

ITEM G.7  
EXTENSION OF TEMPORARY  
CROSSING AGREEMENT  
TYRIS CORP  
12/09/09



## MEMO

**To:** NCRA Board of Directors

**From:** Executive Director Mitch Stogner

**Date:** December 9, 2009

**Subject:** Extension of Temporary License – Tyris Corp.

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Last year the Board approved a temporary revocable license to the Tyris Corporation for the use of a crossing to access its property adjacent to the NCRA right-of-way in Cloverdale.

Eventually, Tyris will submit a proposal to NCRA for the use of 3 crossings for its development project. Mr. Robert Sexton (Pres. Tyris Corp.) sent a letter recently requesting a 1 year extension of the current temporary crossing license while the company continues work on the permit requirements and approvals from local agencies.

**Staff Recommendation:**

Grant a 1 year extension for calendar 2010 for Tyris Corporation to utilize the existing crossing to access its property. The proposed annual fee for this temporary crossing license is \$3,000.00 and covers the period January 1, 2010– December 30, 2010.



November 2, 2009

**VIA UPS NEXT DAY AIR**

Mr. Mitch Stogner  
North Coast Railroad Authority  
419 Talmage Road, Suite M  
Ukiah, CA 95482

Re: Extension of Temporary Crossing License – Cloverdale, CA

Dear Mr. Stogner:

As you know, on December 10, 2008 the NCRA granted Tyris Corporation a one-year extension of its temporary license agreement for a private crossing. Since that time Tyris has continued to work with the City of Cloverdale and, on June 10, 2009, obtained the City approvals necessary for its development project. The next step is the annexation of the lands into the City of Cloverdale. Tyris is currently processing an application with the Sonoma County Local Agency Formation Commission (LAFCO) and expects a hearing in the first quarter of 2010.

This letter is our request to extend the existing temporary license agreement for one additional year under the same terms and conditions. This extension will allow us the time to determine what approvals will be forthcoming from LAFCO and to reestablish negotiations with the NCRA for long-term crossing rights.

Please advise us when the Board will be hearing this request and if we should plan to be in attendance.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert H. Sexton", written in a cursive style.

Robert H. Sexton  
President

Copy: Nina Regor, Cloverdale City Manager