

1 Introduced by Council Member Johnson:
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4 **ORDINANCE 2024-951**

5 AN ORDINANCE APPROPRIATING \$1,834,456.47 FROM THE
6 COJ PROJECT CLOSURE ACTIVITY ACCOUNT TO THE
7 "ORTEGA HILLS SECONDARY INGRESS/EGRESS PROJECT"
8 TO FUND LAND ACQUISITION AND RIGHT OF WAY
9 IMPROVEMENTS TO CREATE AN ADDITIONAL MEANS OF
10 INGRESS AND EGRESS TO THE ORTEGA HILLS
11 NEIGHBORHOOD IN COUNCIL DISTRICT 14 (THE
12 "CONNECTOR ROAD"); APPROVING AND AUTHORIZING THE
13 MAYOR AND CORPORATION SECRETARY TO EXECUTE AND
14 DELIVER, FOR AND ON BEHALF OF THE CITY, THE
15 "PURCHASE AND SALE AGREEMENT" BETWEEN THE CITY
16 AND FENNEL IP, LLC, A FLORIDA LIMITED LIABILITY
17 COMPANY ("DEVELOPER") FOR THE PURPOSE OF
18 ACQUIRING + 1.94 ACRES OF UNIMPROVED REAL PROPERTY
19 AND PERPETUAL EASEMENT RIGHTS OVER + 3.62 ACRES
20 OF ADJACENT LAND FOR STORMWATER DRAINAGE (THE
21 "PROPERTY") FOR USE AS THE SITE OF THE CONNECTOR
22 ROAD; APPROVING AND AUTHORIZING THE MAYOR AND
23 CORPORATION SECRETARY TO EXECUTE AND DELIVER, FOR
24 AND ON BEHALF OF THE CITY, THE "ORTEGA HILLS
25 CONNECTOR ROAD COST DISBURSEMENT AGREEMENT"
26 BETWEEN THE CITY, DEVELOPER AND TIMUQUANA
27 COMMERCE CENTER OWNERS ASSOCIATION, INC., A
28 FLORIDA NOT FOR PROFIT CORPORATION, TO AUTHORIZE
29 DEVELOPER TO DESIGN, CONSTRUCT, AND ENGINEER THE
30 CONNECTOR ROAD, WITH CITY TO REIMBURSE DEVELOPER
31 FOR PORTIONS OF SAME; AMENDING THE 2025-2029 FIVE-

1 YEAR CAPITAL IMPROVEMENT PLAN APPROVED BY
2 ORDINANCE 2024-505-E TO REFLECT THIS
3 APPROPRIATION OF FUNDS; PROVIDING FOR OVERSIGHT
4 BY THE REAL ESTATE DIVISION AND BY THE ENGINEERING
5 AND CONSTRUCTION MANAGEMENT DIVISION OF THE
6 PUBLIC WORKS DEPARTMENT; PROVIDING AN EFFECTIVE
7 DATE.

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9 **WHEREAS**, at present, right of ways providing vehicular access
10 into and out of the Ortega Hills neighborhood traverse a railway line
11 owned by CSX that runs parallel to US 17; and

12 **WHEREAS**, on occasion, residents, visitors, and first
13 responders cannot enter or leave the neighborhood due to disabled
14 trains stuck on the railroad tracks;

15 **WHEREAS**, to improve public safety and enhance vehicular access
16 to Ortega Hills, and to facilitate Developer's development of certain
17 nearby parcels into an industrial park, City and Developer have agreed
18 that Developer will design, permit, engineer and construct the
19 "Connector Road" - a two-lane public road and related facilities,
20 including stormwater retention ponds, connecting Ortega Hills Drive
21 northward to the current terminus of Golden Wings Road; and

22 **WHEREAS**, City has determined that the design, engineering,
23 construction, and inspection of the Connector Road can most
24 efficiently and cost effectively be completed by the Developer in
25 connection with its build out of the planned industrial park; and

26 **WHEREAS**, City has agreed to reimburse Developer up to one hundred
27 percent (100%) of the costs of the design, engineering, permitting,
28 construction and inspection of the Connector Road as based on the
29 Engineer's Opinion of Probable Cost prepared therefor ("EOPC"), up
30 to the amount of \$4,158,266.47; and

31 **WHEREAS**, moreover, City has agreed to purchase real property and

1 easement rights necessary for the location and construction of the
2 Connector Road (the "Property") for payment of \$1,044,000 and
3 thereafter to grant Developer a temporary construction easement over
4 the Property to facilitate its construction of the Connector Road;
5 now, therefore

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

7 **Section 1. Appropriation.** For the 2024-2025 fiscal year,
8 within the City's budget, there are hereby appropriated the indicated
9 sum(s) from the account(s) listed in subsection (a) to the account(s)
10 listed in subsection (b):

11 (The account information is attached hereto as **Exhibit 1**, and
12 incorporated herein by this reference)

13 (a) Appropriated from:

14 See attached **Exhibit 1** \$1,834,456.47

15 (b) Appropriated to:

16 See attached **Revised Exhibit 1** \$1,834,456.47

17 Explanation of Appropriation: This legislation appropriates
18 funds from the COJ-Project Closure Activity Account to the
19 Ortega Hills Secondary Ingress/Egress Project to fund the
20 acquisition of real property interests, and design, engineering,
21 and construction costs necessary to build the Connector Road.

22 **Section 2. Purpose of Appropriation.** The purpose of the
23 appropriation in Section 1 is to transfer funds from the COJ - Project
24 Closure Activity Account to the Ortega Hills Secondary Ingress/Egress
25 Project (the "Project") to facilitate initiation and completion of
26 the Project. The Project will entail the acquisition of real property
27 and easement interests as well as the design, engineering and
28 construction of right of way and drainage improvements to create a
29 secondary source of ingress and egress into the Ortega Hills
30 neighborhood.

31 **Section 3. Approval and Authorization to Execute the**

1 **Purchase and Sale Agreement and Closing Documents.** The Purchase and
2 Sale Agreement provides for the acquisition of the Property, as
3 depicted on **Exhibit 2**, for the City's use as the site of the Connector
4 Road. There is hereby approved, and the Mayor, or her designee, and
5 the Corporation Secretary are hereby authorized to execute and
6 deliver, for and on behalf of the City, that certain Purchase and
7 Sale Agreement between City and Developer, in substantially the form
8 attached hereto as **Exhibit 3** and incorporated herein by this reference
9 (the "Purchase and Sale Agreement"), and all such closing and other
10 documents necessary or appropriate to effectuate the purpose of this
11 Ordinance (with such "technical" changes as herein authorized). The
12 negotiated purchase price of the Property is \$1,044,000 and is
13 supported by an appraisal obtained by the City. The Agreement does
14 not require a deposit from the City.

15 The Purchase and Sale Agreement, and any and all closing and
16 other documents related thereto, may include such additions,
17 deletions, and changes as may be reasonable, necessary, and incidental
18 for carrying out the purposes thereof, as may be acceptable to the
19 Mayor, or her designee, with such inclusion and acceptance being
20 evidenced by execution of the Agreement by the Mayor, or her designee;
21 provided however, no modification of the Agreement or related
22 documents may increase the financial obligations or liability of the
23 City to an amount in excess of the amount stated in the Agreement or
24 decrease the financial obligations or liability of the Sellers, and
25 any such modification shall be technical only and shall be subject
26 to appropriate legal review and approval by the Office of General
27 Counsel. For purposes of this Ordinance, the term "technical changes"
28 is defined as those changes having no financial impact to the City,
29 including, but not limited to, changes in legal descriptions or
30 surveys, ingress and egress, easements and rights of way, design
31 standards, access and site plans, resolution of title defects, if

1 any, and other non-substantive changes that do not substantively
2 increase the duties and responsibilities of the City under the
3 provisions of the Agreement.

4 **Section 4. Authority to execute the Ortega Hills Connector**
5 **Road Cost Disbursement Agreement.** The Mayor, or her designee, and
6 the Corporation Secretary are hereby authorized to execute and deliver
7 the Ortega Hills Connector Road Cost Disbursement Agreement (the
8 "Cost Disbursement Agreement") between the City, Developer, and
9 Timuquana Commerce Center Owners Association, Inc., in substantially
10 the same form as placed **On File** with the Legislative Services
11 Division. The Agreement may include such additions, deletions, and
12 change as may be reasonable, necessary, and incidental for carrying
13 out the purpose thereof, as may be acceptable to the Mayor or her
14 designee, with such inclusion and acceptance being evidenced by
15 execution of the Agreement by the Mayor or his designee. No
16 modification of the Agreement may increase the financial obligations
17 or the liability of City and any such modification shall be technical
18 only and shall be subject to appropriate legal review and approval
19 of the General Counsel or his or her designee and all other
20 appropriate action required by law. For the purposes of this
21 Ordinance, "technical changes" is defined as those changes having no
22 financial impact to the City; including, but not limited to, changes
23 in legal descriptions or surveys, resolution of title defects (if
24 any), descriptions of infrastructure improvements and/or any road
25 project, ingress and egress, easements and rights-of-way, performance
26 schedules (provided that no performance schedule may be extended for
27 more than one year without City Council approval), design standards,
28 access and site plans, and other non-substantive changes that do no
29 substantively increase the duties and responsibilities of the City
30 under the provisions of the Agreement.

31 **Section 5. Capital Improvement Plan Amendment.** Ordinance

1 2024-505-E, adopting the 2025-2029 Five-Year Capital Improvement Plan
2 (the "CIP") for the City and certain of its independent agencies, is
3 hereby amended to reflect the appropriation of funds to the Project,
4 as more fully described in the Project Information Sheets attached
5 hereto as **Exhibit 4** and incorporated herein by this reference. The
6 City Council finds that the deferral of this amendment of the CIP
7 until the next annual budget and CIP review will be detrimental to
8 the best interests of the community because such deferral will delay
9 the urgent need to alleviate traffic congestion and promote safety
10 at the intersection.

11 Pursuant to Section 122.605(c), *Ordinance Code*, enactment of
12 this Ordinance requires the affirmative vote of two-thirds of the
13 City Council members present at the meeting because of the CIP
14 amendment set forth in this section. This Ordinance shall constitute
15 an amendment to Ordinance 2022-505-E. In all other respects, the
16 Five-Year Capital Improvement Plan approved by Ordinance 2022-505-E
17 shall remain unchanged and continue in full force and effect.

18 **Section 6. Oversight.** The Real Estate Division of the
19 Department of Public Works shall oversee the acquisition of the
20 Property, and the Engineering and Construction Management Division
21 of the Public Works Department shall oversee the administration of
22 the Cost Disbursement Agreement and shall provide oversight of the
23 construction of the Connector Road.

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

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2 Form Approved:

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4 /s/ Harry M. Wilson, IV

5 Office of General Counsel

6 Legislation prepared by: Harry M. Wilson, IV

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