

1 Introduced by the Council President at the request of the Mayor and
2 Co-Sponsored by Council Member Johnson:

3
4
5 **ORDINANCE 2024-548-E**

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

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

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

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

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

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

1 Agreement described herein.

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

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

11
12 Form Approved:

13
14 /s/ Mary E. Staffopoulos

15 Office of General Counsel

16 Legislation Prepared By: Joelle J. Dillard

17 GC-#1640038-v1-2024-548-E.docx