

**Date** March 29, 2010

**APPROVING AND AUTHORIZING THE EXECUTION OF NORFOLK SOUTHERN RAILWAY COMPANY STREET CROSSING IMPROVEMENTS AGREEMENTS FOR THE S.E. 6<sup>TH</sup> STREET WIDENING PROJECT**

WHEREAS, the Norfolk Southern Railway Company (“Norfolk Southern”) owns and operates a railroad upon railroad tracks that proceed in an easterly-westerly direction across Southeast 6<sup>th</sup> Street between E. Court Avenue and the Des Moines River; and

WHEREAS, there now exists a public street crossing over said Norfolk Southern railroad tracks at two railroad crossings within S.E. 6<sup>th</sup> Street (FRA No. 063381P and FRA No. 864232B); and

WHEREAS, in connection with the S.E. 6<sup>th</sup> Street Widening – E. Court Avenue to the Des Moines River Project, the City has proposed to undertake a project to reconstruct the aforementioned railroad crossings including the installation of a new street-railroad grade crossing, with crossing signals and lights and with associated street drainage improvements upon Norfolk Southern’s railroad right-of-way, as well as a new railroad crossing approach within the City street right-of-way; and

WHEREAS, the City and Norfolk Southern have negotiated the terms of an Agreement for Railroad Crossing Improvement Project (Norfolk Southern Railway Company) for each crossing to provide for the construction of the above-referenced railroad crossing improvements within the railroad right-of-way for the Project by Norfolk Southern, with reimbursement to be paid by the City to Norfolk Southern for materials and labor for said improvements in the estimated total amount of up to \$631,396.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA, that the Agreement for Railroad Crossing Improvement (Norfolk Southern Railway Company) for each crossing in connection with the S.E. 6<sup>th</sup> Street Widening – E. Court Avenue to the Des Moines River Project, copies of which are now on file in the office of the City Clerk, be and is hereby approved; the Mayor and City Clerk are hereby authorized and directed to execute said Agreement for each crossing for and on behalf of the City of Des Moines, Iowa; and the Engineering Department is hereby authorized to administer the terms of said Agreement, for each crossing, and the Finance Director is authorized to make payment to the railroad for the actual construction cost upon receipt of an invoice acceptable to the Engineering Department.

FORM APPROVED:

(Council Communication No. 10-173)

Glenna K. Frank  
Glenna K. Frank, Assistant City Attorney

Moved by \_\_\_\_\_ to adopt.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk