

**CROSSING SURFACE INSTALLATION AGREEMENT**

**Minnesota Commercial Railway RIGHT-OF-WAY  
33<sup>rd</sup> AVENUE SOUTHEAST between COMO AVENUE SOUTHEAST AND EAST HENNEPIN  
AVENUE**

This Crossing Surface Installation Agreement (hereinafter called, this "Agreement") is entered into effective as of June 1, 2012, by and between the City of Minneapolis (hereinafter called, the "City") and Minnesota Commercial Railway (hereinafter called, the "Company").

WHEREAS, Company operates a freight transportation system by rail with operations throughout the state of Minnesota; and

WHEREAS, the City and Company desire to replace three existing crossing surfaces on 33<sup>rd</sup> Avenue Southeast with a new concrete surface; this is due to the reconstruction of 33<sup>rd</sup> Avenue SE in this 2012 construction season. These three railroad crossings are located between East Hennepin and Como Avenue Southeast.

NOW, THEREFORE, in consideration of the mutual covenants and agreements of the parties contained herein, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **Company Work.** The Company will install three new concrete crossing surfaces as follows (reference exhibit A, B and C):
  - a. For a width of 72 feet to service the main lead at 33<sup>rd</sup> Avenue Southeast, reference Exhibit C, MAIN LEAD.
  - b. For a width of 72 feet to service Hawkins Chemical Inc., reference Exhibit C, HAWKINS CHEMICAL INC.
  - c. For a width of 64 feet to service Viking Materials Inc., reference Exhibit B, VIKING MATERIALS INC.

The new crossing surface shall adequately cover all vehicular driving lanes and sidewalk at 33<sup>rd</sup> Avenue Southeast. The Company shall perform all necessary track upgrades at all three locations during this crossing installation to accommodate the new crossing surface. These necessary track upgrades will be at the Company's expense.

2. **Payment; Invoicing.** Upon execution of this Agreement by both parties hereto, Company will send The City an invoice detailing the total amount owed by The City for the new crossing surface. Company shall send to City a final invoice upon completion and City shall pay the final invoice within 30 days of receipt

The City agrees to pay Company two hundred and No/100 Dollars (\$200.00 dollars) per foot for the new crossing surface. The City's total cost for the new crossing surfaces is fifty four thousand four hundred and No/100 Dollars (\$54,000.00 dollars).

3. **Maintenance of the Crossing Surface.** After installation of the new crossing surface is completed, the Company will maintain, at its own cost and expense, the crossing surface, against normal wear and tear, in a satisfactory manner for the expected life of the crossing surface. Notwithstanding the preceding sentence, the Company shall be entitled to receive any contribution toward the cost of such maintenance made available by reason of any existing or future laws, ordinances, regulations, orders, grants, or other means or sources, directly applicable to the crossing surface.

4. **Vehicular Traffic during Installation.** The City shall provide, at its own cost and expense, all necessary barricades, lights or traffic control devices for detouring vehicular traffic at the 33<sup>rd</sup> Avenue Southeast crossing during installation of the new crossing surfaces.

5. **Drainage.** The City agrees to allow the Company to drain water from the 33<sup>rd</sup> Avenue Southeast crossing area into existing City storm sewers, if such storm sewers are available. Drain pipes and filter fabric necessary for such drainage will be furnished and installed by the Company, at their expense.

6. **Roadway Surfacing Work.** The City agrees to provide, at its sole cost and expense, concrete pavement to cover the distance between the existing roadway surface and sidewalk at 33<sup>rd</sup> Avenue Southeast and the new crossing surface on both sides of the track as well as the area between the tracks.

7. **Term.** This Agreement begins on the effective date set forth above and remains in effect until completion of all work contemplated in this Agreement and City's payment of the amounts set forth in Section 2 above.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by its duly qualified and authorized officials as of the day and year first written above.

**COMPANY:**

**Minnesota Commercial Railway:**

By:   
Printed Name: John S Walsh

Title: Chief Mechanical Officer Cars/Signals

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**FOR THE CITY:**

Approved as to Form  
By: \_\_\_\_\_  
Assistant City Attorney

Approved \_\_\_\_\_  
Department Head responsible for this agreement

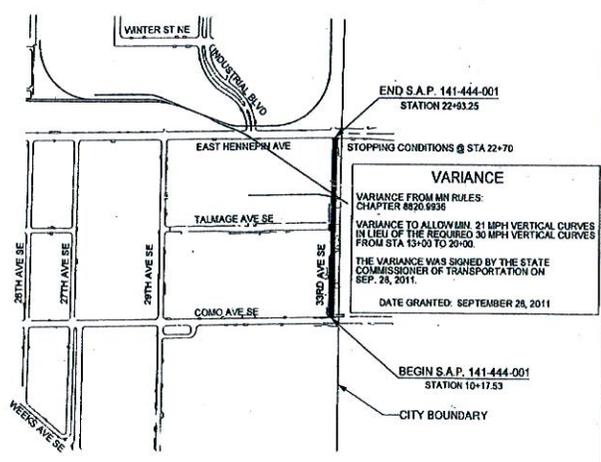
Countersigned: \_\_\_\_\_  
Finance Officer Designee

**CITY OF MINNEAPOLIS  
DEPARTMENT OF PUBLIC WORKS**

PROJECT NAME: 33RD AVE SE  
PROJECT NUMBER: S.A.P 141-444-01 (L.P. 600D 2225)  
LOCATION: 33RD AVE SE FROM COMO AVE SE TO EAST HENNEPIN AVE  
CONSTRUCTION PLAN FOR GRADING, PAVING, STRIPING & STORM DRAIN

GROSS LENGTH - 1275.72 FT 0.243 MILES      PRESENT AOT *12/15/11*  
BROOD LENGTH - 408 FT 0.008  
EXCEPTION LENGTH 408 FT 0.008  
NET LENGTH - 1275.72 FT 0.24

**Exhibit A**



**LEGEND**

CENTERLINE	
EROSION CONTROL LOCATOR	
POLE	
SHRUB	
SOB	
TREE CONIFEROUS	
TREE DECIDUOUS	
PROPERTY LINE	
BUILDING	
FENCE WIRE	
FENCE WOOD	
WALL RETAINING	
UNIDENTIFIED MANHOLE	
SURVEY CONTROL MONUMENT	
RAILROAD TRACK	
CURB & GUTTER (EXISTING)	
CURB & GUTTER (PROPOSED)	
DRIVEWAY, RESIDENTIAL (IN CONCRETE)	
DRIVEWAY, COMMERCIAL (IN CONCRETE)	
REMOVE PAVEMENT (BITUMINOUS)	
REMOVE PAVEMENT (CONCRETE)	
SIDEWALK (2.5 IN. CONCRETE)	
SIDEWALK (6 IN. CONCRETE)	
SOIL BORING	
CABLE TV CONDUIT	
FIBER OPTIC CONDUIT	
TELEPHONE CONDUIT	
COMMUNICATION MANHOLE (EXISTING)	
BIAS PIPE	
GAS MANHOLE (EXISTING)	
GAS VALVE	
POWER CONDUIT	
POWER MANHOLE (EXISTING)	
POWER POLE	
SANITARY SEWER MANHOLE (EXISTING)	
SANITARY SEWER PIPE (EXISTING)	
SANITARY SEWER PIPE (PROPOSED)	
SANITARY SEWER MANHOLE (EXISTING)	
SANITARY SEWER MANHOLE (PROPOSED)	
SANITARY SEWER MANHOLE BLIND (EXISTING)	
SANITARY SEWER MANHOLE BLIND (PROPOSED)	
SANITARY SEWER PUMP	
STEAM PIPE	
STORM SEWER CATCH BASIN (EXISTING)	
STORM SEWER CATCH BASIN (PROPOSED)	
STORM SEWER CATCH BASIN RUN (EXISTING)	
STORM SEWER CATCH BASIN RUN (PROPOSED)	
STORM SEWER GIRT CHAMBER	
STORM SEWER PIPE (EXISTING)	
STORM SEWER PIPE (PROPOSED)	
STORM SEWER MANHOLE (EXISTING)	
STORM SEWER MANHOLE (PROPOSED)	
STORM SEWER MANHOLE BLIND (EXISTING)	
STORM SEWER MANHOLE BLIND (PROPOSED)	
STORM SEWER PUMP	
TRAFFIC CONDUIT (EXISTING)	
TRAFFIC CONDUIT (PROPOSED)	
TRAFFIC MANHOLE	
TRAFFIC PARKING METER	
TRAFFIC SIGN	
TRAFFIC SIGNAL	
TRAFFIC STREET LIGHT	
WATER HYDRANT (EXISTING)	
WATER HYDRANT (PROPOSED)	
WATER	
WATER MANHOLE (EXISTING)	
WATER MANHOLE (PROPOSED)	
WATER MANHOLE VALVE (EXISTING)	
WATER MANHOLE VALVE (PROPOSED)	
WATER STOP BOX	

**INDEX**

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THIS PLAN CONTAINS 61 SHEETS.

*John Harty* 12/12/11  
APPROVED SUPERVISOR CITY ENGINEER OR DESIGN ENGINEER      DATE

*John Harty* 12/12/11  
APPROVED DIRECTOR, PUBLIC WORKS SERVICES      DATE

*John Harty* 12/12/11  
APPROVED DIRECTOR, TRANSPORTATION PLANNING & ENGINEERING      DATE

*John Harty* 12/12/11  
APPROVED DIRECTOR, TRANSPORTATION MAINTENANCE & REPAIR      DATE

*Frank Conroy* 12/12/2011  
APPROVED DIRECTOR, SURFACE WATER & SEWERS      DATE

*Beverly Jo Warzoka* 12/12/11  
APPROVED DIRECTOR, WATER TREATMENT & DISTRIBUTION      DATE

*Michael P. Rowley* 12/15/11  
DISTRICT STATE ENGINEER REVIEWED FOR COMPLIANCE WITH STATE AND FEDERAL POLICY      DATE

*Michael P. Rowley* 12/15/11  
APPROVED FOR STATE AND FEDERAL POLICY      DATE



**SPECIFICATIONS**

THE 2005 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION'S STANDARD SPECIFICATIONS FOR CONSTRUCTION SHALL GOVERN.

ALL TRAFFIC CONTROL DEVICES AND SIGNING SHALL CONFORM TO THE MUTCD, INCLUDING FIELD MANUAL FOR TEMPORARY TRAFFIC CONTROL ZONE LAYOUTS.

**HORIZONTAL DATA**  
HENNEPIN COUNTY COORDINATE SYSTEM  
DATUM: NAD83, 1984 ADJUSTMENT (NON HARN)  
UNITS: US SURVEY FEET

**VERTICAL DATA**  
DATUM: NAVD83



SHEET NUMBER	APPROVED	DATE

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

*Beverly Jo Warzoka* 43843 12/15/11  
BEVERLY JO WARZOKA      LIC. NO.      DATE

**TITLE SHEET**

**MINNEAPOLIS  
DEPARTMENT OF  
PUBLIC WORKS**

DRW: MOW	DATE: 6/30/11
CHK: JHK	DATE: 10/26/11
APP: B.J.W.	DATE: 10/31/11

**TALMAGE & 33RD AVE SE**

L.P. 600D 2225  
S.A.P. 141-444-01

1  
OF  
61

DATE PRINTED: 12/20/11 11:35 AM  
FILE NAME: 2225.PW.001

# Exhibit B

Location 2		STA 13+25.00 TO 17+10.00	
LEGEND	ITEM NUMBER	DESCRIPTION	ESTIMATED TOTAL
	210491	REMOVE ROAD TRACK	48
	210493	REMOVE ROAD TIES	31
	210493	BALANCE SIGN	4
	2301302	CONCRETE PAVEMENT STANDARD WIDTH 8' 6"	1555
	2301303	PERMANENT HEADER	104
	231191	3" CONCRETE PAVK	2973
	231191	6" CONCRETE PAVK	1281
	231211	3" BITUMINOUS ROCK	234
	231301	CONCRETE CURB & OUTER DESIGN BEN	854
	231302	8" CONCRETE GUTTER PAVEMENT	207
	231303	PEDESTRIAN CURB RAMP	6
	231501	8000G TYPE LITH	28

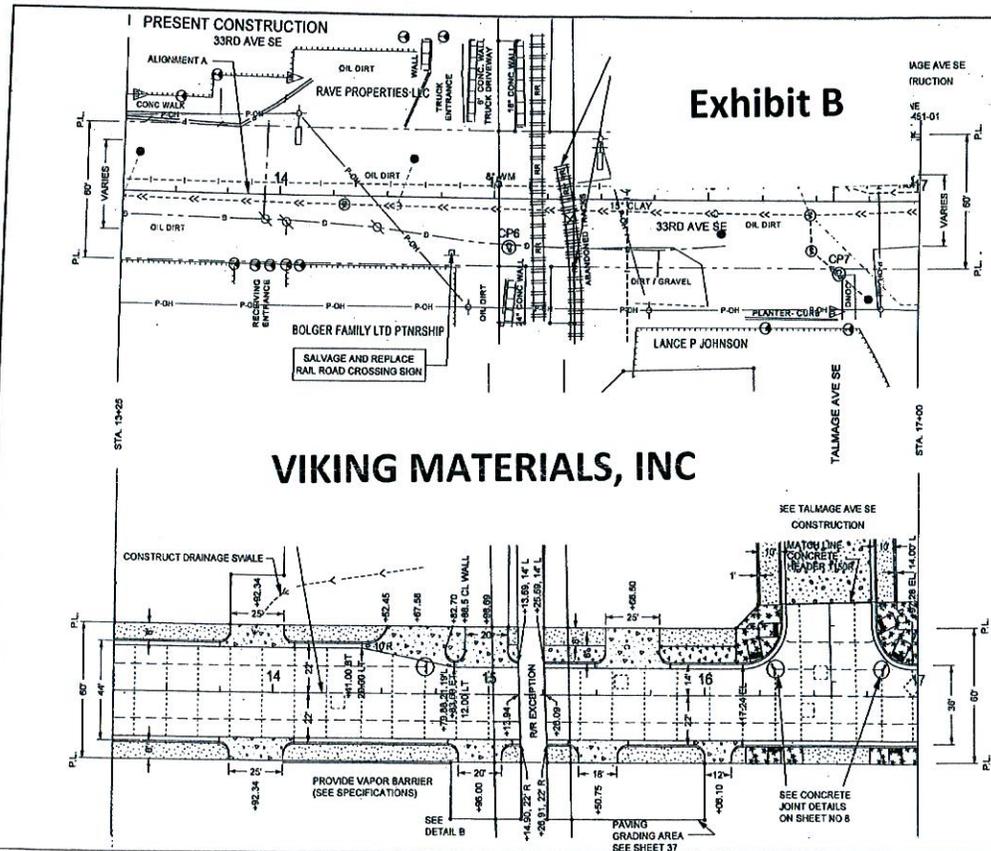
\*) REPRESENTS NUMBER OF SIGN POSTS NOT NUMBER OF ACTUAL SIGNS

### BENCHMARKS

- CP6  
B.M. ELEV. = 886.912  
CPT AT STATION 15+07.26, OFFSET 21.55' RIGHT
- CP7  
B.M. ELEV. = 888.36  
CPT AT STATION 16+61.23, OFFSET 32.28' RIGHT

### NOTES:

- SEE SHEET NO. 17 FOR UTILITY MODIFICATION
- SEE SHEET NO. 32 FOR PROPOSED STORM DRAIN
- ALL STREET RADII 18 FT UNLESS OTHERWISE NOTED
- ALL ENTRANCE RADII 6 FT UNLESS OTHERWISE NOTED



## VIKING MATERIALS, INC

FILE NAME: 2325-PAVING-01.dwg DATE PRINTED: 11/20/21 8:07 AM

NO.	DATE	DRW	CHKD	APP	REVISION

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A duly LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

*Beverly Jo Wurmka*  
BEVERLY JO WURMKA LIC. NO. 43843 DATE 10/20/21

PAVING PLAN

**MINNEAPOLIS**  
DEPARTMENT OF  
PUBLIC WORKS

DRW: MOW DATE: 03/20/11

CHK: JJK DATE: 10/20/11

APP: BJW DATE: 10/21/11

TALMAGE & 33RD AVE SE		22
L.P. 600D 2225		OF
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