



Council Communication

Office of the City Manager

Date

March 29, 2010

Agenda Item No. 5
Roll Call No. 10-
Communication No. 10-171
Submitted by: **Jeb E. Brewer, P.E.,**
City Engineer

AGENDA HEADING:

Acceptance of real estate documents from Union Pacific Railroad Company for the Des Moines and Raccoon Rivers – Birdland Levee Project.

SYNOPSIS:

Recommend acceptance of real estate documents for property owned by the Union Pacific Railroad Company (UPRR), Rick L. Harris, Real Estate Manager, 1400 Douglas Street, Omaha, NE 68179-1001. This action is required in order to proceed with acquisition and closing on UPRR's remainder parcels that are located outside the Birdland Levee construction limits. UPRR is the titleholder of several parcels of property from an abandoned rail line located between McHenry Park and Riverview Nature Island. A portion of the property is being acquired for construction of the Birdland Levee Project and UPRR's remainder parcels are also being recommended for purchase to enable a large 2-mile trail loop, as well as a smaller $\frac{3}{4}$ -mile loop, which would cross the Kiwanis Nature Island, essentially creating an expanded park atmosphere and facilitating public access to the entire area.

FISCAL IMPACT:

Amount: \$51,110, plus closing costs.

Funding Source: 2009/10 CIP, Flood Protection System Improvements, Page Storm Water Improvements – 11, FLD008.

ADDITIONAL INFORMATION:

On October 12, 2009, by Roll Call No. 09-1834, the City Council authorized acquisition of the necessary right-of-way and easements for this project. Acquisition of UPRR's remainder parcels will provide an opportunity for a second trail connection from the Neal Smith Trail to McHenry Park (in addition to the trail connection on top of the levee) and west to the Inter-Urban Trail. This will create a multi-looped trail system, which is highly desirable for neighborhood recreational trail usage. The railroad right-of-way enables a large 2-mile trail loop, as well as a smaller $\frac{3}{4}$ -mile loop, which would also cross the Kiwanis Nature Island, essentially creating an expanded park atmosphere and facilitating access to the entire area.

The City's original appraised value for all UPRR owned parcels for this project was \$100,050, but due to existing ownership and environmental issues, on portions of the remainder parcels that were part of the former Diller Battery Site clean-up project, the City's Real Estate Division and Legal Departments reached an agreement with UPRR for a reduced purchase price of \$51,010. The potential ownership and

environmental issues on the remainder parcels have been reviewed by the City's Legal, Real Estate, Engineering and Park Departments, and it has been determined that there is no known or anticipated impact on City's planned use of the property for levee or recreational trail purposes.

PREVIOUS COUNCIL ACTION(S):

Date: March 22, 2010

Roll Call Number: 10-463

Action: Increase of total project costs in the Project Partnership Agreement with Department of the Army, for construction of the Des Moines and Raccoon Rivers Project for the Birdland Park Levee, (increase to \$11.3 Million, Federal share \$7.3 Million, City Share \$4 Million). (Council Communication No. 10-164

). Moved by Mahaffey to adopt. Motion Carried 7-0.

Date: February 8, 2010

Roll Call Number: 10-180

Action: Establishing fair market value of property owned by Union Pacific Railroad Company for Des Moines and Raccoon Rivers – Birdland Levee Project. (Council Communication No. 10-071) Moved by Hensley to adopt. Motion Carried 7-0.

Date: October 12, 2009

Roll Call Number: 09-1834

Action: Authorization to proceed with acquisition of the necessary right-of-way and easements. Moved by Mahaffey to adopt. Motion Carried 7-0.

Date: October 12, 2009

Roll Call Number: 09-1833

Action: Approving Project Partnership Agreement with Department of the Army for construction. Moved by Mahaffey to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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