

STAFF REPORT

Date: November 15, 2023

To: Mayor and City Council

Thru: Doug Thornley, City Manager

Subject: Staff Report (For Possible Action): Approval of (1) Reimbursement Agreement with UVRP, LLC, for \$555,003, and (2) At Grade Crossing Agreement with Union Pacific Railroad for improvements to the existing crossing at Comstock Drive.

From: Michael Mischel, Engineering Manager

Department: Development Services - Engineering

Summary:

Council is asked to approve two agreements associated with the Comstock Cottages Phase 1 tentative map. The first agreement is a Reimbursement Agreement with UVRP, LLC (“Developer”) for \$555,003 that will reimburse the City for costs paid to Union Pacific Railroad (“UPRR”) associated with improvements made to the existing railroad crossing at Comstock Drive. The second agreement is an At Grade Crossing Agreement with UPRR that outlines the scope and cost of improvements associated with improvements made to the existing railroad crossing at Comstock Drive. The Comstock Cottages Phase 1 tentative map was originally approved by the Planning Commission in December 2018, and a two-year time extension was granted by the Planning Commission in October 2022. Conditions of approval for the tentative map require the developer to make improvements to the existing railroad crossing at Comstock Drive. UPRR will only enter into agreements with public agencies and in the case of these subject improvements, the sponsoring agency is the City of Reno. Staff recommends the Council approve both agreements.

Consent Review	Yes	No
1. Is this item an annual or standard item that comes before Council for regular approval?		X
2. Is this item an agreement required based on an item previously approved by Council?	X	
3. Is this item Included in the current budget approved and adopted by Council?	X	
Other Considerations		
What percent of the total city budget does this item represent?		.00001%

Alignment with Strategic Plan:

Economic and Community Development

Previous Council Action:

There is no recent Council action relevant to this item.

Background:

The Union Pacific Railroad will only enter into agreements with a public agency. In the case of the agreements subject to this council action, the sponsoring public agency is the City of Reno.

The Comstock Cottages Phase 1 Tentative Map was originally approved by the Planning Commission in December 2018, and a two-year time extension was granted by the Planning Commission in October 2022. The Comstock Cottage Phase 1 subdivision proposes 86 residential lots. Access to the subdivision is off Comstock Drive via George Sullivan Pkwy as well as off Parr Blvd via Ferrari McLeod Blvd and Shailyn Way. The Comstock Cottages Phase 1 development is a phase of a larger 282 Comstock Cottages residential tentative map that was originally approved in December 2017. No permits or construction have commenced on the Comstock Cottages Phase 1 subdivision to date.

Besides improvements made to the crossing itself at Comstock Drive, the subdivision is required to install a new storm drain under UPRR facilities. This will be subject of a pipeline agreement and will be considered by the City Council in a separate action.

Discussion:

The at grade crossing agreement is a requirement of UPRR in order to make improvements to existing railroad crossings. These improvements will be made by UPRR and paid for by the City. The City in turn will be reimbursed by the developer via a reimbursement agreement. UPRR will own and maintain the improvements made to the crossing at Comstock Drive. The improvements generally consist of new and relocated crossing arms, a new controller, new signage, sidewalk, and improvements to the tracks. These improvements are necessary for the development to satisfy conditions of approval on the tentative map and will allow the subdivision to move forward to a final map. There are a total of 86 residential lots proposed within Comstock Cottages Phase 1. All required application fees and construction costs for the improvements will be reimbursed to the City UVRP, LLC. Annual maintenance costs paid to UPRR will be made by the City.

Financial Implications:

All permitting and construction costs will be reimbursed to the City by the developer. These

costs are estimated to be \$555,003. The Reimbursement Agreement also requires the developer to reimburse the City should these costs be exceeded. The annual maintenance costs associated with the improved track and signal improvements will be paid by the City. These two combined costs are \$12,966. This cost will be budgeted for in the City street maintenance budget.

Legal Implications:

Legal review completed for compliance with City procedures and Nevada law.

Recommendation:

Staff recommends Council approve the reimbursement agreement and the at grade crossing agreement.

Proposed Motion:

I move to approve the reimbursement agreement and the at grade crossing agreement

Attachments:

Vicinity Map

Reimbursement Agreement

At Grade Crossing Agreement