

1 Introduced by Council Member Gaffney, Jr. and amended by the
2 Transportation, Energy and Utilities Committee:

3
4
5 **ORDINANCE 2023-93-E**

6 AN ORDINANCE DECLARING THE FOLLOWING NINE
7 PROPERTIES, ALL IN COUNCIL DISTRICT 7, TO BE
8 SURPLUS TO THE NEEDS OF THE CITY: 1247 DYAL
9 STREET, JACKSONVILLE, FLORIDA 32206 (R.E. NO.
10 114081-0000), 1410 FLORIDA AVENUE,
11 JACKSONVILLE, FLORIDA 32206 (R.E. NO.
12 114619-0010), 1322 HARRISON STREET,
13 JACKSONVILLE, FLORIDA 32206 (114444-0000), 1305
14 BRIDIER STREET, JACKSONVILLE, FLORIDA 32206
15 (115302-0000), 0 13TH STREET EAST. JACKSONVILLE,
16 FLORIDA 32206 (R.E. NO. 113702-0000), 719 5TH
17 STREET EAST, JACKSONVILLE, FLORIDA 32206 (R.E.
18 NO. 114832-0020), 1130 12TH STREET EAST,
19 JACKSONVILLE, FLORIDA 32206 (R.E. NO.
20 114906-0000), 1442 FLORIDA AVENUE,
21 JACKSONVILLE, FLORIDA (R.E. NO. 114614 0000),
22 1152 3RD STREET EAST, JACKSONVILLE, FLORIDA,
23 32206 (R.E. NO. 114330-0000) (COLLECTIVELY, THE
24 "PROPERTY"); AUTHORIZING CONVEYANCE OF THE
25 PROPERTY TO HISTORIC EASTSIDE COMMUNITY
26 DEVELOPMENT CORPORATION, INC., A FLORIDA NOT FOR
27 PROFIT CORPORATION, AT NO COST, TO BE USED FOR
28 THE PROVISION OF AFFORDABLE HOUSING; AUTHORIZING
29 THE MAYOR AND THE CORPORATION SECRETARY TO
30 EXECUTE A DONATION AGREEMENT, QUITCLAIM DEED AND
31 OTHER CONVEYANCE DOCUMENTS; WAIVING SECTION

1 122.423 (DISPOSITION FOR AFFORDABLE HOUSING),
2 PART 4 (REAL PROPERTY), CHAPTER 122 (PUBLIC
3 PROPERTY), *ORDINANCE CODE*, TO ALLOW THE PROPERTY
4 TO BE CONVEYED TO HISTORIC EASTSIDE COMMUNITY
5 DEVELOPMENT CORPORATION, INC., AT NO COST;
6 INCLUDING A COVENANT IN THE DEED CONVEYING THE
7 PROPERTY REQUIRING THE PROPERTY TO BE USED FOR
8 AFFORDABLE HOUSING WITHIN TWO YEARS OF THE
9 CONVEYANCE, AS EVIDENCED BY CERTIFICATES OF
10 OCCUPANCY, AND GRANTING REVERSIONARY RIGHTS IN
11 THE PROPERTY TO THE CITY IF NOT SO USED;
12 PROVIDING FOR CITY OVERSIGHT BY THE DEPARTMENT
13 OF PUBLIC WORKS, REAL ESTATE DIVISION OVER THE
14 TRANSFER OF THE PROPERTY TO HISTORIC EASTSIDE
15 COMMUNITY DEVELOPMENT CORPORATION, INC.;
16 PROVIDING FOR CITY OVERSIGHT BY THE DEPARTMENT
17 OF NEIGHBORHOODS HOUSING AND COMMUNITY
18 DEVELOPMENT DIVISION THEREAFTER; PROVIDING AN
19 EFFECTIVE DATE.

20
21 **WHEREAS,** the City of Jacksonville owns the Property, comprised
22 of six (6) vacant and three (3) improved parcels, with a 2023 (In
23 Progress) Assessed Value of \$101,319.00; and

24 **WHEREAS,** Historic Eastside Community Development Corporation,
25 a Florida not for profit corporation ("Eastside"), provides
26 affordable housing to residents of the City's historic Eastside
27 neighborhood; and

28 **WHEREAS,** Eastside has expressed interest in receiving the
29 Property at no cost for the purpose of providing affordable housing
30 thereon; and

31 **WHEREAS,** the City has determined that there is no public need

1 for retaining the Property and has deemed it surplus to the needs of
2 the City; and

3 **WHEREAS**, the conveyance of the Property to Eastside would
4 enable it to utilize the Property to meet community housing needs;
5 and

6 **WHEREAS**, the Council finds it to be in the best interest of
7 the public to convey the Property to Eastside; now therefore

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

9 **Section 1. Declaration of Surplus.** The City hereby
10 declares the Property, comprised of nine (9) parcels, in Council
11 District 7 in North Jacksonville, as more particularly described in
12 **Revised Exhibit 1**, labeled as "Revised Exhibit 1, Rev List, March 6,
13 2023 - Rules", attached hereto and incorporated herein by this
14 reference (the "Property"), to be surplus to the needs of the City.
15 A copy of the certificate from the Chief of Real Estate for the
16 surplus of real property, required by Rule 3.102(g)(1) (Preparation
17 of Bills), is attached hereto as **Exhibit 2** and incorporated herein
18 by this reference.

19 **Section 2. Execution and Conveyance Authorized.** The Mayor
20 and the Corporation Secretary are authorized to execute and deliver
21 all documents, including a Donation Agreement in substantially the
22 same form as **Second Revised Exhibit 3**, labeled as "Second Revised
23 Exhibit 3, 2nd Rev Agmt, March 7, 2023 - TEU", and a Quitclaim Deed
24 in substantially the form shown in **Revised Exhibit 4**, labeled as
25 "Revised Exhibit 4, Rev Deed, March 7, 2023 - TEU", both attached
26 hereto, necessary to convey the Property, at no cost, to Eastside.
27 The Donation Agreement and related documents may include such
28 additions, deletions, and changes as may be reasonable, necessary,
29 and incidental for carrying out the purposes thereof, as may be
30 acceptable to the Mayor, or his designee, with such inclusion and
31 acceptance being evidenced by execution of the Donation Agreement by

1 the Mayor, or his designee; provided however, no modification of the
2 Donation Agreement or related documents may increase the financial
3 obligations or liability of the City to an amount in excess of the
4 amount stated in the Donation Agreement or decrease the financial
5 obligations or liability of the Historic Eastside Community
6 Development Corporation, Inc., and any such modification shall be
7 technical only and shall be subject to appropriate legal review and
8 approval by the Office of General Counsel. For purposes of this
9 Ordinance, the term "technical changes" is defined as those changes
10 having no financial impact to the City, including, but not limited
11 to, changes in legal descriptions or surveys, ingress and egress,
12 easements and rights of way, design standards, access and site plan,
13 resolution of title defects, if any, and other non-substantive changes
14 that do not substantively increase the duties and responsibilities
15 of the City under the provisions of the Donation Agreement.

16 **Section 3. Waiving Section 122.423 (Disposition for**
17 **Affordable Housing), Ordinance Code.** The provisions of Section
18 122.423 (Disposition for Affordable Housing), Part 4 (Real Property),
19 Chapter 122 (Public Property), *Ordinance Code*, are hereby waived to
20 allow the Property to be conveyed to Eastside at no cost instead of
21 being disposed of through the affordable housing disposition process.

22 **Section 4. Use and Right of Reentry.** The Property shall be
23 used to provide affordable housing for the benefit of residents of
24 the City's Eastside neighborhood. The quitclaim deed into Eastside
25 shall include a covenant, running with title to the Property,
26 requiring the Property to be used for affordable housing as evidenced
27 by certificates of occupancy to be obtained within two (2) years of
28 the conveyance. Failure to comply with this covenant shall cause the
29 Property to revert to the City of Jacksonville by Special Warranty
30 Deed.

31 **Section 5. Oversight Department.** The Department of Public

1 Works, Real Estate Division shall oversee the transfer of the Property
2 to Eastside and the Department of Neighborhoods, Housing and Community
3 Development Division shall oversee the properties thereafter; if the
4 use provisions in Section 4 are not maintained, the Housing and
5 Community Development Department, through the Office of General
6 Counsel, may initiate an action for reverter.

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

10
11 Form Approved:

12
13 /s/ Mary E. Staffopoulos

14 Office of General Counsel

15 Legislation Prepared By: Harry M. Wilson, IV

16 GC-#1554444-v1-2023-93-E.docx