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Title: RESOLUTION AUTHORIZING A TRAIL CONSTRUCTION AND MAINTENANCE AGREEMENT WITH BNSF RAILWAY COMPANY FOR THE CONSTRUCTION AND MAINTENANCE OF A RAILROAD CROSSING TO BE USED IN CONNECTION WITH THE CROSS CITY TRAIL, FOR APPROXIMATELY \$98,683.

Sponsors:

Indexes:

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Attachments: 1. Exhibit 1-Resolution re C&M

Date	Ver.	Action By	Action	Result
8/14/2023	1	City Council	adopted	

RESOLUTION AUTHORIZING A TRAIL CONSTRUCTION AND MAINTENANCE AGREEMENT WITH BNSF RAILWAY COMPANY FOR THE CONSTRUCTION AND MAINTENANCE OF A RAILROAD CROSSING TO BE USED IN CONNECTION WITH THE CROSS CITY TRAIL, FOR APPROXIMATELY \$98,683.

CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to execute a trail construction and maintenance agreement with BNSF Railway Company, a Delaware corporation ("BNSF"), substantially in the form as the agreement attached as Exhibit 1, for the construction, operation and maintenance of a trail crossing over BNSF tracks to be used in connection with the Cross City Trail for approximately \$98,683, payable from Fund 450-030-5530, CP450-CCity-1510.

STATEMENT OF PURPOSE: This resolution authorizes a trail construction and maintenance agreement with BNSF Railway Company, a Delaware corporation ("BNSF"), for the construction, operation and maintenance of a trail crossing over BNSF tracks to be used in connection with the Cross City Trail (CCT) for approximately \$98,683.

The trail crossing will be located behind city-owned property off of Grand Avenue across the street from the zoo. The city-owned property lies adjacent to the Tappa Keg Inn and is used as a trailhead. The City has an easement from BNSF that was granted in 1982 for a trail that is currently used as part of the Waabizheshikana: The Marten Trail. The 1982 easement includes the right for a railroad crossing, but the crossing was constructed outside of the easement area. The City will be relocating the existing crossing into the 1982 easement area as part of the planned construction activities for CCT in 2023 and 2024.

BNSF requires the City to enter into this agreement to construct and maintain the new crossing, as well as remove the existing crossing. Because the crossing is located on active tracks, construction for the crossing must be completed by BNSF. The City will pay BNSF approximately \$98,683 to construct the new crossing and remove the existing crossing (this cost includes labor, materials and equipment). A breakdown of the estimated costs is shown on Exhibit D to the attached Exhibit 1. A large majority of the cost associated with this agreement will be paid for by the State of Minnesota under a Force Account Work Agreement to be authorized under Resolution No. 23-0599.

