

## **MEMORANDUM**

**TO:** Donna Barron, City Manager

**FROM:** David Salmon, PE, City Engineer

**VIA:** Eric Ferris, Deputy City Manager

**DATE:** January 28, 2019

**SUBJECT:** **Approval of a Three-Way Agreement Between Kansas City Southern Railway Company (KCS), RJS Marine, Inc. and the City of Lewisville Providing for Installation of an 8-inch Water Line Crossing Under KCS Railroad Tracks at Mile Post 91.25, West of McGee Lane for the Great Lakes Crossing Development, and Authorization for the City Manager to Execute the Agreement.**

### **BACKGROUND**

RJS Marine, Inc. is preparing to develop Great Lakes Crossing located at the northwest corner of McGee Lane and the KCS Railroad crossing. To provide a looped water line to the site, the developer intends to extend an 8-inch water line along the proposed Joseph Court, and under the KCS Railway tracks. To provide permission for RJS Marine's contractor to install the water line within the KCS right-of-way, KCS is requesting a three-way license agreement between RJS Marine and the City of Lewisville. All costs with respect to the conditions within the agreement will be assumed by the developer including a one-time utility fee to utilize KCS's right-of-way.

### **ANALYSIS**

Staff has reviewed and approved the construction plans prepared by Civil Point Engineers, Inc., RJS Marine's engineer for the subject development. The property was recently rezoned from Light Industrial to single family, planned development. The subject property is small and triangularly shaped making it difficult to lay out residential lots. Utilizing the railroad right of way for the proposed water main is necessary to maintain a sufficient lot count to make the single-family planned development viable. KCS has also reviewed and approved the construction plans. All costs associated with installation of the water main and compliance with the subject agreement will be born by the developer. There will be no cost to the City of Lewisville regarding the water line crossing.

### **RECOMMENDATION**

It is City staff's recommendation that the City Council approve the agreement and authorize the City Manager to execute the agreement.