

CROSSING STRUCTURE CLOSURE AGREEMENT

BNSF File No. BF10009000
Attica Road
U.S. DOT No. 063213J
Railroad Line Segment: 81
Railroad Milepost: 31.97

THIS AGREEMENT, made and entered into by and between the BNSF RAILWAY COMPANY, a Delaware corporation, hereinafter referred to as the "BNSF", and the City of Knoxville, hereinafter referred to as the "Agency".

WITNESSETH:

WHEREAS, elimination of a highway-rail grade separated crossing by closing the road includes the abandonment and permanent vacating of roadway right-of-way across the railroad right-of-way, and

WHEREAS, the BNSF agrees to pay all costs of the removal of the grade separated crossing structure at no cost to the Agency, and

WHEREAS, the Agency in cooperation with BNSF will permanently close the Attica Road highway-rail grade separated crossing DOT No. 063213J, and

NOW THEREFORE, in consideration of these facts, the parties hereto agree as follows:

- SECTION 1.** The Agency after having executed this agreement, and after taking all actions necessary to permanently close and vacate the Attica Road Public Crossing DOT No. 063213J and easement across the BNSF's property and installing the appropriate signage, the Agency will submit a statement of completion to the BNSF.
- SECTION 2.** The BNSF hereby agrees to pay all costs of the removal of the grade separated crossing structure.
- SECTION 3.** The BNSF further agrees to remove the grade separated crossing structure, upon the receipt of the above mentioned statement.
- SECTION 4.** The Agency agrees to own and maintain their end-of-road signage.
- SECTION 5.** The Agency agrees, that this crossing will remain closed and will not be re-opened by the Agency.
- SECTION 6.** The Agency and BNSF agree that no record of an easement has been found and Agency forfeits its right to any past easements.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their proper officials thereunto duly authorized as the dates below indicated.

EXECUTED by the BNSF this ____ day of _____, _____

BNSF RAILWAY COMPANY

By: _____
Calvin G. Nutt

Title: Manager Public Projects

EXECUTED by the Agency this ____ day of _____, _____

City of Knoxville

By: _____
Aaron Adams

WITNESS: _____

[SAMPLE FORM]

City Street Closure Ordinance

City of Knoxville

305 S. Third St.
Knoxville, IA 50138

ORDINANCE NO. <%Ordinance.Number%>

AN ORDINANCE CALLING FOR THE CLOSING OF THE RAILROAD CROSSING
LOCATED ON ATTICA ROAD, RAILROAD MILEPOST 31.97

IN THE CITY OF KNOXVILLE, IA

WHEREAS, The BNSF Railway Company, the State of Iowa, and the City of Knoxville have joined together to consolidate redundant and unnecessary street/railroad crossings; and

WHEREAS, the City of Knoxville, met in regular session on _____, _____, _____ and there discussed and approved the railroad crossing closure at Attica Road in the City Limits of Knoxville;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY OF KNOXVILLE, that the [Attica Road (063213J)] crossing be permanently closed to vehicular traffic and vacated at the time the City places appropriate end-of-road treatment on both of the roadway approaches at a minimum distance of 50 feet from nearest rail of the track. The City will then remove both roadway approaches between the end-of-road treatment and the track. The Railroad will remove the wagon bridge.

In lieu of installing permanent end-of-road barriers, the City may re-establish the natural parallel ditch line.

City shall coordinate removal of roadway approaches with the BNSF Roadmaster in order for the Railroad to provide the required flagging for notification of train operations.

Passed and approved this ____ DAY OF _____, _____.

(Print Name) - Mayor

(Signature) - Mayor

ATTEST: _____