

RESOLUTION NO. 2025 – 03 – 02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, TEXAS APPROVING AND ESTABLISHING “GOSHEN GARDENS,” AS A COMMUNITY GARDEN, ON PROPERTY OWNED BY THE CITY OF COMMERCE, TEXAS, LOCATED NEAR WASHINGTON STREET BETWEEN O’NEAL STREET AND MAIN STREET (PROPERTY ID #113791) TO BE MAINTAINED BY GOSHEN GARDENS BOARD AND VOLUNTEERS; APPROVING AND FUNDING INFRASTRUCTURE IMPROVEMENTS TO THE SAME; ESTABLISHING EXPECTATIONS RELATED TO MAINTENANCE AND FUNCTION OF THE PROPERTY AND ROLE OF VOLUNTEERS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Commerce, Texas (the “City Council”), finds and determines that community gardens serve and constitute a public purpose by promoting the art of gardening, community pride and beautification efforts, and providing the opportunity for residents to learn best practices and grow their own produce; as well as serving to promote social interactions and community engagement, a nutritious and sustainable food source during difficult economic times; encouraging self-reliance, conserving valuable resources; and offering the community opportunities for affordable recreation, exercise and education; and

WHEREAS, the Goshen Gardens Board and Volunteers of the organization (hereinafter referred to as “VOLUNTEERS”) have made an offer to the City of Commerce to function as an informal group of area residents and stakeholders who desire to establish, manage and maintain a community garden on property owned by the City, located near Washington Street between O’Neal Street and Main Street (Property ID 113791)(hereinafter referred to as “GOSHEN GARDENS” or “GARDEN”); and

WHEREAS, these VOLUNTEERS have submitted a plan, attached as Exhibit “A,” depicting the location, boundaries, gardening and other related elements for GOSHEN GARDENS; and

WHEREAS, the City Council desires the VOLUNTEERS maintain and operate GOSHEN GARDENS and desires to contribute funding towards the water infrastructure necessary for the success of GOSHEN GARDENS, which use of the property for GOSHEN GARDENS and funding constitutes a public purpose because it will benefit the entire Commerce community.

WHEREAS, the City Council deems it in the best interest of the community they serve to create the GOSHEN GARDENS to be established, managed, and maintained by VOLUNTEERS.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE, TEXAS;

SECTION 1: That the foregoing premises are findings of the City Council and are incorporated herein.

SECTION 2: That the City Council of the City of Commerce, Texas, hereby approves and establishes GOSHEN GARDENS as a community garden on the property located near Washington Street between O’Neal Street and Main Street (Property ID 113791) as set forth in Exhibit “A,” attached hereto and incorporated herein.

SECTION 3: That the City Council of City of Commerce hereby approves and agrees to provide and maintain the initial infrastructure improvements to GOSHEN GARDENS, as funded and approved by the Commerce City Council, including:

1. Water, irrigation lines, and water spigots sufficient to water the GOSHEN GARDENS plots.

SECTION 4: That the City of Commerce agrees to negotiate a memorandum of understanding with the VOLUNTEERS and BOARD to establish, provide and/or maintain the following improvements to at GOSHEN GARDENS:

1. Fencing and gates along the perimeter of the GARDEN, sufficient to secure the GARDEN area.
2. Construction of cinder-block containers or similar storage solution for compost and storage bins.
3. A secure location for storage of any necessary on-site tools.
4. Manage all operations, administration of the GARDEN, including ensuring that all gardeners complete appropriate membership applications, pay any required dues, and properly maintain their plots.
5. Formulate volunteer committee as appropriate to maintain the day-to-day operations of the GARDEN.
6. Assign at least one volunteer to act as a liaison with the CITY to ensure communication of garden activities, status of the garden and regular reporting on a quarterly basis to the Parks & Recreation Advisory Board and on an annual basis to the Commerce City Council.
7. Determine how individual garden plots will be separated, identified, assigned and maintained.
8. Keep and maintain all records related to the GARDEN, and provide such records as requested by the City of Commerce and/or the Parks & Recreation Advisory Board.
9. Prepare and till the soil for planting. Power equipment, including but not limited to, rototillers, lawn mowers, and power weed trimmers may be operated only by individuals seventeen years of age or over.
10. Ensure that no garden VOLUNTEER installs, erects, assembles, manufactures, fabricates or constructs any permanent structure on the property; provided that temporary plant-supporting structures are permitted.
11. Ensure that all sections of the GARDEN, including garden plots, herb gardens, orchard, storage areas, fencing, driveways and walkways are well-maintained and free of weeds, litter, rotten produce, plant debris, rubbish or junk items as outlined in Chapter 38, "Environment", Article II, "Nuisances and other Offensive Conditions", Section 38-26, "Prohibited Accumulations, dumping, stagnant water, trash, and other unsightly or unsanitary matter declared a nuisance" of the City's Code of Ordinances.
12. Permit gardening activities only during hours established by Chapter 66 "Parks and Recreation," Article III "Park Regulations," Section 66-52, "Entry Prohibited During Certain Hours; Exception."
13. Not operate for profit from the sale or rental of garden plots, produce or other garden harvest.
14. Not utilize human or animal waste, due to environmental and health concerns. Fully composted manures are allowed.
15. Not grow any illegal plants, trees, cacti, castor beans or poisonous plants.
16. Assure that children visiting the GARDEN are supervised by a parent or legal guardian at all times.
17. Dispose of GARDEN trash/waste in approved receptacles. Maintain a regular trash pick-up schedule as needed for the premises.
18. Adhere to all regulations pertaining to activity within City Parks, as outlined in Chapter 66, "Parks and Recreation" within the City of Commerce Code of Ordinances.

19. Immediately inform the City of any accidents, injuries, or problems related to infrastructure or security of the GARDEN, vandalism, or troublesome activities in or near the GARDEN.
20. In the event that there is insufficient interest, lack of participation, as determined by the CITY or by the VOLUNTEERS, the VOLUNTEERS or the CITY may give notice to existing gardeners and call for a vote to dissolve the organization with 30 days advanced written notice. Upon a vote to dissolve the organization, the VOLUNTEERS shall act to pay any obligations to the organization, give written notice to the CITY, and relinquish rights to all CITY property, equipment, materials, supplies, and/or funds, or shall dispose of such as CITY directs.

SECTION 5: The CITY may, at any time, and for any reason, dissolve the GARDEN, retaining control of the parkland, as deemed in the best interest of the City of Commerce and its citizens.

SECTION 6: The Resolution shall become effective immediately upon adoption and it is so resolved.

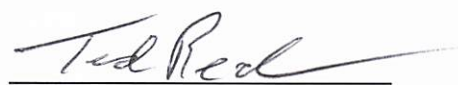
PASSED AND APPROVED this the 18th day of March, 2025.

ATTEST:


Molly Jacobson
City Secretary

(seal)

CITY OF COMMERCE:


Teddy Reel
Mayor

APPROVED AS TO FORM:


Cynthia Kirchoff, City Attorney

Exhibit "A"

