

★ Roll Call Number  
12-0488

Agenda Item Number  
43

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Date March 26, 2012

**CONTINUANCE OF HEARING FOR VACATION AND CONVEYANCE OF A SEGMENT OF LINDEN STREET WEST OF 14<sup>TH</sup> 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**

**WHEREAS**, on February 13, 2012, by Roll Call No. 12-0183, the City Council received a recommendation from the City Plan and Zoning Commission that a segment of Linden Street west of 14<sup>th</sup> Street ("City Right-of-Way"), hereinafter more fully described, be vacated as requested by Wellmark Holdings, Inc. to allow for redevelopment of the eastern portion of the block for a passive recreation space with a pedestrian path circuit, subject to conditions; and

**WHEREAS**, Wellmark Holdings, Inc. is the owner of the real property that abuts the City Right-of-way and has requested the vacation and conveyance of such Right-of-way for the purpose of incorporation with surrounding properties for redevelopment as described above, in exchange and as consideration for conveyance by Wellmark Holdings, Inc. to the City of Des Moines of a permanent easement for street right-of-way across a comparable parcel of land from the east terminus of the remaining Linden Street right-of-way to Ingersoll Avenue ("Easement Area"); and

**WHEREAS**, on February 27, 2012, by Roll Call No. 12-0281, City Council set forth its proposal relating to the land exchange between Wellmark Holdings Inc. and the City, and it was further duly resolved by the City Council that the proposed vacation and conveyance of such City Right-of-Way pursuant to land exchange agreement be set down for hearing on March 12, 2012, at 5:00 p.m., in the Council Chamber; and

**WHEREAS**, due notice of said proposal to vacate and convey public right-of-way by land exchange was given as provided by law, setting forth the time and place for hearing on said proposal; and

**WHEREAS**, on March 12, 2012, by Roll Call No. 12-0422, the hearing on said proposal was continued to March 26, 2012; and

**WHEREAS**, in order to complete negotiations relating to the land exchange agreement with Wellmark Holdings, Inc., a continuance of the public hearing on said proposal until the Council meeting on April 9, 2012, has been requested.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa, that the public hearing for vacation and conveyance of a segment of Linden Street west of 14<sup>th</sup> 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 right-of-way to Ingersoll Avenue, be and is hereby continued to April 9, 2012, at 5:00 p.m. in the City Council Chambers.

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Moved by Hensley to adopt.

APPROVED AS TO FORM:

Glenna K. Frank  
 Glenna K. Frank, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			
MOTION CARRIED		APPROVED		
<u>T. M. Franklin</u> 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