



Date November 7, 2016

RESOLUTION DECLARING INTENT TO WITHHOLD APPROVAL OF THE PROPOSED RAIL PORT TRANSLOAD FACILITY IF IT WOULD RESULT IN THE REACTIVATION OF THE RAIL LINE IN E. ELM STREET WEST OF SE 9th STREET

WHEREAS, the City of Des Moines has been supportive of the proposed rail port transload facility on City-owned property at SE 15th Street and Martin Luther King Jr. Parkway; and,

WHEREAS, the City has been notified by the BNSF Railway Company that it will not apply to the Surface Transportation Board for abandonment of its rail line within the E. Elm Street right-of-way extending west from SE 9th Street at this time because it wants to preserve the ability to reactivate the rail line within the Elm Street right-of-way for use in serving the proposed rail port transload facility; and,

WHEREAS, 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.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the City Council hereby declares its intent that it will withhold approval of the proposed rail port transload facility if the development of that facility would cause the reactivation of the rail line within the E. Elm Street right-of-way west of SE 9th Street.

MOVED by \_\_\_\_\_ to adopt.

FORM APPROVED:

Roger K. Brown
Roger K. Brown, Assistant City Attorney

( Council Communication No. 16- 625 )

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and 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.

MOTION CARRIED APPROVED

Mayor

City Clerk