



Roll Call Number

13-0579

Agenda Item Number

381A

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Date April 8, 2013

SET HEARING FOR VACATION OF THREE SEGMENTS OF STREET RIGHT-OF-WAY FOR RAILROAD CROSSING CLOSURES AT THE HULL AVENUE, SCOTT AVENUE AND SE 34TH STREET CROSSINGS

WHEREAS, Union Pacific Railroad has requested vacation of the following City-owned right-of-way for permanent railroad crossing closures to address train and automobile movement constraints and to create rail capacity to support the growth of existing and new rail development business in Des Moines: Hull Avenue between Delaware Avenue and Dixon Street; Scott Avenue between Southeast 20th Street and Southeast 22nd Street; and Southeast 34th Street between Scott Avenue and East Court Avenue; and

WHEREAS, on January 28, 2013, by Roll Call No. 13-0166, the City Council of the City of Des Moines 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

WHEREAS, there is no known current or future public need or benefit for the right-of-way proposed to be vacated and the City will not be inconvenienced by the vacation of said right-of-way, subject to approval of the terms of agreement being negotiated between the City and 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. That the City Council of the City of Des Moines shall consider adoption of an ordinance permanently vacating the following City-owned right-of-way for permanent railroad crossing closures: Hull Avenue between Delaware Avenue and Dixon Street; Scott Avenue between Southeast 20th Street and Southeast 22nd Street; and Southeast 34th Street between Scott Avenue and East Court Avenue, all legally described as follows:

EAST HULL AVENUE

THAT PORTION OF SCOTT AVENUE RIGHT-OF-WAY THAT CROSSES THE UNION PACIFIC RAILROAD RIGHT-OF-WAY BETWEEN SOUTHEAST 20TH STREET AND SOUTHEAST 22ND STREET IN THE CITY OF DES MOINES, POLK COUNTY, IOWA;

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF PARCEL "D", THE VACATED SCOTT AVENUE RIGHT-OF-WAY AS SHOWN ON THE PLAT OF SURVEY RECORDED AS BOOK 14161, PAGES 49-50 IN THE OFFICE OF THE RECORDER OF POLK COUNTY, IOWA; THENCE SOUTH 89°(DEGREES) 47'(MINUTES) 36"(SECONDS) EAST, 103.37 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF SCOTT AVENUE TO THE EASTERLY LINE OF THE UNION PACIFIC RIGHT-OF-WAY; THENCE SOUTH 13°35'41" EAST, 81.98 FEET ALONG THE EASTERLY RIGHT-OF-WAY OF

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THE UNION PACIFIC RAILROAD TO THE SOUTH RIGHT-OF-WAY LINE OF SCOTT AVENUE; THENCE NORTH 89°48'35" WEST, 103.31 FEET ALONG THE SOUTH RIGHT-OF-WAY LINE OF SCOTT AVENUE TO THE SOUTHEAST CORNER OF SAID PARCEL "D" ON THE WESTERLY RIGHT OF WAY OF THE UNION PACIFIC RAILROAD; THENCE NORTH 13°37'44" WEST, 82.03 FEET ALONG THE WESTERLY RIGHT-OF-WAY OF THE UNION PACIFIC RAILROAD AND ALSO THE EASTERLY LINE OF SAID PARCEL "D" TO THE POINT OF BEGINNING.

SCOTT AVENUE NEAR SOUTHEAST 22ND STREET

THAT PORTION OF SCOTT AVENUE RIGHT-OF-WAY THAT CROSSES THE UNION PACIFIC RAILROAD RIGHT-OF-WAY BETWEEN SOUTHEAST 20TH STREET AND SOUTHEAST 22ND STREET IN THE CITY OF DES MOINES, POLK COUNTY, IOWA;

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF PARCEL "D", THE VACATED SCOTT AVENUE RIGHT-OF-WAY AS SHOWN ON THE PLAT OF SURVEY RECORDED AS BOOK 14161, PAGES 49-50 IN THE OFFICE OF THE RECORDER OF POLK COUNTY, IOWA; THENCE SOUTH 89°(DEGREES) 47'(MINUTES) 36"(SECONDS) EAST, 103.37 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF SCOTT AVENUE TO THE EASTERLY LINE OF THE UNION PACIFIC RIGHT-OF-WAY; THENCE SOUTH 13°35'41" EAST, 81.98 FEET ALONG THE EASTERLY RIGHT-OF-WAY OF THE UNION PACIFIC RAILROAD TO THE SOUTH RIGHT-OF-WAY LINE OF SCOTT AVENUE; THENCE NORTH 89°48'35" WEST, 103.31 FEET ALONG THE SOUTH RIGHT-OF-WAY LINE OF SCOTT AVENUE TO THE SOUTHEAST CORNER OF SAID PARCEL "D" ON THE WESTERLY RIGHT OF WAY OF THE UNION PACIFIC RAILROAD; THENCE NORTH 13°37'44" WEST, 82.03 FEET ALONG THE WESTERLY RIGHT-OF-WAY OF THE UNION PACIFIC RAILROAD AND ALSO THE EASTERLY LINE OF SAID PARCEL "D" TO THE POINT OF BEGINNING.

SOUTHEAST 34TH STREET AT LAUREL HILL DRIVE

THAT PORTION OF SOUTHEAST 34TH STREET RIGHT-OF-WAY THAT CROSSES THE UNION PACIFIC RAILROAD RIGHT-OF-WAY BETWEEN SCOTT AVENUE AND EAST COURT AVENUE IN THE CITY OF DES MOINES, POLK COUNTY, IOWA;

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF SOUTHEAST 34TH STREET AND THE SOUTHERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD; THENCE NORTH 0°(DEGREES) 06'(MINUTES) 26"(SECONDS) EAST, 107.02 FEET ALONG THE WEST RIGHT-OF-WAY LINE OF SOUTHEAST 34TH STREET TO THE NORTHERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD; THENCE SOUTH 70°05'09" EAST, 53.33 FEET ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD TO THE EAST RIGHT-OF-WAY LINE OF SOUTHEAST 34TH STREET; THENCE SOUTH 0°12'09" WEST, 106.13 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF SOUTHEAST 34TH STREET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD; THENCE NORTH 70°55'59" WEST, 52.87 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY OF THE UNION PACIFIC

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RAILROAD TO THE POINT OF BEGINNING ON THE WEST RIGHT-OF-WAY LINE OF SOUTHEAST 34TH STREET.

2. That the meeting of the City Council at which the proposed vacation of said right-of-way and adoption of said ordinance are to be considered shall be on June 10, 2013, said hearing to be held at 5:00 p.m., in the City Council Chamber, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.

3. That the City Clerk is hereby authorized and directed to publish notice of said proposal in the form hereto attached, not less than four nor more than twenty days before said meeting, in accordance with Section 362.3 of the Iowa Code.

Moved by Mahaffey to adopt.

(Council Communication No. 13-165)

APPROVED AS TO FORM:

Glenna K. Frank, Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, MEYER, MOORE, and TOTAL.

MOTION CARRIED APPROVED T. M. Franklin 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.

Diane Rauh City Clerk