

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION APPROVING FACILITY ENCROACHMENT AGREEMENT NO. CSX977447 WITH CSX TRANSPORTATION, INC., FOR THE MAIN STREET PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

WHEREAS, to continue with the redevelopment of Main Street, the city needs to construct, use and maintain conduit and other utility facilities under property controlled by CSX Transportation, Inc.; and

WHEREAS, CSX Transportation, Inc., requires the execution of a Facility Encroachment Agreement No. CSX977447 as a condition of allowing the city to continue with the Main Street Development Project; and

WHEREAS, there is a review fee associated with the agreement in the amount of \$5,000.00, and funding is available in GP1516.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That a Facility Encroachment Agreement with by CSX Transportation, Inc., for the Main Street Redevelopment Project, is approved.

SECTION II. That the mayor, or in his absence, incapacity, or failure to act, the vice-mayor, is authorized and directed to execute, in a form approved by the city attorney and subject to the requirements of Article X, Section 10 of the Charter of the City of Kingsport, the Facility Encroachment Agreement with by CSX Transportation, Inc., for the Main Street Redevelopment Project, to deliver the agreement and take any and all action as may be required on the part of the city to carry out, give effect to, and consummate the transactions contemplated by the agreement and this resolution.

SECTION III. That the mayor is further authorized to make such changes approved by the mayor and the city attorney to the agreement set out herein that do not substantially alter the material provisions of the agreement, and the execution thereof by the mayor and the city attorney is conclusive evidence of the approval of such changes.

SECTION IV. That the board finds that the actions authorized by this resolution are for a public purpose and will promote the health, comfort and prosperity of the citizens of the city.

SECTION V. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 7th day of November, 2023.

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PATRICK W. SHULL, MAYOR

ATTEST:

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ANGELA MARSHALL, DEPUTY CITY RECORDER

APPROVED AS TO FORM:

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RODNEY B. ROWLETT, III, CITY ATTORNEY