

★ Roll Call Number

18-1162

Agenda Item Number

26

Date July 9, 2018

REQUEST BY DES MOINES TRANSLOAD SERVICES, LLC FOR CITY COUNCIL INITIATION OF VACATION OF RIGHT-OF-WAY ADJOINING 200 SOUTHEAST 15TH STREET AND NORTH OF 1101 RACCOON STREET

WHEREAS, Des Moines Transload Services, LLC (operator/contract purchaser) is pursuing vacation and conveyance of City-owned right-of-way adjoining the real property located at 200 Southeast 15th Street and north of the real property located at 1101 Raccoon Street, described as follows, for assemblage for the construction and operation of a railroad transloading facility and for rail track connection and stormwater detention purposes:

- (A) Southeast 15th Street from East Market Street to East M.L. King Jr. Parkway;
(B) Southeast 11th Street from Raccoon Street north to the Iowa Interstate Railroad;
(C) North/south alley between Southeast 11th Street and Southeast 12th Street from the BNSF Railroad north to the Iowa Interstate Railroad;
(D) Southeast 12th Street from the BNSF Railroad north to the Iowa Interstate Railroad; and

WHEREAS, City policy requires that an application to privately initiate the vacation of a public right-of-way must be accompanied by the written consent of the owners of all property adjoining the right-of-way proposed to be vacated; and

WHEREAS, Des Moines Transload Services, LLC has failed to obtain the consent to the vacation of the right-of-way from the adjoining property owners, notwithstanding that the right-of-way appears to be no longer providing any vehicular ingress or egress; and

WHEREAS, Des Moines Transload Services, LLC has requested that the City Council initiate the process to consider the vacation of this right-of-way.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the vacation of the City-owned right-of-way adjoining the real property located at 200 Southeast 15th Street and north of the real property located at 1101 Raccoon Street, as identified above, is hereby referred to the Plan and Zoning Commission and City staff for review and recommendation to the City Council.

(Council Comm. No. 18-351)

FORM APPROVED

Glenna K. Frank, Assistant City Attorney

MOVED by Gatto to adopt.

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, 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.

Mayor signature: T. M. Franklin

City Clerk signature: Diane Fauh