

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, APPROVING AND AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE JOHNSON STREET RAILROAD CROSSING LICENSE AGREEMENT WITH THE FLORIDA EAST COAST RAILROAD COMPANY.

WHEREAS, on November 9, 1977, the City Commission passed and adopted Resolution No. R-77-149 authorizing the appropriate City officials to execute a license agreement with the Florida East Coast Railroad Company ("FEC") for the Johnson Street railroad crossing; and

WHEREAS, Broward County has received federal grant funding to make improvements to the Johnson Street railroad crossing area; and

WHEREAS, the proposed Broward County improvements extend beyond the footprint of the existing Johnson Street license agreement, and FEC has determined that it is necessary to replace the existing license agreement with a new license agreement; and

WHEREAS, the new Johnson Street railroad crossing license agreement extends the limits of the agreement to include the area of improvements to be made by Broward County; and

WHEREAS, the agreement is for an initial term of one year and shall continue in effect from year to year, subject to termination by FEC or the City upon 60 days prior written notice by either party; and

WHEREAS, the City shall pay an annual license fee in advance to FEC in the amount of \$9,000.00, which shall increase each year commencing on the anniversary date of the second year of the agreement; and

WHEREAS, the City shall also pay an annual maintenance fee for warning devices as set forth by the Florida Department of Transportation's Schedule of Annual Cost of Automatic Highway Grade Crossing Traffic Control Devices, with the current annual fee of \$8,930.00; and

WHEREAS, funding will be made available in account number 334.149901.54100.546370.000091.000.000 and will be requested in subsequent fiscal years; and

WHEREAS, the attached License Agreement cancels and supersedes any other license agreements between the FEC and the City with respect to the matters contained herein, and more specifically, the Johnson Street Railroad Crossing Reimbursement Agreement dated February 14, 2007, approved by the City Commission pursuant to Resolution R-2006-417.

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

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Resolution.

Section 2: That it approves and authorizes the execution, by the appropriate City officials, of the attached Johnson Street Railroad Crossing License Agreement with Florida East Coast Railroad Company, together with such non-material changes as may be subsequently agreed to by the City Manager and approved as to form and legal sufficiency by the City Attorney

Section 3: That this Resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2022.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

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

DOUGLAS R. GONZALES
CITY ATTORNEY