

1 Introduced by the Council President at the Request of the Mayor:
2
3

4 **ORDINANCE 2020-23**

5 AN ORDINANCE APPROVING, AND AUTHORIZING THE
6 MAYOR, OR HIS DESIGNEE, AND CORPORATION
7 SECRETARY TO EXECUTE AND DELIVER, A
8 DECLARATION OF RESTRICTIVE COVENANT BETWEEN
9 THE CITY OF JACKSONVILLE AND THE FLORIDA
10 DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP),
11 AND ANY OTHER DOCUMENTS NECESSARY TO
12 EFFECUTATE THE PURPOSES OF THE RESTRICTIVE
13 COVENANT, FOR PROPERTY CURRENTLY OCCUPIED BY
14 THE CITY'S ANIMAL CARE AND PROTECTIVE SERVICES
15 FACILITY AT 2020 FOREST STREET, RE #089868-
16 0100, SO AS TO PLACE ENVIRONMENTAL
17 RESTRICTIONS ON THE SITE; PROVIDING AN
18 EFFECTIVE DATE.
19

20 **WHEREAS**, though environmental conditions due to the discharge
21 of petroleum products on the property currently occupied by the
22 City's Animal Care and Protective Services facility at 2020 Forest
23 Street, RE #089868-0100, have been remediated, soil and groundwater
24 impacts remain below various paved areas and areas covered by two
25 feet of clean soils; and

26 **WHEREAS**, the Florida Department of Environmental Protection
27 (FDEP) has agreed to regulatory closure of the site pending the
28 approval and placement of a Declaration of Restrictive Covenant
29 (DRC) on the property; and

30 **WHEREAS**, the DRC does not prevent future work on or
31 modification of the site but does require proper regulatory

1 handling of activities that will go below the cap or encounter
2 contaminated soils or groundwater and does require a documented
3 annual inspection of the conditions to ensure the cap is being
4 maintained; and

5 **WHEREAS**, the DRC can be removed in the future if the site is
6 cleaned up completely;

7 **WHEREAS**, regulatory closure of the site is being done to avoid
8 costly remediation efforts and to ensure that various existing
9 infrastructure and landscaping does not have to be disturbed or
10 removed and replaced due to soil and groundwater impacts beneath
11 them; now therefore

12 **BE IT ORDAINED** by the Council of the City of Jacksonville:

13 **Section 1. Approval and Authorization.** There is hereby
14 approved, and the Mayor, or his designee, and Corporation Secretary
15 are hereby authorized to execute and deliver on behalf of the City,
16 a Declaration of Restrictive Covenant, in substantially the same
17 form placed **ON FILE** with the Office of Legislative Services, and
18 any other documents necessary to effectuate the purposes of the
19 DRC, so as to allow the City to place environmental restrictions on
20 the site.

21 **Section 2. Effective Date.** This ordinance shall become
22 effective upon signature by the Mayor or upon becoming effective
23 without the Mayor's signature.

24
25 Form Approved:

26
27 /s/ James R. McCain, Jr.

28 Office of General Counsel

29 Legislation prepared by: James R. McCain, Jr.

30 GC-#1328821-v1-12_09_19_PW_SW_RestrictiveCovenant_ACPS_CA.doc