

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO REIMBURSE THE FLORIDA EAST COAST RAILWAY, LLC FOR TYLER STREET CROSSING RECONSTRUCTION, PURSUANT TO THE TYLER STREET CROSSING LICENSE AGREEMENT, BETWEEN THE FLORIDA EAST COAST RAILWAY COMPANY AND THE CITY OF HOLLYWOOD, IN THE AMOUNT OF \$92,686.98.

WHEREAS, the City of Hollywood and Florida East Coast Railway (FEC) have throughout the years entered into several License Agreements, which grant the City the right to provide public roadway and sidewalk access across the railway property; and

WHEREAS, the License Agreements require the City, at its sole cost and expense, to construct, maintain, widen or improve such crossings, with the railway reserving the right to perform the work; and

WHEREAS, each year the FEC provides notice of the roadway crossings requiring reconstruction to the City in the next Fiscal Year and provides an estimate of the cost of the work in order for the City to allocate appropriate funding for such work; and

WHEREAS, notice for the reconstruction of the Tyler Street crossing was first issued on September 17, 2015, with an estimated cost of \$106,217.00, a notice of intent to work was issued on June 30, 2016, and the work was completed by FEC and/or its contractors during the week of August 22, 2016; and

WHEREAS, in accordance with the June 6, 1973 License Agreement, FEC submitted an invoice to the City in the amount of \$92,686.98 on December 15, 2016, for the Tyler Street crossing reconstruction work performed by FEC and/or its contractors seeking reimbursement; (a copy of said invoice is attached as Attachment "1"); and

WHEREAS, City staff reviewed the submitted invoices in conjunction with the June 6, 1973 License Agreement and are requesting that the City Commission authorize reimbursement to FEC for the crossing reconstruction work; and

WHEREAS, on December 3, 2014 and December 17, 2014, the City Commission passed and adopted respectively Resolution No. R-2014-356 which approved the Fiscal 2015-2019 Capital Improvement Budget and Resolution No. R-

2014-374 which amended the 2015 Adopted Budget and allocated funding for CSX/FEC Railroad Crossing Maintenance; and

WHEREAS, funding is available in account numbers  
34.1415.15330.541.004637, 36.1400.14330.541.004637 and  
36.1400.15330.541.004637;

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

Section 1: That it hereby approves and authorizes the appropriate City Officials to reimburse FEC in the amount of \$92,686.98, for Tyler Street crossing reconstruction work, as set forth in the attached invoices.

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

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
JOSH LEVY, 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.

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JEFFREY P. SHEFFEL, CITY ATTORNEY