

1 Introduced by the Council President at the request of the Mayor and
2 amended the Transportation, Energy and Utilities Committee:

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5 **ORDINANCE 2019-383-E**

6 AN ORDINANCE AUTHORIZING THE MAYOR AND
7 CORPORATION SECRETARY TO EXECUTE AND DELIVER A
8 STIPULATION AGREEMENT AMONG THE CITY OF
9 JACKSONVILLE, FLORIDA EAST COAST RAILWAY, LLC,
10 AND THE STATE OF FLORIDA DEPARTMENT OF
11 TRANSPORTATION (FDOT) PROVIDING FOR THE
12 PERMANENT CLOSING OF A RAILROAD-HIGHWAY PUBLIC
13 AT GRADE CROSSING AT GARY STREET AND A
14 RAILROAD-HIGHWAY PUBLIC AT GRADE CROSSING AT
15 NALDO AVENUE; PROVIDING AN EFFECTIVE DATE.

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17 **BE IT ORDAINED** by the Council of the City of Jacksonville:

18 **Section 1. Authorization.** The Mayor, or his designee, and
19 the Corporation Secretary are hereby authorized to execute and
20 deliver a Stipulation Agreement among the City of Jacksonville,
21 Florida East Coast Railway, LLC, and the State of Florida
22 Department of Transportation (FDOT), in substantially the form
23 placed **Revised On File** with the Office of Legislative Services. The
24 City has filed an application with FDOT to offset the expansion of
25 the Nira Street railroad-highway public at grade crossing to close
26 permanently a railroad-highway public at grade crossing at Gary
27 Street and a railroad-highway public at grade crossing at Naldo
28 Avenue. The City assumes the cost of providing all necessary
29 materials to install a pedestrian grade crossing surface and the
30 automated railroad grade crossing warning device on the north side

1 of the Nira Street crossing. The City also assumes the cost of
2 removing all evidence of the crossing at Naldo Avenue, restoring
3 the Railway's right-of-way, and providing permanent closure signs
4 and object markers. The City will also enter into a separate
5 agreement with the Railway to pay an annual license fee and
6 maintenance fee for the crossing surface, including all track bed
7 and rail components and the highway roadbed for the width of the
8 rail ties within the crossing area at Nira Street railroad-highway
9 public at grade crossing.

10 **Section 2. Effective Date.** This ordinance shall become
11 effective upon signature by the Mayor or upon becoming effective
12 without the Mayor's signature.

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14 Form Approved:

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16 /s/ Paige Hobbs Johnston

17 Office of General Counsel

18 Legislation prepared by: James R. McCain, Jr.

19 GC-#1289854-v1-2019-383-E