

RESOLUTION NO. A-_____

1 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the Master
2 Development Agreement attached hereto as Attachment “A” incorporated herein by this
3 reference between BNSF Railway Company (“BNSF”) and the City of Lincoln providing for (1)
4 an exchange of land between BNSF and the City needed for relocation of BNSF tracks from
5 their existing location to accommodate construction of the City’s West Haymarket Project
6 Improvements including a new arena, and other entertainment, lodging, office, retail facilities
7 and supporting infrastructure; (2) BNSF’s removal of existing railroad improvements on the
8 property to be acquired by the City from BNSF; (3) BNSF’s design, site grade and construction
9 of replacement tracks, crossovers, switches and related signal and telecommunications
10 improvements; and (4) BNSF’s grant of certain license and/or permanent or temporary easement
11 rights to the City and certain third parties (“Rights of Entries”) to perform certain rights of entry
12 work, is hereby approved and the Mayor is authorized to execute the same on behalf of the City
13 of Lincoln. Pursuant to the Master Development Agreement, the City has agreed to pay BNSF
14 \$1,000,000.00 for the land being acquired by the City from BNSF and to pay BNSF
15 \$44,000,000.00 for BNSF’s costs, expenses and fees for the BNSF work included in the Master
16 Development Agreement.

17 BE IT FURTHER RESOLVED that the Mayor of the City of Lincoln is hereby
18 authorized to execute on behalf of the City of Lincoln the licenses and temporary and permanent
19 easement agreements for the rights of entry work, the escrow agreement and crossing agreements

1 and other agreements referred to in the Master Development Agreement in substantially the form
2 as attached to the Master Development Agreement.

Introduced by:

Approved as to Form and Legality:

City Attorney

Approved this ____ day of _____, 2010:

Mayor