

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE ATTACHED LETTER AGREEMENT AMONGST THE FLORIDA EAST COAST RAILWAY, L.L.C., ALL ABOARD FLORIDA-OPERATIONS LLC, AND THE CITY OF HOLLYWOOD TO AMEND THE CITY'S EXISTING FEC CROSSING AGREEMENTS TO PROVIDE FOR INTERCITY PASSENGER RAIL ON THE RAILWAY AND TO ADD ALL ABOARD FLORIDA – OPERATIONS, LLC AS A PARTY TO THE SAID AGREEMENTS.

WHEREAS, All Aboard Florida (AAF) is making and paying for certain upgrades at railroad crossings in order to meet minimum requirements to operate passenger trains on the Florida East Coast Railway (FEC) tracks between Miami to Orlando; and

WHEREAS, through the funding support of the Broward Metropolitan Planning Organization, AAF is also implementing crossing upgrades in support of the establishment of a quiet zone; and

WHEREAS, the Letter Agreement provides that while AAF is paying for the initial passenger rail crossing improvements, their doing so does not waive the FEC's rights, pursuant to the City's existing FEC Crossing Agreements, to continue to charge for crossing upgrades and improvements in the future; and

WHEREAS, AAF is an intended third-party beneficiary of the Crossing Agreements, with the right to enforce the terms and conditions thereof; and

WHEREAS, the Letter Amendment also provides that FEC will notify the City in May of each year of what the anticipated maintenance costs for the upcoming fiscal year to be borne by the City will be so a budget allocation may be included;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That it hereby approves and authorizes execution, by the appropriate City Officials, of the attached Letter Agreement amongst Florida East Coast Railway, L.L.C., All Aboard Florida-Operations, L.L.C., and the City of Hollywood, together with such non-material changes as may subsequently be agreed to by the City Manager and approved as to form and legality by the City Attorney.

A RESOLUTION AUTHORIZING THE LETTER AGREEMENT AMONGST THE FLORIDA EAST COAST RAILWAY, L.L.C., ALL ABOARD FLORIDA-OPERATIONS LLC, AND THE CITY OF HOLLYWOOD TO AMEND THE CITY'S EXISTING FEC CROSSING AGREEMENTS

Section 2: That this resolution shall be in full force and effective immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2016.

PETER BOBER, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGALITY
for the use and reliance of the
City of Hollywood, Florida, only.

JEFFREY P. SHEFFEL, CITY ATTORNEY