

CONTRACT, LEASE, AGREEMENT CONTROL FORM

Date: 01/20/2021

Contract/Lease Control #: C21-3035-PW

Procurement#: NA

Contract/Lease Type: AGREEMENT

Award To/Lessee: FLORIDA GULF & ATLANTIC RAILROAD, LLC

Owner/Lessor: OKALOOSA COUNTY

Effective Date: 01/19/2021

Expiration Date: INDEFINITE

Description of: CROSSING SIGNAL MAINTENANCE AGREEMENT

Department: PW

Department Monitor: AUTREY

Monitor's Telephone #: 850-689-5772

Monitor's FAX # or E-mail: JAUTREY@MYOKALOOSA.COM

Closed:

Cc: BCC RECORDS

**PROCUREMENT/CONTRACT/LEASE
INTERNAL COORDINATION SHEET**

Procurement/Contract/Lease Number: TBD Tracking Number: 3979-20
Procurement/Contractor/Lessee Name: FG-2A Railroad Grant Funded: YES ___ NO X
Purpose: assignment
Date/Term: indefinite 1. GREATER THAN \$100,000
Department #: _____ 2. GREATER THAN \$50,000
Account #: _____ 3. \$50,000 OR LESS
Amount: _____
Department: Auty Dept. Monitor Name: PW

Purchasing Review

Procurement or Contract/Lease requirements are met:
Whita Mason Date: 3-17-2020
Purchasing Manager or designee Jeff Hyde, DeRita Mason, Jessica Darr, Angela Etheridge

2CFR Compliance Review (if required)

Approved as written: NO federal funds Grant Name: _____
_____ Date: _____
Grants Coordinator Danielle Garcia

Risk Management Review

Approved as written: see email attached Date: 5-5-2020
Risk Manager or designee Edith Gibson or Karen Donaldson

County Attorney Review

Approved as written: see email attached Date: 3-17-2020
County Attorney Lynn Hoshihara, Kerry Parsons or Designee

Department Funding Review

Department funding confirmed: _____ Date: _____

DeRita Mason

From: Parsons, Kerry <KParsons@ngn-tally.com>
Sent: Tuesday, March 17, 2020 9:24 AM
To: DeRita Mason
Cc: Lynn Hoshihara
Subject: RE: FG&A Signalization invoices [Annual Maintenance Okaloosa County C05-1241-PW CSX]-2

This is approved for legal purposes.

Kerry A. Parsons, Esq.
**Nabors
Giblin &
Nickerson**
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From: DeRita Mason <dmason@myokaloosa.com>
Sent: Tuesday, March 17, 2020 10:20 AM
To: Parsons, Kerry <KParsons@ngn-tally.com>
Cc: Lynn Hoshihara <lhoshihara@myokaloosa.com>
Subject: RE: FG&A Signalization invoices [Annual Maintenance Okaloosa County C05-1241-PW CSX]-2

See updated attached.

DeRita Mason



DeRita Mason
Contracts and Lease Coordinator
Okaloosa County Purchasing Department
5479A Old Bethel Road
Crestview, Florida 32536
(850) 689-5960

DeRita Mason

From: Karen Donaldson
Sent: Tuesday, May 5, 2020 2:59 PM
To: DeRita Mason
Subject: RE: FG&A Signalization invoices [Annual Maintenance Okaloosa County C05-1241-PW CSX]

I remember this one now. There is no insurance on this one which I questioned but I was told we don't require it. Therefore, this is approved by risk management – there is no insurance element.

Thank you

Karen Donaldson

Karen Donaldson
Claims Examiner
Public Records and Contracts Specialist
Okaloosa County Risk Management
302 N Wilson Street, Suite 301
Crestview, Fl. 32536
850.683.6207
KDonaldson@myokaloosa.com



Please note: Due to Florida's very broad public records laws, most written communications to or from county employees regarding county business are public records, available to the public and media upon request. Therefore, this written e-mail communication, including your e-mail address, may be subject to public disclosure.

From: DeRita Mason <dmason@myokaloosa.com>
Sent: Tuesday, May 5, 2020 2:44 PM
To: Karen Donaldson <kdonaldson@myokaloosa.com>
Subject: FW: FG&A Signalization invoices [Annual Maintenance Okaloosa County C05-1241-PW CSX]

I can't find where you approved the attached.
Can you look and see if you did and forward it to me or if you didn't, please review and approve.

Thank you,

DeRita Mason

CONTRACT#: C21-3035-PW
FLORIDA GULF & ATLANTIC RAILROAD, INC.
CROSSING SIGNAL MAINTENANCE AGREEMENT
EXPIRES: INDEFINITE

CONTRACT ASSIGNMENT FOR CROSSING SIGNAL MAINTENANCE

THIS ASSIGNMENT AGREEMENT made this JAN 19 2021 is entered into by and between Okaloosa County, a political subdivision of the State of Florida, by and through its Board of County Commissioners, situated at 1250 N. Eglin Parkway, Shalimar, Florida 32579 (hereinafter the "County"), and Florida Gulf & Atlantic Railroad, LLC, (hereinafter the "Assignee") a Delaware limited liability company with a principal place of business at 1515 S. Federal Highway, Suite 404, Boca Raton, Florida 33432.

WHEREAS, the Assignee acquired from CSX Transportation, Inc. (hereinafter the "Assignor") certain Railroad Reimbursement Agreements listed on the attached Exhibit A for occupation of rights-of-way or property at ten (10) different locations within Okaloosa County (hereinafter, collectively, the "Agreements"); and

WHEREAS, the Agreements have indefinite expiration dates; and

WHEREAS, the Assignee represents to the County that it has succeeded to all rights and obligations under the Agreements; and

WHEREAS, this Contract is retroactively dated back to January 2019 and all funds due and owing from that point forward shall be paid by the County to the Assignee; and

WHEREAS, the Assignee has authorized a third Party, Omega Rail Management, Inc., a Delaware corporation with a principal of business at 4721 Trousdale Dr., Ste. 206, Nashville, TN 37220 to act as their representative and to provide real estate management and development services; and

WHEREAS, Florida Administrative Code 14-57.011 Public Railroad-Highway Grade Crossing establishes the degree the County and railroad participate in the cost of public railroad crossings; and

WHEREAS, the County has determined that it is in the best interest of the County to enter into this Assignment Agreement with the Assignee.

NOW THEREFORE, the parties agree as follows:

1. The parties confirm that billing is in arrears and payments are due by January 1st each year.
2. Fee schedules can be changed by the Assignee with 30 days' prior written notice to the County.
3. Except as herein provided, this Assignment Agreement shall not be construed as canceling or otherwise making void any of the provisions of the Agreements and the Agreements shall remain in full force and effect in accordance with all other terms thereof.

EXHIBIT A

CLASS III SIGNALS

CONTRACT #	LOCATION	JURISDICTION	CY 2019 ANNUAL FEE
1. DOT339783N	KELLY MILL RD	HOLT, FL	\$1,800
2. DOT339784V	COOPER LAND	HOLT, FL	\$1,800
3. DOT339785C	MAIN ST	HOLT, FL	\$1,800
4. DOT339788X	SUMMERTIME RD	HOLT, FL	\$1,800
5. DOT339789E	HOLLAND RD	GALIVER, FL	\$1,800
6. DOT339790Y	C-189	GALIVER, FL	\$1,800
7. DOT339792M	GILMORE RD	MILLIGAN, FL	\$1,800
8. DOT339795H	AL GILMAN RD	MILLIGAN, FL	\$1,800
9. DOT339797W	ANTIOCH CHURCH RD	MILLIGAN, FL	\$1,800
10. DOT339803X	OKALOOSA LANE	CRESTVIEW, FL	\$1,800