

Warren County Board of Supervisors

RESOLUTION NO. 447 OF 2011

Resolution introduced by Supervisors Belden, Bentley, Merlino, Champagne, Monroe, McCoy, Conover, Wood and Taylor

**APPROVING AND AUTHORIZING AMENDMENT TO COUNTY OF WARREN,
TOWN OF CORINTH, AND SARATOGA AND NORTH CREEK RAILWAY, LLC
RAILROAD LICENSING AND OPERATING AGREEMENT**

WHEREAS, by Resolution No. 247 of 2011, the Warren County Board of Supervisors authorized and approved a Railroad Licensing and Operating Agreement between the County, the Town of Corinth, and the Saratoga and North Creek Railway, LLC, and on June 10, 2011, the said agreement was executed by the parties and is hereinafter referred to as the "Operating Agreement", and

WHEREAS, while freight rights over the Town of Corinth rail line were, among other things, addressed in the Operating Agreement, the Town also needed to reach a separate agreement with CP Rail regarding the same, and

WHEREAS, the Town and CP Rail have proposed entering into an agreement which will provide for the sale of the freight easement and the assignment of freight easement rights to Saratoga and North Creek Railway, LLC subject to CP Rail's right of first refusal to take back freight rights, said agreement containing terms and conditions different than recited in the Operating Agreement, thereby requiring amendment of the Operating Agreement, and

WHEREAS, the proposed amendment agreement is at no cost to the County of Warren and does not concern freight rights over the Warren County owned railway, now, therefore be it

RESOLVED, that the Warren County Board of Supervisors hereby approves the amendment to the Railroad Licensing and Operating Agreement and hereby authorizes and directs the Chairman of the Board to execute the aforementioned agreement which shall be in a form approved by the County Attorney and the Chairman of the Board is hereby further authorized to execute such other and further documents as may be necessary to carry out the terms and provisions of the aforesaid amendment and any other documents that may be related thereto, all in a form to be approved by the County Attorney.