

Introduced by: Council Member Chris Hoffman

Adopted: 2 December 2019

RESOLUTION NO. 2047-2019

A RESOLUTION BY THE CITY OF JACKSONVILLE BEACH, FLORIDA, RESOLVING THE MATTER COMMONLY KNOWN AS THE LAKESIDE DRIVE GATE; DECLARING VALID PUBLIC PURPOSES FOR AN ELECTRONICALLY OPERATED GATE TO BE INSTALLED AND REMAIN PERMANENTLY CLOSED WITH EXCEPTION FOR EMERGENCY AND PUBLIC WORKS PURPOSES, KINGS ROAD BRIDGE CLOSURES AND CERTAIN EMERGENCY EVENTS; ASSIGNING CITY STAFF WITH DIRECTION TO EFFECTUATE THE PURPOSE OF THIS RESOLUTION; REPEALING PRIOR INCONSISTENT RESOLUTIONS AND COUNCIL DECISIONS; PROVIDING AN EFFECTIVE DATE AND FOR OTHER RELATED PURPOSES.

WHEREAS, the City of Jacksonville Beach ("City") holds fee title ownership of real property described in Duval County Property Appraiser records as Ocean Forest Unit No.7, Parcel A, RE#178602-0502 in the Ocean Forest subdivision ("City's Lot"), which the City obtained through W.P. Tinney Construction Co.'s March 26, 1990 Warranty Deed conveyance, and

WHEREAS, the Warranty Deed contains no restrictions, limitations, covenants or conditions, and identifies the City's Lot being recorded in Duval County public records Plat Book 37, Page 22 which contains a survey of Lakeside Drive ("Lakeside") as a dead end cul-de-sac road, the Lakeside parcels (including City's Lot), and the surveyor's February 29, 1980 certification that the Plat is a correct representation of the lands surveyed, and

WHEREAS, the City's Lot was vacant and unimproved until approximately 2004, when the City of Neptune Beach ("Neptune Beach") planned construction work and temporary vehicular traffic closure on the Kings Road Bridge, that would temporarily remove the only ingress and egress access to residences in the City's northwest portion of the Ocean Forest subdivision, Neptune Beach residences south of the bridge, and prevent emergency and service vehicles from reaching those areas, and

WHEREAS, around the time bridge construction plans formed, the City developed plans to install a water utility distribution and connection to be routed under the City's Lot for service in the same northwest portion of the City's residential area, and

WHEREAS, the City, in cooperation with Neptune Beach, developed a design for a temporary traffic detour route ("detour route") with a gate on the City's Lot that would connect Lakeside and Seagate Avenue ("Seagate") to provide ingress and egress for emergency vehicles and residents to reach their properties impacted by the bridge closure, and

WHEREAS, on April 5, 2004, the City Council approved installation of the City's water utility and the detour route and gate on the City's Lot, with the gate approved to be open only in times when bridge construction caused traffic closure, and closed with no thru traffic except for emergency purposes when the bridge was open, and

WHEREAS, in 2004, construction of the detour route on the City's Lot included removal of vegetation and installation of a paved surface, curbs, a wood siding fence and a manually operated metal gate that could be opened and closed as Council approved, and

WHEREAS, the gate was opened and the detour route was used by neighborhood traffic when the bridge was closed for initial construction, bridge inspections revealed cracks in timber beams, which caused further construction repairs and traffic closures longer than initially expected, so the gate remained open, finally bridge repairs were made and traffic was allowed on the bridge, so the gate was closed, and

WHEREAS, afterwards and currently, the Florida Department of Transportation ("FDOT") is performing substantial reconstruction of the bridge to bring it up to FDOT specifications which has caused extended traffic closures and necessitated the gate being open for continued use of the detour route, and

WHEREAS, for many years some neighborhood residents requested that the City make the detour route a permanent additional means of ingress and egress, while other residents requested that the detour route and gate be closed when the bridge construction is completed, (as planned since initial bridge construction and approved by the City Council on April 5, 2004) and the gate be opened only for public works and emergency access purposes and during future bridge closures, and

WHEREAS, based on FDOT information, in 2020 the bridge is expected to be open for all legal loads of traffic and residents to use as improved ingress and egress access, and

WHEREAS, the City Council desires to reach a final resolution concerning the gate issue, Council has considered public comments, petitions and materials, research of relevant documents and related topics, and various options and alternatives on the subject, and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, THAT:

SECTION 1. Adoption of Recitals. The foregoing recitals are deemed true and material parts of this Resolution and are fully incorporated herein by reference.

SECTION 2. Council Authority. Municipalities may exercise broad governmental powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes not expressly prohibited by the constitution, general or special law, or county charter. Article VIII, § 2 Fla. Const., F.S. §166.021(4). It constitutes a public purpose to expend public funds developing or

improving local infrastructure. F.S. §166.021(8)(c). A valid municipal purpose means any activity or power which may be exercised by the state or its political subdivisions. F.S. §166.021(4). Such municipal purposes includes providing and regulating roads and related transportation facilities. F.S. §125.01(m).

SECTION 3: Public Purposes. The City Council finds it is in the best interests of the large majority of City residents residing in and around the Ocean Forest subdivision, and that it serves valid public purposes of promotion of the public health, safety, security, morals, welfare and provision of public services, to place an electronically controlled gate on the City's Parcel that will remain permanently closed with the exception that it may be opened for emergency and public service purposes, when the Kings Road bridge is closed to traffic and during certain emergency events. The City Council finds that residents will benefit and public purposes are served by allowing emergency fire rescue, law enforcement agencies and municipal service vehicles to utilize the City's Lot as an access route when necessary. These agencies and departments should have a means to electronically control the gate to open for municipal and emergency service vehicles to pass through. The City Council finds that the permanent closure of the gate will serve a public purpose and benefit City residents by maintaining the Lakeside roadway and cul-de-sac as originally designed and as existed at the time the Warranty Deed and Plat were recorded and as it was prior to bridge construction in 2004. Based on FDOT information, the City Council believes that the newly constructed Kings Road bridge will provide sufficient and safe passage for all legal loads of traffic pursuant to FDOT specifications on a stronger and safer bridge. Therefore, permanent closure of the gate will reduce or eliminate the detour route flow-through traffic on Lakeside and surrounding roads. This should contribute to public welfare, comfort, convenience, and safer neighborhood roads in that community. The bridge will provide safe ingress and egress for the residents that live south of the bridge. While the gate provides a controlled route for emergency first responders and public works access and a viable detour option during future bridge closures and emergency events.

SECTION 4. Administrative Assignment and Authorization. The City Council hereby authorizes and directs the City Manager and staff to commence activities and steps to effectuate and implement the intentions and directions of this Resolution. The City Manager and Deputy Manager are authorized to let contracts, execute and enter into agreements and take any other steps on behalf of the City to explore various options to install an electronically controlled gate. The gate should allow for emergency fire rescue, law enforcement and public works departments to have electronic controlled access to open and close the gate to provide services. The gate should be opened during traffic closures at the Kings Road bridge and certain emergency events as necessary.

SECTION 5. Repeal of Prior Inconsistent Resolutions and Council Decisions. All prior resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of the conflict. The City Council hereby retracts prior Council actions that are inconsistent with this Resolution and contents herein.

SECTION 6. Severability. If any section, subsection, sentence, clause, phrase, word, or portion of this resolution is for any reason held invalid or unconstitutional by any court of

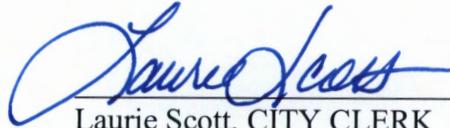
competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereto.

SECTION 7. Effective Date. This Resolution shall become effective immediately upon its passage and adoption.

AUTHENTICATED this 2nd day of December, 2019.



William C. Latham, MAYOR



Laurie Scott, CITY CLERK