

1 Introduced by Council Member Boylan:
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4 **ORDINANCE 2022-837**

5 AN ORDINANCE APPROVING AND AUTHORIZING THE
6 MAYOR, OR HIS DESIGNEE, AND CORPORATION
7 SECRETARY TO EXECUTE AND DELIVER THAT CERTAIN
8 PURCHASE AND SALE AGREEMENT (THE "AGREEMENT")
9 BETWEEN THE CITY OF JACKSONVILLE AND JEAN H.
10 HAWKINS AND ALL CLOSING DOCUMENTS RELATING
11 THERETO, AND OTHERWISE TAKE ALL NECESSARY ACTION
12 TO EFFECTUATE THE PURPOSES OF THE AGREEMENT, FOR
13 ACQUISITION BY THE CITY, AT THE NEGOTIATED
14 PURCHASE PRICE OF \$113,000.00, OF AN
15 APPROXIMATELY 4.85 + ACRE PARCEL OF LANDLOCKED
16 AND UNDEVELOPED LAND (R.E. # 105682-0000)
17 ADJACENT TO THE APPROXIMATELY 26.65 + ACRE CITY-
18 OWNED FERNGULLY PRESERVE LOCATED IN COUNCIL
19 DISTRICT 6 NEAR ROYAL FERN LANE TO ENLARGE AND
20 PROTECT FERNGULLY PRESERVE FROM EXPECTED IMPACTS
21 OF PROPOSED, ADJACENT DEVELOPMENT AND USES TO BE
22 EFFECTUATED BY A DEED RESTRICTION TO BE PLACED
23 ON THE PARCEL; PROVIDING FOR OVERSIGHT OF THE
24 ACQUISITION OF THE PROPERTY BY THE REAL ESTATE
25 DIVISION OF THE DEPARTMENT OF PUBLIC WORKS AND
26 THEREAFTER BY THE DEPARTMENT OF PARKS,
27 RECREATION AND COMMUNITY SERVICES; REQUESTING
28 ONE CYCLE EMERGENCY PASSAGE; PROVIDING AN
29 EFFECTIVE DATE.

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31 **WHEREAS**, on October 11, 2022, the Council of the City of

1 Jacksonville enacted Ordinance 2022-687-E which appropriated
2 \$1,215,000 from the PRSC - Parks & Rec Capital Projects- Parks and
3 Recreation/Acquiring & Preserving Land Project to Fund Various Parks,
4 Recreation and Community Services Department to include the
5 appropriation of \$70,000 for the acquisition of property adjacent to
6 Ferngully Preserve; and

7 **WHEREAS**, pursuant to Ordinance 2022-687-E, funding for the
8 acquisition of the subject parcel adjacent to Ferngully Preserve will
9 be supplemented by an additional \$62,500 in contributions from North
10 Florida Land Trust, Inc., the Audubon Society and other private
11 donors.

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

13 **Section 1. Approval and authorization.** There is hereby
14 approved, and the Mayor, or his designee, and the Corporation
15 Secretary are hereby authorized to execute and deliver on behalf of
16 the City, that certain Purchase and Sale Agreement between the City
17 of Jacksonville and Jean H. Hawkins (the "Seller"), in substantially
18 the form placed **On File** with the Office of Legislative Services, and
19 all such other documents necessary or appropriate to effectuate the
20 purpose of this Ordinance (with such "technical" changes as herein
21 authorized). The Agreement provides for the acquisition of an
22 approximately 4.85 ± acre landlocked and undeveloped parcel (R.E. #
23 105682-0000) abutting the approximately 26.65 acre ± City-owned
24 Ferngully Preserve in Council District 6, located near Royal Fern
25 Lane South, to enlarge and protect Ferngully Preserve from expected
26 impacts of proposed, adjacent development and uses. The appraised
27 value of the property is \$125,000.00 and the negotiated purchase
28 price for the property is \$113,000.00. The Agreement requires no
29 deposit from the City, and funding for the acquisition of the subject
30 parcel will be supplemented by \$62,500 in contributions from North
31 Florida Land Trust, Inc. and other private donors. The deed of the

1 subject parcel to the City shall include a restrictive covenant
2 prohibiting the sale, development, or change in use of the property
3 by City except that the City may in its sole discretion donate the
4 property to the North Florida Land Trust, its successors and assigns.

5 The Purchase and Sale Agreement and related documents may
6 include such additions, deletions, and changes as may be reasonable,
7 necessary, and incidental for carrying out the purposes thereof, as
8 may be acceptable to the Mayor, or his designee, with such inclusion
9 and acceptance being evidenced by execution of the Agreement by the
10 Mayor, or his designee; provided however, no modification of the
11 Agreement or related documents may increase the financial obligations
12 or liability of the City to an amount in excess of the amount stated
13 in the Agreement or decrease the financial obligations or liability
14 of the Seller, and any such modification shall be technical only and
15 shall be subject to appropriate legal review and approval by the
16 Office of General Counsel. For purposes of this Ordinance, the term
17 "technical changes" is defined as those changes having no financial
18 impact to the City, including, but not limited to, changes in legal
19 descriptions or surveys, ingress and egress, easements and rights of
20 way, design standards, access and site plan, resolution of title
21 defects, if any, and other non-substantive changes that do not
22 substantively increase the duties and responsibilities of the City
23 under the provisions of the Agreement.

24 **Section 2. Oversight.** The Real Estate Division of the
25 Department of Public Works shall oversee the acquisition of the
26 property; the Department of Parks, Recreation and Community Services
27 shall have oversight thereafter.

28 **Section 3. Requesting one cycle emergency passage pursuant**
29 **to Council Rule 4.901 Emergency.** One cycle emergency passage of
30 this legislation is requested. The nature of the emergency is that
31 the parties desire to close the transaction prior to the end of the

1 calendar year for bookkeeping and accounting purposes and to honor
2 representations made to Seller during the negotiation process.
3 Emergency action is requested so that this bill can be taken up at
4 the first meeting in December 2022 enabling the parties to close
5 prior to year-end.

6 **Section 4. Effective Date.** This Ordinance shall become
7 effective upon signature by the Mayor or upon becoming effective
8 without the Mayor's signature.

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10 Form Approved:

11
12 /s/ Harry Wilson

13 Office of General Counsel

14 Legislation prepared by: Harry M. Wilson, IV

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