



**Roll Call Number**

13-0518

**Agenda Item Number**

38

**Date** April 8, 2013

RESOLUTION APPROVING PRELIMINARY TERMS OF AGREEMENT WITH UNION PACIFIC RAILROAD FOR THE VACATION OF THREE SEGMENTS OF STREET RIGHT-OF-WAY AT THE HULL AVENUE, SCOTT AVENUE AND SE 34TH STREET CROSSINGS

WHEREAS, the Union Pacific Railroad is proposing the permanent closure of the Hull Avenue, Scott Avenue and SE 34th Street crossings to address train and automobile movement constraints and to create rail capacity to support the growth of existing and new rail dependent businesses in Des Moines, all as more specifically described in the accompanying Council Communication; and,

WHEREAS, on January 28, 2013, by Roll Call No. 13-0166, the City Council received and filed a report and recommendation from the City Plan and Zoning Commission regarding the proposal by the Union Pacific Railroad to close the three street crossings identified above, and a fourth street crossing at SE 36th Street which has been dropped from the proposal; and,

WHEREAS, by said Roll Call No. 13-0166, the City Council further directed the City staff to meet with the Union Pacific railroad to determine if additional options and improvements could be considered to mitigate the proposed closures; and,

WHEREAS, the City Manager has negotiated preliminary terms of agreement with the Union Pacific Railroad regarding the construction of a series of infrastructure, crossing notification and buffering improvements to offset the impacts of the crossing closures, all as more specifically described in the accompanying Council Communication.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. The preliminary terms of agreement with the Union Pacific Railroad regarding the permanent closure of the Hull Avenue, Scott Avenue and SE 34th Street crossings, and the construction of a series of infrastructure, crossing notification and buffering improvements to offset the impacts of the closures, all as more specifically described in the accompanying Council Communication, are hereby approved.
2. The City Manager is hereby authorized and directed to negotiate a final agreement with the Union Pacific Railroad upon terms consistent with such preliminary terms, for consideration by the City Council concurrently with the public hearing on the proposed vacation of such street crossings.

( continued )

★ Roll Call Number

13-0578

Agenda Item Number

38

Date April 8, 2013

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( Council Communication No. 13-165 )

MOVED by Mahaffey

to adopt; refer to the City Manager to continue to work on the terms of the agreement with the residents, businesses and the UPRR.

FORM APPROVED:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER		✓		
MOORE		✓		
TOTAL	5	2		

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