

MEMORANDUM

TO: MAYOR AND CITY COMMISSION
FROM: CITY ATTORNEY'S OFFICE
DATE: December 15, 2025
RE: **Termination Agreement with FDOT for the New York Avenue Pedestrian Overpass Project**

Attached for your consideration is a Termination Agreement for the New York Avenue Pedestrian Overpass project in Downtown Lakeland. On June 24, 2025, the City, Florida Department of Transportation and CSX Transportation, Inc. entered into a three-party Railroad Reimbursement Agreement through which CSX granted aerial rights and established approval processes for the Florida Department of Transportation (FDOT) to construct the bridge over its rail line. That executed Agreement also committed FDOT to fund the materials for this overpass and other elements such as watchman/flagging services, liability insurance and costs to modify signal wire lines and other facilities within CSX's right of way. The City committed to accepting jurisdiction, ownership, liability and maintenance responsibilities for this overpass when construction is completed.

During the 2025 Florida Legislative Session, several sources of revenue to fund the New York Overpass and other rail-related projects around the state were eliminated by House Bill 7031, approved by the Governor and Filed with the Secretary of State on June 30, 2025 as Chapter 2025-208. The Termination Agreement is requested by FDOT due to the loss of the funding, including the amount budgeted for the construction phase that was to be provided by FDOT in March 2026.

It is recommended that the City Commission approve the attached Termination Agreement and authorize the appropriate City officials to execute same. It is also recommended that the City Commission request that the deleted New York Avenue Pedestrian Overpass project and other rail-related projects in Polk County that have been deleted in 2025 be added back into the FDOT Work Program at the earliest available opportunity.

Attachment

TERMINATION AGREEMENT
GRADE SEPARATED PEDESTRIAN BRIDGE OVERPASS

FINANCIAL PROJECT NO.	ROAD NAME OR NUMBER	COUNTY NAME	PARCEL & R/W NUMBER	FAP NUMBER
436656-1-57-01	New York Avenue	Polk	01 16000-PREL	N/A

THIS CANCELLATION AGREEMENT, made and entered this _____ day of _____, _____, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the DEPARTMENT, and CSX TRANSPORTATION, INC., a corporation duly authorized to do business in the State of Florida, with its principal place of business in the City of Jacksonville, County of Duval, State of Florida, hereinafter called the COMPANY; and the City of LAKELAND, a municipal corporation, hereinafter called the CITY, collectively, hereinafter called the PARTIES.

In consideration of the mutual undertakings as herein set forth, the PARTIES agree as follows:

1. On June 4, 2025 the DEPARTMENT, the CITY, and the COMPANY entered into a RAILROAD REIMBURSEMENT AGREEMENT, hereinafter "AGREEMENT" whereby the COMPANY agreed to perform certain services for the DEPARTMENT and CITY under Financial Project ID 436656-1-57-01.
2. As the PARTIES have decided not to proceed with the project and As the DEPARTMENT has no obligation to pay under said AGREEMENT per paragraph 23, page 6 which made payment contingent upon an annual appropriation by the Florida Legislature, which was neither granted nor funded, this CANCELLATION AGREEMENT is mutually agreed upon.

THEREFORE: As said project has been cancelled, the PARTIES hereby agree to terminate the AGREEMENT, and each of the PARTIES hereby releases and discharges the others from any other further claims or demands thereunder.

REMAINDER OF PAGE PURPOSEFULLY LEFT BLANK

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their duly authorized officers on the day and year first written above.

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

BY: _____

(Title: Director of Transportation Development)

CSX TRANSPORTATION INC.

BY: _____

(Title: CSX Public Projects Manager)

CITY OF LAKELAND, FLORIDA

BY: _____

(Title: _____)

Legal Review

Approved as to Funds Deletion

BY: _____
Comptroller – DOT Date

DS
DC