

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2019-383**

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

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

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

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

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12 Form Approved:

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14 /s/ James R. McCain, Jr.

15 Office of General Counsel

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

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