

WHEREAS, approval of this agreement will benefit the citizens of the Metropolitan Government of Nashville and Davidson County.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That the Encroachment Facility Agreement with CSX Transportation, Inc. (CSX991641), attached hereto as Exhibit 1 and incorporated herein by reference, is hereby approved, and that the Metropolitan Mayor is authorized to execute the same.

Section 2. Any amendments, renewals, or extension of the terms of this agreement with CSX Transportation, Inc. may be approved by resolution of the Metropolitan Council.

Section 3. That this resolution shall take effect from and after its adoption, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

Analysis

This resolution authorizes the Nashville Department of Transportation and Multimodal Infrastructure (“NDOT”) to enter into a Facility Encroachment Agreement with CSX Transportation, Inc. (“CSX”) to construct, use, and maintain communications conduit and fiber in the railroad right-of-way along Broadway between 10th Avenue and 11th Avenue in Davidson County.

Pursuant to this agreement, CSX authorizes NDOT to install communications conduit and fiber over property owned and controlled by CSX. NDOT will pay to CSX a one-time nonrefundable encroachment fee of \$6,100 and other fees totaling \$10,000 for a total of \$16,100.

BL2005-787 authorized approval of agreements pertaining to cooperation and/or permissions for bridge and/or roadway projects between the Department of Public Works, now known as NDOT, and CSX Transportation, Inc., by resolution of the Metropolitan Council.

Fiscal Note: NDOT will pay \$16,100 to CSX for the encroachment fee and other fees to be paid from Business Unit No. 42414021 according to the terms of the facility encroachment agreement.