1   Introduced by Council Member Cumber:

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4   **ORDINANCE 2020-66**

5   AN ORDINANCE APPROVING, AND AUTHORIZING THE MAYOR,

6   OR HIS DESIGNEE, AND CORPORATION SECRETARY TO

7   EXECUTE AND DELIVER A COMMUNITY ASSOCIATION RIGHT-

8   OF-WAY MAINTENANCE AGREEMENT BY AND AMONG THE CITY

9   OF JACKSONVILLE, SAN MARCO PRESERVATION SOCIETY,

10   INC., AND SAN MARCO MERCHANTS ASSOCIATION, INC.;

11   PROVIDING FOR FORM COMMUNITY ASSOCIATION RIGHT-OF-

12   WAY   MAINTENANCE   AGREEMENT;   PROVIDING   FOR

13   ADDITIONAL AUTHORIZATIONS; PROVIDING FOR OVERSIGHT

14   BY THE MOWING AND LANDSCAPE MAINTENANCE DIVISION,

15   PUBLIC WORKS DEPARTMENT; PROVIDING AN EFFECTIVE

16   DATE.

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18   **WHEREAS**, City is the owner of certain public right-of-ways in

19 San Marco, which includes medians, sidewalks, roundabouts and

20 other public right-of-way areas (collectively, the "City ROW

21 Property");

22   **WHEREAS**, San Marco Preservation Society, Inc.'s ("SMPS")

23 mission is to preserve and renew San Marco as an area of historical

24 and architectural significance for the benefit of local residents

25 and businesses and for the education and enjoyment of visitors and

26 the general public;

27   **WHEREAS**, San Marco Merchants Association, Inc.'s ("SMMS")

28 mission is to unify the business groups located in San Marco with a

29 collective voice to help promote San Marco as a destination to

30 locals and out of town visitors;

31   **WHEREAS**, SMPS and SMMA shall be collectively referred to herein

1   as the "San Marco Community Associations";

2   **WHEREAS**, the San Marco Community Associations desire to donate

3   their in-kind services to the City and assume, at their sole

4   expense, certain landscaping and maintenance responsibilities

5   regarding the City ROW Property for the benefit of the City and San

6   Marco residents, businesses, and visitors;

7   **WHEREAS**, the Council believes it is in the best interest of the

8   City to partner and collaborate with SMPS and SMMA, as well as other

9   similar community associations and organizations, and enter into a

10 community association right-of-way maintenance agreement; now

11 therefore

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

13   **Section 1.   Recitals.**   The Recitals above are true and

14 correct and incorporated herein by this reference.

15   **Section 2.   Approval and authorization.**   There is hereby

16 approved, and the Mayor, or his designee, and Corporation Secretary

17 are hereby authorized to execute and deliver for and on behalf of

18 the City the Community Association Right-of-Way Maintenance

19 Agreement among the City, SMPS, and SMMA in substantially the form

20 attached hereto as **Exhibit 1.**

21   **Section 3.   Approval of Form Agreement.**   There is hereby

22 approved for further use by the City the Community Association

23 Right-of-Way Maintenance Agreement Form in substantially the form

24 attached hereto as **Exhibit 2.**

25   **Section 4.   Additional authorizations.**   The Mayor, or his

26 designee, and the Corporation Secretary are hereby authorized to

27 execute and deliver additional Community Association Right-of-Way

28 Maintenance Agreements in the form approved in Section 3 above with

29 other community organizations or associations, including homeowner

30 associations, neighborhood associations and other similar

31 organizations (collectively, the "Community Associations"), as

determined by the Mayor to be in the best interest of the City. Such agreements shall be at no cost to the City.

Section 5. **Oversight.** The Mowing and Landscape Maintenance Division of the Public Works Department shall oversee the Community Association Right-of-Way Maintenance Agreements entered into between the City and Community Associations pursuant to this ordinance.

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

Form Approved:

        /s/Lawsikia J. Hodges
Office of General Counsel

Legislation Prepared By: Lawsikia J. Hodges

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