

## TEU AMENDMENT

The Transportation, Energy & Utilities Committee offers the following amendment to File No. 2021-293:

- (1) On **page 1, line 9, strike "9," and insert "7,";**
- (2) On **page 1, line 19, strike "SHORT-LINE";**
- (3) On **page 1, line 22, after "ACL 1504;" insert "PROVIDING FOR WAIVER OF SECTION 122.812(C) (3) (SURPLUS, OBSOLETE AND WASTE SUPPLIES AND OTHER TANGIBLE PERSONAL PROPERTY), ORDINANCE CODE, REGARDING THE REQUIREMENT FOR A REVERTER CLAUSE;"**;
- (4) On **page 1, line 22, strike "REVERTER;" and insert "RIGHT OF FIRST REFUSAL;"**;
- (5) On **page 2, line 9** after "ACL 1504," **insert "located at 1000 West Bay Street and situated on the grounds of the Prime Osborn Convention Center, in Council District 7,"**;
- (6) On **page 2, line 22, strike "as a "fundraising" train" and insert "to power a tourist train";**
- (7) On **page 2, line 23, strike "short-line";**
- (8) On **page 2, line 31, after "agreed that" insert "it will use the locomotive to operate a special "fundraising" train within the first year of ACL 1504's return to service, with";**
- (9) On **page 3, line 1, strike "the first year of operations will go" and insert "that "fundraising" train going";**
- (10) On **page 3, lines 8-16 strike Section 4 (Reverter) in its entirety and insert a new Section 4 and Section 5 to read as follows:**

**"Section 4. Waiver of Section 122.812(c) (3) (Surplus, obsolete and waste supplies and other tangible personal property), Ordinance Code. Section 122.812(c) (3) (Surplus,**

obsolete and waste supplies and other tangible personal property), *Ordinance Code*, is hereby waived as to the requirement for inclusion of a reverter clause in the disposition of ACL 1504, such that NFC-NRHS or any subsequent owner of ACL 1504 will not be required to return the locomotive to the City should it cease to be used for the public purpose stated herein.

**Section 5. Right of First Refusal.** The disposition authorized herein is conditioned upon the refurbishment and continued preservation of ACL 1504 for the purposes set forth herein and is further conditioned upon NFC-NRHS being provided a right of first refusal to re-acquire ACL 1504 should Sugar Express or any subsequent owner seek to sell or otherwise dispose of ACL 1504 or cease to refurbish and preserve the locomotive for the purposes set forth herein. In the event NCF-NRHS exercises its right of first refusal to re-acquire ACL 1504, NCF-NRHS may assume the obligation to preserve and continue operating ACL 1504 for the purposes set forth herein or it may convey and physically return the locomotive to the City, at no cost to the City. NCF-NRHS shall include this right of first refusal in any and all documents effectuating a sale or transfer of ownership of ACL 1504.”;

- (11) Renumber remaining Sections accordingly;
- (12) On **page 1, line 1**, amend the introductory sentence to add that the bill was amended as reflected herein.

Form Approved:

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Office of General Counsel

Legislation Prepared By: Mary E. Staffopoulos

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