

★ Roll Call Number  
09-183

Agenda Item Number  
19

Date February 9, 2009

RESOLUTION SCHEDULING PUBLIC HEARING ON THE VACATION AND SALE OF PUBLIC RIGHTS-OF-WAY NEEDED FOR WELLMARK'S NEW HOME OFFICE FACILITY

WHEREAS, on April 21, 2008, by Roll Call No. 08-715, the City Council approved an Urban Renewal Development Agreement (the "Agreement") with Wellmark, Inc., for City assistance in the redevelopment of the three blocks adjoining the north side of Grand Avenue between 11th and 14th Streets, for use as Wellmark's new home office facility consisting of an Office Building to be constructed between 12th and 14th Streets and a Garage/Multi-Use Building to be constructed between 11th and 12th Streets; and,

WHEREAS, the Agreement provides for the City to vacate and convey to Wellmark portions of the 13th Street right-of-way between Grand Avenue and relocated High Street; portions of the High Street right-of-way between 11th and 12th Streets; all the alley rights-of-way within the area bounded by Grand Avenue, 11th, 14th and relocated High Streets; portions of the air rights for a pedestrian bridge over 12th Street north of Grand Avenue; and portions of the air rights over and subsurface rights under the adjoining public rights-of-way for building encroachments and a duct bank across 12th Street, all as more specifically described in Exhibit "A", for the construction of Wellmark's new Office Building and Garage/Multi-use Building; and,

WHEREAS, by Ordinance No. 14,756, passed April 21, 2008, the City Council vacated the specific portions of the public rights-of-way then believed to be necessary for construction of the Office Building and Garage/Multi-Use Building; and,

WHEREAS, the location and dimensions of the required subsurface easement areas for the foundations and footings have changed as the design of the new buildings has been finalized; and,

WHEREAS, Wellmark has provided the City with updated Plats of Survey and Easement Plats which better identify the boundaries of the street and alley rights-of-way and easement areas to be vacated and conveyed, and has requested that the City approve the vacation and conveyance of such street and alley rights-of-way and easement areas using the updated legal descriptions identified in the accompanying Exhibit "A"; and,

WHEREAS, Wellmark, Inc., has further requested that the City vacate and convey an easement to Wellmark for an underground duct bank across 12th Street between Grand Avenue and High Street, as more specifically described in Exhibit "A"; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. That the City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating portions of the 13th Street right-of-way between Grand Avenue and relocated

( continued )

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High Street; portions of the High Street right-of-way between 11th and 12th Streets; all the alley rights-of-way within the area bounded by Grand Avenue, 11th, 14th and relocated High Streets; portions of the air rights for a pedestrian bridge over 12th Street north of Grand Avenue; and portions of the air rights over and subsurface rights under the adjoining public rights-of-way for building encroachments and a duct bank across 12th Street, all as more specifically described in Exhibit "A".

2. That if the City Council decides to vacate the above described rights-of-way, the City of Des Moines proposes to convey such rights-of-way to Wellmark, Inc., and/or Wellmark Holdings, Inc., in consideration of Wellmark's undertakings under the Agreement.

3. That the meeting of the City Council at which the adoption of said ordinance and the conveyance of such rights-of-way are to be considered shall be on February 23, 2009, said meeting to be held at 5:00 p.m., in the Council Chambers.

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.

MOVED by Vlassis to adopt.

FORM APPROVED:

*Roger K. Brown*

Roger K. Brown

Assistant City Attorney

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| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE         | ✓    |      |      |        |
| COLEMAN        | ✓    |      |      |        |
| HENSLEY        | ✓    |      |      |        |
| KIERNAN        | ✓    |      |      |        |
| MAHAFFEY       | ✓    |      |      |        |
| MEYER          | ✓    |      |      |        |
| VLASSIS        | ✓    |      |      |        |
| TOTAL          | 7    |      |      |        |

CERTIFICATE

I, DIANE RAUH, 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.

*Diane Rauh* City Clerk

MOTION CARRIED

APPROVED

*T. M. Franklin*

Mayor