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Kind: CONSENT & WAIVER  
Recorded: 06/26/2017 at 04:25:29 PM  
Fee Amt: \$22.00 Page 1 of 4  
Revenue Tax: \$0.00  
Polk County Iowa  
JULIE M. HAGGERTY RECORDER  
File# 2016-00107888

BK **16538** PG **672-675**

Prepared by: Sara Henry, Acquisition/Relocation Specialist, City of Des Moines, 400 Robert D. Ray Drive, Des Moines, IA 50309-1891  
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Return to: City of Des Moines, Real Estate Division, 400 Robert D Ray Drive, Des Moines, IA 50309-1891

Project: Developer's Easement

Parcel No.:

Activity ID: 321111000

**CONSENT AND WAIVER AS TO  
PERMANENT EASEMENT FOR PUBLIC PEDESTRIAN WAY**

WHEREAS, 23 Ingersoll LLC, an Delaware limited liability company, Mortgagor, and Dougherty Funding LLC, a Delaware limited liability company, Mortgagee, are parties to a mortgage upon the real estate described as:

ALL OF THE FOLLOWING REAL PROPERTY SITUATED IN THE CITY OF DES MOINES, POLK COUNTY, IOWA, TO WIT:

ALL THAT PART OF LOT TWENTY-ONE (21) IN BLOCK "C" IN WOODLAND PARK, LYING NORTH OF LOTS ONE (1), TWO (2), THREE (3), AND FOUR (4) IN OFFICIAL PLAT OF LOT THIRTEEN (13) OF OFFICIAL PLAT OF SOUTHWEST QUARTER (SW1/4) OF SECTION FIVE (5), TOWNSHIP SEVENTY-EIGHT (78), RANGE TWENTY-FOUR (24), WEST OF THE 5TH P.M., BEING A STRIP FIVE (5) FEET NORTH AND SOUTH, EXCEPT THE WEST THIRTY-THREE (33) FEET OF LOT TWENTY-ONE (21) IN BLOCK "C", WOODLAND PARK LYING WITHIN 24TH STREET, ALSO THE NORTH 54.68 FEET OF LOT FOUR (4) OFFICIAL PLAT OF LOT THIRTEEN (13) OF OFFICIAL PLAT OF SOUTHWEST QUARTER (SW1/4) OF SECTION FIVE (5), TOWNSHIP SEVENTY-EIGHT (78), RANGE TWENTY-FOUR (24), ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA; AND

THE SOUTH FOURTEEN (S 14) FEET OF LOT SIX (6), ALL OF LOT SEVEN (7), AND THE NORTH FORTY-SIX (N 46) FEET OF LOT EIGHT (8) IN BLOCK "C" IN WOODLAND PARK, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA; AND

THE SOUTH FOURTEEN (S 14) FEET OF LOT EIGHT (8) AND ALL OF LOTS NINE (9), TEN (10), ELEVEN (11), TWELVE (12), THIRTEEN (13), AND VACATED PORTION OF LINDEN STREET BETWEEN WEST LINE OF 23RD STREET AND EAST LINE OF 24TH STREET, AND VACATED ALLEYWAY RUNNING NORTH AND SOUTH FROM SOUTH SIDE OF HIGH STREET TO NORTH SIDE OF LINDEN STREET BETWEEN 23RD AND 24TH STREET, (LYING SOUTH OF LOT ELEVEN (11) IN BLOCK "C" IN WOODLAND PARK), NOW INCLUDED IN

AND FORMING A PART OF THE CITY OF DES MOINES, IOWA SUBJECT TO WARRANTY DEED RECORDED IN BOOK 5280, PAGE 564 AND

LOT FOURTEEN (14) AND SOUTH FOURTEEN (S 14) FEET OF LOT FIFTEEN (15) IN BLOCK "C" IN WOODLAND PARK, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA SUBJECT TO WARRANTY DEED RECORDED IN BOOK 5280, PAGE 564 AND

LOT ONE (1) (EXCEPT WEST THIRTY-THREE (W 33) FEET, IN OFFICIAL PLAT OF LOT THIRTEEN (13) OF OFFICIAL PLAT OF SOUTHWEST QUARTER (SW1/4) OF SECTION FIVE (5), TOWNSHIP SEVENTY-EIGHT (78), RANGE TWENTY-FOUR (24), WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA, SUBJECT TO WARRANTY DEED RECORDED IN BOOK 5280, PAGE 564 AND

LOT TWO (2) OF OFFICIAL PLAT OF LOT THIRTEEN (13) OF OFFICIAL PLAT OF SOUTHWEST QUARTER (SW1/4) OF SECTION FIVE (5), TOWNSHIP SEVENTY-EIGHT (78), RANGE TWENTY-FOUR (24), WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA; AND

LOT THREE (3) OF OFFICIAL PLAT OF LOT THIRTEEN (13) OF OFFICIAL PLAT OF SOUTHWEST QUARTER (SW1/4) OF SECTION FIVE (5), TOWNSHIP SEVENTY-EIGHT (78), RANGE TWENTY-FOUR (24), WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA; AND

THE SOUTH 85.32 FEET OF LOT FOUR (4) OF OFFICIAL PLAT OF LOT THIRTEEN (13) OF OFFICIAL PLAT OF SOUTHWEST QUARTER (SW1/4) OF SECTION FIVE (5), TOWNSHIP SEVENTY-EIGHT (78), RANGE TWENTY-FOUR (24), WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA,

EXCEPT, ANY PORTION OF THE ABOVE DESCRIBED PROPERTY INCLUDED IN THAT LAND CONVEYED TO THE CITY OF DES MOINES, IOWA, BY JOHN E. SPENCE, SR. AND HELEN SPENCE, HUSBAND AND WIFE, BY WARRANTY DEED DATED JULY 30, 1983, FILED AUGUST 25, 1983, AND RECORDED IN BOOK 5280, PAGE 564, REFERENCE TO WHICH DEED IS HERE MADE FOR ALL PURPOSES.

That said mortgage was recorded in the office of the Recorder of the County of Polk, and the State of Iowa, in Book 16343 on Page 275 on January 13, 2017.

That Dougherty Funding LLC hereby consents to the Permanent Easement for Public Pedestrian Way through and across:

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.).

which easement was granted to the City of Des Moines, Iowa, by 23 Ingersoll LLC, a Delaware limited  
liability company, the titleholders of said property. Dougherty Funding LLC does hereby further waive  
the lien of its mortgage as to said Permanent Easement for Storm Sewer Right-of-Way.

Signed this 13<sup>th</sup> day of June, 2017.

DOUGHERTY FUNDING LLC

By: [Signature]

SCOTT LOVING

(Print name of signatory)

VP

(Title)

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF HENNEPIN )

This instrument was acknowledged before me on June 13, 2017, by  
Scott Loving as Vice President of Dougherty Funding LLC,  
a Delaware limited liability company.

[Signature]  
Notary Public in and for the State of Minnesota

