

★ Roll Call Number  
13-0185

Agenda Item Number  
11

Date February 11, 2013

**APPROVING AND AUTHORIZING THE EXECUTION OF UNION PACIFIC RAILROAD COMPANY NEW PUBLIC HIGHWAY OVERPASS CROSSING AGREEMENT FOR THE SOUTHEAST CONNECTOR PROJECT**

WHEREAS, the Union Pacific Railroad Company (UPRR) owns and operates a railroad within the area near and adjacent to the Southeast Connector Project; and

WHEREAS, the Southeast Connector includes construction of roadway improvements adjacent and over the UPRR rail lines; and

WHEREAS, the UPRR has presented the New Public Highway Overpass Crossing Agreement that includes:

1. Rights to construct, maintain, and repair roadway over and across railroad crossing area, at a cost of \$5,700.
2. Temporary easement for construction of the bridge and project, at a cost of \$23,370.
3. Railroad provided engineering and flagging, at an estimated cost of \$41,720.

NOW, THEREFORE, BE, AND IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

1. That the New Public Highway Overpass Crossing Agreement between the Union Pacific Railroad Company and City of Des Moines in connection with the Southeast Connector Project, copies which are now on file in the office of the City Clerk, be and is hereby approved as to form and content.
2. That 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.
3. That the Engineering Department is hereby authorized to administer the terms of said Agreement.

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4. That the Finance Director is authorized to make payment to the railroad for the required rights and temporary easement upon execution of said Agreement and for actual costs, pursuant to the Agreement, upon receipt of invoices acceptable to the Engineering Department.

(Council Letter Number 13-050 attached)  
 Activity ID 06-2012-006

Moved by Hensley to adopt.

FORM APPROVED: Kathleen Vanderpool  
 Kathleen Vanderpool  
 Deputy City Attorney

*JFB*

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

MOTION CARRIED 7 APPROVED  
T. M. Franklin 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.

Diane Rauh City Clerk