

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b> September 23, 2013
	<p><b>Agenda Item No.</b> 44</p> <p><b>Roll Call No.</b> <u>13-1508</u></p> <p><b>Communication No.</b> <u>13-486</u></p> <p><b>Submitted by:</b> Phillip Delafield, Community Development Director and Jeb E. Brewer, P.E., City Engineer</p>

**AGENDA HEADING:**

Items regarding the Union Pacific Crossing Closures Mitigation Project:

A) Resolution approving vacation of three (3) segments of street right-of-way for railroad crossing closures at the Hull Avenue, Scott Avenue and SE 34<sup>th</sup> Street crossings, and approving agreement between the City of Des Moines and Union Pacific Railroad Company (Union Pacific) for the Union Pacific Crossing Closures Mitigation project, and authorization to proceed with acquisition of the necessary right-of-way and easements required for the project, by gift, negotiation or eminent domain.

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

**SYNOPSIS:**

Recommend approval for vacation of three (3) segments of street right-of-way for railroad crossing closures at the Hull Avenue, Scott Avenue and SE 34<sup>th</sup> Street crossings, and approval of agreement between the City of Des Moines and Union Pacific for the Union Pacific Crossing Closures Mitigation project, and authorization to proceed with acquisition of the necessary right-of-way and easements required for the project by gift, negotiation, or eminent domain.

Union Pacific has proposed the permanent closure of the Hull Avenue, Scott Avenue and SE 34<sup>th</sup> 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 included in the proposed agreement to offset the impacts of the closures. The improvements would be constructed with funds from Union Pacific and a grant from the Iowa Department of Transportation (IDOT), as well as City Capital Improvement Program (CIP) funding as needed.

This project will require several partial fee acquisitions and several temporary construction easements from adjoining property owners for acquisition of an access roadway associated with closure of the SE 34<sup>th</sup> Street crossing and other intersection and roadway improvements noted below. Relocation assistance will be authorized, but should not be required for this project. This action is required by Iowa law before the City can initiate the right-of-way acquisition process under eminent domain.

**FISCAL IMPACT:**

Amount: \$2,100,000 (Estimated)

Funding Source: Union Pacific Railroad Company (\$1,600,000); State of Iowa Grant (\$500,000); 2013-14 CIP, Page Street Improvements – 51, ST253, Union Pacific Railroad (UPRR) Crossing Closures Mitigation.

### **ADDITIONAL INFORMATION:**

Union Pacific has proposed the permanent closure of the Hull Avenue, Scott Avenue and SE 34<sup>th</sup> Street public at-grade 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. The following infrastructure, crossing notification, and buffering improvements are required by the proposed agreement to offset the impacts of the closures:

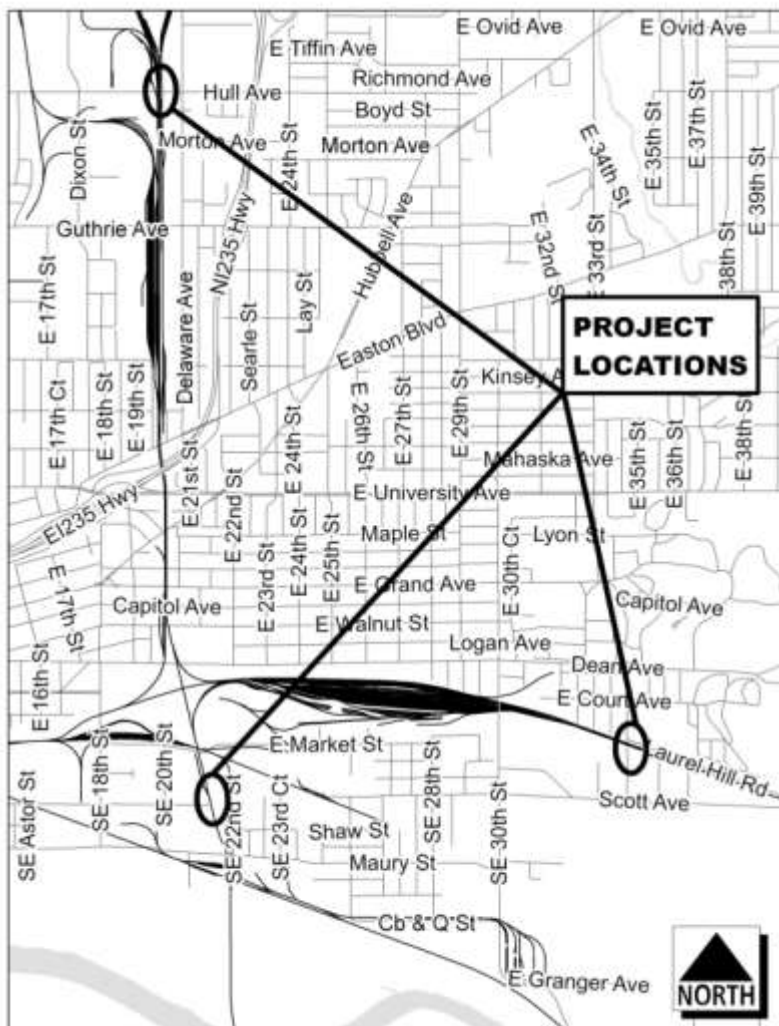
1. Guthrie Avenue - Flashing notification signal near Dixon Street intersection (Dixon Crossing).
2. E. University Avenue - Flashing notification signal east of Hubbell Avenue intersection (Hubbell Crossing).
3. E. Euclid Avenue turning lane extension and left turn light installation at Dixon intersection. (includes TSF funding).
4. Dixon & 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 and overlay improvements.
8. Delaware sidewalk from Hull Avenue to Morton Avenue.
9. Dean and East 30<sup>th</sup> Street intersection turning lane and traffic light improvements (includes TSF funding).
10. SE 36<sup>th</sup> Street railroad crossing improvements.
11. Laurel Hill Road pavement overlay from SE 34<sup>th</sup> Street to SE 36<sup>th</sup> Street.
12. Permanent access road - SE 35<sup>th</sup> Street to SE 36<sup>th</sup> Street.
13. SE 34<sup>th</sup> Street Cul-de-Sac.

These improvements will be designed and constructed by the City with funds from Union Pacific and from a State of Iowa grant, as well as CIP funds as needed. The first projects to be constructed would be the E. 30<sup>th</sup> Street and Dean Avenue intersection improvements, which are anticipated to begin construction in the spring of 2014. If the agreement is approved, the other projects would need to be designed and the necessary right-of-way acquired. The scope of the improvements at E. Euclid Avenue and Dixon Street are dependent on the agreement; if the agreement is approved the project will include turn lane extension, otherwise the project will be constructed as provided in the TSF agreement approved by the City Council on August 12, 2013, by Roll Call No. 13-1253. It is anticipated that all of the remaining projects would be completed over the next two (2) to three (3) years. The street vacations would not occur until all of the roadway projects have been completed and both Union Pacific and the City have met their obligations under the agreement.

In addition to the identified mitigation projects, two (2) ongoing planning efforts have been identified that would look at improving mobility, the buffering of land uses, and rail based economic development in the northeast portion of the City. On September 9, 2013, the City Council authorized the submission

of a grant application to the IDOT for Iowa Clean Air Attainment Program (ICAAP) Funds. The grant funds would be used to hire a consultant to prepare a Northeast Des Moines Bicycle and Pedestrian Corridor Feasibility Study. This study would examine existing demographics, land use, and transportation connectivity in the northeast portion of the City to determine a continuous alternative mode connection between the existing Gay Lee Wilson recreational trail along Four Mile Creek and the downtown urban core. The feasibility of a combination of on-street and off-street bicycle and pedestrian facilities including examining a rails-with-trails corridor along the existing Union Pacific Railroad would be assessed. This study would help to improve future air quality by studying the opportunities for connection to increase the use of alternative modes in northeast Des Moines to access places of employment, education, and commerce in the city including the downtown urban core. The total project cost is \$280,000, which includes an estimated study cost of \$250,000. ICAAP funding in the amount of \$200,000 will be requested.

A railroad and community interface plan is also recommended that would identify best practices and evaluate their potential applicability in Des Moines for balancing automobile, bicycle, rail, truck, and pedestrian mobility; buffering residential areas from railroad facilities and associated industrial uses and encouraging rail based economic development. It is anticipated that these two (2) efforts would identify projects that could be considered for implementation.



**PREVIOUS COUNCIL ACTION(S):**

Date: August 26, 2013

Roll Call Number: [13-1349](#)

Action: [On](#) vacation of three segments of street right-of-way for railroad crossing closures at the Hull Avenue, Scott Avenue and SE 34<sup>th</sup> Street crossings. ([Council Communication No. 13-444](#)) Moved by Mahaffey that this ordinance be considered and given second vote for passage, and that this ordinance be submitted for third consideration at the City Council meeting scheduled for September 23, 2013. Motion Carried 5-2. Nays: Meyer and Moore.

Date: August 12, 2013

Roll Call Number: [13-1284](#)

Action: [On](#) vacation of three segments of street right-of-way for railroad crossing closures at the Hull Avenue, Scott Avenue and SE 34<sup>th</sup> Street crossings. ([Council Communication No. 13-418](#)) Moved by Mahaffey that second consideration of this ordinance be continued to August 26, 2013. Motion Carried 7-0.

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 34<sup>th</sup> 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 34<sup>th</sup> 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 34<sup>th</sup> 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 20<sup>th</sup> Street and SE 22<sup>nd</sup> Street.
- (C) SE 34<sup>th</sup> Street between Scott Avenue and E. Court Avenue.
- (D) SE 36<sup>th</sup> Street at a point north of Scott Avenue.

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

Board: Plan and Zoning Commission

Date: January 3, 2013

Resolution Number: N/A

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) Council consideration of authorization to acquire property interests for the alternate emergency access road.
- (2) Council consideration of an ordinance amending Sections 114-99 and 114-104 addressing the railroad crossings at SE 34<sup>th</sup> Street and at Hull Avenue, following fulfillment by Union Pacific Railroad Company of the conditions set forth in the crossing closure agreement identified herein.

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the first floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org).