

ORDINANCE _____

AN ORDINANCE VACATING THE FIFTH AVENUE RAILWAY CROSSING IN CAMANCHE, IOWA.

Section 1. Purpose. The purpose of this ordinance is to provide for the vacation of a portion of Fifth Avenue in Camanche, Iowa that serves as the at-grade public road crossing over the railway tracks of the Canadian Pacific Kansas City Southern Railroad (hereinafter “Canadian Pacific”).

Section 2. Facts Found. The City Council of the City of Camanche, Iowa hereby makes the following finding of fact:

- A. Canadian Pacific owns and operates railway tracks and right-of-way that cross seven streets within the City of Camanche.
- B. One of the seven streets that Canadian Pacific’s track crosses is at Fifth Avenue between 4th Street and 5th Street.
- C. Iowa Code Section 354.23 allows a City to vacate a street which is deemed to be of no benefit to the public.
- D. Traffic studies have shown that the Fifth Avenue crossing is the least used of the seven railway crossings in Camanche.
- E. Separate railway crossing of Canadian Pacific’s track exist one block to the northeast of Fifth Avenue on Fourth Avenue and two blocks to the southwest on Seventh Avenue.
- F. At-grade public road railway crossings are hazardous to pedestrians and motor vehicles.
- G. The vacation of the Fifth Avenue crossing will not deny owners of abutting property reasonable access to their property.
- H. Notice of a public hearing on the proposed vacation of the Fifth Avenue railway crossing has been published as required by law.
- I. The public hearing has been held at the time and place as specified in the notice and any and all objections or other comments relating to the proposal have been heard.
- J. The City Council hereby determines that the Fifth Avenue crossing is of no benefit to the public. Other railway crossings are available nearby, and vacating the crossing will increase public safety.

Section 3. Vacation. The portion of Fifth Avenue that serves as an at-grade public road crossing over railway track owned by Canadian Pacific is hereby vacated, subject to existing easements and franchises as described in Section 4.

Section 4. Easements and Franchises. This vacation is subject to all existing utility franchises, easements, licenses, and permits, whether or not of record, and there is reserved unto the City of Camanche and its franchisees an easement for purposes of the presence, operation, maintenance, repair, and replacement of all existing utilities over, under, and through such portion of street, with right of entry for servicing the same.

Section 5. Repealer. All ordinances or parts of ordinances in conflict with any provision of this ordinance are hereby repealed.

Section 5. Severability Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect this ordinance as a whole, or any section, provision, or part thereof not adjudicated invalid or unconstitutional.

Section 6. When Effective. This ordinance shall be in full effect from and after its final passage, approval, and publication as required by law.

Passed by the Camanche City Council this ___ day of _____, 2024

Austin Pruett, Mayor

Attest: Toni L. Schneider, City Clerk

Certification of Posting

I, Toni L. Schneider, City Clerk, do hereby certify that a copy of this ordinance was posted at the Camanche City Hall, the Camanche Public Library, and the Clinton National Bank in Camanche on the ___ day of _____, 2024 and published in a newspaper of local printing as required by law.

Name

Date