

**RESOLUTION NO. -15**

**AUTHORIZING THE UTILITY OCCUPANCY LICENSE AGREEMENT MADE AND ENTERED INTO BY AND BETWEEN THE CITY OF DUBUQUE, IOWA AND DAKOTA, MINNESOTA & EASTERN RAILROAD CORPORATION, DOING BUSINESS AS CANADIAN PACIFIC**

WHEREAS, City is involved in activities to modify storm water drainage by day-lighting the Bee Branch Creek ("Bee Branch Project") from 15th Street and Sycamore Street to 24th Street and Washington Street all within the city;

WHEREAS, City is relocating the sanitary sewer and installing fiber optic conduit ("the Improvements") as part of the Bee Branch Project;

WHEREAS, the Improvements are to be installed through the freight railroad operating property of Canadian Pacific ("CP");

WHEREAS, the City intends to install the Improvements using a trenchless, tunneling method to minimize the impact to CP's railroad operation;

WHEREAS, City needs authorization from CP to access and install the Improvements through CP property;

WHEREAS, CP is willing to authorize the City to install the Improvements under the terms outlined in Utility Occupancy License No. 4290301 ("the License"); and

WHEREAS, it is in the City's best interest to execute the License in order to proceed with the construction of the Improvements associated with the Bee Branch Project;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DUBUQUE, IOWA:

That the City Manager is hereby authorized to sign the attached Utility Occupancy License No. 4290301 and any necessary amendments thereto with Dakota, Minnesota, & Eastern Railroad Corporation, a corporation doing business as Canadian Pacific for the purpose of proceeding with the construction of the sanitary sewer and fiber optics conduit through Canadian Pacific property as part of the Bee Branch Creek Restoration Project.

Passed, adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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Roy D. Buol, Mayor

Attest:

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Kevin S. Firnstahl, CMC, City Clerk