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3 **RESOLUTION NO. 2012-24**
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5 A RESOLUTION OF THE VILLAGE COMMISSION
6 OF THE VILLAGE OF BISCAYNE PARK, FLORIDA,
7 ACKNOWLEDGING AND ACCEPTING FLORIDA
8 EAST COAST RAILWAY'S AUTHORIZATION AND
9 REQUEST TO ENFORCE TRESPASSING AND
10 CRIMINAL LAWS OF THE STATE OF FLORIDA ON
11 PROPERTIES OWNED BY FLORIDA EAST COAST
12 RAILWAY; PROVIDING FOR AN EFFECTIVE DATE
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14
15 WHEREAS, the Village of Biscayne Park is a municipality that borders the Florida
16 East Coast Railway; and
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18 WHEREAS, the Village of Biscayne Park, as well as the Florida East Coast
19 Railway, has recognized that the violation of criminal trespassing and other laws on the
20 railway's right-of-way is a safety concern for both violators as well as train crews; and
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22 WHEREAS, trespassing on the East Coast Railway right-of-way can result in
23 individuals being seriously injured or killed when struck by moving trains or other railway
24 equipment; and
25

26 WHEREAS, other violations occurring on the Railway's right-of-way is often
27 associated with other crimes committed within the community; and
28

29 WHEREAS, the goal of the Village of Biscayne Park and the Florida East Coast
30 Railway is to reduce the amount of these violations on the Railway right-of-way and within
31 the Village of Biscayne Park; and
32

33 WHEREAS, the Florida East Coast Railway has authorized and requests all Florida
34 police departments to enforce the trespassing and criminal laws of the State of Florida on
35 the right-of-way and properties owned by the Florida East Coast Railway and to
36 communicate with and/or arrest any unauthorized person committing violations of those
37 laws; and
38

39 WHEREAS, the Chief of Police for the Florida East Coast Railway Police or his
40 agents will assist with the prosecution of those arrested for trespassing or other violations of
41 the criminal laws of the State of Florida; and
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43 WHEREAS, the Florida East Coast Railway has provided an affidavit of
44 authorization to be in effect indefinitely authorizing and requesting the Village to enforce
45 trespassing laws on its property; and
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47 WHEREAS, the Village Commission finds it in the best interest of its citizenry to
48 pass this Resolution; now, therefore
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51 **BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE VILLAGE**
52 **OF BISCAYNE PARK, FLORIDA, THAT:**
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55 **Section 1.** The foregoing "WHEREAS" clauses are true and correct and hereby
56 ratified and confirmed by the Village Commission.

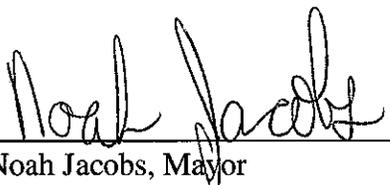
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2 **Section 2.** The Village Commission hereby recognizes the Florida East Coast
3 Railway's authorization and request of the Village to enforce trespass and other criminal
4 laws, and the Village of Biscayne Park supports such authorization to help ensure the safety
5 of the public as well as train crews operated by the Florida East Coast Railway.
6

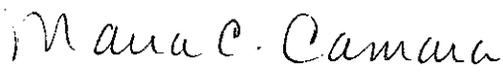
7 **Section 3.** The Village of Biscayne Park Police Department shall take any and
8 all appropriate action to enforce trespassing and other criminal laws on the East Coast
9 property and supports the spirit of this Resolution.
10

11 **Section 4.** The Village Clerk shall transmit a copy of this Resolution to the
12 Florida East Coast Railway, LLC.
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14 **Section 5.** This Resolution shall become effective upon adoption.
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16 PASSED AND ADOPTED this 5th day of June, 2012.
17

18
19 
20
21 _____
22 Noah Jacobs, Mayor
23

24 Attest:
25
26 
27 _____
28 Maria C. Camara, Village Clerk
29

30 Approved as to form:
31
32 
33
34 _____
35 Village Attorney
36

**The foregoing resolution upon being
put to a vote, the vote was as follows:**

Mayor Jacobs:	Yes
Vice Mayor Ross:	Yes
Commissioner Anderson:	Absent
Commission Cooper:	Yes
Commissioner Watts:	Absent