

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT BY AND BETWEEN FLORIDA EAST COAST RAILWAY, LLC, ALL ABOARD FLORIDA – OPERATIONS, LLC, AND THE CITY OF RIVIERA BEACH, FOR IMPROVEMENTS TO A RAILWAY CROSSING LOCATED AT WEST 13<sup>TH</sup> STREET, WHICH IS COVERED BY AN EXISTING CROSSING LICENSE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Florida East Coast Railway (hereinafter “FECR”) operates a rail corridor located within the boundaries of the City of Riviera Beach (hereinafter “City”); and

**WHEREAS**, the City roadway known as West 13<sup>th</sup> Street (FKA Flagler Avenue) crosses the aforementioned railway immediately east of President Barack Obama Highway; and

**WHEREAS**, FECR had previously entered into a license agreement with the City associated with West 13<sup>th</sup> Street on November 5, 2003 by Resolution No. 244-03; and

**WHEREAS**, All Aboard Florida – Operations, LLC, (hereinafter “AAF”) is developing an intercity passenger rail service from Miami to Orlando, to be located within FECR’s railway right-of-way (hereinafter “Project”); and

**WHEREAS**, FECR intends to allow AAF to utilize its rail corridor for this Project; and

**WHEREAS**, in order to accommodate the Project, it is necessary for AAF to install a second rail track which requires improvement, alteration and construction to the existing West 13<sup>th</sup> Street rail crossing; and

**WHEREAS**, AAF has agreed to incur all costs related to the crossing improvements to the extent required for the Project to ensure safety and to commence passenger rail service; and

**WHEREAS**, the Agreement, attached hereto as “Exhibit 1”, has been reviewed for legal sufficiency; and

**WHEREAS**, the City finds that the terms of this agreement will benefit the safety and welfare of the public.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:**

**SECTION 1.** The City Council hereby finds that the foregoing recitals are true and correct and are hereby incorporated herein by reference.

**SECTION 2.** The City Council hereby authorizes the Mayor and City Clerk to execute the Railway Crossing Improvement Agreement the Florida East Coast Railway, LLC, All Aboard Florida – Operations, LLC, and the City of Riviera Beach.

**SECTION 3.** The aforementioned Railway Crossing Improvement Agreement attached hereto as Exhibit '1' and shall be archived as a part of this Resolution.

**SECTION 4.** The Director of Finance and Administrative Services is hereby authorized to receive and disburse funds as required in accordance with the Agreement.

**SECTION 5.** Should any one or more of the provisions or element of this Resolution be held invalid, such provision or element shall be null and void, and shall be deemed separate from the remaining provisions or elements and shall in no way affect the validity of any of the remaining provisions or elements of this resolution.

**SECTION 6.** This Resolution shall take effect immediately upon approval.

**PASSED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.**

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APPROVED:

\_\_\_\_\_  
THOMAS A. MASTERS  
MAYOR

\_\_\_\_\_  
TERENCE D. DAVIS  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
CLAUDENE L. ANTHONY  
CERTIFIED MUNICIPAL CLERK  
CITY CLERK

\_\_\_\_\_  
KASHAMBA MILLER-ANDERSON  
CHAIR PRO TEM

\_\_\_\_\_  
LYNNE L. HUBBARD  
COUNCILPERSON

\_\_\_\_\_  
TONYA DAVIS JOHNSON  
COUNCILPERSON

\_\_\_\_\_  
DAWN S. PARDO  
COUNCILPERSON

MOTIONED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

L. HUBBARD \_\_\_\_\_

K. MILLER-ANDERSON \_\_\_\_\_

T. DAVIS JOHNSON \_\_\_\_\_

D. PARDO \_\_\_\_\_

T. DAVIS \_\_\_\_\_

REVIEWED AS TO LEGAL SUFFICIENCY

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ANDREW DEGRAFFENREIDT, ESQ.  
CITY ATTORNEY

DATE: \_\_\_\_\_