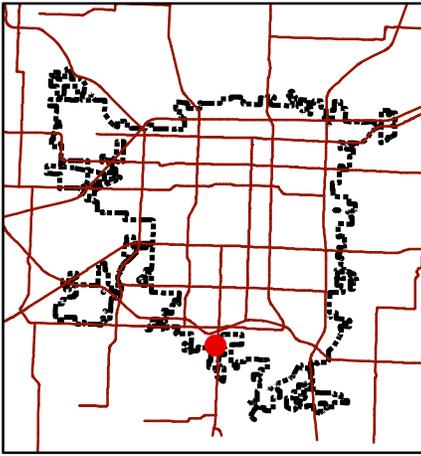


Development Review Staff Report

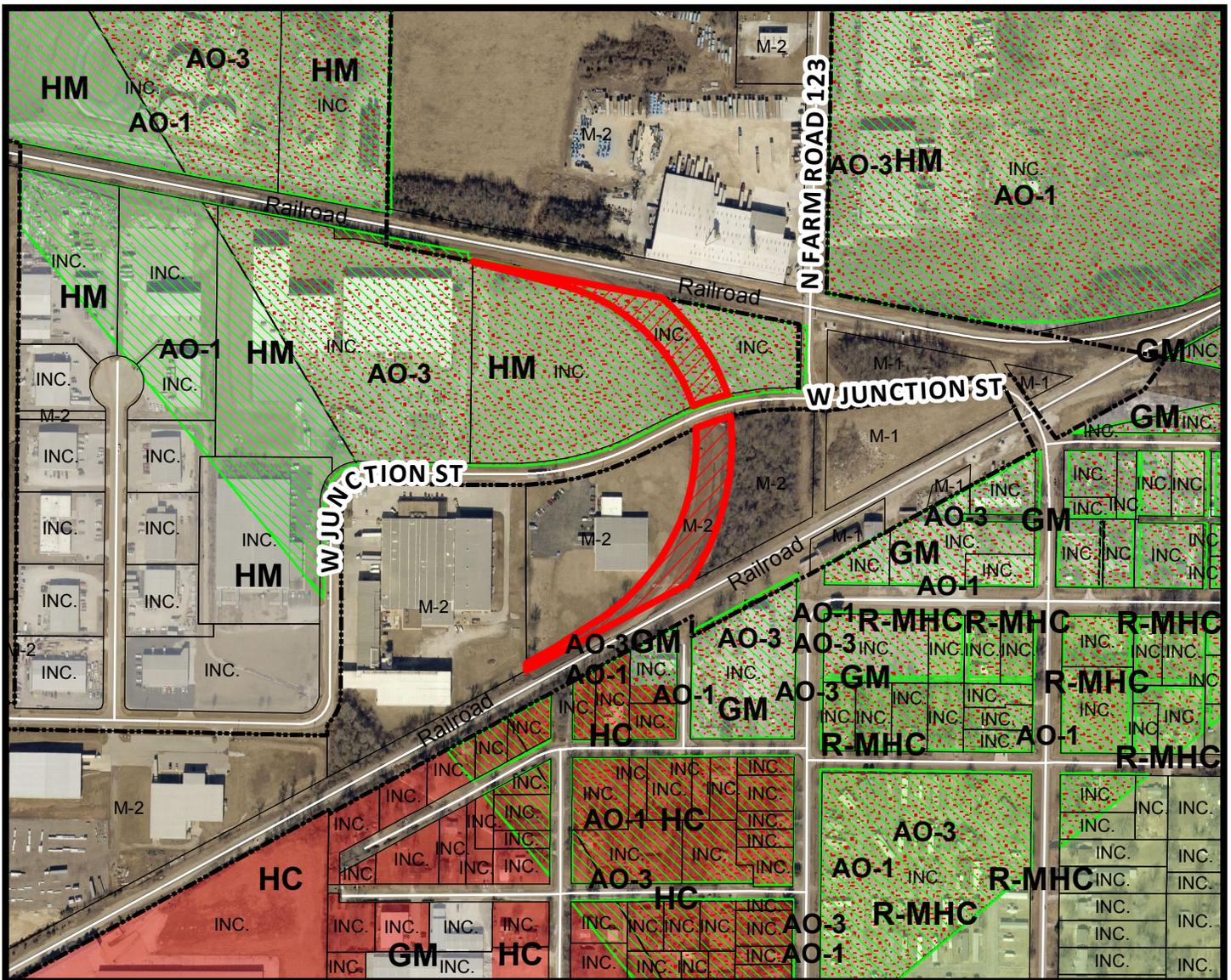
Department of Planning & Development - 417-864-1031
840 Boonville - Springfield, Missouri 65802

Dispose 515

LOCATION: 4400 Block of West Junction Street
CURRENT ZONING: HM and County M-2
PROPOSED ZONING: Railroad right of way



LOCATION SKETCH



- Area of Proposal



1 inch = 450 feet

DEVELOPMENT REVIEW STAFF REPORT
REQUEST TO DISPOSE NO. 515

DATE: December 15, 2015
LOCATION: 4400 block West Junction Street
APPLICANT: City of Springfield
EXISTING USE: None, undeveloped land
RECOMMENDATION: The request be **approved**.

FINDINGS:

1. The subject property south of Junction Street is outside the City limits of the City of Springfield. The property to the north of Junction Street and the right of way of Junction Street are inside the City of Springfield.
2. The proposed disposal will not adversely affect the City of Springfield operations.
3. The proposed disposal will allow the development of the West Wye railroad connector to be utilized by and transferred to the Burlington Northern Railway.

STAFF CONTACT PERSON:

Bob Hosmer, AICP
Principal Planner

ATTACHMENT 1
BACKGROUND REPORT
REQUEST TO DISPOSE NUMBER 515

APPLICANT'S PROPOSAL:

City of Springfield proposes to dispose of 2.47 acres of property to facilitate the development of the West Wye railroad connector. The property is proposed to be transferred to BNSF Railway. BNSF Railway will construct a railroad connector tract between the two BNSF rail subdivisions and the previously vacated right of way of Junction Street. The vacated right of way was retained as an access easement.

STAFF COMMENTS:

1. The City purchased the property located north of Junction Street on June 28, 2013 and the property south of Junction Street April 4, 2013 to facilitate the West Wye Connector project.
2. The City will transfer the property to the BNSF Railway and will serve as a railroad connector between the Fort Scott and Cherokee rail subdivisions of the BNSF Railway.
3. There is an existing sanitary sewer easement on the north side of Junction Street and crosses the subject property. This easement will be maintained once the property is conveyed to BNSF Railway.
4. The property is currently zoned HM, Heavy Manufacturing District with an Airport Overlay District in the City and M-2, Manufacturing District in Greene County. Once the property is conveyed to BNSF the property will revert to railroad right of way.
5. The proposed disposal will not adversely affect City operations.

ATTACHMENT 2
REQUEST TO DISPOSE NUMBER 515
LAND DISPOSAL POLICY

Planning and Zoning Commission adopted the following policy statement for land disposals by public bodies:

1. Where is property located?

4400 block West Junction Street (formerly Farm Road 130 and Maple St). Approximately 1,600 linear feet by 100 foot wide corridor crossing Junction Street and connecting the Fort Scott and Cherokee rail subdivisions of the BNSF Railway.

2. Please include a copy of the legal description.

The legal description of the property is attached (Tract A and Tract B)

3. Why doesn't city need the property anymore?

BNSF Railway will construct a railroad connector tract between the two BNSF rail subdivisions on the property. The City is required to deed this property along with the previously vacated Junction Street road crossing to BNSF to facilitate the West Wye connecting tract project. The City will continue to use the Junction Street crossing for roadway purposes.

4. When did city purchase property?

The City purchased the corridor located north of Junction Street June 28, 2013 and the corridor south of Junction Street April 4, 2013.

5. Why was property acquired? What did city originally intend to do with the property?

The property was acquired to facilitate the West Wye Connector project.

6. Who will purchase property?

The property will be deeded to BNSF Railway.

EXHIBIT A
REQUEST TO DISPOSE NUMBER 515
LEGAL DESCRIPTION

TRACT "A"

A tract of land located in the Northeast Quarter of the Southeast Quarter of Section 18, Township 29 North, Range 22 West, Greene County, Missouri, and being a portion of the lands of Multifoods Distribution Group, Inc. as per deed recorded in Book 2711 at Page 558 and Multifoods Distribution Inc. as recorded in Book 2342 Page 1642 all in the official records of Greene County, Missouri, the tract being described as follows: Commencing at the Northwest corner of the Northeast Quarter of the Southeast Quarter of said Section 18; thence South 87°38'03" East along the North line thereof a distance of 56.59 feet to the Southerly right-of-way line of the BNSF Railroad; thence South 77°46'20" East along said right-of-way line a distance of 321.76 feet to the Point Of Beginning; thence South 73°56'41" East a distance of 207.99 feet; thence South 73°38'02" East a distance of 22.84 feet to the beginning of a curve concave to the Southwest having a radius of 523.69 feet; thence Easterly and Southeasterly along said curve a distance of 534.36 feet (through an angle of 58°27'51") to a point on the Northerly right-of-way line of Junction Street, formerly known as Maple Street (Farm Road 130,) said point being on a non-tangent curve from which the radius point bears South 22°06'44" East at a distance of 746.20 feet; thence along a segment of said curve and right-of-way line a distance of 100.20 feet (through an angle of 7°41'37") to a point on a non-tangent curve from which the radius point bears South 74°20'01" West at a distance of 623.69 feet; thence Northwesterly along said curve a distance of 344.97 feet (through an angle of 31°41'27") to the Southerly right-of-way line of the BNSF Railroad; thence North 77°46'21" West along said right-of-way line a distance of 508.26 feet to the Point Of Beginning. The above described tract contains 1.04 acre more or less.

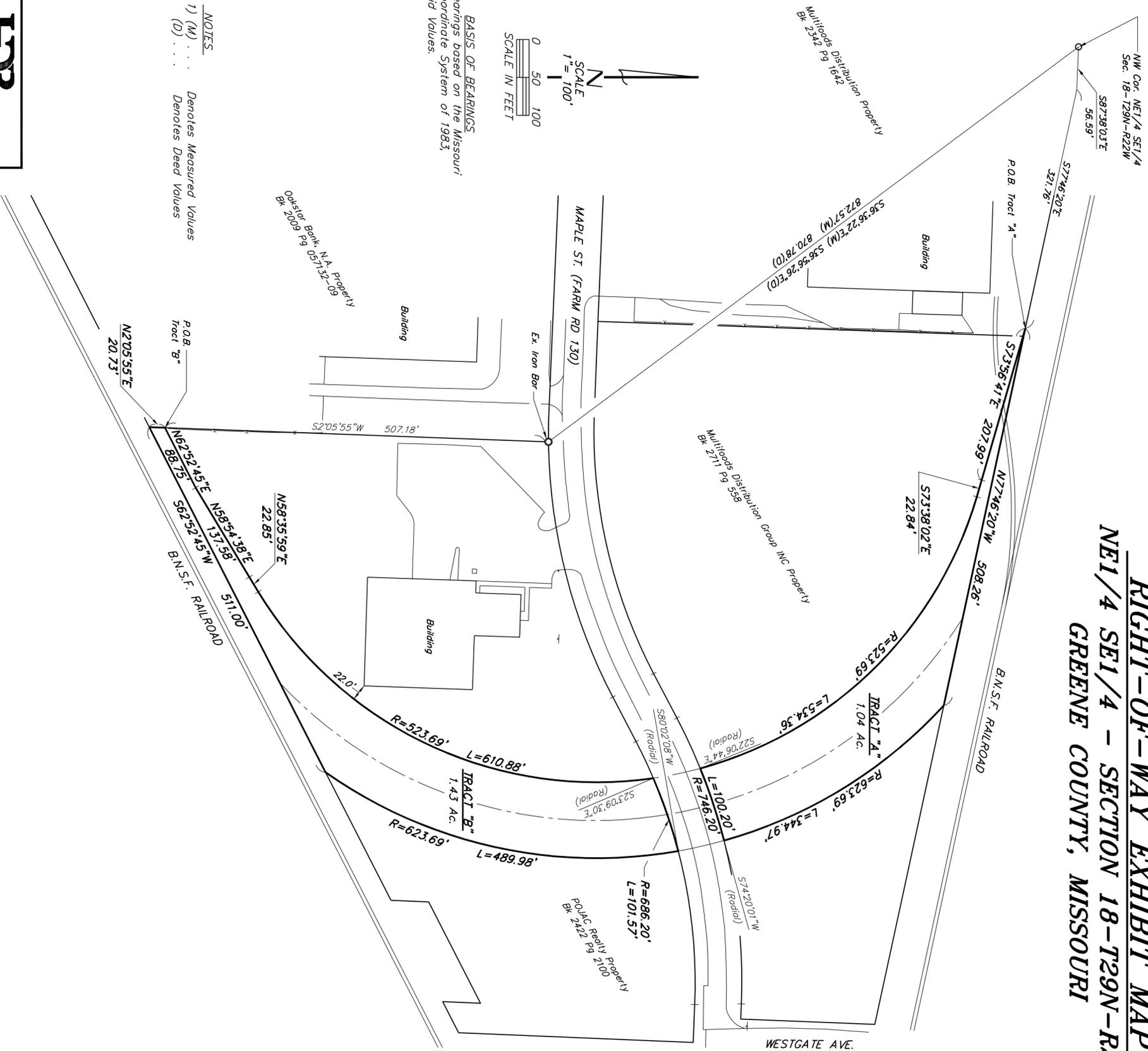
TRACT "B"

A tract of land located in the Northeast Quarter of the Southeast Quarter of Section 18, Township 29 North, Range 22 West, Greene County, Missouri, and being a portion of the lands of Pojac Realty Inc. as per deed recorded in Book 2422 at Page 2100 in the official records of Greene County, Missouri, the tract being described as follows: Commencing at the Northwest corner of the Northeast Quarter of the Southeast Quarter of said Section 18; thence South 36°36'22" East a distance of 872.57 feet measured (870.78 deed) to an existing iron bar marking the Northwest corner of the land of Pojac Realty Inc.; thence South 2°05'55" West along the west line of said Pojac Realty Inc. a distance of 507.18 feet to the Point Of Beginning; thence North 62°52'45" East a distance of 88.75 feet; thence North 58°54'38" East a distance of 137.58 feet; thence North 58°35'59" East a distance of 22.85 feet to the beginning of a curve concave to the Northwest having a radius of 523.69 feet; thence Northeasterly, Northerly, and North along said curve a distance of 610.88 feet (through an angle of 66°50'09") to a point on the South right-of-way line of Junction Street, formerly known as Maple Street (Farm Road 130), said point being on a non-tangent curve from which the radius point bears South 23°09'30" East at a distance of 686.20 feet; thence easterly along said right-of-way line and segment of said curve a distance of 101.57 feet (through an angle of 8°28'50") to a point on a non-tangent curve from which the radius point bears South 80°02'08" West at a distance of 623.69 feet; thence South, Southerly, and Southwesterly along said curve a distance of 489.98 feet (through an angle of 45°00'47") to the north right-of-way line of the BNSF Railroad; thence South 62°52'45" West along said right-of-way line a distance of 511.00 feet to the Southwest corner of said Pojac Realty Inc.; thence North 2°05'55" East along the west line of said Pojac Realty Inc. a distance of 20.73 feet to the Point Of Beginning. The above described tract contains 1.43 acres more or less.

RIGHT-OF-WAY EXHIBIT MAP

NE1/4 SE1/4 - SECTION 18-T29N-R22W

GREENE COUNTY, MISSOURI



DESCRIPTIONS

TRACT "A"

A tract of land located in the Northeast Quarter of the Southeast Quarter of Section 18, Township 29 North, Range 22 West, Greene County, Missouri, and being a portion of the lands of Multifoods Distribution Group, Inc. as per deed recorded in Book 2711 at Page 558 and Multifoods Distribution Inc. as recorded in Book 2342 Page 1642 all in the official records of Greene County, Missouri, the tract being described as follows:

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TRACT "B"

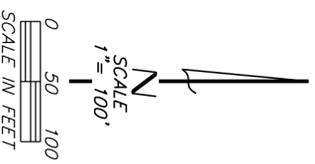
A tract of land located in the Northeast Quarter of the Southeast Quarter of Section 18, Township 29 North, Range 22 West, Greene County, Missouri, and being a portion of the lands of Projac Realty Inc. as per deed recorded in Book 2422 at Page 2100 in the official records of Greene County, Missouri, the tract being described as follows:

Commencing at the Northwest corner of the Northeast Quarter of the Southeast Quarter of said Section 18; thence South 36°36'22" East a distance of 872.57 feet measured (870.78 feet) to an existing iron bar marking the Northwest corner of the land of Projac Realty Inc.; thence South 2°05'55" West along the west line of said Projac Realty Inc. a distance of 507.18 feet to the Point Of Beginning; thence North 62°52'45" East a distance of 88.75 feet; thence North 58°54'38" East a distance of 137.58 feet; thence North 58°35'59" East a distance of 22.85 feet to the beginning of a curve concave to the Northwest having a radius of 523.69 feet; thence Northeasterly, Northerly, and North along said curve a distance of 610.88 feet (through an angle of 66°50'09") to a point on the South right-of-way line of Maple Street (Farm Road 130) said point being on a non-tangent curve from which the radius point bears South 23°09'30" East at a distance of 686.20 feet; thence easterly along said right-of-way line and segment of said curve a distance of 101.57 feet (through an angle of 8°28'50") to a point on a non-tangent curve from which the radius point bears South 80°02'08" West at a distance of 623.69 feet; thence South, Southerly, and Southeasterly along said curve a distance of 489.98 feet (through an angle of 45°00'47") to the north right-of-way line of the BNSF Railroad; thence South 62°52'45" West along said right-of-way line a distance of 511.00 feet to the Southwest corner of said Projac Realty Inc.; thence North 2°05'55" East along the west line of said Projac Realty Inc. a distance of 20.73 feet to the Point Of Beginning. The above described tract contains 1.43 acres more or less.

NOTES

- 1) (M) Denotes Measured Values
- (D) Denotes Deed Values

BASIS OF BEARINGS
Bearings based on the Missouri
Coordinate System of 1983,
Grid Values.



HDR
P.O. BOX 969
187 EAST DAWD
FORSYTH, MISSOURI 65653
(417) 546-3218

JOB NO. 151643

One-rdg. _____
P. Hrngs. _____
Pgs. 86
Filed: 08-04-15

Sponsored by: McClure

First Reading: August 10, 2015

Second Reading: August 24, 2015

COUNCIL BILL NO. 2015- 200

SPECIAL ORDINANCE NO. 26611

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into a Construction and
2 Maintenance Agreement with BNSF Railway Company (BNSF) for the
3 purpose of improving safety, efficiency, and promoting economic
4 development in central Springfield by constructing the West Wye
5 Connector project, which will relocate a BNSF railroad line connecting
6 the Fort Scott and Cherokee Subdivisions.
7
8

9 WHEREAS, the City and BNSF desire to coordinate the relocation and
10 modification of BNSF facilities to construct the embankment for a new West Wye
11 Connector between BNSF's Fort Scott and Cherokee Subdivisions and to construct the
12 new tracks and West Wye facility; and
13

14 WHEREAS, the City will contribute the full cost of the construction project,
15 estimated to be \$2,351,528.
16

17 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
18 SPRINGFIELD, MISSOURI, as follows, that:
19

20 Section 1 – The City Manager, or his designee, is hereby authorized to enter into
21 a Construction and Maintenance Agreement with BNSF, said agreement to be
22 substantially in the form and content as that document attached hereto and incorporated
23 herein by reference as “Exhibit 1.”
24

25 Section 2 – This ordinance shall be in full force and effect from and after
26 passage.
27

28 Passed at meeting: August 24, 2015

29

30

31

32

Robert H. Stephen
Mayor

33

34

35

Attest: Antia J. Cotter, City Clerk

36

37

Filed as Ordinance: August 24, 2015

38

39

40

Approved as to form: Sarah Kerner, Assistant City Attorney

41

42

Approved for Council action: Greg Burt, City Manager

EXPLANATION TO COUNCIL BILL NO: 2015- 200

FILED: 08-04-15

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: Authorizing the City Manager, or his designee, to enter into a Construction and Maintenance Agreement with BNSF Railway Company (BNSF) for the purpose of improving safety, efficiency, and promoting economic development in central Springfield by constructing the West Wye Connector project, which will relocate a BNSF railroad line connecting the Fort Scott and Cherokee Subdivisions.

BACKGROUND INFORMATION: The West Wye construction project authorized by this ordinance is the first step in a program to create a more efficient and safe rail system through the City and will support the redevelopment of Central Springfield. Ultimately, when the overall program goal is reached, there will be an expanded open space system; safer pedestrian and vehicular environment; improved railcar interchange between BNSF and the Missouri & Northern Arkansas (M&NA) railroad; improved coal delivery to the Southwest Power Plant; and enhanced economic development within the City center.

The project involves construction of new embankment, tracks, and West Wye facility. The Cost Estimate for the project is \$2,351,528. The project is funded by two Federal Rail Administration grants, matching funds from the City in the form of 1/4-cent sales tax, matching funds from a MoDOT grant, and additional City 1/4-cent sales tax funds of up to \$50,000 to pay for the construction and construction oversight by our third-party consultant.

This project supports the following Field Guide 2030 goal(s): Chapter 6, Growth Management and Land Use, Major Goal 4; Develop the community in a sustainable manner.

REMARKS: It should be noted that the cost of this project was originally estimated to be approximately \$1.5 million more than the amount of the current Cost Estimate, but it was brought into a much more reasonable range with the hard work of all parties involved.

The agreement does contain a not-to-exceed amount that is established by BNSF's cost estimate, but it clearly states that all costs incurred in the construction shall be paid for by the City. Change orders or amendments to the contract, signed by both parties, will still be required to encumber the funds, but the contract unequivocally states that BNSF's construction costs must be fully reimbursed by the City. A certain amount of risk exists due to the unknown nature of the construction costs.

A separate agreement will cover the terms under which the City will transfer to BNSF all ownership in the new embankment and railroad right-of-way currently located between BNSF's Fort Scott and Cherokee Subdivisions. This is still being negotiated and will be presented to Council separately.

City Council has approved several previous bills in support of the West Wye project:

Resolution No. 10161, approved September 8, 2014: A resolution authorizing the City Manager, or his designee, to apply for a grant from the Federal Rail Administration (FRA), for the purpose of funding the deployment of positive train control on the West Wye project.

Special Ordinance No. 26327, approved November 4, 2013: A special ordinance authorizing the City Manager, or his designee, to accept a State Freight Enhancement Grant from the Missouri Department of Transportation (MoDOT) in the amount of \$150,000, for the purchase of funding the construction of the new west connecting and turning wye track, between the Burlington Northern Santa Fe (BNSF) Fort Scott and Cherokee Subdivisions.

Special Ordinance No. 26205, approved February 26, 2013: A special ordinance authorizing the City Manager, or his designee, to accept a grant in the amount of \$1,898,444.00 from the Federal Rail Administration (FRA), for the purpose of funding, in part, the design and construction of a new west connection and turning wye between the Fort Scott and Cherokee Subdivisions of the Burlington Northern Santa Fe (BNSF) railway

Resolution No. 10087, approved October 7, 2013: A resolution approving the plans, specifications, and bid of Hartman & Company, Inc., for the construction phase of the West Wye connecting track project, Plan No. 2012PW0063.

Resolution No. 9824, approved October 18, 2010: A resolution authorizing the City Manager, or his designee, to apply for a grant in the amount of \$1,899,000 from the Federal Rail Administration (FRA), for the purpose of funding, in part, the acquisition, design and construction of a new west connection and turning wye between the Fort Scott and Cherokee Subdivisions of the Burlington Northern Santa Fe (BNSF) Railway.

Special Ordinance No. 25794, approved July 12, 2010: A special ordinance authorizing the City Manager, or his designee, to cooperate with the Ozarks Transportation Organization to apply for and accept a Tiger II grant up to \$6,110,756 from the US Department of Transportation for the purpose of funding a portion of "The Link" project and the West Wye Relocation project.

Special Ordinance No. 25788, approved June 28, 2010: A special ordinance authorizing the City Manager, or his designee, to apply for and accept a grant in the amount of \$500,000.00 from the Federal Rail Administration (FRA), for the purpose of funding, in part, the acquisition, design and construction of a new west connection and turning wye between the Fort Scott and Cherokee Subdivisions of the Burlington Northern Santa Fe (BNSF) Railway.

Special Ordinance No. 25350, approved January 28, 2008: A special ordinance authorizing the City Manager, on behalf of the City of Springfield, to enter into a non-binding agreement through a Memorandum of Understanding between the City of Springfield and BNSF Railway Company to address development of the West Meadows portion of Jordan Valley Park within Springfield, Missouri.

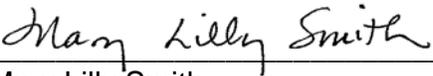
Special Ordinance No. 25349, approved January 28, 2008: A special ordinance authorizing the City Manager, on behalf of the City of Springfield, to enter into a cooperative non-binding agreement through a Memorandum of Understanding between the City of Springfield, Union Pacific Railroad, and the Missouri & Northern Arkansas Railroad to address development of the West Meadows portion of Jordan Valley Park within Springfield, Missouri.

Submitted by:



Sarah Kerner, Assistant City Attorney

Recommended by:



Mary Lilly Smith,
Director of Planning and Development

Approved by:



Greg Burris, City Manager