

RESOLUTION #RES2022-03

A RESOLUTION OF THE CITY OF DUNNELLON AMENDING THE MARCH 2008 BLUE RUN OF DUNNELLON PARK MANAGEMENT PLAN AS SPECIFIED HEREIN; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the March 2008 Blue Run of Dunnellon Park Management Plan (the “MP”) provides for the establishment and administration of Blue Run Park; and

WHEREAS, the City of Dunnellon adopted the MP via Resolution #RES2010-15 on September 27, 2010; and

WHEREAS, the City of Dunnellon amended the MP via Resolution #RES2016-16 on January 10, 2022; and

WHEREAS, the City of Dunnellon desires to further amend the MP as set forth herein; and

WHEREAS, per the terms of the MP, the City, Marion County, and Florida Park Service have a direct interest in the management of Blue Run Park; and

WHEREAS, a copy of the amendments to the MP proposed herein have been provided to Marion County, the Florida Park Service, and Florida Communities Trust (“FCT”) for feedback and comment and none of the aforementioned entities have objected to the proposed amendments; and

WHEREAS, FCT has approved the amendments proposed herein in writing; and

WHEREAS, the City owns Blue Run Park and per the MP is the entity the primary responsibility for management of the Park and ensuring compliance with the MP; and

WHEREAS, the concept of the MP is to carefully overlay the required public facilities and trails on the property to ensure the long-term protection of Blue Run Park’s natural communities while providing park visitors with access to the Park’s exceptional natural resources and interpretive experiences; and

WHEREAS, the MP identifies the capital improvement facilities required for visitor comfort, access, and safety as well as the park’s maintenance, operational, and regulatory needs; and

WHEREAS, the MP recognizes the importance of a comprehensive approach for a successful park program; and

WHEREAS, the overall goal of the MP is to provide visitors with a safe experience in one Florida’s natural treasures, while ensuring that the park’s natural resources are protected for future generations; and

WHEREAS, Blue Run Park is intended to be managed for the conservation, protection,

and enhancement of natural resources and for public outdoor passive recreation that is compatible with the conservation, protection, and enhancement of the park; and

WHEREAS, the MP recognizes Marion County as the City of Dunnellon’s principal partner regarding protection of Blue Run Park and the park’s management; and

WHEREAS, Marion County has historically operated its K.P. Hole shuttle service as contemplated by the MP and as authorized per the MP’s requirements; and

WHEREAS, per the MP, commercial use of the park is prohibited except by written agreement approved by the City of Dunnellon and FCT; and

WHEREAS, commercial shuttling provided by entities other than Marion County (or its contractor on behalf of Marion County), for which an agreement has not been approved by FCT and the City of Dunnellon per the requirements of the MP, has caused and can cause park and parking lot congestion, damage to park resources, diminished enjoyment by park visitors, and can frustrate the intent and requirement that the park’s operation provide passive recreation only; and

WHEREAS, no commercial shuttling service other than the K.P. Hole shuttle service provided by Marion County (or its contractor on behalf of Marion County) is or has been authorized per the requirements and procedures set forth in the MP to operate within Blue Run Park; and

WHEREAS, in consultation with FCT, the City of Dunnellon desires to include language within the MP to make it explicitly clear that the K.P. Hole shuttle service is the sole transportation service authorized to operate within Blue Run Park; and

WHEREAS, the City Council of the City of Dunnellon finds the amendments to the MP as specified herein to be in the best interests of the City and its residents.

LEGISLATIVE UNDERSCORING: Underlined words constitute additions to the MP, ~~strikethrough~~ constitutes deletions from the original.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. Legislative Findings. The Whereas clauses above are adopted as legislative findings of the City Council.

SECTION 2. The City of Dunnellon hereby amends the MP as follows:

- a) Paragraph 5 of the section entitled “Easements, Concession, Leases” of “Chapter IV. Site Development and Improvement” located on page 17 of the MP is amended by addition of the following underlined language:

Any and all fees collected for use this property will be placed in a segregated account and used solely for the upkeep and maintenance of this project site. Commercial use of the property will be prohibited except by written agreement approved by the City of Dunnellon and FCT. ‘Commercial use’ means:

- i. the sale or rental of any item, good, concession, or merchandise within the boundaries of Blue Run Park; and
- ii. the provision of any service performed within the boundaries of Blue Run Park regardless of whether compensation for such service is paid onsite or offsite.

Notwithstanding the definition of ‘commercial use,’ the K.P. Hole shuttle service provided by Marion County (or its contractor on behalf of Marion County) is a governmental transportation service and is specifically authorized to operate within Blue Run Park in accordance with any existing and/or future interlocal agreement(s) between the City of Dunnellon and Marion County consistent with this Management Plan.

The K.P. Hole shuttle service provided by Marion County (or its contractor on behalf of Marion County) is the sole transportation service authorized to operate within Blue Run Park.

- b) Paragraph 5 of the section entitled “Easements, Concession, Leases” of “Chapter V. Management Needs” located on page 21 of the MP is amended by addition of the following underlined language:

Any and all fees collected for use this property will be placed in a segregated account and used solely for the upkeep and maintenance of this project site. Commercial use of the property will be prohibited except by written agreement approved by the City of Dunnellon and FCT. ‘Commercial use’ means:

- iii. the sale or rental of any item, good, concession, or merchandise within the boundaries of Blue Run Park; and
- iv. the provision of any service performed within the boundaries of Blue Run Park regardless of whether compensation for such service is paid onsite or offsite.

Notwithstanding the definition of ‘commercial use,’ the K.P. Hole shuttle service provided by Marion County (or its contractor on behalf of Marion County) is a governmental transportation service and is specifically authorized to operate within Blue Run Park in accordance with any existing and/or future interlocal agreement(s) between the City of Dunnellon and Marion County consistent with this Management Plan.

The K.P. Hole shuttle service provided by Marion County (or its contractor on behalf of Marion County) is the sole transportation service authorized to operate within Blue Run Park.

SECTION 3. If any section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding in no way affects the remaining portions of this Resolution.

SECTION 4. All resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. This resolution shall take effect on April 1, 2022, immediately following Resolution #RES2021-16 and immediately prior to Ordinance #ORD2021-02.

Upon motion duly made and carried, the foregoing Resolution was adopted by the City Council of the City of Dunnellon on the 14th day of March 2022.

CITY OF DUNNELTON, FLORIDA

ATTEST:

William P. White, Mayor

Amanda Odom, CMC, City Clerk

Approved as to form and legality:

Andrew J. Hand, City Attorney