



City of Grand Island

Tuesday, December 19, 2006

Council Session

Item G14

#2006-363 - Approving Renewal Rider Agreement with the Union Pacific Railroad Company for the Intersection of 3rd Street and Blaine Street

Staff Contact: Steven P. Riehle, Public Works Director

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: December 19, 2006

Subject: Approving Renewal Rider Agreement with the Union Pacific Railroad Company for the Intersection of 3rd Street and Blaine Street

Item #'s: G-14

Presenter(s): Steven P. Riehle, Public Works Director

Background

An agreement was made between the City of Grand Island and the Union Pacific Railroad Company (UPRR), a lessee to the St. Joseph and Grand Island Railway Company, on May 9, 1979. The agreement is for a portion of the intersection of 3rd Street and Blaine Street being on the UPRR Right-of-Way.

Discussion

The lease needs to be renewed to allow for the street intersection to remain as it currently exists. The renewal is a lump sum of \$10,500 for the term of May 8, 2004 thru May 7, 2029.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

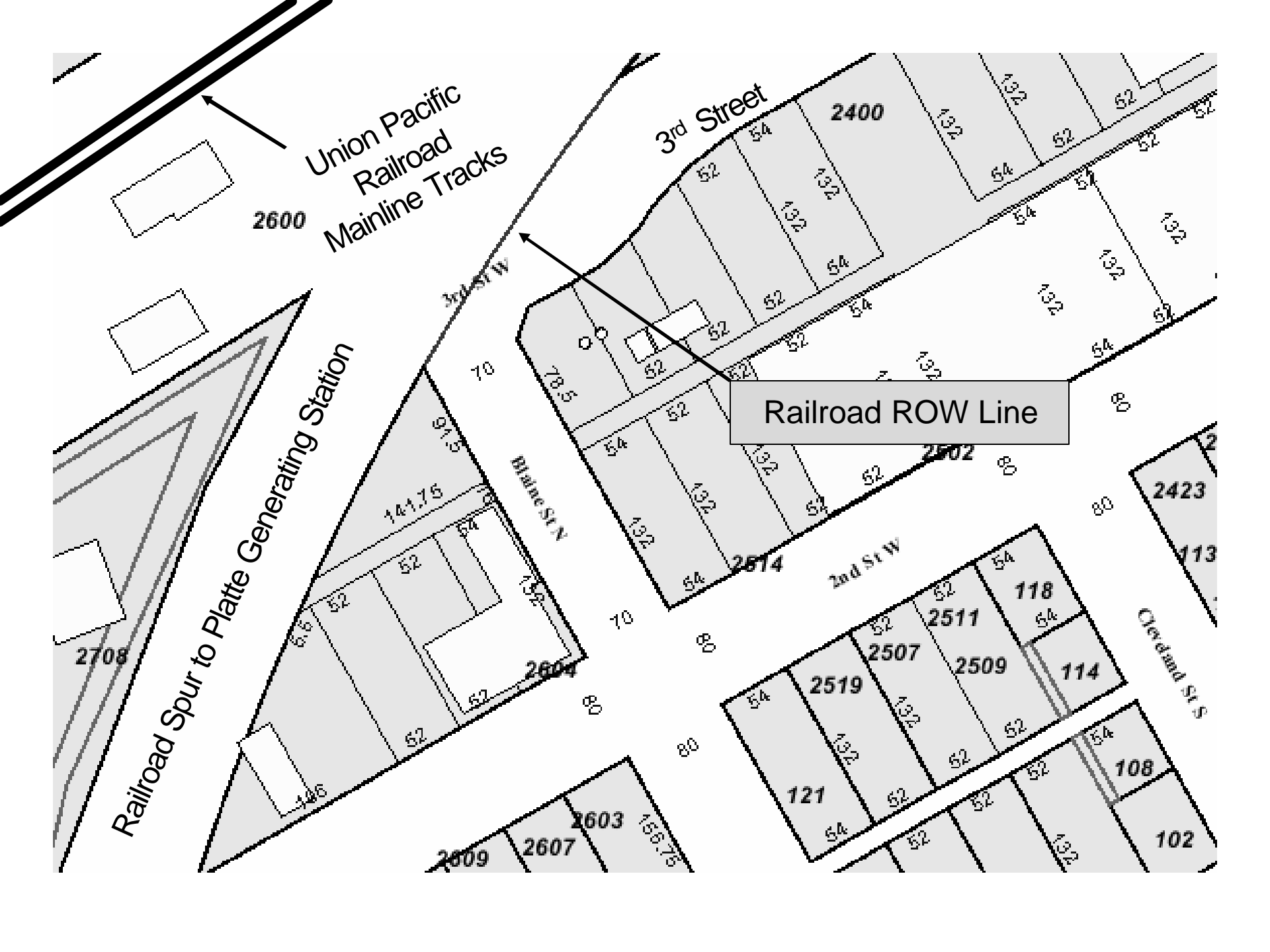
1. Move to approve the renewal rider agreement with the Union Pacific Railroad Company for the intersection of 3rd Street and Blaine Street.
2. Refer the issue to a Committee.
3. Postpone the issue to future date.
4. Take no action on the issue.

Recommendation

City Administration recommends that the Council approve the renewal rider agreement with the Union Pacific Railroad Company for the intersection of 3^d Street and Blaine Street.

Sample Motion

Motion to approve the renewal rider agreement.



Union Pacific
Railroad
Mainline Tracks

3rd Street

2600

2400

Railroad Spur to Platte Generating Station

3rd St W

Railroad ROW Line

70

Blaine St N

2502

80

141.75

2574

2nd St W

80

2423

2708

52

2604

70

80

80

113

Cleveland St S

146

2609

2607

2603

156.75

80

121

2519

2507

2509

118

114

108

102

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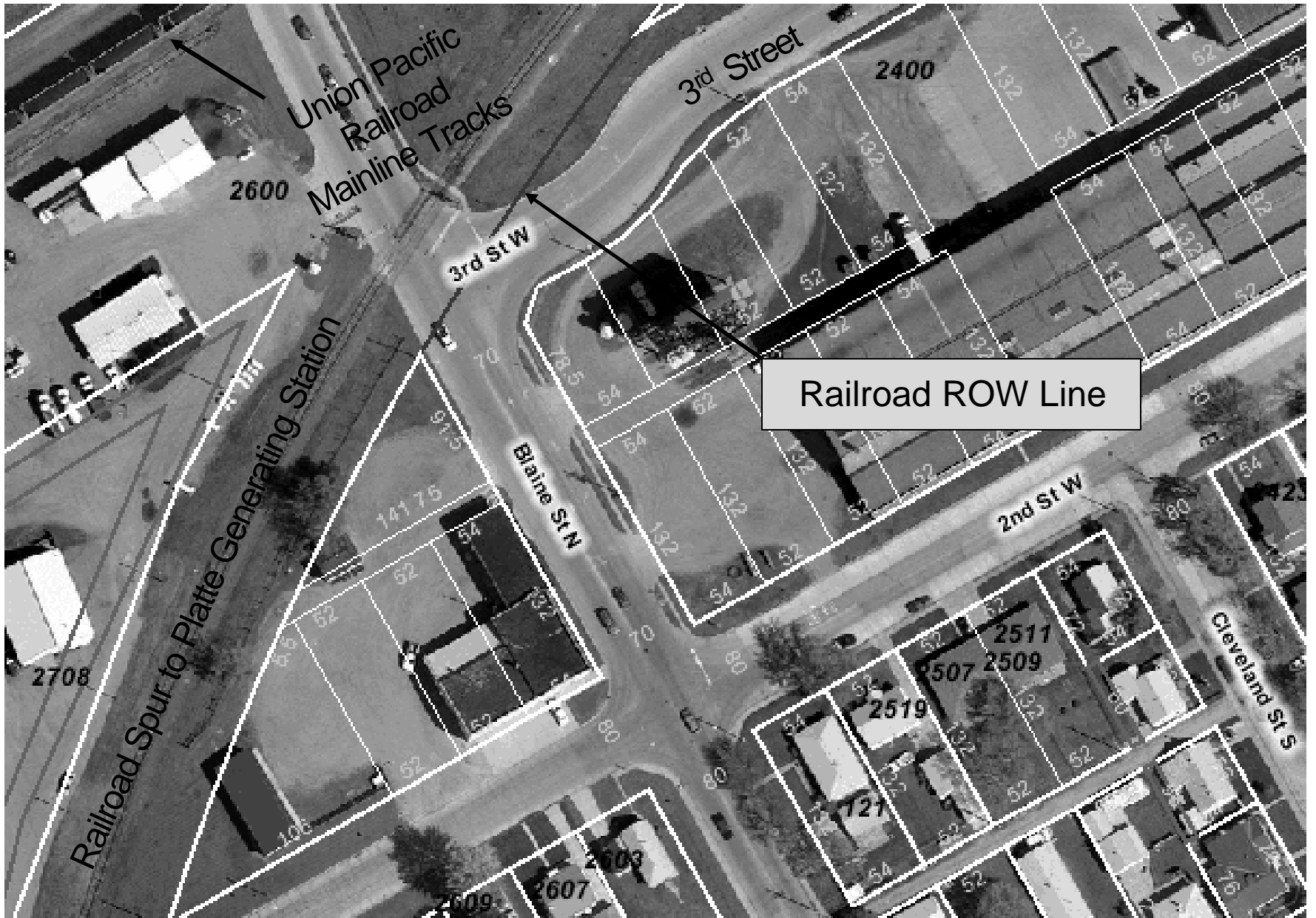
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Union Pacific
Railroad
Mainline Tracks

3rd Street

2600

2400

3rd St W

Railroad ROW Line

Railroad Spur to Platte Generating Station

Blaine St N

2nd St W

2708

Cleveland St S

141

75

91

75

70

78.5

64

52

132

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2511

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Folder No. 26-55

RENEWAL RIDER AGREEMENT

UNION PACIFIC RAILROAD COMPANY, a Delaware corporation, and its predecessors in interest, (hereinafter the "Railroad Company") and the **CITY OF GRAND ISLAND**, a Nebraska Municipal Corporation, (hereinafter the "Licensee"), or their predecessors in interest, have heretofore entered into an agreement dated May 09, 1979, bearing Railroad Company Audit No. A103694 (hereinafter "Basic Agreement") covering highway purposes at Mile Post 22.1 on the River Industrial Lead at or near Grand Island, Hall County, Nebraska.

The parties hereto now mutually agree that the Basic Agreement, including any supplement or amendment thereto (if any), is hereby adopted by the parties hereto as their agreement for a term commencing retroactively to May 8, 2004, and extending to May 07, 2029.

Effective October 23, 2006, Lessee shall pay to Lessor advance fixed rent of Ten Thousand Five Hundred Dollars (\$10,500.00) for the term.

All the terms and conditions of the Basic Agreement, as heretofore or herein supplemented and/or amended (if applicable), shall have the same force and effect and be as binding upon the parties hereto during said term as if the same were repeated herein.

The following Special Provision for 'Protection of Fiber Optic Cable Systems' is hereby made a part hereof.

Fiber optic cable systems may be buried on the Licensor's property. Protection of the fiber optic cable systems is of extreme importance since any break could disrupt service to users resulting in business interruption and loss of revenue and profits. Licensee shall telephone the Licensor at 1-800-336-9193 (a 24-hour number) to determine if fiber optic cable is buried anywhere on the Licensor's premises to be used by the Licensee. If it is, Licensee will telephone the telecommunications company(ies) involved, arrange for a cable locator, and make arrangements for relocation or other protection of the fiber optic cable prior to beginning any work on the Licensor's premises.

Except as herein modified, all terms and conditions of the Basic Agreement remain the same.

Executed this _____ day of _____, 2006.

UNION PACIFIC RAILROAD COMPANY

CITY OF GRAND ISLAND

By: _____
AVP-Real Estate

By: _____
Title: _____

RESOLUTION 2006-363

WHEREAS, on May 9, 1979, the City of Grand Island entered into a lease agreement for highway purposes for the intersection at Third and Blaine Streets in Grand Island, with The St. Joseph and Grand Island Railway Company, a corporation of the State of Kansas and Nebraska, and its lessee, Union Pacific Railroad Company, a corporation of the State of Utah, ; and

WHEREAS, the City of Grand Island and the Union Pacific Railroad Company are interested in continuing the provisions of such lease agreement by way of a Renewal Rider Agreement; and

WHEREAS, the City of Grand Island agrees to pay Union Pacific Railroad rent in the amount of \$10,500.00, effective October 23, 2006; and

WHEREAS, the term of said lease shall be for a term commencing retroactively to May 8, 2004, and shall extend to May 7, 2029; and

WHEREAS, the proposed Renewal Rider Agreement has been reviewed and approved by the Interim City Attorney.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the Renewal Rider Agreement between the City of Grand Island and the Union Pacific Railroad for highway purposes for the intersection at Third and Blaine Streets in Grand Island, Nebraska, is hereby approved; and the Mayor is hereby authorized and directed to execute such Renewal Rider Agreement on behalf of the City of Grand Island.

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Adopted by the City Council of the City of Grand Island, Nebraska, December 19, 2006.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form ☐ _____
December 14, 2006 ☐ City Attorney