

1 Introduced by Council Member Dennis & Co-Sponsored by Council  
2 Members Salem, Boylan, Carlucci, DeFoor, Priestly Jackson, Pittman,  
3 Newby, Ferraro, Morgan, Gaffney and Hazouri and amended by the  
4 Finance Committee:  
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7 **ORDINANCE 2020-618-E**

8 AN ORDINANCE DECLARING 2133 BROADWAY AVENUE,  
9 JACKSONVILLE, FLORIDA 32209, R.E. #077143-0000  
10 IN COUNCIL DISTRICT 9, TO BE SURPLUS TO THE  
11 NEEDS OF THE CITY; AUTHORIZING CONVEYANCE OF  
12 THE SUBJECT PARCEL TO GATEWAY COMMUNITY  
13 SERVICES, INC., A FLORIDA NOT FOR PROFIT  
14 CORPORATION, AT NO COST; AUTHORIZING THE MAYOR  
15 AND THE CORPORATION SECRETARY TO EXECUTE A  
16 QUITCLAIM DEED AND OTHER CONVEYANCE DOCUMENTS;  
17 WAIVING SECTION 122.425 (DISPOSITION BY  
18 AUCTION OR SEALED BID), PART 4 (REAL  
19 PROPERTY), CHAPTER 122 (PUBLIC PROPERTY),  
20 *ORDINANCE CODE*, TO ALLOW DONATION TO GATEWAY  
21 COMMUNITY SERVICES, INC.; PROVIDING FOR (1)  
22 PROPERTY CONVEYED "AS IS," (2) REQUESTING  
23 SUBMISSION OF AN ANNUAL AFFIDAVIT, AND (3) A  
24 RIGHT OF REENTRY FOR FAILURE TO USE THE  
25 SUBJECT PARCEL FOR THE OPERATION OF A  
26 BEHAVIORAL HEALTH CARE FACILITY; PROVIDING FOR  
27 CITY OVERSIGHT BY THE DEPARTMENT OF PUBLIC  
28 WORKS, REAL ESTATE DIVISION; PROVIDING AN  
29 EFFECTIVE DATE.  
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1           **WHEREAS**, the City of Jacksonville owns property located at  
2 2133 Broadway Avenue, (R.E.#077143-0000), Jacksonville, Florida  
3 32209, north of West Beaver Street in Council District 9 (the  
4 "Property"), on which a medical office of approximately 3,350  
5 square feet is located; and

6           **WHEREAS**, Gateway Community Services, Inc., a Florida not for  
7 profit corporation ("Gateway"), operates a behavioral health  
8 facility and provides addiction treatment for adults and  
9 adolescents in the Jacksonville area; and

10           **WHEREAS**, Gateway desires to expand its footprint in the  
11 community by offering behavioral health services to residents of  
12 Northwest Jacksonville; and

13           **WHEREAS**, the City was leasing the Property to another not for  
14 profit which offered community services for women veterans, but the  
15 lease was terminated by the tenant and the City is not interested  
16 in continuing to be a landlord for the Property; and

17           **WHEREAS**, Gateway has expressed interest in receiving the  
18 Property at no cost; and

19           **WHEREAS**, the City has determined that there is no public need  
20 for retaining the Property and has deemed it surplus to the needs  
21 of the City; and

22           **WHEREAS**, the conveyance of the Property to Gateway would  
23 enable it to utilize the Property for offering behavioral health  
24 services and to meet other public health needs; and

25           **WHEREAS**, the Council finds it to be in the best interest of  
26 the public to convey the Property to Gateway; now therefore

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

28           **Section 1. Declaration of Surplus.** The City hereby  
29 declares the property located at 2133 Broadway Avenue (R.E.  
30 #077143-0000), north of West Beaver Street, in Northwest  
31 Jacksonville, in Council District 9, as more particularly described

1 in **Exhibit 1**, attached hereto and incorporated herein by this  
2 reference (the "Property"), to be surplus to the needs of the City.  
3 A copy of the certificate from the Chief of Real Estate for the  
4 surplus of real property, required by Rule 3.102(g) (1) (Preparation  
5 of Bills), is attached hereto as **Exhibit 2** and incorporated herein  
6 by this reference.

7 **Section 2. Execution and Conveyance Authorized.** The  
8 Mayor and the Corporation Secretary are authorized to execute and  
9 deliver all documents, including a Quitclaim Deed in substantially  
10 the form shown in **Revised Exhibit 3**, labeled as "Revised Exhibit 3,  
11 Revised Deed, January 5, 2021 - Finance", attached hereto,  
12 necessary to convey the Property, at no cost, to Gateway Community  
13 Services, Inc.

14 **Section 3. Waiving Section 122.425 (Disposition by**  
15 **auction or sealed bid), Ordinance Code.** The provisions of Chapter  
16 122.425 (Disposition by auction or sealed bid), Part 4 (Real  
17 Property), Chapter 122 (Public Property), *Ordinance Code*, are  
18 hereby waived to allow the conveyance of the Property to Gateway,  
19 at no cost rather than auctioning the Property or seeking sealed  
20 bids. Gateway has evidenced an interest in the Property for use as  
21 a public health facility and the Council finds that the City having  
22 no public need for the Property, and the use of the Property for  
23 behavioral health services of the community is appropriate.

24 **Section 4. "As Is" Conveyance; Use and Right of Reentry;**  
25 **Annual Affidavit.** The Property is being conveyed to Gateway  
26 Community Services, Inc. "as is" in its current condition without  
27 any warranties, representations or guarantees, express or implied,  
28 of any kind, nature or type whatsoever, regarding its use, title,  
29 suitability or merchantability and, upon conveyance, all maintenance  
30 and responsibility as to the Property shall become the sole and  
31 exclusive obligation of Gateway Community Services, Inc. The

1 Property shall be used for Gateway Community Services, Inc.'s  
2 behavioral health facility and outpatient treatment for members of  
3 the community. If the Property is used for anything other than the  
4 operation of such programs consistent with Gateway's core mission,  
5 the City shall have the right, but not the duty, to reenter the  
6 Property and upon exercise of such reentry, all right, title, and  
7 interest of Gateway Community Services, Inc. shall revert to the  
8 City and Gateway Community Services, Inc. shall execute and deliver  
9 a Special Warranty Deed to the City free of all liens and  
10 encumbrances. Beginning in 2022, on or before March 1 of each year,  
11 Gateway Community Services, Inc. shall submit to the Chief of the  
12 City's Real Estate Division, an affidavit affirming that the  
13 Property continues to be used for behavioral health and outpatient  
14 treatment; if Gateway Community Services, Inc. fails to provide the  
15 annual affidavit within 60 days of this date, the City may exercise  
16 its right of reentry.

17 **Section 5. Oversight Department.** The Department of Public  
18 Works, Real Estate Division shall oversee the operations described  
19 in this ordinance; if the use provisions in Section 4 are not  
20 maintained, the Real Estate Division, through the Office of General  
21 Counsel, may initiate action for reverter.

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

25 Form Approved:

26  
27 /s/ Paige H. Johnston

28 Office of General Counsel

29 Legislation Prepared By: Paige H. Johnston

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