



## Legislation Text

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**File #:** 17-0852R, **Version:** 1

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### RESOLUTION AUTHORIZING A SECOND AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF DULUTH AND THE LAKE SUPERIOR AND MISSISSIPPI RAILROAD.

#### CITY PROPOSAL:

WHEREAS, the city of Duluth (City) and Lake Superior and Mississippi Railroad (LSMR) entered into an agreement in February 2003 (City Contract No. 19362), for the operation of LSMR's excursion train, without cost.

WHEREAS, the parties entered into an amendment to the agreement in November 2009 (City Contract No. 19362-01), to: (i) extend the term of the agreement, (ii) update insurance coverages, and (iii) provide for the additional right to use that portion of the former B.N. trackage for railroad storage in the fall of 2009 through spring/summer of 2010.

WHEREAS, the parties desire to further amend the agreement to: (a) extend the term for an additional year, (b) further update insurance coverages, (c) add standard agreement clauses regarding record keeping, data practices, and taxes.

NOW, THEREFORE, BE IT RESOLVED, that the proper city officials are hereby authorized to enter into a second amendment to the agreement with LSMR, substantially in the form attached hereto as Exhibit 1, for the continued use of city-owned railroad trackage through December 1, 2018.

**STATEMENT OF PURPOSE:** This resolution authorizes a second amendment with the Lake Superior and Mississippi Railroad (LSMR) to: (a) extend the term for an additional year, (b) further update insurance coverages, (c) add standard agreement clauses regarding record keeping, data practices, and taxes.

Several years ago, the City acquired certain railroad right-of-way from the Burlington Northern Railroad, including trackage between Munger Landing and Boy Scout Landing. LSMR, a nonprofit corporation, has operated an excursion train on the track for a number of years pursuant to an agreement between the City and LSMR.

There is no fee charged for LSMR's continued use of city-owned railroad trackage. LSMR provides all operational and maintenance services for the excursion train, trackage, and equipment, as well as associated costs.