

## **RESOLUTION NO. 2023 -**

### **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT WITH BNSF RAILWAY COMPANY FOR THE PURPOSE OF CONSTRUCTION, PLANTING MITIGATION, MONITORING, OPERATION, INSPECTION, MAINTENANCE, REPAIR AND REPLACEMENT OF THE BIKE PATH FOR SEGMENT 5 OF THE BAYSHORE BIKEWAY IN THE CITY OF NATIONAL CITY**

**WHEREAS**, the Bayshore Bikeway is a Regional bike facility that supports recreation in the City of National City, with a large portion of the bikeway located on-street; and

**WHEREAS**, a plan has been in place to relocate portions of the Bikeway to a Class I bike path with other improvements, which is referred to as the Segment 5 Bike Path Project in the City of National City; and

**WHEREAS**, the City of National City has acquired funding from Federal Active Transportation Program Funds, Affordable Housing and Sustainable Communities Funds, and SDUPD "Port" funds for the Segment 5 Bike Path Project; and

**WHEREAS**, the Balanced Plan EIR has been adopted, which included the Segment 5 Bike Path; and

**WHEREAS**, the California Coastal Commission has recently approved a Coastal Development Permit for the Segment 5 Bike Path Project; and

**WHEREAS**, the Segment 5 Bike Path Project is designed to be on property owned or controlled by San Diego Gas & Electric Company, BNSF Railway Company, San Diego Metropolitan Transit System, and the San Diego Unified Port District; and

**WHEREAS**, staff has acquired permission to use these entities' property and have drafted individual agreements with each of these entities.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:**

**Section 1:** That the City Council hereby authorizes the Mayor to execute the Grade Crossing Construction and Maintenance Agreement (Maintenance Agreement), subject to final City Attorney approval, between BNSF Railway Company and the City of National City.

**Section 2:** That the City Council hereby authorizes the Mayor to execute two Easement Agreements and one Temporary Easement Agreement, attached to the Maintenance Agreement, subject to final City Attorney approval, between BNSF Railway Company and the City of National City.

**Section 3:** That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

**PASSED and ADOPTED this 20th day of June, 2023.**

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Ron Morrison, Mayor

**ATTEST:**

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Shelley Chapel, MMC, City Clerk

**APPROVED AS TO FORM:**

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Barry J. Schultz, City Attorney