

**RESOLUTION NO. 2024-045**

**A RESOLUTION APPROVING A CONSTRUCTION AND MAINTENANCE AGREEMENT AND EASEMENT AGREEMENT BETWEEN THE BNSF RAILWAY COMPANY AND THE TOWN OF CASTLE ROCK FOR THE CRYSTAL VALLEY PARKWAY OVERPASS**

**WHEREAS**, the Town of Castle Rock, Colorado (the “Town”) is planning to construct a new highway interchange at the intersection of Interstate 25 and Crystal Valley Parkway (the “Crystal Valley Interchange”); and

**WHEREAS**, as part of the approved design for the Crystal Valley Interchange, the Town will construct a new crossing at separated grades over the existing railroad line owned and operated by the BNSF Railway Company (“BNSF”), which crossing shall be referred to as the Crystal Valley Parkway Overpass (the “Overpass”); and

**WHEREAS**, BNSF has provided a Construction and Maintenance Agreement and Easement Agreement (the “Agreements”) to the Town for approval and execution; and

**WHEREAS**, the Agreements outline the terms and conditions associated with the Town’s construction of the Overpass and the removal of three existing at-grade railroad crossings along the West Frontage Road, BNSF’s grant of an easement to the Town for the Overpass, and the payment of all costs associated therewith.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK AS FOLLOWS:**

**Section 1. Approval.** The Construction and Maintenance Agreement and Easement Agreement for the Crystal Valley Parkway Overpass between BNSF and the Town are hereby approved in substantially the same forms as presented at tonight’s meeting, with such technical changes, additions, modifications, deletions, or amendments as the Town Manager may approve upon consultation with the Town Attorney. The Mayor and other proper Town officials are hereby authorized to execute the Agreements and any technical amendments thereto by and on behalf of the Town.

**Section 2. Encumbrance and Authorization for Payment.** In order to meet the Town’s financial obligations under the Agreements, the Town Council authorizes the expenditure and payment of an amount not to exceed \$618,863.00, unless otherwise authorized in writing by the Town.

**PASSED, APPROVED AND ADOPTED** this 7th day of May, 2024, by the Town Council of the Town of Castle Rock, Colorado, on first and final reading by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against.

**ATTEST:**

**TOWN OF CASTLE ROCK**

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Lisa Anderson, Town Clerk

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Jason Gray, Mayor

**Approved as to form:**

**Approved as to content:**

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Michael J. Hyman, Town Attorney

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Daniel Sailer, Director of Public Works