

 <div style="text-align: center;"> <h1 style="margin: 0;">Council</h1> <h1 style="margin: 0;">Communication</h1> <p style="margin: 0;">Office of the City Manager</p> </div>	Date:	October 8, 2012
	Agenda Item No.	16
	Roll Call No.	<u>12-1555</u>
	Communication No.	<u>12-527</u>
	Submitted by:	Jeb E. Brewer, P.E., City Engineer

AGENDA HEADING:

Resolution rededicating a segment of Linden Street west of 14th Street and approval of First Amendment to Land Exchange Agreement with Wellmark Holdings, Inc.

SYNOPSIS:

Recommend approval of resolution rededicating a segment of Linden Street west of 14th Street and approval of First Amendment to Land Exchange Agreement with Wellmark Holdings, Inc. On April 9, 2012, the City approved a Land Exchange Agreement for vacation and conveyance of a segment of Linden Street, west of 14th Street, to Wellmark Holdings, Inc. (Wellmark), in exchange for a permanent easement for street right-of-way connecting the east terminus of the remaining Linden Street to Ingersoll Avenue. The Land Exchange Agreement required Wellmark to complete the relocation of Linden Street as part of their site plan improvements by April 1, 2013. Wellmark is not able to complete their proposed project at this time and has requested an extension to April 1, 2018. This action is required in order to rededicate Linden Street as public right-of-way until such time that Wellmark is ready to proceed with relocation of Linden Street as part of their planned site improvements.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

Wellmark is the owner of real property that abuts both sides of a segment vacated Linden Street west of 14th Street and proposes to redevelop the eastern portion of the block for a passive recreation space with a pedestrian path circuit. Wellmark is not able to complete their proposed site improvements on or before April 1, 2013 and desires to enter into an amendment to the Land Exchange Agreement with the City. Said amendment will include the provision for a completion date of the redevelopment project and land exchange on or before April 1, 2018. Because of the extended period of time between the anticipated and actual date of closing, the City now desires to rededicate the vacated segment of Linden Street for continued public use and City maintenance until such time vacation is again necessary to move forward with the proposed redevelopment project. City Council approval to vacate the right-of-way will be required again in the future, prior to Wellmark's commencement of the project.



PREVIOUS COUNCIL ACTION(S):

Date: April 9, 2012

Roll Call Number: [12-0547](#), [12-0548](#), & [12-0549](#)

Actions: [On](#) vacation and conveyance of a segment of Linden Street, west of 14th Street, to Wellmark Holdings, Inc. in exchange for a permanent easement for street right-of-way connecting the east terminus of the remaining Linden Street to Ingersoll Avenue. Moved by Hensley to adopt. Motion Carried 7-0. (A) [First](#) consideration of ordinance above. Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0. (B) [Final](#) consideration of ordinance above (waiver requested by applicant), requires six votes. Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#15,097](#). Motion Carried 7-0.

Date: March 26, 2012

Roll Call Number: [12-0488](#)

Action: [On](#) vacation and conveyance of a segment of Linden Street, west of 14th Street, to Wellmark Holdings, Inc. in exchange for a permanent easement for street right-of-way connecting the east terminus of the remaining Linden Street to Ingersoll Avenue and to continue to April 9, 2012 at 5:00 PM. Moved by Hensley to adopt. Motion Carried 7-0.

Date: March 12, 2012

Roll Call Number: [12-0422](#)

Action: [On](#) vacation and conveyance of a segment of Linden Street, west of 14th Street, to Wellmark Holdings, Inc. in exchange for a permanent easement for street right-of-way connecting the east terminus of the remaining Linden Street to Ingersoll Avenue and to continue to March 26, 2012 at 5:00 PM. Moved by Hensley to adopt. Motion Carried 7-0.

Date: February 27, 2012

Roll Call Number: [12-0281](#)

Action: [On](#) vacation and conveyance of a segment of Linden Street, west of 14th Street, to Wellmark Holdings, Inc. in exchange for a permanent easement for street right-of-way connecting the east terminus of the remaining Linden Street to Ingersoll Avenue, (3-12-12). Moved by Meyer to adopt. Motion Carried 7-0.

Date: February 13, 2012

Roll Call Number: [12-0183](#)

Action: [Regarding](#) request from Wellmark Holdings, Inc. for vacation of a segment of Linden Street, running 223.5 feet west of 14th Street, to allow for redevelopment of the eastern portion of the block for a passive recreation space with a pedestrian path circuit, subject to conditions. Moved by Hensley to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: Plan and Zoning Commission

Date: January 19, 2012

Item Number 5: Request from Wellmark Holding, Inc. (owner), represented by Matt Brown (officer), for vacation of a segment of Linden Street running 223.5 feet west of 14th Street, to allow for redevelopment of the eastern portion of the block for a passive recreation space with a pedestrian path circuit. Voted 10-01-1 to approve (John “Jack” Hilmes abstained).

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Set and hold hearing for vacation of the aforementioned segment of Linden Street west of 14th Street.

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