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|  <p style="text-align: center;"><b>Council<br/>Communication</b><br/>Office of the City Manager</p> | <b>Date:</b> June 10, 2013  |
|  | <b>Agenda Item No.</b> 44<br><b>Roll Call No.</b> <u>13-924</u><br><b>Communication No.</b> <u>13-300</u><br><b>Submitted by:</b> <b>Jeb E. Brewer, P.E.,<br/>City Engineer and<br/>Phillip Delafield,<br/>Community<br/>Development Director</b> |

**AGENDA HEADING:**

A. Hold hearing for vacation of three (3) segments of street right-of-way for railroad crossing closures at the Hull Avenue, Scott Avenue and SE 34th Street crossings.

B. First Reading of Ordinance vacating City-owned right-of-way located at Hull Avenue between Delaware Avenue and Dixon Street; Scott Avenue between Southeast 20th Street and Southeast 22nd Street; and Southeast 34th Street between Scott Avenue and East Court Avenue.

**SYNOPSIS:**

Union Pacific Railroad Company (Union Pacific) has proposed the permanent closure of the Hull Avenue, Scott Avenue and SE 34th Street crossings. The purpose of the proposal is to address train and automobile movement constraints and to create rail capacity to support the growth of existing and new rail dependent businesses in Des Moines. A series of infrastructure, crossing notification, and buffering improvements are proposed to offset the impacts of the closures. In addition, Union Pacific has withdrawn their request to vacate the SE 36th Street crossing in order to maintain greater north-south connectivity within the Laurel Hill Neighborhood.

On April 8, 2013, the City Council set the date for the public hearing on vacation of said crossings and first reading of the vacation ordinance for June 10, 2013 and approved the preliminary terms of agreement. Staff and Union Pacific are negotiating an agreement based upon the preliminary terms of agreement. The finalized agreement will be presented to the City Council for approval concurrently with the third reading of the vacation ordinance. The second and third readings of the vacation ordinance are scheduled for August 12, 2013 and September 23, 2013 respectively in order to finalize the agreement.

**FISCAL IMPACT:**

Amount: \$2,006,000

Funding Source: Union Pacific Railroad Company (\$1,506,000) and State of Iowa Grant (\$500,000)

**ADDITIONAL INFORMATION:**

On April 8, 2013, the City Council set the date for the first hearing of the vacation ordinance for June 10, 2013 and approved the preliminary terms of agreement based on the following mitigation improvements:

1. Guthrie Avenue - Flashing notification signal near Dixon Street intersection (Dixon Crossing)
2. East University Avenue - Flashing notification signal east of Hubbell Avenue intersection (Hubbell Crossing)
3. East Euclid Avenue turning lane extension & left turn light installation at Dixon intersection
4. Dixon Street & Hull Avenue intersection enlargement
5. Hull Avenue widening - Dixon Street to Archer Daniels Midland (ADM) campus
6. Hull Avenue Cul-de-Sac
7. Hull Avenue street tree, traffic island & overlay improvements
8. Dean Avenue & East 30th Street intersection turning lane & traffic light improvements
9. SE 36th Street railroad crossing improvements
10. Laurel Hill Road pavement overlay from SE 34th Street to SE 36th Street
11. Emergency access road - SE 34th Street to SE 36th Street - south perimeter of tracks
12. SE 34th Street Cul-de-Sac

Staff and Union Pacific are currently negotiating an agreement based on these mitigation improvements. In addition, the finalized agreement will include an alternative improvement that could be constructed in place of the proposed Hull Avenue traffic island. Concerns regarding the potential impact of the traffic island on resident drivers were expressed at previous meetings. An alternate design has been prepared that would utilize the funds identified for the traffic island to construct a sidewalk along the east side of Delaware Avenue from Hull Avenue to Morton Avenue. There are no sidewalks in this area currently. The new sidewalk would also extend east from Delaware Avenue along the south side of Hull Avenue until it joined the existing public sidewalk. The finalized agreement may also identify other alternate improvements that could be considered. Staff is also negotiating terms of agreement with Union Pacific that address participation in a community planning effort that would identify ways to enhance the synergy of rail, residential, and commercial uses in Des Moines.

The preliminary terms of agreement require Union Pacific to provide a property interest in its property for an emergency access road between SE 34th Street and SE 36th Street. The proposed road on railroad property would be gated and only open during emergency events. Issues related to easements interests within the proposed roadway need to be addressed to ensure the ability to provide public access during emergency events. Other alternatives to this route could be considered if these issues with easements are not satisfactorily resolved. Due to the complexity of the easement analysis and the time necessary to adequately analyze any alternate access routes associated with the SE 34th Street vacation and crossing closure, the second and third readings of the vacation ordinance are being set for August 12, 2013 and September 23, 2013. The finalized agreement as negotiated between City staff and Union Pacific will be presented to the City Council at the third reading of the ordinance.

The Engineering Department has analyzed the impact of constructing viaducts at several of the railroad crossings in the area and prepared a computer generated traffic model illustrating the expected impacts of the proposed vacations. The Office of Economic Development has continued to meet with area business representatives and has conducted further analysis of the economic impact of railroad service. A summary of this information will be presented at the June 10, 2013 Council meeting.



**PREVIOUS COUNCIL ACTION(S):**

Date: April 8, 2013

Roll Call Number: [13-0578](#) and [13-0579](#)

Action: [Approving](#) preliminary terms of agreement with Union Pacific Railroad for the vacation of three (3) segments of street right-of-way at the Hull Avenue, Scott Avenue and SE 34th Street crossings. ([Council Communication No. 13-165](#)) Moved by Mahaffey to adopt; refer to the City Manager to continue to work on the terms of the agreement with the residents, businesses and the UPRR. Motion Carried 5-2. Nays: Meyer and Moore.

(A) [Setting](#) date of hearing on vacation of three (3) segments of street right-of-way for railroad crossing closures at the Hull Avenue, Scott Avenue and SE 34th Street crossings, (6-10-13). Moved by Mahaffey to adopt. Motion Carried 7-0.

Date: January 28, 2013

Roll Call Number: [13-0166](#)

Action: [Receive](#) and file Plan and Zoning Commission recommendation regarding request from Union Pacific Railroad to vacate the following four (4) segments of street right-of-way where the railroad right-of-way intersects, subject to conditions: ([Council Communication No. 13-040](#)). Moved by Mahaffey to receive and file. Motion Carried 6-1. Nays: Meyer.

- (A) Hull Avenue between Delaware Avenue and Dixon Street.
- (B) Scott Avenue between SE 20th Street and SE 22nd Street.
- (C) SE 34th Street between Scott Avenue and E. Court Avenue.
- (D) SE 36th Street at a point north of Scott Avenue.

**BOARD/COMMISSION ACTION(S):**

Board: Plan and Zoning Commission

Date: January 3, 2013

Resolution Number: 11-2012-1.21; 11-2012-1.22; 11-2012-1.23; and 11-2012-1.24

Action: A motion to approve the requested vacation of public right-of-ways failed by a vote of 5-8. No further motions were made.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

- (1) Second and third readings of the vacation ordinance.
- (2) Council consideration of the finalized agreement between the City and Union Pacific Railroad Company.
- (3) Council consideration of authorization to acquire property interests for the alternate emergency access road, if so negotiated.
- (4) Council consideration of an ordinance amending Sections 114-99 and 114-104 addressing the railroad crossings at SE 34th Street and at Hull Avenue, following fulfillment by the Union Pacific Railroad Company of the conditions set forth in the crossing closure agreement identified herein.

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