

May 22, 2017

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE AUTHORIZING THE CITY MANAGER AND/OR HIS DESIGNEES TO NEGOTIATE AND EXECUTE A FRAMEWORK AGREEMENT WITH THE NORFOLK SOUTHERN RAILWAY COMPANY AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO FURTHER THE CHARLOTTE GATEWAY STATION PROJECT.

A motion was made by _____ and seconded by _____ for the adoption of the following Resolution, and upon being put to a vote was duly adopted:

WHEREAS, pursuant to Section 136-18 of Chapter 136 of the North Carolina General Statutes, as amended, the North Carolina Department of Transportation (the Department) and units of local government of this State are authorized to enter into agreements with each other in order further transportation infrastructure in this State; and

WHEREAS, the Department and the City of Charlotte (City) have plans to jointly advance the property acquisition and construction of an intermodal transportation facility known as the Charlotte Gateway Station Project (CGS Project). The Project will be located in the general vicinity of Graham and Trade Streets adjacent to the right of way and tracks owned and operated by the Norfolk Southern Railway (NSR) in Uptown Charlotte; and

WHEREAS, due to the availability of funding, the CGS Project will be completed in phases, using grant funding as much as possible; and

WHEREAS, the following phases have been currently identified and may be further revised or refined as necessary:

- Phase 1a: The Track, Structures and Signals/TS&S;
- Phase 1b: The Platform, Canopy and supporting Improvements;
- Phase 2a: The future multi-modal Passenger Station in Uptown Charlotte and commencement of Amtrak passenger service at the new Station;
- Phase 2b: The future removal/decommissioning of certain improvements at the existing Amtrak Station. These improvements are located on right of way owned by NSR; and
- Phase 3: The future bus facilities and the future transit oriented development

WHEREAS, completion of Phase 1a and 1b requires access to NSR's right of way, construction of signal improvements and coordination with NSR relative to its existing freight operation adjacent to the CGS Project.

WHEREAS, a Framework Agreement is required relative to NSR's continued participation in the design, review and approval of Phase 1a and 1b. The Framework Agreement anticipates that the Parties will negotiate and execute future Construction and Maintenance Agreements that address specific construction and maintenance responsibilities. Those Agreements will be submitted to Council as required.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Charlotte, North Carolina hereby:

1. Authorizes the City Manager and/or his designees to negotiate and execute the Framework Agreement consistent with the terms as presented to City Council with such technical corrections and modifications as may be necessary to effect the spirit and intent of the Framework Agreement;
2. Authorizes the Chief Executive Officer of the Charlotte Area Transit System to undertake all activities and measures necessary to fulfill the obligations of the City pursuant to the Framework Agreement;

3. Directs that this resolution and its adoption be reflected in the minutes of the Charlotte City Council.