

RESOLUTION NO. 2022- ____

A RESOLUTION APPROVING THE PEDESTRIAN AT-GRADE PATHWAY AGREEMENTS BETWEEN THE UNION PACIFIC RAILROAD AND THE TOWN OF CASTLE ROCK FOR THE SECOND AND THIRD STREET AT-GRADE RAIL CROSSINGS

WHEREAS, on July 1, 2021, the Town of Castle Rock (the “Town”) filed an application with the Colorado Public Utilities Commission (the “PUC”) requesting authority to modify the crossings of 2nd Street, 3rd Street, and 5th Street with the tracks of the Union Pacific Railroad (the “UPRR”) for the express purpose of establishing a quiet zone in the Town; and

WHEREAS, on August 25, 2021, the PUC granted the Town’s application and ordered the Town to file a copy of the signed construction and maintenance agreement with the UPRR prior to starting railroad related work at the crossings by October 31, 2021; and

WHEREAS, on November 10, 2021, the PUC granted the Town and extension of time to April 30, 2022 to file the signed construction and maintenance agreement with the UPRR; and

WHEREAS, in satisfaction of the PUC’s order, the UPRR has provided two separate Pedestrian At-Grade Pathway Agreements to the Town for approval and execution – one for the 2nd Street crossing and one for the 3rd Street crossing (collectively, the “Agreements”); and

WHEREAS, the Agreements outline the terms and conditions associated with the UPRR’s construction of grade crossing signal and gate system improvements at 2nd and 3rd Streets and the Town’s responsibility to pay for the construction and maintenance of such improvements; and

WHEREAS, in association with these Agreements, the Town will need to contract for and construct additional improvements, including roadway work to tie into the UPRR’s track adjustments, additional curb and gutter, new pedestrian sidewalks at each crossing, and pavement marking and sign adjustments (the “Town Improvements”); and

WHEREAS, funding for the Agreements and the Town Improvements will come a \$900,000 contribution received from CD-Festival Commons LLC pursuant to the Encore CR Downtown Redevelopment and Financing Agreement and a \$900,000 appropriation from sales tax revenue that would otherwise have been allocated to the Castle Rock Downtown Development Authority TIF Fund.

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

Section 1. Approval. The Pedestrian At-Grade Pathway Agreements for the 2nd and 3rd street crossings between the UPRR and the Town are hereby approved in substantially the same form attached as *Exhibits 1 and 2*, with such technical changes, additions, modifications, or deletions 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 Agreement 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 from account no. 110-1530-415.76-35 in an amount not to exceed \$1,800,000.00, unless otherwise authorized in writing by the Town.

PASSED, APPROVED AND ADOPTED this 19th day of April, 2022, 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

Lisa Anderson, Town Clerk

Jason Gray, Mayor

Approved as to form:

Approved as to content:

Michael J. Hyman, Town Attorney

Daniel Sailer, Director of Public Works