Exhibit U

CITY OF LINCOLN
NEBRASKA
MAYOR CHRIS BEUTLER
lincoln.ne.gov

Office of the Mayor
555 South 10th Street
Suite 208
Lincoln, Nebraska 68508
402-441-7511
fax: 402-441-7120
mayor@lincoln.ne.gov

February 12, 2010

Robert J. Boileau, P.E.
Assistant Vice President
Engineering Services
BNSF Railway Company
2600 Lou Menk Drive OOB-3
Fort Worth, TX 76131

RE: Advancement of Funds

Dear Mr. Boileau:

The City of Lincoln hereby requests BNSF to advance and complete the final design of the BNSF Work (excluding signalization, telecom, and electrical) for the Haymarket project in order for BNSF to be able to commence construction of the BNSF Work in the summer/fall of 2010. In consideration of BNSF advancing and completing the final design of the BNSF Work, the City agrees to reimburse BNSF for all of its engineering/design costs (including outside consultants), which are currently estimated to be approximately $100,000 assuming no changes in the scope of the BNSF Work. The City will reimburse BNSF on a monthly basis within fifteen (15) days after receipt of an invoice from BNSF showing expenses incurred. BNSF agrees not to exceed design costs of $100,000 without first requesting and receiving further authorization from the City to continue with the final design.

The City of Lincoln further hereby requests BNSF to commence preparation of definitive agreements for the Haymarket project, including engaging outside counsel as BNSF deems appropriate in order to expedite preparation and negotiation of such agreements. In consideration of BNSF preparing such agreements, the City agrees to reimburse BNSF for all of its outside counsel costs for preparation and negotiation of the definitive agreements, up to an amount not to exceed $25,000. The City will reimburse BNSF on a monthly basis within fifteen (15) days after receipt of an invoice from BNSF showing expenses incurred.

LINCOLN
The Community of Opportunity

This agreement to reimburse BNSF for engineering/design costs, outside counsel costs, and design and acquisition costs is not contingent upon BNSF and the City of Lincoln entering into a definitive agreement for the West Haymarket Project, nor upon the City securing funding for the development of the West Haymarket Project, through public election or otherwise.

Requests for payments shall be sent to: Rick Peo, Chief Assistant City Attorney, for processing.

Sincerely,

Chris Beutler
Mayor of Lincoln

Approved and Accepted this 17th day of February, 2010.

BNSF Railway Company

By: _____
Printed Name: Robert J. Boileau
Title: **Asst. Vice President Engineering Services**

cc: Rick Peo, Chief Asst. City Attorney