



## Legislation Text

---

**File #:** 23-0635R, **Version:** 1

---

RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY FROM BNSF RAILWAY COMPANY IN THE IRVING NEIGHBORHOOD FOR \$67,000, PLUS AN ADMINISTRATIVE FEE IN THE AMOUNT OF \$2,500, FOR A TOTAL AMOUNT NOT TO EXCEED \$69,500.

### CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to enter into a purchase agreement, substantially the same as that on file with the office of the City Clerk, with BNSF Railway Company, authorizing the purchase of that certain real property legally described on the attached Exhibit 1, subject to survey (the "Property").

FURTHER RESOLVED, that the proper city officials are hereby authorized to disburse sixty-seven thousand dollars (\$67,000) for the purchase price of the Property, plus \$2,500 as an administrative fee, payable from Fund 450-030-5510, CP450-CCITY-2048 (capital improvements, Finance, land, capital projects-other fund contributions, Cross City Trail, Cross City Trail - Phase VI 59th Ave W to 62nd Ave W).

FURTHER RESOLVED, that the proper city officials are hereby authorized to execute all documents necessary to effectuate the acquisition of the Property from BNSF Railway Company.

STATEMENT OF PURPOSE: The purpose of this resolution is to authorize the purchase of the real property depicted in gray hashing on the attached Exhibit 2 (the "Property") from BNSF Railway Company ("BN") for \$67,000, plus a \$2,500 administrative fee. Located in the Irving neighborhood, the Property is an irregularly shaped ribbon approximately 1,200 feet long by 50 feet wide. The Property has no current or potential future railroad use. The purchase agreement setting forth the terms and conditions of the acquisition is attached as Exhibit 3.

The City intends to construct a portion of the Cross City Trail (the "CCT") on the Property in 2023 and 2024 with support from a federal transportation grant. Timely City acquisition of the Property is necessary for construction to proceed. Planned construction will extend the CCT from its current southwestern terminus at the eastern edge of Irving Park approximately one quarter mile to 59<sup>th</sup> Avenue West.

The City previously authorized a purchase agreement with BN for the Property under Resolution No. 23-0076. However, the transaction was not finalized due to title issues that arose during the due diligence period. The City has found a solution to resolve the title issues by acquiring the Property from BN, as well as an interest in part of the Property from Allete, Inc. (a separate resolution authorizing the acquisition from Allete, Inc. will be on the August 14 agenda). Since the time period to close under the original purchase agreement has now lapsed, the City needs to enter into a new agreement with BN for the Property. All terms of the original purchase agreement are in the agreement attached as Exhibit 3, except that timelines have been extended through December 15, 2023.