

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2024-548**

5 AN ORDINANCE APPROVING, AND AUTHORIZING THE
6 MAYOR, OR HER DESIGNEE, AND THE CORPORATION
7 SECRETARY TO EXECUTE AND DELIVER THAT CERTAIN
8 USE AND OCCUPANCY AGREEMENT BETWEEN THE STATE OF
9 FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) AND
10 THE CITY OF JACKSONVILLE (THE "AGREEMENT") FOR
11 THE CITY'S USE OF THE AIRSPACE ABOVE AND/OR
12 BELOW THE GRADELINE OF THE APPROXIMATELY 6 ACRE
13 PARCEL LOCATED AT THE RIGHT-OF-WAY UNDER
14 INTERSTATE 95 AT FULLER WARREN BRIDGE, FOR CITY
15 EVENTS AND PUBLIC USE, FOR A THIRTY YEAR TERM
16 COMMENCING ON THE EXECUTION DATE OF THE
17 AGREEMENT, AT A RENTAL RATE OF \$0.00 PER YEAR,
18 AND AUTHORIZING TECHNICAL CHANGES TO THE
19 AGREEMENT; PROVIDING FOR OVERSIGHT BY THE
20 DEPARTMENT OF PARKS, RECREATION AND COMMUNITY
21 SERVICES; REQUESTING ONE CYCLE EMERGENCY
22 PASSAGE; PROVIDING AN EFFECTIVE DATE.
23

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

25 **Section 1. Use and Occupancy Agreement Approved and**
26 **Execution Authorized.** There is hereby approved, and the Mayor, or
27 her designee, and the Corporation Secretary are hereby authorized to
28 execute and deliver that certain Use and Occupancy Agreement between
29 the State of Florida Department of Transportation (FDOT) and the City
30 of Jacksonville ("City") in substantially the same form as has been
31 placed **On File** with the Legislative Services Division (the

1 "Agreement"), with such "technical" changes as herein authorized.
2 The Agreement is for the use and occupancy of the airspace above
3 and/or below the gradeline of the approximately 6 acre parcel located
4 at the right-of-way under Interstate 95 at Fuller Warren Bridge (the
5 "Property"), inclusive of any existing improvements, structures, and
6 facilities located thereon as more particularly described in the
7 Agreement, for a 30-year term commencing on the execution date of the
8 Agreement. The Agreement authorizes the City's use of the Property
9 for events, parking, use of the Emerald Trail, and use of the skate
10 park for a public purpose. The City shall maintain at its cost the
11 structures and area within Property in good condition, in accordance
12 with the terms of the Agreement.

13 The Agreement may include such additions, deletions and changes
14 as may be reasonable, necessary and incidental for carrying out the
15 purposes thereof, as may be acceptable to the Mayor, or her designee,
16 with such inclusion and acceptance being evidenced by execution of
17 the Agreement by the Mayor or her designee. No modification to the
18 Agreement may increase the financial obligations or the liability of
19 the City and any such modification shall be technical only and shall
20 be subject to appropriate legal review and approval of the General
21 Counsel, or his or her designee, and all other appropriate action
22 required by law. "Technical" is herein defined as including, but not
23 limited to, changes in legal descriptions and surveys, descriptions
24 of infrastructure improvements and/or any road project, ingress and
25 egress, easements and rights of way, performance schedules (provided
26 that no performance schedule may be extended for more than one year
27 without Council approval), design standards, access and site plan,
28 which have no financial impact.

29 **Section 2. Oversight Department.** The Department of Parks,
30 Recreation and Community Services shall oversee administration of the
31 Agreement described herein.

1 **Section 3. Requesting One Cycle Emergency Passage Pursuant**
2 **to Council Rule 4.901 Emergency.** One cycle emergency passage of this
3 legislation is requested. The nature of the emergency is that there
4 is an immediate need to open to the public the portions of the
5 Property that have been completed including the skate park.

6 **Section 4. Effective Date.** This Ordinance shall become
7 effective upon signature by the Mayor or upon becoming effective
8 without the Mayor's signature.

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10 Form Approved:

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12 /s/ Joelle J. Dillard

13 Office of General Counsel

14 Legislation prepared by: Joelle J. Dillard

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