★ Roll Call Number	Agenda Item Number 5 3
Date August 22, 2016	
granting right-of-way to Des Moines an	amending an ordinance entitled "An ordinance d Knoxville Railroad Company on Elm Street," and d assigns of said company the rights vested in it by
which was considered and voted upon under R again presented.	oll Call No. 16- <u>1336</u> of August 8, 2016;
Moved by	that this ordinance be

considered and given second vote for passage.

(Second of three required readings)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				
MOTION CARRIED			API	PROVED

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.

		City Clerk
 	 	<i>J</i>

★ _F	Roll Call Number 16-1336	
Date	August 8, 2016	

Agenda Item Number

52

An Ordinance entitled, "AN ORDINANCE amending an ordinance entitled "An ordinance granting right-of-way to Des Moines and Knoxville Railroad Company on Elm Street," and granting to the grantees, successors and assigns of said company the rights vested in it by said ordinance as hereby amended",

presented.

Moved by	Newsley	that	this	ordinance	be
considered and given	first vote for passage.				

FORM APPROVED:

(First of three required readings)

Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	V			
COLEMAN	V			
GATTO	V			
GRAY	1			
HENSLEY	-			
MOORE	V		İ	
WESTERGAARD	~			
TOTAL	7			
TOTTON CARPITED .	·	1	API	PROVED

MOTION CARRIED APPROVED

J. Physical Council Mayor

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.

	Charles Street,	
	•	Lough
1) Can	Q	tern!

City Clerk

16-1336 39-52

ORDINA	NCE NO.	

AN ORDINANCE amending an ordinance entitled "An ordinance granting right-of-way to Des Moines and Knoxville Railroad Company on Elm Street," and granting to the grantees, successors and assigns of said company the rights vested in it by said ordinance as hereby amended.

WHEREAS, by Ordinance No. 157, passed March 7, 1879, by the City Council of the City of Des Moines, and accepted by the Des Moines and Knoxville Railway Company, the City of Des Moines granted certain rights to said Des Moines and Knoxville Railway Company; and

WHEREAS, by Ordinance No. 1067, passed January 2, 1900, the above ordinance was amended to reflect Chicago, Burlington and Quincy Railroad's rights as lessee of the Des Moines and Knoxville Railroad Company; and

WHEREAS, the majority of the railroad right-of-way established pursuant to the above ordinances has been abandoned by both Des Moines and Knoxville Railway Company and Chicago, Burlington and Quincy Railroad, and their successors and assigns; and

WHEREAS, only a small segment of Elm Street remains in use for active railroad purposes by the Burlington Northern Santa Fe Railway, as successor in interest to the Des Moines and Knoxville Railway Company and the Chicago, Burlington and Quincy Railroad;

WHEREAS, for the benefit of the public, it is desirable that modifications be made to Ordinance No. 1067 to more accurately reflect the current active railroad right-of-way within Elm Street by excluding the portions of Elm Street where the railroad right-of-way has been abandoned.

BE IT, AND IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

That Section One of said Ordinance No. 1067, passed January 2, 1900, and entitled "An ordinance amending an ordinance entitled 'An ordinance granting right-of-way to Des Moines and Knoxville Railroad Company on Elm Street,' and granting to the grantees, successors and assigns of said company the rights vested in it by said ordinance as hereby amended," be and the same is hereby repealed.

That there be enacted in lieu thereof the following:

That the right-of-way be and is hereby granted to the Burlington Northern Santa Fe Railway, as successor in interest to the Des Moines and Knoxville Railway Company and the Chicago, Burlington and Quincy Railroad, over and along a segment of East Elm Street, between the east right-of-way line of SE 7th Street to the east right-of-way line of SE 9th Street, with the right to lay down a double or single track, with side-tracks, turn-outs and switches on said East Elm Street, and to run such locomotives and trains of cars over the same as may be necessary and at such reasonable rates of speed as may be from time to time fixed by the City Council; provided

that said grant is hereby made upon the express condition that the City hereby reserves to itself the right to grant to any other railroad company rights in the said street not inconsistent with the rights now held by or those hereby granted to said Burlington Northern Santa Fe Railway. The rights granted herein shall extend to the lessees, successors and assigns of Burlington Northern Santa Fe Railway.

This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Lisa A. Wieland

Assistant City Attorney

16-1334 39-50 NORTH SE1/3th St E 14th St SE-14Th St SENTIN SE SE 12th St E 13th Ct OFTRACK SE 11th St SECTION Joth St King Jr. Pkiny SE 10 TO SE 9th St 18 416 ∃S E Granger Ave Jackson Ave Dunham Ave Scott AV Brin Luther E Walnut St E7th St Des Mones Ree. SE 6th S E7th St ,}S,4}9 ∃S THOO IN E 6th St Van Buran St SE ATT SE SE 5th St Edison Ave E Livingston Ave E5th St SE 4th St E 5th St SE 319 SF E4th SE 3rd St Edison Ave E3rdS E Grand Avie SE SUG SI 18 181 3E South Union St E ist St 18 181 NS Robert D Ray Dr Indianola Ave SW Water St SW 2nd St Indianola Ro SW Sud St SW 3rd St and Ave 3rd St Walnut St Town of the state SW 5th St 4th St Luther King Jr PKwy Park St SW 6th St Locust St SW 7th St ACTIVE SECTION OF TRACK 15 417 が 6th Ave PLATTED ELM STREET 5th Ave 35 SW 9th St 7th St SW 11th St Tuttle St ซ Legend Pleasant St