

1 Introduced by the Council President at the request of the Mayor and
2 Co-Sponsored by Council Members Carlucci and Pittman and amended by
3 the Neighborhoods, Community Services, Public Health and Safety
4 Committee:

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7 **ORDINANCE 2023-766-E**

8 AN ORDINANCE APPROPRIATING \$1,813,000 FROM
9 GENERAL FUND OPERATING - FUND BALANCE TO PROVIDE
10 FUNDING FOR THE CITY'S ACQUISITION OF AN
11 APPROXIMATELY .38 ACRE IMPROVED PARCEL LOCATED
12 AT 865 GOLFAIR BOULEVARD, JACKSONVILLE, FLORIDA
13 (R.E. NO. 031960-0000) IN COUNCIL DISTRICT 10
14 (THE "PROPERTY"), TO BE USED AS A COMMUNITY
15 CENTER OR PUBLIC BUILDING, AS INITIATED BY
16 REVISED B.T. 24-017; APPROVING AND AUTHORIZING
17 THE MAYOR, OR HER DESIGNEE, AND THE CORPORATION
18 SECRETARY TO EXECUTE AND DELIVER THAT CERTAIN
19 REAL ESTATE PURCHASE AGREEMENT (THE "AGREEMENT")
20 BETWEEN THE CITY OF JACKSONVILLE AND SBPS #3 JI
21 LLC, A FLORIDA LIMITED LIABILITY COMPANY, AND
22 ALL CLOSING AND OTHER DOCUMENTS RELATING
23 THERETO, AND TO OTHERWISE TAKE ALL NECESSARY
24 ACTION TO EFFECTUATE THE PURPOSES OF THE
25 AGREEMENT TO PURCHASE THE SUBJECT PROPERTY AT
26 THE NEGOTIATED PURCHASE PRICE OF \$1,800,000;
27 AMENDING THE 2024-2028 FIVE-YEAR CAPITAL
28 IMPROVEMENT PLAN APPROVED BY ORDINANCE
29 2023-505-E TO ADD THE PROJECT ENTITLED
30 "BRENTWOOD COMMUNITY CENTER" AND TO REFLECT THIS

1 APPROPRIATION OF FUNDS TO THE PROJECT; PROVIDING
2 FOR OVERSIGHT BY THE REAL ESTATE DIVISION AND
3 PARKS, RECREATION, AND COMMUNITY SERVICES
4 DEPARTMENT; PROVIDING AN EFFECTIVE DATE.

5
6 **WHEREAS**, SBPS #3 JI LLC, a Florida limited liability company
7 ("Seller"), is the owner of improved real property approximately .38
8 acres located at 865 Golfair Boulevard, Jacksonville, Florida (R.E.
9 No. 031960-0000) (the "Property"); and

10 **WHEREAS**, the Property is located in the Brentwood community in
11 Council District 10 and adjacent to KIPP Voice Academy, a public
12 charter school with approximately 800 enrolled students (the
13 "School"); and

14 **WHEREAS**, the Seller previously intended to use the Property as
15 a liquor store; and

16 **WHEREAS**, in the best interest of the Brentwood community and the
17 City, the City agrees to purchase the Property from Seller for the City's
18 use as a community center or public building as provided herein; now
19 therefore

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

21 **Section 1. Recitals.** The recitals above are correct and
22 incorporated herein by reference.

23 **Section 2. Appropriation.** For the 2023-2024 fiscal year,
24 within the City's budget, there are hereby appropriated the indicated
25 sum(s) from the account(s) listed in subsection (a) to the account(s)
26 listed in subsection (b):

27 (Revised B.T. 24-017, attached hereto as **Revised Exhibit 1**, labeled
28 as "Revised Exhibit 1, Rev B.T. 24-017, November 20, 2023 - NCSPHS"
29 and incorporated herein by this reference)

30 (a) Appropriated from:

31 See Revised B.T. 24-017 \$1,813,000

1 (b) Appropriated to:

2 See Revised B.T. 24-017 \$1,813,000

3 (c) Explanation of Appropriation:

4 The funding above represents an appropriation of \$1,813,000
5 from the General Operating Fund - Fund Balance account for
6 the acquisition of the Property for the City's use as a
7 community center or public building in the Brentwood
8 community (the "Project").

9 **Section 3. Purpose.** The purpose of the appropriation in
10 Section 2 is to provide funding for the acquisition of the Property
11 for the Project.

12 **Section 4. Approval and Authorization to Execute Real**
13 **Estate Purchase Agreement and Closing Documents.** The Real Estate
14 Purchase Agreement (the "Agreement") provides for the acquisition of
15 the Property, as depicted on **Exhibit 2**, for the City's use as a
16 community center or public building. There is hereby approved, and
17 the Mayor, or her designee, and the Corporation Secretary are hereby
18 authorized to execute and deliver, for and on behalf of the City,
19 that certain Real Estate Purchase Agreement between the City and
20 Seller, in substantially the form attached hereto as **Exhibit 3** and
21 incorporated herein by this reference, and all such closing and other
22 documents necessary or appropriate to effectuate the purpose of this
23 Ordinance (with such "technical" changes as herein authorized). The
24 negotiated purchase price of the Property is \$1,800,000 and is
25 supported by an appraisal obtained by the City. The Agreement does
26 not require a deposit from the City.

27 The Real Estate Purchase Agreement, and any and all closing and
28 other documents related thereto, may include such additions,
29 deletions, and changes as may be reasonable, necessary, and incidental
30 for carrying out the purposes thereof, as may be acceptable to the
31 Mayor, or her designee, with such inclusion and acceptance being

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

16 **Section 5. Capital Improvement Plan Amendment.** Ordinance
17 2023-505-E, adopting the 2024-2028 Five-Year Capital Improvement Plan
18 (the "CIP") for the City and certain of its independent agencies, is
19 hereby amended to include the appropriation of funds to the Project,
20 as more fully described in the Project Information Sheet attached
21 hereto as **Revised Exhibit 4**, labeled as "Revised Exhibit 4, Rev CIP
22 Sheet, November 20, 2023 - NCSPHS" and incorporated herein by this
23 reference. The City Council finds that the deferral of this amendment
24 of the CIP until the next annual budget and CIP review will be
25 detrimental to the best interests of the community because such
26 deferral could result in the City's inability to acquire the Property.

27 Pursuant to Section 122.605(c), *Ordinance Code*, enactment of
28 this Ordinance requires the affirmative vote of two-thirds of the
29 City Council members present at the meeting because of the CIP
30 amendment set forth in this section. This Ordinance shall constitute
31 an amendment to Ordinance 2023-505-E. In all other respects, the

1 Five-Year Capital Improvement Plan approved by Ordinance 2023-505-E
2 shall remain unchanged and continue in full force and effect.

3 **Section 6. Oversight.** The Real Estate Division of the
4 Department of Public Works shall oversee the acquisition of the
5 Property, and the Department of Parks, Recreation, and Community
6 Services shall provide oversight of the Property thereafter.

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

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11 Form Approved:

12
13 /s/ Mary E. Staffopoulos

14 Office of General Counsel

15 Legislation Prepared By: Lawsikia J. Hodges

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