that he is a Manager of 23 Ingersoll, LLC, a manager-managed Delaware limited liability company; that the foregoing instrument was signed on behalf of the company; and that he, as a manager, acknowledged the execution of the instrument to be the voluntary act and deed of the company.

[Signature]
Notary Public in the State of MN



APPROVED AS TO FORM:

[Signature]
Thomas G. Fisher Jr., Assistant City Attorney

The conveyance of the foregoing easement is hereby accepted by the City of Des Moines, Iowa. This Acceptance is made by the City Manager under authority delegated to the City Manager by §2-201(e) of the Municipal Code of the City of Des Moines, Iowa, as amended by Ordinance No. 14,763, enacted on May 5, 2008, by the City Council of the City of Des Moines, Iowa.

Date: June 22, 2017.

CITY OF DES MOINES, IOWA

By: [Signature]
Scott Sanders, City Manager

INDEX LEGEND

SURVEYOR'S NAME:
ERIN D. GRIFFIN
SNYDER & ASSOCIATES, INC.
2727 SW SNYDER BOULEVARD
ANKENY, IOWA 50023
515-964-2020
EGRIFIN@SNYDER-ASSOCIATES.COM
SERVICE PROVIDED FOR:
ROERS INVESTMENTS
SURVEY LOCATED:
PT. LOTS 6-15, WOODLAND PARK
PT. NE1/4 SW1/4
SECTION 05-78N-24W
REQUESTED BY:
ROERS INVESTMENTS
RETURN TO:
ERIN D. GRIFFIN
SNYDER & ASSOCIATES, INC.
2727 SW SNYDER BOULEVARD
ANKENY, IOWA 50023

PLAT OF SURVEY
OF PERMANENT EASEMENT BEING
CONVEYED TO THE CITY OF DES MOINES

PUBLIC SIDEWALK EASEMENT DESCRIPTION

A PART OF LOTS 6 THROUGH 15, LOT 21, AND THE VACATED LINDEN STREET, BLOCK "C", WOODLAND PARK, AN OFFICIAL PLAT, AND A PART OF LOTS 1 AND 4 OF THE OFFICIAL PLAT OF LOT 13 OF THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

DATE OF SURVEY

MAY 19, 2015

OWNER

ALL PEOPLE RE INVESTMENT LLC LLC

LEGEND

Survey	Found	Set
Section Corner	▲	△
5/8" Rebar, Yellow Plastic Cap #13146	●	
1/2" Rebar, Yellow Plastic Cap #19710 (Unless Otherwise Noted)		○
ROW Marker	■	□
ROW Rail	I	Σ
Calculated Point	+	
Platted Distance	P	
Measured Bearing & Distance	M	
Recorded As	R	
Deed Distance	D	
Calculated Distance	C	
Centerline	----	
Section Line	----	
1/4 Section Line	----	
1/4 1/4 Section Line	----	
Easement Line	----	

ELB 11-7-16

LICENSED PROFESSIONAL LAND SURVEYOR
ERIN D. GRIFFIN
19710
IOWA

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

Erin D. Griffin, PLS

11/2/16

Date

License Number 19710

My License Renewal Date is December 31, 2017

Pages or sheets covered by this seal:
Sheets 1 and 2 of 2

2301 INGERSOLL AVENUE

SHEET 1 OF 2

PUBLIC SIDEWALK EASEMENT

PN: 116.0477

FIELD BK 987B PG 62



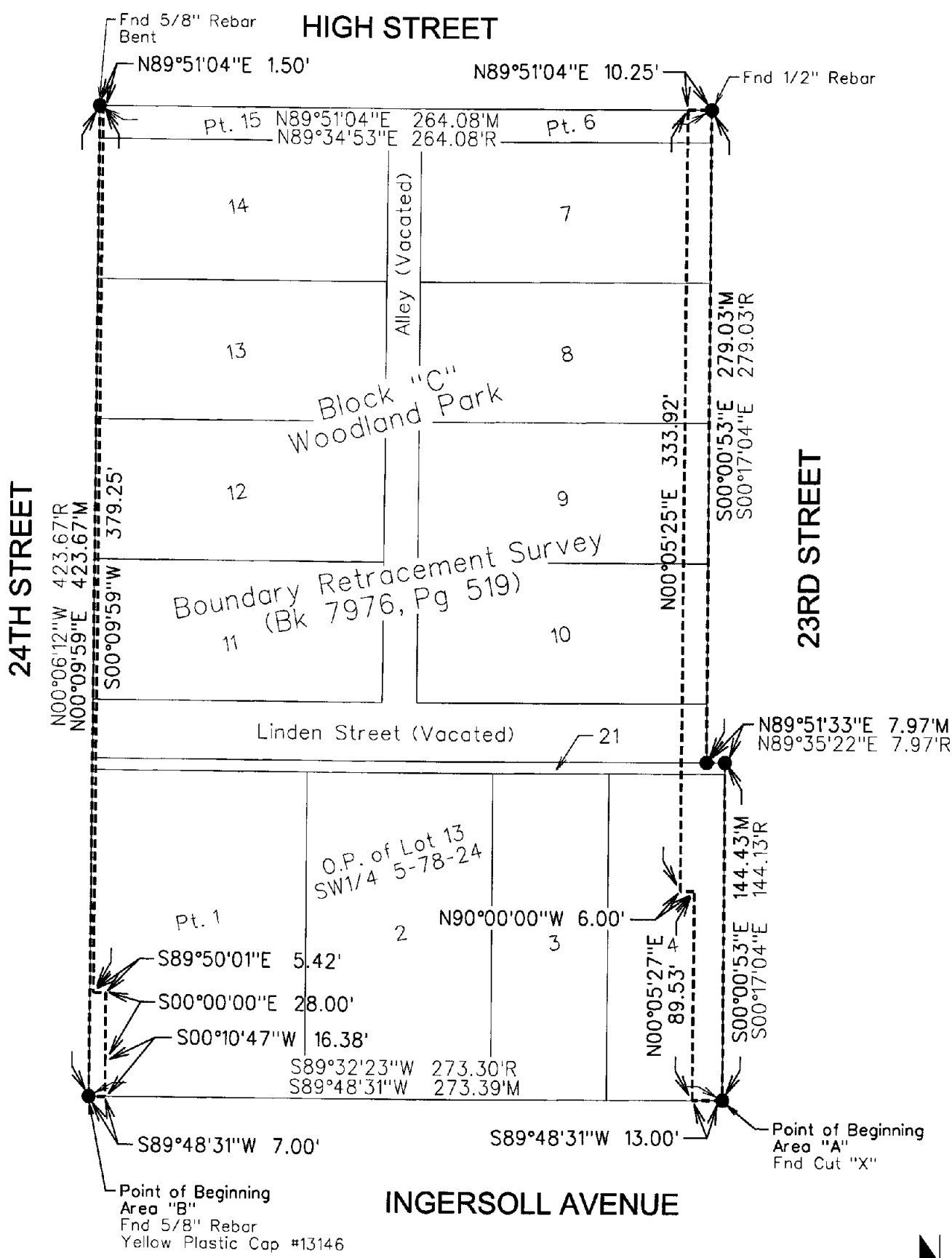
SNYDER & ASSOCIATES, INC.
Engineers and Planners

2727 S.W. SNYDER BLVD.
ANKENY, IA 50023 (515) 964-2020

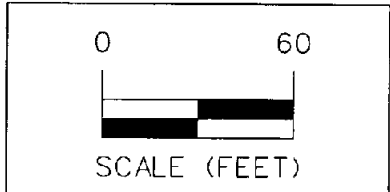
DATE 10/05/16

PM/TECH EDG/SGK

PLAT OF SURVEY
OF PERMANENT EASEMENT BEING
CONVEYED TO THE CITY OF DES MOINES



ETS 11-7-16



2301 INGERSOLL AVENUE
PUBLIC SIDEWALK EASEMENT



SNYDER & ASSOCIATES, INC.
Engineers and Planners
2727 S.W. SNYDER BLVD.
ANKENY, IA 50023 (515) 964-2020

SHEET	2 OF 2
PN:	116.0477
FIELD BK	987B PG 62
DATE	10/05/16
PM/TECH	EDG/SGK