

Date..... November 19, 2007

WHEREAS, the City Plan and Zoning Commission has advised in the accompanying letter that at a public hearing held on November 1, 2007, its members voted 12-0 in support of a motion to recommend approval of a request from Wellmark, Inc., represented by Matt Brown (officer), for vacation and conveyance of 13<sup>th</sup> Street from High Street to Grand Avenue, excess High Street right-of-way from 11<sup>th</sup> Street to 12<sup>th</sup> Street, all intervening alleys between High Street, Grand Avenue, 11<sup>th</sup> Street and 14<sup>th</sup> Street, and the air rights for a pedestrian bridge over 12<sup>th</sup> Street, for Wellmark's new corporate headquarters facility; and,

WHEREAS, the critical timeline for the commencement of construction of the new corporate headquarters for Wellmark, Inc., is the time required for the relocation of utilities from the public rights-of-way and the realignment of High Street between 10th Street and 14th Street; and,

WHEREAS, the City Manager requests that the City Council take immediate action to vacate and order the relocation of utilities from all of the High Street right-of-way between 10th Street and 12th Street, all of the 13th Street right-of-way between High Street and Grand Avenue, and all of the alley rights-of-way within the three block area bounded by High Street, Grand Avenue, 11th Street and 14th Street; and,

WHEREAS, due notice of said proposal to vacate public right-of-way was published in the Des Moines Register on November 15, 2007, as provided by law, setting forth the time and place for this hearing on said request; and

WHEREAS, in accordance with said notice, those interested in said proposed vacation, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council; NOW, THEREFORE,

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

1. Upon due consideration of the facts and statements of interested persons, the objections to said proposed vacation of public right-of-way as described below are hereby overruled and the hearing is closed.

2. There is no public need for the right-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation of all of the High Street right-of-way between 10th Street and 12th Street, all of the 13th Street right-of-way between High Street and Grand Avenue, and all of the alley rights-of-way within the three block area bounded by High Street, Grand Avenue, 11th Street and 14th Street, more specifically described as follows:

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13<sup>th</sup> Street:

All that part of 13<sup>th</sup> Street right-of-way in Fourteenth Street Place, an Official Plat, lying South of the South right-of-way line of High Street from the Northeast corner of Lot 38 of said Fourteenth Street Place to the Northeast corner of Lot 39 of said Fourteenth Street Place, and lying North of the North right-of-way line of Grand Avenue from a point being 7.0 feet North of the Southeast corner of Lot 2, Cascade Place, an Official Plat, to the Southwest corner of Lot 46, of said Fourteenth Street Place, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

High Street:

All that part of High Street right-of-way East of the northerly extension of West right of way line of 10<sup>th</sup> Street, and lying North of Block 59, Campbell and McMullen's Addition, An Official Plat and lying North of the westerly extension of the South right-of-way line High Street, and lying North of and adjoining that part of Lot 31 of the Official Plat of the Southwest ¼ of Section 4 Township 78 North, 24 West of the 5th P.M. of Lot 6, and all of Rose Addition, an Official Plat, and that part of High Street right-of-way being a part of Lots 1 thru 4, Williams and Sly's Subdivision, and that part of High Street right-of-way (also known as Maple Street) and lying East of the northerly extension of the East right-of-way line of 12<sup>th</sup> Street right of way to the North right-of-way line of High Street right of way being a point at the Southwest corner of Lot 3, Block 1, Smith's Addition to Fort Des Moines being a Subdivision of a portion of Roses Addition, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Alleys:

All of the East West alley right-of-way lying South of and adjoining Lots 35 thru 38, Fourteenth Street Place, an Official Plat, and all of the North/South Alley lying West of and adjoining Lots 31 thru 34 of said Fourteenth Street Place, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

All of the East West alley right-of-way lying North of and adjoining Lot 45 of said Fourteenth Street Place, and all of the North/South alley right-of-way lying East of and adjoining Lots 44 and 48 of said Fourteenth Street Place, all now included in and forming a part of the City of Des Moines Polk County, Iowa

All of the East/West alley right-of-way in Block 58, Campbell and McMullen's Addition, an Official Plat, being the North 12.0 feet of Lots 2 and 3 of said Block 58 and the North 10.0 feet of the East 2/3<sup>rd</sup> of Lot 4 of said Block 58 and the North 8.0 feet of the West 1/3<sup>rd</sup> of said Lot 4 and the North 8.0 feet of Lot 5 of said Block 58, and a strip of ground

( continued )

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being 2.00 feet wide lying South of and adjoining Lots 4 and 3, Williams and Sly's Subdivision an Official Plat, and lying South of a line from the Southeast corner of said Lot 3; thence southeasterly 6.13 feet along the South line of Lot 2 of said Williams and Sly's Subdivision, to the point of terminus, as Surveyed and Monumented by Dave L. Jones #11579 recorded in Book 12373 Page 845 September 14, 2007, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

MOVED by \_\_\_\_\_ to adopt and approve the vacation without reservation of easements for existing utilities, subject to final passage of the vacation ordinance.

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				

**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.

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

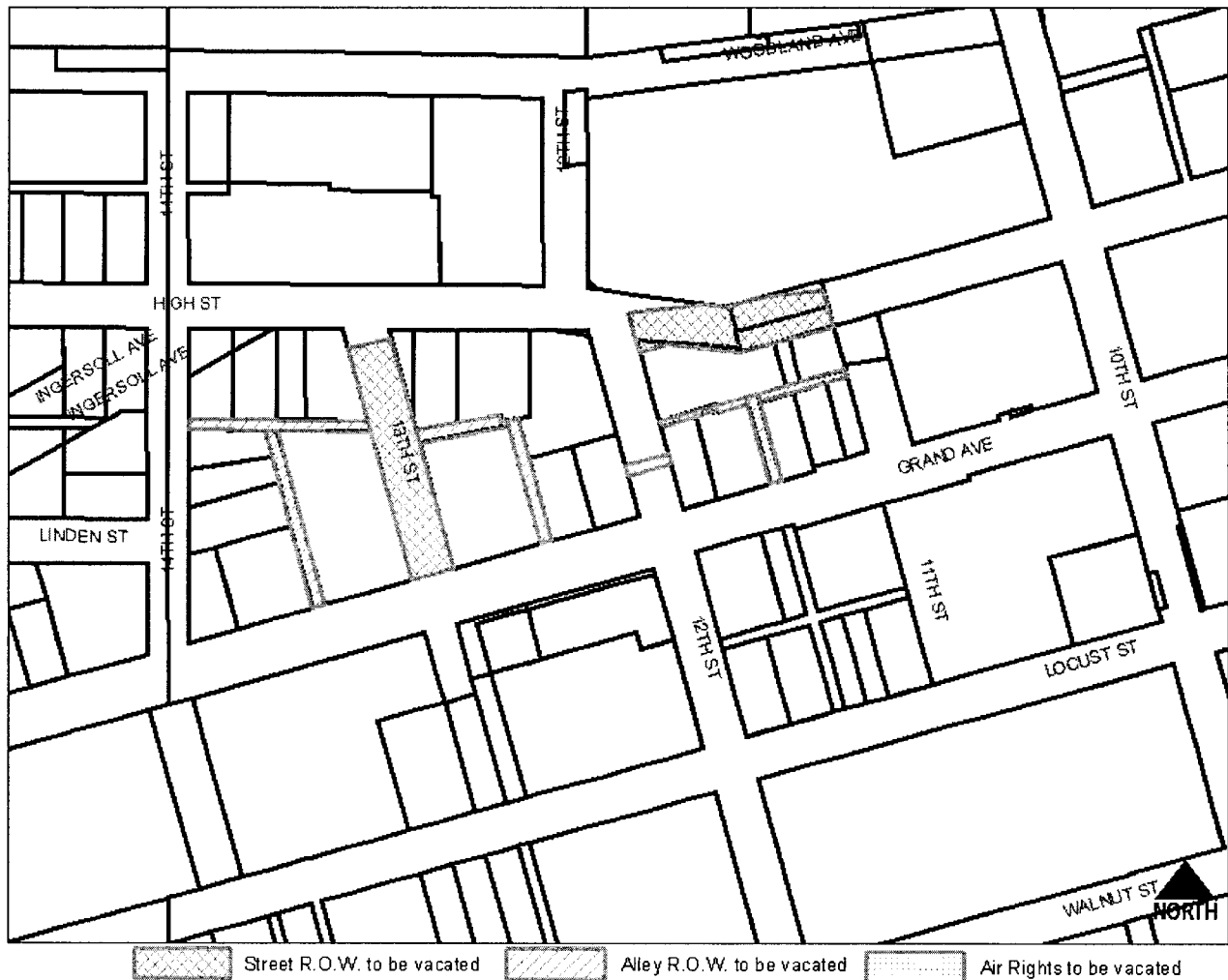
MOTION CARRIED

APPROVED

.....  
Mayor

Request from Wellmark, Inc. (owner) represented by Matt Brown (officer) for vacation and conveyance.		File # 11-2007-1.20		
<b>Description of Action</b>	Vacate and convey the following rights-of-way related to site redevelopment for Wellmark's corporate headquarters building: A) 13 <sup>th</sup> Street from High Street to Grand Avenue. B) High Street from 11 <sup>th</sup> Street to 12 <sup>th</sup> Street. C) All intervening alleys between High Street, Grand Avenue, 11 <sup>th</sup> Street and 14 <sup>th</sup> Street. D) Air rights over 12 <sup>th</sup> Street for private pedestrian sky bridge.			
<b>2020 Community Character Plan</b>	Downtown: Support Commercial and High Amenity Office/Institutional			
<b>Horizon 2025 Transportation Plan</b>	No Planned Improvements			
<b>Current Zoning District</b>	"C-3A" Central Business District Support Commercial, "C-3" Central Business District Commercial			
<b>Proposed Zoning District</b>	N/A			
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area	1	0	0	N/A
<b>Plan and Zoning Commission Action</b>	<b>Approval</b>	<b>12-0</b>	<b>Required 6/7 Vote of the City Council</b>	<b>Yes</b>
	<b>Denial</b>			<b>No</b>
				<b>N/A</b>

Wellmark Blue Cross/Blue Shield - 11th to 14th St & Grand Ave to High St 11-2007-1.20



November 19, 2007

Honorable Mayor and City Council  
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held November 1, 2007, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 12-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
David Cupp	X			
Shirley Daniels	X			
Dann Flaherty	X			
Bruce Heilman	X			
Jeffrey Johannsen				X
Greg Jones	X			
Frances Koontz	X			
Kaye Lozier	X			
Jim Martin	X			
Brian Millard	X			
Mike Simonson	X			
Kent Sovern	X			
Tim Urban				X
Marc Wallace				X

**APPROVAL** of a request from Wellmark, Inc. (owner) represented by Matt Brown (officer) for vacation and conveyance of the following rights-of-way related to site redevelopment for Wellmark's corporate headquarters building:

- A) 13<sup>th</sup> Street from High Street to Grand Avenue.
- B) Excess High Street right-of-way from 11<sup>th</sup> Street to 12<sup>th</sup> Street.
- C) All intervening alleys between High Street, Grand Avenue, 11<sup>th</sup> Street and 14<sup>th</sup> Street.
- D) Air rights over 12<sup>th</sup> Street for private pedestrian sky bridge.

**STAFF RECOMMENDATION AND BASIS FOR APPROVAL**

Staff recommends approval of the requested vacation and conveyance subject to the following reservation of a public access easement for portions of High Street until its closure becomes necessary for construction of the realignment.



CITY PLAN AND ZONING COMMISSION  
ARMORY BUILDING  
602 ROBERT D. RAY DRIVE  
DES MOINES, IOWA 50309 -1881  
(515) 283-4182

ALL-AMERICA CITY  
1949, 1976, 1981  
2003

STAFF REPORT

I. GENERAL INFORMATION

- 1. **Purpose of Request:** The applicant is requesting the subject right-of-way to allow the assembly of land for the construction of an office building and parking garage for the Wellmark Corporate Headquarters.
- 2. **Existing Zoning (site):** "M-1" Light Industrial District and "GGP" Gambling Games Prohibition Overlay District.
- 3. **Existing Land Use (site):** Undeveloped street right-of-way.
- 4. **Adjacent Land Use and Zoning:**

*North* – "PUD" & "C-3A", Uses are Iowa Methodist Medical Center campus hotel and offices; and Principal Life Insurance Company parking structure and surface parking.

*South* – "C-3" & "C-3A", Uses are Central Public Library, Western Gateway Park, and Pappajohn Higher Education Center.

*East* – "C-3", Use is Principal Life Insurance Company surface parking.

*West* – "C-3A", Uses are Century Motors Auto service, Enterprise auto rental, vacant property owned by Iowa Methodist Medical Center.

- 6. **General Neighborhood/Area Land Uses:** The subject property is part of the Downtown support commercial area that is between the Western Gateway Park and the Iowa Health Systems/ Methodist Medical Center campus.
- 7. **Applicable Recognized Neighborhood(s):** Downtown Neighborhood Association.
- 8. **Relevant Zoning History:** N/A
- 9. **2020 Community Character Land Use Plan Designation:** Support Commercial and High Amenity Office/Institutional.
- 10. **Applicable Regulations:** The Commission reviews all proposals to vacate land dedicated for a specific public purpose, such as for streets and parks, to determine whether the land is still needed for such purpose or may be released (vacated) for other use. The recommendation of the Commission is forwarded to the City Council.

**II. ADDITIONAL APPLICABLE INFORMATION**

- 1. **Utilities:** Qwest has indicated they have buried cable in the north side of High Street between 11<sup>th</sup> Street and 12<sup>th</sup> Street and service facilities within the intervening alleys. Mid-American Energy has indicated there is aerial electrical services and lighting in 13<sup>th</sup> Street and the intervening alleys and buried gas mains within the intervening alleys, within 13<sup>th</sup> Street, and within the south side of High Street. Des Moines Waterworks has indicated a 12" main located in 12<sup>th</sup> Street and an 8" main located within High Street.

Staff believes the reservation of easements for existing utilities is not necessary. The future location of utilities will be coordinated as part of the design process for both the High Street realignment and Wellmark projects.

- 2. Traffic:** The subject right-of-way will be incorporated into the proposed Wellmark site. North/south traffic through this portion of Downtown will still be accommodated primarily by 12<sup>th</sup> Street but also 14<sup>th</sup> Street. The concept indicates that 12<sup>th</sup> Street is able to be kept open adjoining the site by providing a proposed private sky bridge over 12<sup>th</sup> Street, with the air rights only requested for vacation. The skybridge will connect parking and the primary office building. Removal of 13<sup>th</sup> Street for the proposed redevelopment does not affect traffic circulation through the Downtown as a whole, because 12<sup>th</sup> Street serves the primary north/south connection between Walnut Street and Woodland Avenue serving the area.

The request for vacation of a portion of High Street is intended to accommodate the proposed realignment of High Street between Ingersoll Avenue and 10<sup>th</sup> Street. This is proposed to accommodate the proposed redevelopment and will also improve east/west traffic flow and access between M.L. King Jr. Parkway and Downtown surrounding the proposed Wellmark campus. The City is taking the lead in the construction of the proposed High Street realignment along with a major storm sewer improvement project for the area. The entire right-of-way on High Street between 11<sup>th</sup> Street and 12<sup>th</sup> Street is not sought for vacation, as a portion will be necessary for the realigned. The actual amount of High Street necessary for vacation will be determined with the final design of the realignment and the Wellmark project.

High Street will require public access be kept open in the interim period prior to closure for construction. Staff recommends that a temporary public access easement be reserved for this purpose.

#### Written Responses

1 In Favor

0 In Opposition

#### **SUMMARY OF DISCUSSION**

Fran Koontz: Moved approval of the requested vacation and conveyance subject to the following reservation of a public access easement for portions of High Street until its closure becomes necessary for construction of the realignment.

Motion passed 12-0.

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:dfa

Attachment

Item 11-2007 1 20

Date 10/22/07 **52**

I  am  am not in favor of the request.


(Circle One)

**RECEIVED**

OCT 24 2007

**COMMUNITY DEVELOPMENT  
DEPARTMENT**

Print Name Raphael Investment Co.

Signature 

Address 581-12th, 1117 Genl

Reason for opposing or approving this request may be listed below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_