



## Legislation Details (With Text)

**File #:** 21-713      **Version:** 2      **Name:**

**Type:** Ordinance / Regular Agenda      **Status:** Passed

**File created:** 7/14/2021      **In control:** City Commission

**On agenda:** 9/14/2021      **Final action:** 9/14/2021

**Title:** P.H. 2021-98: (PUBLIC HEARING 1ST READING)  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LEASE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND FEC ROW, LLC FOR BUS STOPS LOCATED WITHIN RAILWAY RIGHT-OF-WAY ALONG THE EASTERN BORDER OF DIXIE HIGHWAY BETWEEN NW 3RD STREET AND SAMPLE ROAD; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$76,123 (5-year lease total) plus \$20,853.25 for 20-months backpay to FEC)

SECOND READING: JULY 27, 2021

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. CA Communication.pdf, 2. First Reading Ordinance.pdf, 3. Second Reading Ordinance.pdf, 4. 2016 FDOT Dixie Transfer Agreement.pdf, 5. FEC Lease Redlined.pdf, 6. FEC Lease Final.pdf, 7. Exhibit A.pdf, 8. Exhibit B.pdf, 9. Certificate of Insurance.pdf

Date	Ver.	Action By	Action	Result
9/14/2021	2	City Commission	APPROVED FIRST READING	Pass
7/27/2021	1	City Commission	APPROVED AS AMENDED	Pass

**P.H. 2021-98: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LEASE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND FEC ROW, LLC FOR BUS STOPS LOCATED WITHIN RAILWAY RIGHT-OF-WAY ALONG THE EASTERN BORDER OF DIXIE HIGHWAY BETWEEN NW 3RD STREET AND SAMPLE ROAD; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$76,123 (5-year lease total) plus \$20,853.25 for 20-months backpay to FEC)

**SECOND READING: JULY 27, 2021**

(Staff Contact: John Sfiropoulos)

**Summary Explanation/Background:**

On March 22, 2016, the City acquired a segment of Dixie Highway from FDOT through a Transfer Agreement (attached). This segment of Dixie Highway between McNab Rd and Sample Rd includes thirteen (13) bus stops that are within Florida East Coast (FEC) Railway right-of-way. The 2016 Transfer Agreement included a provision that City would be responsible for arrangements with the FEC for continued use of these existing bus stops located within this corridor. The previous lease agreement was between the FDOT and the FEC. In order for these thirteen (13) bus stops to continue operations within the FEC right-of-way, the attached 5-year lease will be required to be entered into between City and FEC at a total cost of \$76,123 broken up over 5 years and

paid annually. In addition, \$20,853.25 is owed to FEC as backpay from previous lease expiration date of Jan 25th, 2020 to present.

**Origin of request for this action:** Staff

**Fiscal impact and source of funding:** \$76,123 (5-year lease total) plus \$20,853.25 for 20-months backpay to FEC from budgeted funds in Account 001-3030-530.44-10. Fiscal year 2022-2026 to be funded as part of adopted budget in each respective year.