

Date June 14, 2010

APPROVING AND AUTHORIZING THE EXECUTION OF IOWA INTERSTATE RAILROAD LTD. STREET CROSSING IMPROVEMENT AGREEMENT FOR THE S.E. 6th STREET WIDENING PROJECT

WHEREAS, the Iowa Interstate Railroad Ltd. ("Iowa Interstate") owns and operates a railroad upon railroad tracks that proceed in an easterly-westerly direction across S.E. 6th Street between E. Court Avenue and the Des Moines River; and

WHEREAS, there now exists a public street crossing over said Iowa Interstate railroad tracks at a railroad crossing within S.E. 6th Street (FRA No. 603647P); and

WHEREAS, in connection with the S.E. 6th Street Widening - E. Court Avenue to the Des Moines River project, the City has proposed to undertake a project to reconstruct the aforementioned railroad crossing including the installation of a new street-railroad grade crossing, with automatic signalization with flashing lights and gates within Iowa Interstate'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 Iowa Interstate have negotiated the terms of an Agreement for Railroad Crossing Improvement Project (Iowa Interstate Railroad Ltd.) to provide for the construction of the above-referenced railroad crossing improvements within the railroad right-of-way for the Project by Iowa Interstate, with reimbursement to be paid by the City to Iowa Interstate for materials and labor for said improvements in the estimated total amount of up to \$519,769.01. The City will reimburse the railroad for actual costs which should be less than or lower than the estimate.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA, that the Agreement for Railroad Crossing Improvement (Iowa Interstate Railroad Ltd.) in connection with the S.E. 6th Street Widening - E. Court Avenue to the Des Moines River Project, a copy of which is 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 and on behalf of the City of Des Moines, Iowa; the Engineering Department is hereby authorized to administer the terms of said Agreement; and the Finance Director is authorized to make payment to the railroad for the actual construction costs upon receipt of an invoice acceptable to the Engineering Department.

(Council Letter Number 10-337 attached) Activity ID 06-2009-007

Moved by Hensley to adopt.

FORM APPROVED:

Kathleen Vanderpool Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

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.

T. M. Franklin Council Mayor

Diane Rauh City Clerk