

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 THE RECONSTRUCTION OF THE TAFT STREET AND MONROE STREET CROSSINGS PURSUANT TO THE TAFT STREET AND MONROE STREET CROSSING LICENSE AGREEMENTS BETWEEN THE FLORIDA EAST COAST RAILWAY COMPANY AND THE CITY OF HOLLYWOOD IN THE ESTIMATED AMOUNT OF \$237,706.06 UPON RECEIPT OF THE FINAL INVOICES AND COMPLETION OF WORK.

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 expenses, 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 Taft Street and Monroe Street crossings was first issued on July 22, 2016, with an estimated cost of \$118,853.03 for each location, resulting in a total estimated cost in the amount of \$237,706.06; a notice of intent to work was issued on June 21, 2017, and the work was initiated on August 22, 2017; and

WHEREAS, in accordance with the June 7, 1972 License Agreements for both locations, it is anticipated that FEC will subsequently submit an invoice to the City in the amount of \$237,706.06 upon completion of the project close out for the work performed by FEC and/or its contractors seeking reimbursement; and

WHEREAS, City staff will review the associated invoice(s) upon receipt in conjunction with the June 7, 1972 License Agreements, and is requesting that the City Commission authorize reimbursement to FEC for the crossing reconstruction work; and

WHEREAS, on October 4, 2017, the City Commission passed and adopted Resolution No. R-2017-295, which continued the appropriation for previously approved Capital Projects from FY 17 to FY 18 and included the funding for the FEC maintenance projects; and

WHEREAS, funding is available in account numbers 34.1400.17330.541.004637, 34.1400.14330.541.004637 and 36.1400.17338.541.006301;

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 estimated amount of \$237,706.06, for Taft Street and Monroe Street crossing reconstruction work as set forth in the attached project cost estimates, upon receipt of actual invoices and completion of all associated work.

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.

ALAN FALLIK, ACTING CITY ATTORNEY