

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, APPROVING AND AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO REIMBURSE THE FLORIDA EAST COAST RAILWAY, LLC FOR THE RECONSTRUCTION OF THE HOLLYWOOD BOULEVARD CROSSING PURSUANT TO THE HOLLYWOOD BOULEVARD CROSSING LICENSE AGREEMENT WITH THE FLORIDA EAST COAST RAILWAY COMPANY IN THE AMOUNT OF \$157,043.91.

WHEREAS, the City 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 Hollywood Boulevard crossing was first issued on July 10, 2017, with an estimated cost of \$173,576.60 for this location, a notice of intent to work was issued on March 1, 2018, and the work was initiated on May 24, 2018; and

WHEREAS, in accordance with the January 6, 1993 License Agreement, FEC has completed all work and subsequently submitted an invoice to the City in the amount of \$157,043.91 upon completion of the project close out for the work performed by FEC and/or its contractors seeking reimbursement; and

WHEREAS, City staff has reviewed the associated invoice(s) in conjunction with the January 6, 1993 License Agreements, and are requesting that the City Commission authorize reimbursement to FEC for the crossing reconstruction work; and

WHEREAS, on September 26, 2018, the City Commission passed and adopted Resolution No. R-2018-302, which approved funding for FY19 Capital Projects, including funding for FEC crossing maintenance projects; and

WHEREAS, funding is available in account number 336.149901.54100.563010.001123.000.000.

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 appropriate City officials to reimburse FEC in the amount of \$157,043.91 for Hollywood Boulevard crossing reconstruction work as set forth in the attached project invoice.

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

PASSED AND ADOPTED this _____ day of _____, 2018.

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