

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: November 7, 2016
	Agenda Item No. 47C Roll Call No. <u>16-1938</u> Communication No. <u>16-646</u> Submitted by: Matthew A. Anderson, Assistant City Manager

AGENDA HEADING:

Declaration of intent regarding proposed rail port transload facility.

SYNOPSIS:

Burlington Northern Santa Fe Railway Company (BNSF) has previously operated rail service in the E. Elm Street right-of-way in the Market District. That section of line is no longer active and the former rail bridge over the Des Moines River has been converted to a pedestrian bridge with the construction of the Principal Riverwalk.

The City of Des Moines has received notice from BNSF that it will not apply to the Surface Transportation Board for abandonment of its rail line within the City-owned E. Elm Street right-of-way extending west from SE 9th Street at this time, because BNSF wants to preserve the ability to reactivate the rail line within the E. Elm Street right-of-way for use in serving the proposed rail port transload facility. This declaration provides clarity that the City has no intent to give final approval to the proposed rail port transload if it will result in rail traffic on E. Elm Street west of SE 9th Street.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

The reactivation of the rail line within the E. Elm Street right-of-way west of SE 9th Street is incompatible with:

- The City's Comprehensive Plan;
- The Downtown Plan titled "What's Next, Downtown?";
- The Market District of East Village Urban Design Study;
- The planned improvements to E. Elm Street adjoining the new headquarters office building for PDM Precast, Inc., and GPS Impact, now under construction at 220 SE 6th Street along the 500 block of E. Elm Street; and,
- The rededication and improvement of E. Elm Street between SE 6th and SE 7th Streets to serve a proposed new housing project north of the 600 block of E. Elm Street.

PREVIOUS COUNCIL ACTION(S):

Date: October 24, 2016

Roll Call Number: [16-1817](#) and [16-1818](#)

Action: [On](#) vacation of air space and subsurface rights in portions of street right-of-way adjoining 220 SE 6th Street and conveyance of a permanent easement for air space within E. Elm Street and SE 6th Street right-of-way, and conveyance of a permanent subsurface easement within E. Elm Street and SE 5th Street right-of-way all adjoining 220 SE 6th Street to 220 SE 6th Street Properties, LLC, \$732, (11-7-16). Moved by Coleman to adopt. Motion Carried 7-0.

- (A) [Communication](#) from Plan and Zoning Commission Moved by Coleman to receive and file the Communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.

Date: August 22, 2016

Roll Call Number: [16-1411](#)

Action: [Urban](#) Renewal Development Agreement with 220 SE 6th Street Properties, LLC for the construction of a new commercial office building and parking structure at 220 SE 6th Street, approving proposed conceptual development plan and approving Parking License Agreement for City use of parking spaces within the parking structure. ([Council Communication No. 16-479](#)) Moved by Coleman to adopt. Motion Carried 5-1-1. Nays: Moore. Absent: Hensley.

Date: May 23, 2016

Roll Call Number: [16-0853](#)

Action: [Authorizing](#) the City Manager to negotiate agreement based on preliminary terms with PDM Precast, Inc. and GPS Impact for commercial development at 220 SE 6th Street. ([Council Communication No. 16-288](#)) Moved by Moore to adopt. Motion Carried 7-0.

Date: April 11, 2016

Roll Call Number: [16-0582](#)

Action: [Grant](#) Application to the U.S. Department of Transportation FASTLANE Program for the proposed rail port transloading facility at the 1500 block of E. ML King Jr. Pkwy. ([Council Communication No. 16-200](#)) Moved by Coleman to adopt. Motion Carried 7-0.

Date: October 12, 2015

Roll Call Number: [15-1708](#)

Action: [Application](#) to the Iowa Department of Transportation (IDOT) LIFTS program for a rail port transloading facility in the City of Des Moines. ([Council Communication No. 15-553](#)) Moved by Hensley to adopt. Motion Carried 7-0.

Date: December 20, 2014

Roll Call Number: [14-1668](#)

Action: [Approving](#) agreement for professional services with McClure Engineering Company for development of Request for Proposals for Rail Transload Facility and approving Letter of Support to IDOT Railroad Revolving Loan and Grant Agreement. ([Council Communication No. 14-512](#)) Moved by Gatto to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: Plan and Zoning Commission

Date: October 6, 2016

Resolution Number: N/A

Action: Jan Freed moved staff recommendation for approval of the requested vacation subject to reservation of any necessary easements for any existing utilities until such time that they are abandoned or are relocated. Vote: 12-0.

Board: Urban Design Review Board

Date: August 2, 2016

Resolution Number: N/A

Action: A consensus of the members present approved the final design and strongly supported the 3-story parking structure as a strategy that makes it a walkable neighborhood in the future.

Board: Urban Design Review Board

Date: June 21, 2016

Resolution Number: N/A

Action: Approval of the financial assistance as presented. Yes = 7, No = 0, Absent = 4, Abstain = 0.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

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