

## AGREEMENT

CITY OF LINCOLN  
RAILROAD TRANSPORTATION SAFETY DISTRICT

THIS AGREEMENT, entered into between the City of Lincoln, Nebraska, hereinafter referred to as the "City" and the Railroad Transportation Safety District, hereinafter referred to as the "RTSD".

WITNESSETH:

WHEREAS, it has been determined between the City and RTSD that a proposed viaduct over said Railroad's tracks at SW 40<sup>th</sup> Street in Lincoln is feasible, and

WHEREAS, The City is agreeable to the closing of the current at-grade crossing at SW 40<sup>th</sup> Street in Lincoln in connection with the proposed Viaduct.

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

SECTION 1. The current cost estimate for the entire proposed SW 40<sup>th</sup> Street viaduct project from "O" Street to "A" Street is as follows:

Overpass and Roadway	\$12,050,000
Right-of-Way	\$ 455,000
Utilities	\$ 650,000
Final Design/Construction Engineering	\$ 3,175,000
Removal of at-grade crossings	\$ <u>70,000</u>
Total	\$16,400,000

All preliminary engineering costs for the proposed project will be shared between the City and RTSD.

Based on the current project estimates, the State will pay \$4,000,000 of the construction engineering, construction and right of way costs for a theoretical 44-foot wide structure and approaches, from touch down to touch down, which would be constructed if Middle Creek were not present, the Railroad will pay \$500,000 and RTSD will pay \$4,700,000 of said costs. The current construction cost estimate for the theoretical 44-foot viaduct, with a sidewalk/bikeway on one side, from touch down to touch down, is as follows:

Overpass and Roadway	\$ 6,607,000
Right-of-Way	\$ 400,000
Utilities	\$ 650,000
Removal of crossings	\$ 70,000
Construction Engineering	\$ <u>835,000</u>
Total	\$ 8,562,000

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

EXECUTED by the City this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

ATTEST:

CITY OF LINCOLN

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EXECUTED by the RTSD this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

ATTEST:

RAILROAD TRANSPORTATION  
 SAFETY DISTRICT

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