

**CITY COUNCIL RESEARCH DIVISION
LEGISLATIVE SUMMARY**



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Bill Type and Number: Ordinance 2024-548

Introducer/Sponsor(s): Council President at the request of the Mayor

Date of Introduction: July 23, 2024

Committee(s) of Reference: F, NCSPHS, TEU

Date of Analysis: July 25, 2024

Type of Action: Approving and authorizing the Mayor or her designee to execute an occupancy agreement between the City and the State of Florida Department of Transportation (“FDOT”) for the City’s use of airspace; authorizing technical changes to the agreement; designation of oversight department; request for one-cycle emergency passage

Bill Summary: This bill approves and authorizes the Mayor or her designee to execute and deliver a Use and Occupancy Agreement between the City and FDOT for the City’s use of the airspace above and/or below the gradeline of the approximately six-acre parcel located at the right-of-way under Interstate 95 at Fuller Warren Bridge for City events and public use for a thirty-year term commencing on the execution date of the agreement at a rental rate of \$0.00 per year. The bill allows for technical changes to the agreement that may be necessary to carry out the purpose of the agreement that do not increase the financial obligations or the liability of the City, and any such modification shall be technical only and subject to appropriate legal review and approval of the General Counsel.

It establishes the Department of Parks, Recreation and Community Services as the oversight department for the project and requests one-cycle emergency passage because there is an immediate need to open to the public the portions of the property that have been completed, including the skate park.

Background Information: The Parks, Recreation and Community Services Department has requested to enter into a Use and Occupancy Agreement with FDOT for the right-of-way under I-95 at the Fuller Warren Bridge, between Riverside Avenue and Park Street and Park and College Streets. The agreement will allow the City to develop and utilize the area for multiple public purposes: Skateable Art; a multiple use public trail (a segment of the Emerald Trail); and space for recreation, murals, and parking. The agreement will be for no less than 30 years, and the City will pay no rent for its use of this right-of-way.

Policy Impact Area: Right-of-way usage; parks and recreation; Emerald Trail

Fiscal Impact: No immediate fiscal impact

Analyst: Webb