



**Roll Call Number**

**Agenda Item Number**

15

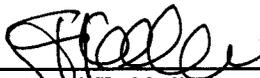
**Date** ..... October 27, 2008 .....

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 16, 2008, its members voted 8-6 in support of a motion to recommend **APPROVAL** of a request from Iowa Methodist Medical Center (owner) of property located at 1400 Woodland Avenue for vacation and conveyance of 14<sup>th</sup> Street from Woodland Avenue to High Street and the east/west alley between Woodland Avenue and High Street from a point 60 feet east of 14<sup>th</sup> Street to 15<sup>th</sup> Street subject to the following conditions:

1. Provision of an easement providing access to the rear of the property at 1423 High Street.
2. Provision of an easement for all existing utilities unless the impacted utility agrees to other arrangements.
3. Council considers the responses from Action Reprographics' suppliers regarding the proposed access easements.

MOVED by \_\_\_\_\_ to receive and file and refer to the Engineering Department, Real Estate Division.

FORM APPROVED:

  
 \_\_\_\_\_  
 Michael F. Kelley  
 Assistant City Attorney

(11-2008-1.06)

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.

MOTION CARRIED APPROVED

\_\_\_\_\_ Mayor

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

Request from Iowa Methodist Medical Center (owner) 1400 Woodland Avenue, represented by Joseph Corfits, Jr. (officer), for vacation and conveyance of the following: A) 14 <sup>th</sup> Street from Woodland Avenue to High Street. B) East/west alley between Woodland Avenue and High Street from a point 60 feet east of 14 <sup>th</sup> Street to 15 <sup>th</sup> Street.				<b>File #</b> 11-2008-1.06	
<b>Description of Action</b>	Vacation and conveyance of the following: A) 14 <sup>th</sup> Street from Woodland Avenue to High Street. B) East/west alley between Woodland Avenue and High Street from a point 60 feet east of 14 <sup>th</sup> Street to 15 <sup>th</sup> Street.				
<b>2020 Community Character Plan</b>	Public/Semi-Public				
<b>Horizon 2025 Transportation Plan</b>	No Planned Improvements				
<b>Current Zoning District</b>	"C-0" Commercial Residential District, "C-2" General Retail and Highway-Oriented Commercial District, "PUD" Planned Unit Development District				
<b>Proposed Zoning District</b>	"C-0" Commercial Residential District, "C-2" General Retail and Highway-Oriented Commercial District, "PUD" Planned Unit Development District				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area		1		N/A	
Outside Area					
<b>Plan and Zoning Commission Action</b>	Approval	8-6	<b>Required 6/7 Vote of the City Council</b>	Yes	N/A
	Denial			No	N/A

Central Iowa Health Systems - 14th Street from Woodland to High & Alley from 14th to 15th 11-2008-1.06



October 22, 2008

Date \_\_\_\_\_

Agenda Item 15

Roll Call # \_\_\_\_\_

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 October 16, 2008, the following action was taken:

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 8-6 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
JoAnne Corigliano		X		
Shirley Daniels		X		
Jacqueline Easley		X		
Dann Flaherty		X		
Bruce Heilman	X			
Ted Irvine	X			
Jeffrey Johannsen	X			
Greg Jones	X			
Frances Koontz	X			
Jim Martin		X		
Brian Millard	X			
Mike Simonson	X			
Kent Sovern		X		

**APPROVAL** of a request from Iowa Methodist Medical Center (owner), of property located at 1400 Woodland Avenue, represented by Joseph Corfits, Jr. (officer), for vacation and conveyance of 14th Street from Woodland Avenue to High Street and East/west alley between Woodland Avenue and High Street from a point 60 feet east of 14<sup>th</sup> Street to 15<sup>th</sup> Street subject to the following conditions: (11-2008-1.06)

1. Provision of an easement providing access to the rear of the property at 1423 High Street.
2. Provision of an easement for all existing utilities unless the impacted utility agrees to other arrangements.
3. Council considers the responses from Action Reprographics' suppliers regarding the proposed access easements.

**STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Staff recommends approval of the requested vacation and conveyance subject to the following conditions:

1. Provision of an easement providing access to the rear of the property at 1423 High Street.



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

2. Provision of an easement for all existing utilities unless the impacted utility agrees to other arrangements.

## STAFF REPORT

### I. GENERAL INFORMATION

1. **Purpose of Request:** The subject right-of-way is needed to replace parking near the 12<sup>th</sup> and High Street intersection that needs to be purchased by the City to facilitate the High Street realignment project.
2. **Existing Zoning (site):** "C-0" Commercial-Residential District, "C-2" General Retail and Highway-Oriented Commercial District and "PUD" Woodland Center Planned Unit Development.
3. **Existing Land Use (site):** Developed street and alley.
4. **Adjacent Land Use and Zoning:**
  - North** – "C-0" & "C-2", Uses are offices and Iowa Methodist Medical Center.
  - South** – "C-2" & "PUD", Uses are offices and a convenience store.
  - East** – "C-2" & "PUD", Use is multiple-family residential.
  - West** – "NPC", Uses are offices, a restaurant and multiple-family residential.
5. **General Neighborhood/Area Land Uses:** The subject right-of-way is located in the northwest portion of the downtown. This area is generally a transition point from the downtown core to the Methodist Medical Center and the Sherman Hill Neighborhood.
6. **Applicable Recognized Neighborhood(s):** Downtown Neighborhood Association.
7. **Relevant Zoning History:** None.
8. **2020 Community Character Land Use Plan Designation:** Public/Semi-Public.
9. **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:** Staff has not been notified by any utility of the existence of facilities in the subject right-of-ways. Easements must be provided for all existing utilities unless other arrangements are made by the applicant and the impacted utility.
2. **Access:** The applicant owns all but one of the parcels that adjoin the subject right-of-ways. 1423 High Street is owned by RDB Investments LLC and contains the Action Reprographics business. This property relies on the alley for access to the rear of the building. The applicant has agreed to provide an access easement to the rear of 1423 High Street.

A letter outlining the applicant's easement proposal to RDB Investments LLC and illustrations showing possible easement routes has been included in the Commission's packet. The applicant is proposing to provide and maintain a paved route including snow removal. The applicant's proposal also includes the use of approximately 20 parking stalls by Action Reprographics business on their property to the east. Staff believes the proposed easement provides access to 1423 High Street that is equal to or better than existing access from the alley.

The applicant's letter indicates that vision clearance at the west end of the alley is an existing problem and a likely problem for the access easement. The City's Traffic & Transportation Division has indicated they are willing to post "no parking" signs near the drive to ensure appropriate visibility.

- 3. Traffic:** 14<sup>th</sup> Street terminates to the north at the Woodland Avenue intersection. Any impact the vacation of this street segment would have on vehicular circulation in the area would be compensated by the improvements made by the High Street realignment project. The usefulness of this segment of 14<sup>th</sup> Street will be diminished as a result of changes to the Ingersoll Avenue, High Street and 14<sup>th</sup> Street intersection.

## **SUMMARY OF DISCUSSION**

Mike Ludwig presented the staff report and recommendation.

Mike Simonson asked where the trucks stopped to unload.

Mike Ludwig explained that the owners could answer that question better.

Brian Millard asked why there is no hesitancy on behalf of staff on this project when there is no planned use of the property.

Mike Ludwig stated part of the purpose for asking for this plan is the economic development opportunity to develop downtown and Iowa Health is in the process of doing their master plan for the entire facility. The Economic Development Office has indicated that through their review of the master plan, they are comfortable with the vacation of the alley and the street. However, the master plan has only been in discussion and they have not made it public. Staff relies on the Economic Development Office's input.

Bruce Hielman asked if Action Reprographics was offered the south half of the alley that abuts their property.

Mike Ludwig stated that Council's general policy is one half is offered to each adjoining property owner, unless they choose to sell the entire alley to one property owner. The applicant requested the entire alley.

Fran Koontz asked if Iowa Methodist will be paying property tax on this portion of alley.

Dan Flaherty stated that the Commission is not allowed to look at the tax issues.

William Lillis, Atty. 317 6<sup>th</sup> Avenue, Suite 300 explained that because of the High Street realignment project and the Master Plan of Methodist Hospital, they are asking to vacate and convey the entire alley. He also explained because the property owner relies on the alley access easement to the rear of 1423 High Street, they are proposing to provide access that is equal to or better than the existing access from the alley. They will also provide and maintain a paved route including snow removal, and will work with Action Reprographics to duplicate any parking that is lost or impacted.

The applicant has proposed two illustrations showing possible easement routes, one illustrates an L-shape proposal providing access to High Street and 15<sup>th</sup> Street and the other illustrates a T-shape proposal providing access to High Street and Woodland Avenue. Both will allow turning radius for 50 foot semis. Mr. Lillis also handed out another illustration showing a conceptual master plan of Methodist Hospital.

The applicant agrees with the staff recommendations except for the confusion of the use of 20 parking stalls for Action Reprographics. Instead the applicant will duplicate any lost parking.

Bruce Heilman asked for clarification as to whether the L-shape route would be the one used initially until Methodist constructs a building on the western portion of the block and then would the T-shape route replace it and if so in what timeframe?

William Lillis confirmed that the L-shape route would be used at first until the building was completed then the T-shape would replace it however, it could be quite a long time.

Dann Flaherty asked if the applicant would have the right to close the section from 15<sup>th</sup> Street to behind the Lienemann's property.

William Lillis stated that yes the applicant does want the right so as not to have their hands tied.

Mike Ludwig stated that staff talked to Traffic and Transportation about the vision clearance issue at the west end of the alley and 15<sup>th</sup> Street and they indicated they are willing to post "no parking" signs near the drive to ensure appropriate visibility. Also staff did not make a recommendation as to which access alternative needs to be provided. Both accesses are equivalent or better accesses based on the access width that the applicant is proposing to provide compared to the existing alley width and proposed paving, maintenance and snow removal by the applicant.

#### **CHAIRPERSON OPENED THE PUBLIC HEARING**

*The following spoke in opposition:*

Wanda Lienemann at 1423 High Street stated that her business relies on full and free access to its rear shipping and receiving area via the alley between 14<sup>th</sup> and 15<sup>th</sup> Streets. The applicant's proposal would require the suppliers to access the rear of the building from High Street or Woodland Avenue and involve backing semi-trucks among parked cars in the restricted space of the alley. Her business has received written statements from the suppliers expressing that the plan would compromise their ability to safely access the shipping dock, so she is asking that the Commission to deny the applicant's request to vacate and convey 14<sup>th</sup> Street from Woodland Avenue to High Street and the east/west alley between Woodland Avenue and High Street from a point 60 feet east of 14<sup>th</sup> Street to 15<sup>th</sup> Street.

Bruce Heilman asked if the dimensions from the applicant's drawings were provided to the suppliers or were they given the dimension of the alley today.

Wanda Lienemann stated that her husband is the one who contacted the suppliers and she is not sure if any dimensions were given.

Bruce Heilman suggested that they contact the suppliers and give them the dimensions of the drawings because it is a wider dimension and may not be an issue.

Greg Jones asked if the objection is the T-shape proposal and not the L-shape.

Wanda Lienemann stated that they were working with the L shape route and thought that they were going to come up with a solution then they presented the T-shape.

Greg Jones asked how the L-shape solution is different than what they have today, other than you would not enter or exit on 14<sup>th</sup> Street.

Tom Pflug 11312 Q Street, Omaha, NE stated that the economic impact to Action Reprographics if the applicant is allowed to vacate and convey 14<sup>th</sup> Street from Woodland Avenue to High Street and the east/west alley between Woodland Avenue and High Street from a point 60 feet east of 14<sup>th</sup> Street to 15<sup>th</sup> Street would cause two adverse outcomes; Action Reprographics' ability to conduct business would be impaired and the value to any potential purchaser would be diminished.

Leisha Barcus asked for examples of expenses they would incur because of this vacation and conveyance.

Tom Pflug stated the expense would be having to come up with an alternate way to receive supplies because the current suppliers say they will not provide access which would translate into higher cost for the business.

John Bouslog, Atty – Dreher, Simpson and Jensen at 604 Locust Street, Ste. 222 stated that the adjoining property owner has not consented and they have some concerns, therefore the legal requirements have not been satisfied and he thinks that this request cannot be approved. There are access issues, fairness issues and safety issues, and asked that the Commission deny the applicant's request by considering the Lienemann's position.

Brian Millard stated that from the letters it did not look like all the facts were given to the suppliers.

Mike Simonson stated that the access seems to be the issue and the L-shape and T-shape route maintain equal or better access and asked if there were other issues to this proposal.

Tom Bouslog maintained that there will be a loss of access as a result of the vacation and conveyance. The T-shape route will cause the business to be shut off from their suppliers which becomes a fairness issue.

Greg Jones stated that the T-shape plan would not require a truck to back up and it's wider than the L-shape plan.

Tom Bouslog stated that the issue of access should only be looked at through the eyes of a truck driver.

Bruce Heilman stated the suppliers have not seen the new plans so the objection on safety is not valid.

Leisha Barcus asked about the delivery schedule.

Wanda Lienemann stated they get a delivery once a week.

Tom Bouslog stated that Dan Lienemann told him twice a week.

Mike Ludwig pointed out that on April 8th and April 10th, 2008, Mr. Lillis acknowledged that they did not have the Lienemann's and he would make a good faith effort to obtain their consent before the Plan and Zoning meeting. It is now six months since the filing of the application and from staff's perspective when the documents were received that showed the accesses, staff felt there had been a good faith effort by the applicant to provide that equal or better access. There is also

a right to due process to consider an application and staff cannot deny someone the right to apply for something just because adjacent property owners do not consent to it.

Mike Kelley stated that part of the ordinance requires that the application be signed and agreed upon by all owners of land adjoining the portion of street or alley sought to be vacated, but that cannot take away the power of the Plan & Zoning Commission to consider an application because there are due process rights. There has been ample effort made by the applicant to get the consent from the adjoining property owner.

Dann Flaherty asked if the applicant would consider continuing this item.

William Lillis stated that the applicant does not have the luxury of time and reiterated that the applicant has attempted to get the consent and was told no. They have done everything they can to provide a better access and they disagree that either plan would impede the value of the Lienemann's property.

Ted Irvine asked if a 32 foot trailer would work in either the T-shape or L-shape proposal.

William Lillis stated that there may be a bit of a problem on one of the corners. The drawings assumed 50' semi.

JoAnne Corigliano voiced concern about the parking abutting the access which trucks will be competing with cars.

William Lillis stated that the applicant is trying to make the parking lot wide enough to address this issue.

Leisha Barcus wanted clarification on the two choices of the easement as to the flexibility if someone else other than the hospital purchased the land.

William Lillis stated the easement runs with the land, therefore a third party who might buy the Lienemann property would have the same rights as the previous owner.

Mike Ludwig stated that the existing alley is 16 feet wide and there are existing vehicles currently competing with truck traffic.

Bruce Heilman commented that he will not be part of a vote that would put someone out of business and suggested that a restriction be put on the vote that if the proposal came back that truckers cannot access the Lienemann's business that it would need to be further reviewed.

Jeffrey Johannsen stated that there are a few places that have tight deliveries, but they do deliver. This discussion is going more towards does this deplete the value if they were to sell their business than access for suppliers.

William Lillis stated that they are working with the Lienemanns and trying to solve the problem.

Leisha Barcus suggested that a third party be used to tell the Commission if either the L-shape or the T-shape route would work.

Jeffrey Johannsen asked staff if Traffic and Transportation has commented on this.

Mike Ludwig stated that Traffic and Transportation has no objection to the request to the vacation of 14<sup>th</sup> Street or the alley.

## **CHAIRPERSON CLOSED THE PUBLIC HEARING**

Dann Flaherty asked each Commission member if they had any further comments.

Bruce Heilman asked staff when this will go to Council.

Mike Ludwig stated the communication from the Planning Commission would be received and filed on October 27, 2008.

Bruce Heilman stated that two weeks before Council should be ample time to contact the suppliers with both the L-shape and the T-shape plans.

Mike Ludwig stated that the Council would receive the vacation and then they would have to hold a public hearing on the conveyance of the alley, so it takes two separate actions by the Council and the applicants will have the opportunity to make their points at the City Council meeting.

Kent Sovern stated that he will be voting no and thinks the T-shape plan is better than the L-shape plan. He also suggested that the Commission move this to Council without recommendation.

Fran Koontz stated that with the wider radius, the business would not be harmed by this action.

Jim Martin asked which route will be selected, and who will determine which route will be selected.

Fran Koontz stated both routes will be presented to Council.

Jacqueline Easley agreed with Kent Sovern.

Shirley Daniels stated she needs more feedback before she can vote for this item.

Bruce Heilman offered a friendly amendment that the Council takes a look at the responses from the suppliers.

Fran Koontz agreed to the friendly amendment.

Ted Irvine stated that the solutions are workable and he gets a sense that this may be about something more than the actual deliveries.

Jeffrey Johannsen stated that he concur with Ted.

Leisha Barcus stated that she thinks the access is more than adequate and will be voting in favor.

Mike Simionson stated that applications have been continued in the past when the Commission did not have sufficient information on truck movement. A civil engineer prepared the proposal based upon a 50 foot truck, it works and he is in support of the request.

Greg Jones stated that he agrees with Mike Simonson and is in support of the request.

Dann Flaherty stated that he agrees with Mike Simonson, but also agrees with Kent Sovern and thinks that the Commission needs more information.

Fran Koontz moved to approve the requested vacation and conveyance subject to the following conditions:

1. Provision of an easement providing access to the rear of the property at 1423 High Street.

2. Provision of an easement for all existing utilities unless the impacted utility agrees to other arrangements.
3. Council considers the responses from Action Reprographics' suppliers regarding the proposed access easements.

Motion carried 8-6 (Corigliano, Daniels, Easley, Flaherty, Martin, and Sovern opposed).

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:clw

Attachment

Item 11-2008-1.06

Date 10/9/08

OCT 9 2008

I (am) (am not) in favor of the request.

(Circle One)  
**RECEIVED**



OCT 10 2008

Print Name WANDA L. LIENEMANN

Signature Wanda L. Lienemann

COMMUNITY DEVELOPMENT  
DEPARTMENT

Address 1423 HIGH STREET

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

See attached letter.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OCT 9 2008

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**RDB INVESTMENTS, LLC**  
1945 Olson Drive  
Waukee, IA 50263

**ACTION REPROGRAPHICS, INC.**  
1423 High Street  
Des Moines, IA 50309

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October 9, 2008



Members of the Plan and Zoning Commission  
602 Robert D. Ray Drive  
Des Moines, IA 50309

Re: Proposed vacation and conveyance by Iowa Methodist Medical Center,  
Item 11-2008-1.06

Dear Members of the Plan and Zoning Commission:

My name is Wanda Lienemann and I am the majority owner of the property and business located at 1423 High Street. My business relies on full and free access to its rear shipping and receiving area via the alley between 14<sup>th</sup> and 15<sup>th</sup> Streets. Due to the size of the equipment and supplies delivered in and out of the business large semi-tractor/trailers regularly transit the alley. Having straight through access (no backing up required) facilitates safe and efficient operations.

We have engaged in previous discussions with the hospital in which we discussed the possibility of revising our supplier access routes to accommodate the vacation of 14<sup>th</sup> Street and the alleyway from our property line east to 14<sup>th</sup> Street. This possibility was contingent on the written assurance that we received from the hospital that access to our property via the alley from 15<sup>th</sup> Street would never be restricted. In our most recent meeting with the hospital, however, the hospital reversed this position and claimed the prerogative to close the alley access to 15<sup>th</sup> Street at their sole discretion. This would require our suppliers to access the rear of our building from High Street or Woodland Avenue and involve backing semi-trucks among parked cars in the restricted space of the alley. We have received written statements from our suppliers that this plan would compromise their ability to safely access our shipping dock. Clearly our business cannot continue to operate if our suppliers cannot safely access our shipping dock.

Page 2  
Members of the Plan and Zoning Commission  
October 9, 2008

We feel we have made a good faith effort to accommodate the needs of the hospital, and we thought we had the basis for a mutually acceptable agreement with them. If, however, the hospital insists on the right to unilaterally eliminate access to our property via the alley from 15<sup>th</sup> Street, we have no choice but to object to the entire vacation and conveyance request that the hospital is presenting to the commission.

Sincerely,



Wanda L. Lienemann, Owner  
RDB Investments, L.L.C.



Wanda L. Lienemann, Owner  
Action Reprographics, Inc.

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ITEM # 4

# CONNOLLY O'MALLEY LILLIS HANSEN OLSON LLP

ATTORNEYS AT LAW

317 SIXTH AVENUE, SUITE 300  
DES MOINES, IOWA 50309-4127

TELEPHONE (515) 243-8157

FAX (515) 243-3919

[WWW.CONNOLLYLAWFIRM.COM](http://WWW.CONNOLLYLAWFIRM.COM)

JOHN CONNOLLY, JR. (1891-1975)  
GEORGE E. O'MALLEY (1905-1982)  
JOHN CONNOLLY III (1918-1998)  
BERNARD J. CONNOLLY (1920-1970)  
C. I. McNUTT (1901-1958)

ESTABLISHED IN 1917

\*LICENSED IN IOWA & ILLINOIS

WILLIAM J. LILLIS  
RUSSELL J. HANSEN  
MICHAEL W. O'MALLEY  
EUGENE E. OLSON  
STREETAR CAMERON  
DANIEL L. MANNING  
CHRISTOPHER R. POSE  
ADAM C. VAN DIKE  
JOEL B. TEMPLEMAN\*

Email: [wllillis@connollylawfirm.com](mailto:wllillis@connollylawfirm.com)

October 7, 2008

**RECEIVED**

**OCT 08 2008**

**COMMUNITY DEVELOPMENT  
DEPARTMENT**

Mr. Larry Hulse  
Director, Community Development Department  
City of Des Moines  
City Armory Building  
East First and Robert D. Ray Drive  
Des Moines, Iowa 50309

Subject: Request for Vacation and Conveyance – Right-of-Way in Vicinity of  
Woodland Avenue and High Street – 14<sup>th</sup> and 15<sup>th</sup> Streets

Dear Larry:

I am in receipt of a letter dated October 6, 2008 from Mr. John M. Bouslog of the Dreher, Simpson and Jensen law firm.

Our client, Central Iowa Hospital Corporation ("Central Iowa Hospital"), has attempted to come to a mutually agreed upon access for Mr. Bouslog's client (Action Reprographics, Inc. and RDB Investments, LLC and its principals, Daniel and Wanda Linemann) ("Action/Linemann")

Please refer to the letter of April 8, 2008, along with a copy of the right-of-way request of Central Iowa Hospital to vacate and convey the designated right-of-way.

Enclosed is a copy of a letter sent to Action/Linemann of this date.

We request this item be continued on the Agenda for the Planning and Zoning Commission meeting of Thursday, October 16, 2008. We will work with Action/Linemann and their attorney, Mr. Bouslog.

Central Iowa Hospital agrees to the following:

- Central Iowa Hospital (sometimes Iowa Health Des Moines or IHDM) agrees (once the property is vacated and conveyed to Central Iowa Hospital) to provide access to the Action/Linemann property from High Street (on the east side of the Action/Linemann building) and through the east/west alley to 15<sup>th</sup> Street. A Declaration of Easement would be required to accomplish the above.

Exhibit "A" attached hereto provides the access referred to above.

**CONNOLLY O'MALLEY LILLIS HANSEN OLSON LLP**

Mr. Hulse

October 7, 2008

Page 2

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- Should Central Iowa Hospital, or its successors or assigns, if any, desire to develop (at a future time) that portion of the block bounded on the north by Woodland Avenue; on the west by 15<sup>th</sup> Street; on the south by High Street; and on the east by the Action/Linemann building (including the east/west alley which bisects said block), then Central Iowa would execute a Declaration of Easement at its unilateral option, to relocate said Easement in order to provide a north/south access (between High Street on the south and Woodland Avenue on the north), and access to the north side of the Action/Linemann property.

See Exhibit "B" attached hereto which shows the above access.

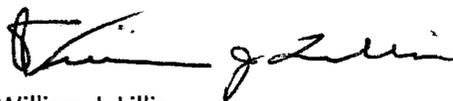
- No access would be provided (either as shown on Exhibit "A" or Exhibit "B") permitting access of Action/Linemann in an eastward direction to 14<sup>th</sup> Street.
- All access areas would be paved either by concrete or asphalt concrete surface and would be maintained by Central Iowa Hospital at its expense. Central Iowa Hospital reserves the right to install either concrete or asphaltic concrete and would pay the expenses of snow removal.
- Exhibits "A" and "B" provide turning radiuses to provide for truck and/or trailer access for the Action/Linemann property.
- Central Iowa Hospital requests the City to provide a prohibition of parking (at the intersection of 15<sup>th</sup> Street and the east/west alley) so as to not to prohibit access through the east/west portion of the alley to be vacated and as shown on Exhibit "A."

Please consider this letter (along with the Exhibits "A" and "B") to become a part of the record at the Planning and Zoning Commission meeting of Thursday, October 16, 2008.

We will be present to review all questions regarding our client's request at that time.

If you or your staff have questions, kindly advise.

Very truly yours,



William J. Lillis  
For the Firm

WJL/krp

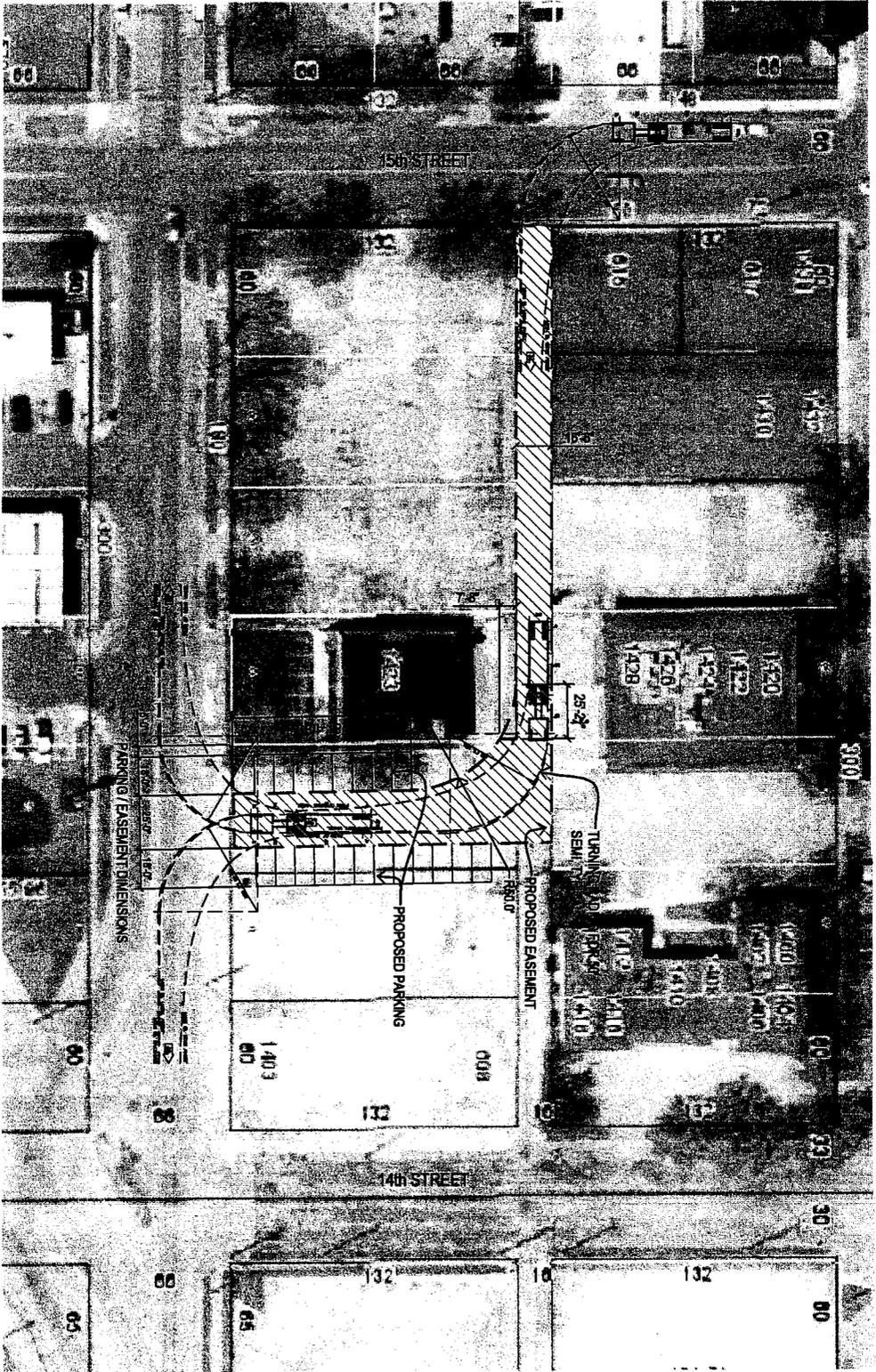
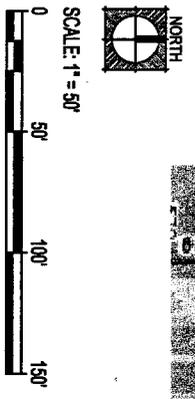


EXHIBIT A

L Shape  
Easement / Parking Concept  
Iowa Health Campus

7/16/08 revised 10/7/08  
27432.00



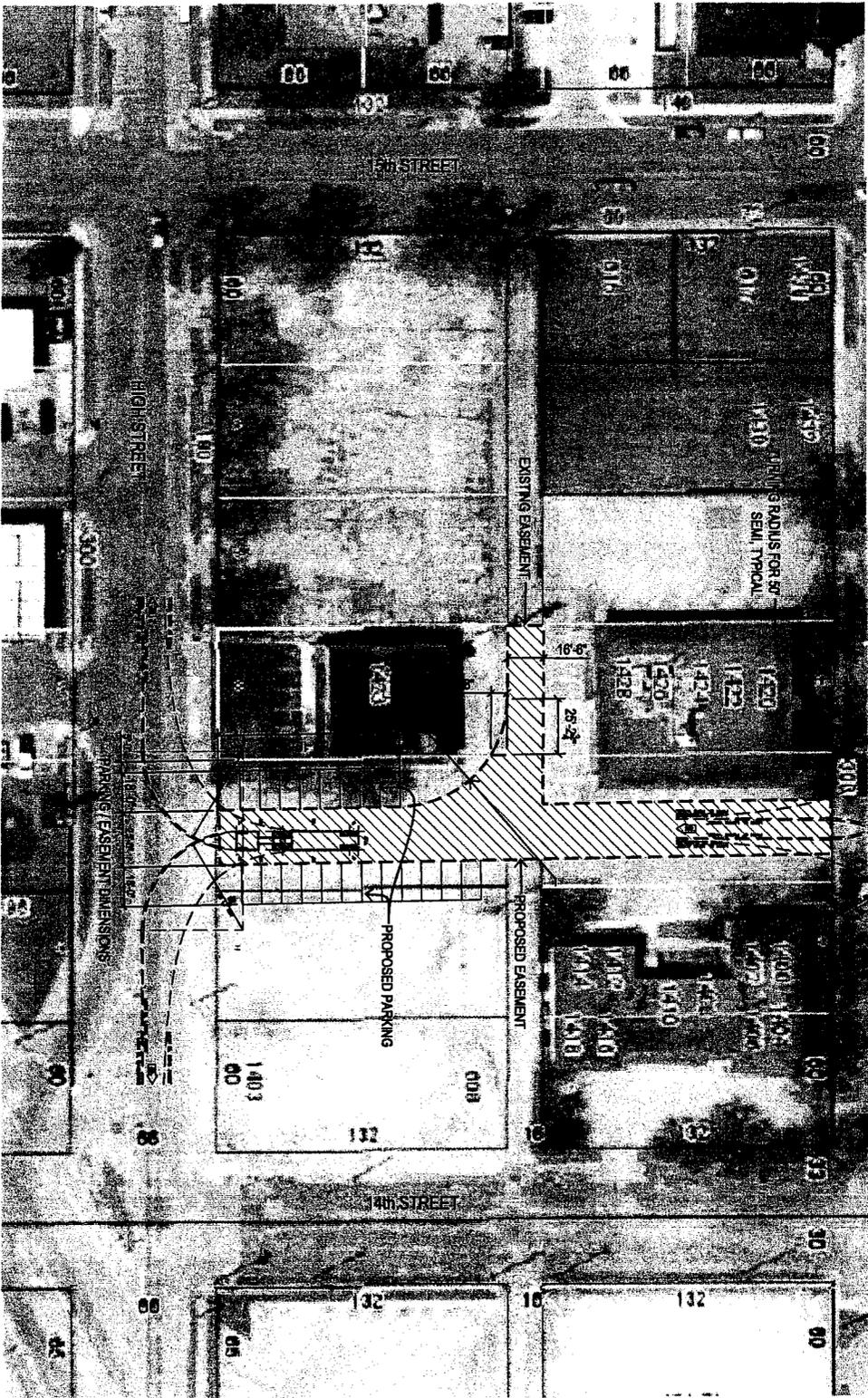


EXHIBIT B

T Shape  
Easement / Parking Concept  
Iowa Health Campus

7/16/08 revised 10/7/08  
27432.00

