

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b>	August 12, 2013
	<b>Agenda Item No.</b>	<b>32</b>
	<b>Roll Call No.</b>	<b><u>13-1284</u></b>
	<b>Communication No.</b>	<b><u>13-418</u></b>
	<b>Submitted by:</b>	<b>Jeb E. Brewer, P.E., City Engineer and Phillip Delafield, Community Development Director</b>

**AGENDA HEADING:**

Continue Second 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 to August 26, 2013 (8-26-13).

**SYNOPSIS:**

On April 8, 2013, the City Council set the date for the public hearing on vacation of said crossings and approved the preliminary terms of agreement. On June 10, 2013, the City Council held and closed the public hearing and approved the first reading of the vacation ordinance. The second and third readings of the ordinance were scheduled for August 12, 2013 and September 23, 2013 respectively. It has been requested that the second reading of the ordinance be continued to the August 26, 2013 meeting to avoid conflict with the Iowa State Fair. Staff recommends this continuance of the third reading will still occur on September 23, 2013. The finalized agreement will be presented to the City Council for approval concurrently with the third reading of the ordinance.

**FISCAL IMPACT:**

Amount: \$2,100,000

Funding Source: Union Pacific Railroad Company (\$1,600,000) and State of Iowa Grant (\$500,000).

**ADDITIONAL INFORMATION:**

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 In addition, Union Pacific has withdrawn their request to vacate the SE 36th Street crossing in order to maintain greater north-south connectivity within the Laurel Hill Neighborhood.

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public hearing and approved the first reading of the vacation ordinance. The second and third readings of the ordinance were scheduled for August 12, 2013 and September 23, 2013 respectively. It has been requested that the second reading of the ordinance be continued to the August 26, 2013 meeting to avoid conflict with the Iowa State Fair. The third reading will still occur on September 23, 2013. The finalized crossing closure agreement with Union Pacific will be presented to the City Council for consideration concurrently with the third reading of the ordinance.



### PREVIOUS COUNCIL ACTION(S):

Date: June 10, 2013

Roll Call Number: [13-0924](#) and [13-0925](#)

Action: [On](#) vacation of three segments of street right-of-way for railroad crossing closures at the Hull Avenue, Scott Avenue and SE 34th Street Crossings. ([Council Communication No. 13-300](#)) Moved by Coleman to adopt. Motion Carried 5-2. Nays: Meyer and Moore.

(A) [First](#) consideration of ordinance above. Moved by Coleman that this ordinance be considered and given first vote for passage, and that this ordinance be submitted for second consideration at the City Council meeting scheduled for August 12, 2013. Motion Carried 5-2. Nays: Meyer and Moore.

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.

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