

★ Roll Call Number

09-1214

Agenda Item Number

24

Date July 13, 2009

RESOLUTION SCHEDULING PUBLIC HEARING ON THE VACATION AND
CONVEYANCE OF A SUBSURFACE EASEMENT AREA 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, 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, and Ordinance No. 14,839 passed Feb. 23 2009, 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, one additional subsurface easement area approximately 10 feet wide and extending 4 feet under the public sidewalk along Grand Avenue is now required for the foundations and footings for the new Office Building; 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 a subsurface portion of the Grand Avenue right-of-way between 12th Street and vacated 13th Street, more specifically described as follows:

All that area below the public sidewalk under a portion of Lot 49, in Fourteenth Street Place, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, more specifically described below:

Commencing at the southeast corner of said Lot 49; thence North 15° (degrees) 03' (minutes) 34" (seconds) West along the easterly line of said Lot 49, a distance of 4.00 feet; thence South 74°07'17" West along the northerly right-of-way line of Grand Avenue, 12.60 feet to the Point of Beginning; thence South 15°52'43" East, 4.00 feet to a point on

(continued)

★ Roll Call Number

09-1214

Agenda Item Number

24

Date July 13, 2009

-2-

the southerly line of said Lot 49; thence South 74°07'17" West along said southerly line, 9.75 feet to the southeasterly corner of an existing subsurface footing easement as shown on a survey recorded in Book 12642 Pages 892 and 893; thence North 15°57'07" West along the easterly line of said subsurface footing easement, 4.00 feet to a point on said northerly right-of-way line; thence North 74°07'17" East along said northerly right-of-way line, 9.76 feet to the Point of Beginning and containing 39 S.F.

2. That if the City Council decides to vacate the above described right-of-way, the City of Des Moines proposes to convey an Easement for Underground Building Encroachments into such area, 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 easement are to be considered shall be on July 27, 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 Kiernan to adopt.

FORM APPROVED:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

C:\Rog\Eco Dev\Wellmark\Admin\Missed Esmt\RC Vac & Conv.doc

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

MOTION CARRIED

APPROVED

T. M. Franklin

Mayor

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