

CITY OF COLUMBUS, NEBRASKA

TUESDAY, JANUARY 15, 2008

The Mayor and City Council by passage of Ordinance No. 07-24 and Resolution No. R07-94 have declared the necessity of constructing viaducts over the railroad tracks at 3rd Avenue and 12th Avenue and a pedestrian overpass over the railroad tracks at 18th Avenue. Ordinance No. 07-24 also allows the City of Columbus to avail itself of federal funds for the construction of the viaducts and pedestrian overpass; to authorize agreements with the State of Nebraska Department of Roads and Union Pacific Railroad Company to construct the viaducts and the pedestrian overpass; to approve the plans and specifications and maps of the viaducts and pedestrian overpass which are currently filed in the City Clerk's office for public inspection during regular business hours; to provide for the assumption of liability and the payment of consequential damages to property owners resulting from such proposed construction; and providing an election date for the matter to be submitted to electors of the City of Columbus.

An Agreement, which shall not be effective until this matter is submitted to a vote of electors and approved by the majority of those voting on the proposition of the construction of the viaducts and the pedestrian overpass, has been entered into between the City of Columbus, State of Nebraska Department of Roads and Union Pacific Railroad Company.

That Agreement provides that the estimated construction costs for the structures are \$14,300,000 with the State to pay \$11,250,000, the Railroad to pay \$1,620,000 and the City to pay \$1,430,000. The specific cost estimate and specific cost sharing is as follows:

(1) 3rd Avenue Viaduct and 18th Avenue Pedestrian Overpass \$6,300,000

(a) State's share	77%
(b) Railroad's share	13%
(c) City's share	10%

(2) 12th Avenue Viaduct \$8,000,000

(a) State's share	80%
(b) Railroad's share	10%
(c) City's share	10%

The estimate of cost is based upon 2007 estimates. The cost estimate may increase before the construction projects are let for bid. The State, Railroad and City would then negotiate possible adjustments to the cost share.

Construction of the 3rd Avenue viaduct and the 18th Avenue pedestrian overpass is anticipated to commence in the year 2011 at which time the public at-grade crossing at 3rd Avenue, 18th Avenue and 17th Avenue will be closed.

Construction of the 12th Avenue viaduct is anticipated to commence in the year 2013 at which time the public at-grade crossing at 12th Avenue will be closed. The public at-grade crossings at 21st Avenue and 25th Avenue will close when the 12th Avenue viaduct is open to traffic.

The City intends to pay for the City's share of the costs through the use of sales tax funds.

THEREFORE, based upon the foregoing statements of the City contained in the ordinance and resolution declaring the necessity of the construction of the viaducts and pedestrian overpass and the terms of the Agreement between the City of Columbus, State of Nebraska Department of Roads and Union Pacific Railroad Company: "Shall the City of Columbus construct and maintain viaducts at 3rd and 12th Avenues and a pedestrian overpass at 18th Avenue in accordance with the Agreement between the City of Columbus, State of Nebraska Department of Roads and Union Pacific Railroad Company?"

If a majority of the votes cast upon such question shall be in favor of the construction of the viaducts at 3rd and 12th Avenues and a pedestrian overpass at 18th Avenue, then the governing body of the City of Columbus shall be empowered to construct the viaducts at 3rd and 12th Avenues and a pedestrian overpass at 18th Avenue and close at-grade crossings at 3rd Avenue, 18th Avenue, 17th Avenue, 12th Avenue, 21st Avenue and 25th Avenue in conjunction therewith. If a majority of those voting on the question shall be opposed, then the governing body of the City of Columbus shall not construct the viaducts at 3rd and 12th Avenues and a pedestrian overpass at 18th Avenue and shall not close at-grade crossings described above.

- FOR the construction of the viaducts and the pedestrian overpass and the authority to enter into contracts with the State of Nebraska Department of Roads and Union Pacific Railroad Company.
 - AGAINST the construction of the viaducts and the pedestrian overpass and the authority to enter into contracts with the State of Nebraska Department of Roads and Union Pacific Railroad Company.
-