

1 Introduced by Council Member Ferraro:
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4 **ORDINANCE 2022-767-E**

5 AN ORDINANCE DECLARING APPROXIMATELY 2.68 ACRES
6 OF REAL PROPERTY OWNED BY THE CITY IN COUNCIL
7 DISTRICT 2 (PORTION OF R.E. NO. 161285-0030) TO
8 BE SURPLUS TO THE NEEDS OF THE CITY; APPROVING
9 AND AUTHORIZING THE MAYOR OR HIS DESIGNEE AND
10 CORPORATION SECRETARY TO EXECUTE ALL DEEDS AND
11 CLOSING DOCUMENTS RELATING THERETO AND OTHERWISE
12 TAKE ALL NECESSARY ACTION TO EFFECTUATE THE
13 PURPOSES OF THIS ORDINANCE TO SELL THE CITY
14 PROPERTY, HAVING AN APPRAISED VALUE OF
15 \$90,000.00 TO DANIEL ZEILERMEIR, AS AN ADJACENT
16 PROPERTY OWNER; WAIVING SECTION 122.424
17 (DISPOSITION BY DIRECT SALE), *ORDINANCE CODE*;
18 PROVIDING FOR A USE RESTRICTION FOR THE
19 PROPERTY; PROVIDING FOR OVERSIGHT OF THE LAND
20 CONVEYANCE DOCUMENTS BY THE PUBLIC WORKS
21 DEPARTMENT; PROVIDING AN EFFECTIVE DATE.
22

23 **WHEREAS**, the City of Jacksonville ("City") is the owner of an
24 approximately 3.49 acre parcel of unimproved real property located
25 south of Monument Road, east of Brookwood Forest Boulevard, and west
26 of Holly Oaks Lake Road East, with an address of 1388 Causey Lane,
27 R.E. #161285-0030 (the "Parent Parcel"); and

28 **WHEREAS**, Daniel Zeilermeir ("Zeilermeir") is the owner of an
29 approximately .98 acre parcel of unimproved real property located at
30 0 Causey Lane, R.E. No. 161286-0010, which is adjacent and immediately
31 to the south of the Property; and

1 **WHEREAS**, Zeilermeir's property is landlocked and it does not
2 appear from property records that Mr. Zeilermeir has a manner to
3 legally access his property; and

4 **WHEREAS**, Zeilermeir intends to move to his property and build
5 one residential dwelling unit for his individual ownership and use;
6 and

7 **WHEREAS**, Zeilermeir approached the City earlier this year
8 regarding purchase of a 2.68 portion of the Parent Parcel, herein
9 described as the "Property," with the City retaining about .80 acres
10 of the Parent Parcel containing a retention pond; and

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

14 **WHEREAS**, Zeilermeir has agreed to pay the costs for City to
15 obtain an appraisal of the Property, dated March 31, 2022, a copy of
16 which is **On File**, and has agreed to pay the appraised value of the
17 Property to the City, which is \$90,000; and

18 **WHEREAS**, the Council finds that selling the Property to the
19 adjacent neighbor, Daniel Zeilermeir, is in the best interest of the
20 public as the City has no use for the Property, and purchase of the
21 Property by Zeilermeir will provide him with legal access to his
22 property; now therefore

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

24 **Section 1. Declaration of Surplus.** The City hereby declares
25 the Property (identified as a portion of R.E. No. 161285-0030) in
26 Council District 2, as more particularly described in **Exhibit 1**,
27 attached hereto and incorporated herein by this reference to be
28 surplus to the needs of the City. A copy of the certificate from the
29 Chief of Real Estate for the surplus of real property, required by
30 Rule 3.102(g) (1) (Preparation of Bills), is attached hereto as **Exhibit**
31 **2** and incorporated herein by this reference.

1 **Section 2. Authorization of Conveyance Documents and Other**
2 **Related Documents.** There is hereby approved and the Mayor, or his
3 designee, and the Corporation Secretary, are hereby authorized to:
4 (1) execute and deliver the deed conveying the Property to Zeilermeir,
5 related closing documents, and all such other documents necessary or
6 appropriate to effectuate the purpose of this Ordinance; and (2) to
7 take, or cause to be taken, such further action to effectuate the
8 purpose of this Ordinance.

9 **Section 3. Waiving Section 122.424 (Disposition by direct**
10 **sale), Ordinance Code.** The provisions of Chapter 122.424 (Disposition
11 by direct sale), Part 4 (Real Property), Chapter 122 (Public
12 Property), *Ordinance Code*, are hereby waived to allow the negotiated
13 sale and conveyance of the Property to Zeilermeir as adjacent property
14 owner with a landlocked parcel for the as-is market value of the
15 Property, per the appraisal, at \$90,000, rather than receiving bids
16 from all adjacent property owners.

17 **Section 4. Use Restriction.** The City hereby finds that
18 Zeilermeir's request to purchase the Property to provide for legal
19 access to his landlocked parcel for his personal use of his property
20 as a homestead was a material inducement for the City to sell the
21 Property to Mr. Zeilermeir. Therefore, the conveyance documents
22 approved in Section 2 above shall include a restrictive covenant that
23 the Property shall not be used for any purpose but for access to Mr.
24 Zeilermeir's homestead and any related accessory uses allowed for one
25 (1) residential lot under the Jacksonville Zoning Code (Chapter 656,
26 *Ordinance Code*). Should this use restriction be violated, the City
27 shall have all remedies available at law and equity as further
28 provided under the conveyance documents.

29 **Section 5. Oversight.** The Public Works Department shall
30 oversee the execution of the conveyance documents and any other
31 documents related thereto.

1 **Section 6. Effective Date.** This Ordinance shall become
2 effective upon signature by the Mayor or upon becoming effective
3 without the Mayor's signature.

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5 Form Approved:

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7
8 /s/ Mary E. Staffopoulos

9 Office of General Counsel

10 Legislation Prepared By: Paige H. Johnston

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