

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 AMONG FLORIDA EAST COAST RAILWAY, ALL ABOARD FLORIDA-OPERATIONS LLC, AND THE CITY OF HOLLYWOOD TO REMOVE EXISTING TREES FROM THE FLORIDA EAST COAST RAILWAY CORRIDOR WEST LANDSCAPE EASEMENT, AS REQUIRED FOR SAFE RAILWAY TRAFFIC, IN THE AMOUNT OF \$188,794.00.

WHEREAS, the City of Hollywood and Florida East Coast Railway (FEC) have throughout the years entered into several Easement Agreements, which grant the City License to provide install landscaping, parking areas and way finding features in Railway Rights of Way; and

WHEREAS, the Easement Agreements require the City to remove any improvement installed within the easement when required due to conflicts with existing or proposed railway operations; and

WHEREAS, to maintain safety and minimize pedestrian and vehicle conflicts, railway operations require a clear area within 25' of the centerline of a railway; and

WHEREAS, All Aboard Florida (AAF) has installed a new railway line on the west side of the original FEC railway, which is in conflict with the easement area along Dixie Highway and requires removal of trees from Sheridan Street to Tyler Street on the west side of the newly installed railway; and

WHEREAS, All Aboard Florida, and their contractor Archer Western is currently working in the FEC corridor from Miami to west Palm Beach , installing traffic control devices, adjusting rail lines, improving crossings, testing the system and will soon start testing the Brightline Trains, scheduled to start full operating this summer; and

WHEREAS, working in an active railway right of way requires contractor certification by the railway company, mandatory supervision by railroad trained operators serving as Flagman and/or Employee In Charge coordinating work with approaching train traffic; and

WHEREAS, to maintain safe railway operations, reduce construction schedule conflicts, and eliminate City liability; staff recommends allowing All Aboard Florida's contractor presently working in the FEC right of way to remove trees from Sheridan Street to Tyler Street, along the west side of the newly installed train line, together with providing Maintenance of Traffic Plan approved by Broward County Traffic Engineering,

debris removal and hauling; and providing railway certified Flagmen and Employee In Charge as required to monitor and supervise work ; and

WHEREAS, use of All Aboard Florida's contractor requires a 5/7 vote of the City Commission as competitive bidding and competitive proposals for the contractual services are not in the best interest of the City pursuant to Section 38.40(C)(8) of the Purchasing Code; and

WHEREAS, the staff has evaluated the scope of the work including, Maintenance of Traffic Plan, tree removal, stump grinding, site grading, debris hauling, railway traffic and work safety coordination, site and working conditions, and finds the price proposal to be fair and reasonable; and

WHEREAS, on January 18, 2017 the City Commission approved R-2017-009 which amending the Capital Improvement Plan budget, authorized the Tree Removal for East Coast Railroad Corridor project and allocated funds to the project and funds are available in account number 34.1417.17533.541.006304;

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 among Florida East Coast Railway, All Aboard Florida Operations, LLC and the City of Hollywood, together with such non-material changes as may be acceptable to the City Manager and approved as to form and legality by the City Attorney.

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.

JOSHUA 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.

JEFFREY P. SHEFFEL, CITY ATTORNEY