

**From:** Kris Anderson <dkanders01@up.com>  
**Sent:** Wednesday, May 18, 2022 2:50 PM  
**To:** Buckley, Maggie <Maggie.Buckley@jacobs.com>  
**Cc:** Kevin Rice <kprice@up.com>; Mark Mentele <mrmentel@up.com>; Greg Brigham <gabrigham@up.com>; Ryan Simpson <rsimpson@olsson.com>; Stephanie Tingley <satingle@up.com>; Assenza, Adam <adam.assenza@stb.gov>; Phoebus, Elizabeth (Betsi) <Betsi.Phoebus@jacobs.com>; Luhnnow, Glennda <Glennda.Luhnnow@jacobs.com>  
**Subject:** [EXTERNAL] RE: PIRATE I/L Additional ROE Needs

Thanks Maggie. No other UP requirements that I am aware of.

No problem on the additional City parcel. I need to follow up with them anyway on our request, so I will just add that.



## Kris Anderson

Manager - Acquisitions  
 Real Estate

**Phone:** 402-544-3162

**Fax:** 402-501-0340

**Email:** dkanders01@up.com

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**From:** Buckley, Maggie <Maggie.Buckley@jacobs.com>  
**Sent:** Wednesday, May 18, 2022 4:34 PM  
**To:** Kris Anderson <dkanders01@up.com>  
**Cc:** Kevin Rice <kprice@up.com>; Mark Mentele <mrmentel@up.com>; Greg Brigham <gabrigham@up.com>; Ryan Simpson <rsimpson@olsson.com>; Stephanie Tingley <satingle@up.com>; Assenza, Adam <adam.assenza@stb.gov>; Phoebus, Elizabeth (Betsi) <Betsi.Phoebus@jacobs.com>; Luhnnow, Glennda <Glennda.Luhnnow@jacobs.com>

**Subject:** RE: PIRATE I/L Additional ROE Needs

**\* PROCEED WITH CAUTION - This email was sent from outside the Company \***

Kris,

Thank you very much for the comprehensive update. This is very timely as we are planning to begin field work on Monday May 23<sup>rd</sup>. I will make sure that our field crew closely adheres to the access and notification requirements in your ROE matrix.

We are planning to access UP ROW along the main line but will NOT need to foul the tracks. Our crew has completed the UP Roadway Worker Protection and e-rail safe certifications and have fully trained Safety Liaisons. If there are any other safety or access requirements that we need to comply with, please let me know by this Friday May 20<sup>th</sup>.

I reluctantly have to share that we recently identified a parcel that we overlooked in our prior ROE request. Parcel 304-63-006T owned by the City of Mesa (see highlighted row attached). It falls within the 50-foot buffer around the proposed limits of disturbance. Per the snippet below, it is the purple parcel located just north of UP's 30% alignment, west of Merrill Road. I apologize for the oversight on our part and hope it is not too troublesome to add this to the request pending with the City.



Feel free to call or email me with questions.

Thank you,

**Maggie Buckley**

O: 425.233.3117

M: 206.949.5955

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**From:** Kris Anderson <[dkanders01@up.com](mailto:dkanders01@up.com)>

**Sent:** Wednesday, May 18, 2022 12:45 PM

**To:** Buckley, Maggie <[Maggie.Buckley@jacobs.com](mailto:Maggie.Buckley@jacobs.com)>

**Cc:** Kevin Rice <[kprice@up.com](mailto:kprice@up.com)>; Mark Mentel <[mrmentel@up.com](mailto:mrmentel@up.com)>; Greg Brigham <[gabrigham@up.com](mailto:gabrigham@up.com)>; Ryan Simpson <[rsimpson@olsson.com](mailto:rsimpson@olsson.com)>; Stephanie Tingley <[satingle@up.com](mailto:satingle@up.com)>; Assenza, Adam <[adam.assenza@stb.gov](mailto:adam.assenza@stb.gov)>; Phoebus, Elizabeth (Betsi) <[Betsi.Phoebus@jacobs.com](mailto:Betsi.Phoebus@jacobs.com)>; Luhnnow, Glennda <[Glennda.Luhnnow@jacobs.com](mailto:Glennda.Luhnnow@jacobs.com)>

**Subject:** [EXTERNAL] RE: PIRATE I/L Additional ROE Needs

Good afternoon Maggie,

Attached is the current ROE matrix and the written ROE's that we have. A couple of things to point out:

- If there is an expiration date for the ROE we've either noted that in the matrix, or it is contained in the written agreement.

- Note that the ROE for Ellsworth 92 LLC expires 5/26/2022 due to the property currently being in escrow. We don't know who the new buyer is, or if they will allow access, so I would encourage that we complete our inspections on this parcel by 5/26.
- We have provided copies of the written ROE's/agreements that we have. The rest of the ROE's are either verbal, or are part of agreements that contain confidential purchase terms that UP does not intend to share.
- Please take special note of the "Access Notes/Requirements" column and ensure compliance with all instructions provided therein. This is critical as we are still negotiating with many of these parties for the property we need.
- I expect to have ROE on the City of Mesa & ASLD parcels shortly, however, I do not have those agreements in hand yet. They are reviewing our request to inspect the areas outside of the current project footprint.
- I do not expect to get ROE on the Sunbelt parcel ID 304-62-005, but I will let you know if this changes.
- For those that we have not received a response, or have received a refusal, there are notes in the "Date/Method of contact" column documenting our efforts.

We will continue to work on the outstanding ROE's and will update this matrix as those come in. If you or your team have questions about specific parcels, please reach out to the specific manager noted in the "UP RE Mgr." column: either myself, Stephanie Tingley, or Ryan Simpson.

Thanks,



## Kris Anderson

Manager - Acquisitions

Real Estate

Phone: 402-544-3162

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Email: [dkanders01@up.com](mailto:dkanders01@up.com)

**From:** Kris Anderson

**Sent:** Tuesday, May 10, 2022 1:52 PM

**To:** Buckley, Maggie <[Maggie.Buckley@jacobs.com](mailto:Maggie.Buckley@jacobs.com)>; Mark Mentele <[mrmentel@up.com](mailto:mrmentel@up.com)>

**Cc:** Assenza, Adam <[adam.assenza@stb.gov](mailto:adam.assenza@stb.gov)>; Phoebus, Elizabeth

(Betsi) <[Betsi.Phoebus@jacobs.com](mailto:Betsi.Phoebus@jacobs.com)>; Luhnnow, Glennda <[Glennda.Luhnnow@jacobs.com](mailto:Glennda.Luhnnow@jacobs.com)>; Stephanie Tingley <[satingle@up.com](mailto:satingle@up.com)>; Kevin Rice <[kprice@up.com](mailto:kprice@up.com)>; Greg Brigham <[gabrigham@up.com](mailto:gabrigham@up.com)>

**Subject:** RE: PIRATE I/L Additional ROE Needs

Mark: See Maggie's request below regarding a contact for Kinder Morgan.

Maggie: We've engaged one of our real estate consultants to help expedite the process for the new ROE's. Our goal will be to get an updated matrix to you and your team by the middle of next week with the ROE's that we have obtained to date so you can start planning your work for the week of 5/23 as we discussed. From there we will continue to work on getting the remaining ROE's and provide you with a weekly update until we either receive all of the ROE's, or reach a point where all we have left are refusals/no responses.

The ROE's we will request will be for non-intrusive visual inspections, and we will be requesting a term of 60 days with the intent of Jacobs then coordinating directly with each property owner on the exact schedule for access. The matrix we provide will be in the format of the one we previously sent and include information documenting the attempts that were made for those that either refused or were unresponsive.

Should it be determined that additional investigations are needed for things like intrusive work, excavation, collections etc. we will need to approach each property owner individually for another type of ROE.

Please let me know if you have any comments or questions about the approach I've laid out above.

Please let me reach out to the Cubes regarding 304-63-006V as they are unaware of this request yet. I've attached the ROE forms for the City of Mesa Parcel (304-61-021B) and the CMC Parcel (304-63-004F). Although these are now expired, we will likely use the same forms moving forward so please review and let me know if you have any questions about the requirements contained therein. Stephanie is traveling, so she will provide copies of any written ROE's when she is back later this week.

Thanks,



**Kris Anderson**

Manager - Acquisitions

Real Estate

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**From:** Buckley, Maggie <[Maggie.Buckley@jacobs.com](mailto:Maggie.Buckley@jacobs.com)>

**Sent:** Monday, May 9, 2022 4:02 PM

**To:** Kevin Rice <[kprice@up.com](mailto:kprice@up.com)>; Kris Anderson <[dkanders01@up.com](mailto:dkanders01@up.com)>; Stephanie Tingley <[satingle@up.com](mailto:satingle@up.com)>

**Cc:** Assenza, Adam <[adam.assenza@stb.gov](mailto:adam.assenza@stb.gov)>; Phoebus, Elizabeth

(Betsi) <[Betsi.Phoebus@jacobs.com](mailto:Betsi.Phoebus@jacobs.com)>; Luhnnow, Glennda <[Glennda.Luhnnow@jacobs.com](mailto:Glennda.Luhnnow@jacobs.com)>

**Subject:** PIRATE I/L Additional ROE Needs

## **\* PROCEED WITH CAUTION - This email was sent from outside the Company \***

Kevin, Kris, and Stephanie,

We received concurrence on our Area of Potential Effect (APE) last week, so we can move forward with additional requests for rights-of-entry (ROE) to support our field work. The attached spreadsheet identifies the additional properties that we would like access to that are not addressed in your most recent ROE matrix (provided 3/24/22). We previously requested ROE to 8 of these parcels on 3/24, as identified in Column D. All others are new requests that reflect the current APE. Also attached is a map set showing the APE with parcels overlaid to share with landowners, as discussed during our call on 4/29. A few related comments and questions for you:

- Thank you for the additional information on the Kinder Morgan pipelines. Do you know if Kinder Morgan has a permanent easement through this area that we could potentially piggyback on for our field survey, rather than requesting new ROE? Can you provide a point of contact at Kinder Morgan for ongoing coordination efforts? They were not part of our prior outreach efforts to utilities.
- Per your ROE matrix, the ROE to CMC property expired on 4/30/22. Has that been renewed?
- Our reconnaissance last week revealed that due to the maturity of the current crop, we have 0% visibility on parcel 304-63-006V owned by the Cubes at Mesa Gateway. Unless you object, we will plan on reaching out to the landowner directly (whose contact info is in your ROE matrix) to inquire about the schedule for harvesting the crop, which will inform our field work schedule.
- As discussed during our call on 4/29, we would appreciate if you could share the written ROEs for those properties that have them, so our field survey team can have them in hand while they are on-site.

Please let me know if you have any follow-up questions. I am in the office all week.

Thank you,

**Maggie Buckley** | [Jacobs](https://www.jacobs.com) | Environmental Project Manager (she/her)

O: 425.233.3117 | M: 206.949.5955 | [maggie.buckley@jacobs.com](mailto:maggie.buckley@jacobs.com)

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