



BOARD OF SUPERVISORS AGENDA ITEM REPORT
CONTRACTS / AWARDS / GRANTS

Requested Board Meeting Date: May 5, 2015

or Procurement Director Award ☐

Contractor/Vendor Name (DBA): Union Pacific Railroad Company (UP)

Project Title/Description:

Supplemental Agreement for Arizona Trail Union Pacific Railroad Crossing

Purpose:

In June, 2013, the Pima County Board of Supervisors approved a License Agreement (the "Original Agreement") with the Union Pacific Railroad, a Delaware Corporation ("UP"), pursuant to which the County was permitted to construct, maintain and utilize a trail and protective canopy under the UP railroad bridge next to Cienega Creek in the area of Marsh Station Road. The Original Contract is referenced as County Contract CT-PR-13*810. Later in 2014, when the location and dimensions of the required crossing of the Arizona Trail over Marsh Station Road were determined by the County Department of Transportation, UP advised that a change in the Original Agreement would be required. In order to obtain the legal right to traverse the entire length of the UP right of way it will be necessary for the County to enter into a Supplemental Agreement with UP which would allow for a fifteen foot (15') wide public crossing approximately three-hundred ninety-four feet (394') in length. UP is amenable to entering into a Supplemental Agreement with the County in order to accomplish that goal and has agreed to execute same following Board of Supervisors approval.

The \$2,500 fee associated with the Original Agreement was paid to and processed by UP at the time of the execution of the Original Agreement. The only fee payable by County to UP associated with the execution of the Supplemental Agreement will be an Administrative Fee of one-thousand dollars (\$1,000.00).

Procurement Method:

Acquisition of an interest in real property.

Program Goals/Predicted Outcomes:

The goal of the Anza Trail/ Llano Grande Program is to encourage the public to walk and bike along the historically significant Juan Bautista De Anza National Historic Trail through Pima County. Obtaining a larger segment of the railroad crossing right of way from UP for the trail will make this goal more practicable.

Public Benefit:

The Supplemental Agreement, if approved, will benefit the public by providing a formal, legal access over the UP right of way for this segment of the Arizona Trail, an 800 mile long trail extending from Mexico to Utah across the State of Arizona.

Metrics Available to Measure Performance:

Retroactive:

No

COB: 4-22-15
BOS: 5-5-15

vend. 1
ver. 4
6 pgs (a)

Original Information

Document Type: License Agreement Department Code: PR Contract Number (i.e., 15-123): 13*810
Effective Date: 6/17/13 Termination Date: 6/17/18 Prior Contract Number (Synergen/CMS): _____
☒ Expense Amount: \$ 2,500.00 ☐ Revenue Amount: \$ _____
Funding Source(s): NRPR Special Revenue Funds

Cost to Pima County General Fund: _____

Contract is fully or partially funded with Federal Funds? ☐ Yes ☒ No ☐ Not Applicable to Grant Awards
Were insurance or indemnity clauses modified? ☐ Yes ☒ No ☐ Not Applicable to Grant Awards
Vendor is using a Social Security Number? ☐ Yes ☒ No ☐ Not Applicable to Grant Awards

If Yes, attach the required form per Administrative Procedure 22-73.

Amendment Information

Document Type: Supplemental Department Code: PR Contract Number (i.e., 15-123): 13*810
Amendment No.: 1 AMS Version No.: _____
Effective Date: 5/05/15 New Termination Date: 6/17/18
☒ Expense ☐ Revenue ☐ Increase ☐ Decrease Amount This Amendment: \$ 1,000.00
Funding Source(s): NRPR Special Revenue Funds

Cost to Pima County General Fund: _____

Contact: Michael D. Stofko

Department: Real Property Services

Telephone: 520-724-6667

Department Director Signature/Date: _____

Deputy County Administrator Signature/Date: _____

County Administrator Signature/Date: _____

(Required for Board Agenda/Addendum Items)

CONTRACT

NO. CT-PB-1300000000000000810

AMENDMENT NO. 01

This number must appear on all
invoices, correspondence and
documents pertaining to this
contract.

UPRR Folder No. 2734-36

BUILDING AMERICA®



UPRR Folder No.: 2734-36

UPRR Audit No.: 268321

SUPPLEMENTAL AGREEMENT

THIS SUPPLEMENTAL AGREEMENT (the "Second Supplement") is made as of the _____ day of _____, 2015, by and between **UNION PACIFIC RAILROAD COMPANY**, a Delaware corporation ("Railroad") and the **COUNTY OF PIMA**, an Arizona political subdivision ("County").

RECITALS:

By instrument dated July 2, 2013, **UNION PACIFIC RAILROAD COMPANY** and the **COUNTY OF PIMA** entered into an agreement identified as the Railroad's Folder No. 2734-36, UPRR Audit No. 268321 (the "Original Agreement") covering the underbridge pedestrian crossing, (DOT No. 440-759K), located at Railroad Mile Post 1008.6 (incorrectly identified as 1008.49 in the agreement) on its Lordsburg Subdivision in or near Vail Crossovers, Pima County, Arizona (the "Trail") as shown on the Railroad Location Print marked **Exhibit A**, attached hereto and hereby made a part hereof.

The Railroad and the County now wish to enter into this Supplement providing for trail access only to this underpass pedestrian crossing. Traffic on the trail is limited to public pedestrian, bicycle and equestrian.

AGREEMENT:

NOW, THEREFORE, IT IS MUTUALLY AGREED BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS:

SECTION 1 - AMENDMENT OF PARAGRAPH A OF SECTION 1 OF THE BASIC AGREEMENT

Effective as of _____ 2015, Section 1, Paragraph A of the Basic Agreement, shall be, and hereby is amended to read as follows:

In consideration of a one-time fee in the sum of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500) to be paid by the County to the Railroad, upon the execution and delivery of this Agreement, the payment of the costs and expenses to be incurred by Railroad and/or County pursuant to this Agreement, and subject to the terms and conditions of this Agreement, Railroad hereby grants to County, its successors and assigns, a license to construct, maintain, use repair renew and reconstruct a public pedestrian, bicycle and equestrian trail on, along and under Railroad's right-of-way, tracks and bridge to Railroad Mile Posts 1008.58 to 1008.62 on the Railroad's Lordsburg Subdivision near Vail, in Pima County, Arizona, in the locations shown on the Railroad Location Print, marked **Exhibit A** dated January 5,



2015 (attached to this Agreement), and as detailed on the Detailed Prints collectively marked **Exhibit A-1**, each attached hereto and hereby made a part hereof (hereinafter the "Trail" or the "Property"). The Trail shall also consist of a protective canopy over the Trail as the Trail traverses under Railroad's bridge as illustrated in **Exhibit A-1**.

Effective as of _____ 2015, Section 1, Paragraph B of the Basic Agreement, shall be, and hereby is amended to read as follows:

County, at its sole cost and expense, will construct, maintain, repair, renew and reconstruct the Trail and all other necessary facilities, structures, appurtenances, warning signs, stop signs, fencing and concrete encasement protection covers on the Property, and/or adjacent to the Railroad right-of-way or County's adjacent property, in compliance with all design and construction specifications and plans that have been reviewed and approved by the Railroad. The County will not change the road surface in any way without first obtaining Railroad approval.

All references to "Mile Post 1008.49" are changed to "Mile Posts 1008.58 to 1008.62."

SECTION 2 - EFFECTIVE DATE

This Supplemental Agreement shall be effective as of _____ 2015.

SECTION 3- ADMINISTRATIVE HANDLING CHARGE

The Licensee, when returning this executed agreement, shall furnish payment to the Railroad, an administrative handling charge of **ONE THOUSAND DOLLARS (\$1,000.00)**.



SECTION 4 - AGREEMENT SUPPLEMENTAL

This agreement is supplemental to the Basic Agreement, as herein amended, and nothing herein contained shall be construed as amending or modifying the same except as herein specifically provided.

IN WITNESS WHEREOF, the parties hereto have caused this Second Supplement to be executed in duplicate as of the date first herein written.

UNION PACIFIC RAILROAD COMPANY
(Federal Tax ID No. 94-6001323)

By _____
KATHY NESSER
Manager Contracts

COUNTY OF PIMA

By _____
Printed Name: _____
Title: _____

APPROVED AS TO FORM


Deputy County Attorney

TOBIN ROSEN


EXHIBIT A

To Supplemental Agreement

Cover Sheet for the
Railroad Location Print



LEGEND:

TRAIL USE AREA..... 

UPRRCO. R/W OUTLINED..... 

TRAIL USE AREA = 0.1413 ACRES +/-

NOTE: BEFORE YOU BEGIN ANY WORK, SEE
AGREEMENT FOR FIBER OPTIC PROVISIONS.

EXHIBIT "A"

UNION PACIFIC RAILROAD COMPANY

VAIL CROSSOVERS, PIMA COUNTY, ARIZONA
M.P. 1008.58 TO 1008.62 - LORDSBURG SUB.

TO ACCOMPANY AGREEMENT WITH
COUNTY OF PIMA, AZ
MAP SP V-41 / 38
SCALE: 1" = 100'

OFFICE OF REAL ESTATE
OMAHA, NEBRASKA DATE: 1-5-2015

PJB FILE: 0273436

CADD
FILENAME 0273436

SCAN
FILENAME AZV41038-273436.TIF