

RESOLUTION NO. 120-16

**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 8<sup>th</sup> day of September, 2016.**

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APPROVED:

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

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

ATTEST:

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

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

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

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

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

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

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

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

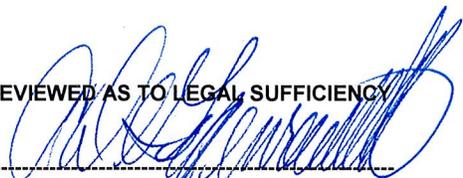
K. MILLER-ANDERSON \_\_\_\_\_

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

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

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

REVIEWED AS TO LEGAL SUFFICIENCY



ANDREW DEGRAFFENREIDT  
CITY ATTORNEY

DATE: 9/13/10

RESOLUTION NO. 124-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA, EXTENDING THE TERM OF ATTORNEY COREY SMITH AS SPECIAL MASTER FOR CODE ENFORCEMENT HEARINGS, UNSAFE BUILDING HEARINGS AND FOR OTHER CITY HEARINGS; AUTHORIZING THE MAYOR AND CITY CLERK TO EXTEND THE LEGAL SERVICES AGREEMENT FOR THE SAME; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City appointed attorneys Corey Smith by Resolution No. 98-14 and City Council approval September 17, 2014, to serve as a special master for code enforcement hearings, unsafe building hearings, and for other city hearings;

**WHEREAS**, the Mayor and City Clerk executed the Legal Services Agreement for the same, providing for a term of two years commencing on September 17, 2014, with the option to extend the term of the agreement for additional two (2) year periods should the Attorneys wish to renew the Agreement for an additional Term;

**WHEREAS**, Corey Smith wishes to renew the Legal Services Agreement for an additional Term;

**WHEREAS**, the City Council hereby extends the Legal Services Agreement of Corey Smith for an additional two (2) year period, the original agreement is attached hereto.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, FLORIDA, that:**

**SECTION 1.** The foregoing WHEREAS clauses are incorporated into this Resolution as true and correct statements and findings.

**SECTION 2.** The City Council hereby extends the legal services of attorney Corey Smith as special master for code enforcement hearings, unsafe building hearings and other City hearings as requested by City staff.

**SECTION 3.** The Mayor and City Clerk are authorized to extend the attached legal services agreements with attorney Corey Smith for an additional two (2) year period.

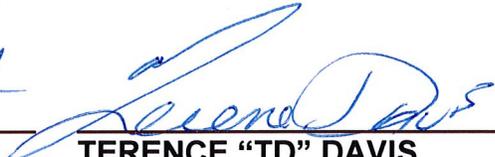
**SECTION 4.** The provisions of this Resolution are declared to be severable and if any section, sentence, clause, or phrase of this Resolution shall for any reason be held to be invalid or unconstitutional such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Resolution, but they shall remain in effect it being the legislative intent that this Resolution shall stand notwithstanding the invalidity of any part.

**SECTION 5.** This resolution shall take effect immediately upon passage and approval by City Council.

**PASSED and APPROVED** this 19th day of October, 2016.

APPROVED:

  
 THOMAS A. MASTERS  
 MAYOR

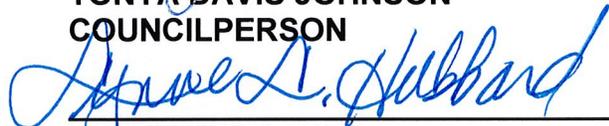
  
 TERENCE "TD" DAVIS  
 CHAIRPERSON

ATTEST:

  
 CLAUDENE L. ROBINSON  
 CITY CLERK

Absent for signature  
 KASHAMBA L. MILLER-ANDERSON  
 CHAIR PRO TEM

  
 TONYA DAVIS JOHNSON  
 COUNCILPERSON

  
 LYNNE HUBBAND  
 COUNCILPERSON

Absent for signature  
 DAWN PARDO  
 COUNCILPERSON

MOTIONED BY: L. HUBBARD

SECONDED BY: K. MILLER-ANDERSON

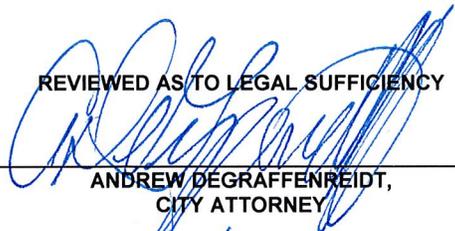
T.D. DAVIS AYE

K. MILLER AYE

T. DAVIS AYE

L. HUBBARD AYE

D. PARDO AYE

REVIEWED AS TO LEGAL SUFFICIENCY  
  
 ANDREW DEGRAFFENREIDT,  
 CITY ATTORNEY

DATE: 9/19/16