

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2023-142**

5 AN ORDINANCE DECLARING THAT CERTAIN PARCEL OF
6 REAL PROPERTY LOCATED AT 0 PHILLIPS HIGHWAY,
7 BETWEEN BOWDENDALE AVENUE AND EXECUTIVE PARK
8 COURT (R.E. NO. 152602-0300), IN COUNCIL
9 DISTRICT 5, TO BE SURPLUS TO THE NEEDS OF THE
10 CITY; AUTHORIZING CONVEYANCE OF THE PROPERTY TO
11 THE FLORIDA DEPARTMENT OF TRANSPORTATION
12 ("FDOT") FOR THE APPRAISED VALUE OF \$1,874,380;
13 APPROVING, AND AUTHORIZING THE MAYOR, OR HIS
14 DESIGNEE, AND CORPORATION SECRETARY TO EXECUTE
15 AND DELIVER THAT CERTAIN PURCHASE AGREEMENT
16 BETWEEN THE CITY AND FDOT AS WELL AS THE DEED
17 AND OTHER CLOSING DOCUMENTS RELATING THERETO,
18 AND TO OTHERWISE TAKE ALL NECESSARY ACTION TO
19 EFFECTUATE THE PURPOSES OF THIS ORDINANCE;
20 PROVIDING FOR OVERSIGHT OF EXECUTION OF THE
21 CONVEYANCE DOCUMENTS BY THE PUBLIC WORKS
22 DEPARTMENT, REAL ESTATE DIVISION; PROVIDING AN
23 EFFECTIVE DATE.
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25 **WHEREAS**, the City of Jacksonville ("City") is the owner of a
26 41.54± acre parcel of unimproved real property, comprised mostly of
27 wetlands and approximately seven acres of uplands, located at 0
28 Philips Highway, Jacksonville, Florida 32216 (R.E. No. 152602-0300),
29 between Bowdendale Avenue and Executive Park Court, in Council
30 District 5 (the "Property"); and

31 **WHEREAS**, the Florida Department of Transportation ("FDOT") has

1 requested to purchase the Property to construct a stormwater retention
2 pond for treatment of runoff as part of a project to widen Interstate-
3 95 between James Turner Butler Boulevard and Atlantic Boulevard; and

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

7 **WHEREAS**, FDOT proposed to purchase the parcel for \$1,874,380
8 which is consistent with the appraisal; and

9 **WHEREAS**, the Council finds that selling the Property to FDOT is
10 in the best interest of the public to allow construction of a
11 retention pond to accommodate stormwater runoff in the area where
12 Interstate-95 will be widened; now therefore

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

14 **Section 1. Declaration of Surplus.** The City hereby
15 declares the Property (R.E. No. 152602-0300) in Council District 5,
16 as more particularly described in **Exhibit 1**, attached hereto and
17 incorporated herein by this reference, to be surplus to the needs of
18 the City. A copy of the Real Estate Certificate from the Chief of
19 the Real Estate Division for the surplus of real property, required
20 by Council Rule 3.102(g) (1) (Preparation of Bills), is attached hereto
21 as **Exhibit 2** and incorporated herein by this reference.

22 **Section 2. Authorization to Execute a Purchase Agreement,**
23 **Deed, and Related Closing Documents.** There is hereby approved and
24 the Mayor, or his designee, and the Corporation Secretary, are hereby
25 authorized to: (1) execute that certain Purchase Agreement between
26 the City of Jacksonville and the Florida Department of Transportation
27 (the "Agreement"), in substantially the form attached hereto as
28 **Exhibit 3** and incorporated herein by this reference; (2) execute and
29 deliver the deed conveying the Property to FDOT, related closing
30 documents, and all such other documents necessary or appropriate to
31 effectuate the purpose of this Ordinance; and (3) to take, or cause

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

20 **Section 3. Waiving Section 122.425 (Disposition by auction**
21 **or sealed bid), Ordinance Code.** The provisions of Chapter 122.425
22 (Disposition by auction or sealed bid), Part 4 (Real Property),
23 Chapter 122 (Public Property), *Ordinance Code*, are hereby waived to
24 allow the sale and conveyance of the Property to FDOT rather than
25 auctioning the Property or seeking sealed bids.

26 **Section 4. Oversight.** The Public Works Department, Real
27 Estate Division, shall oversee execution of the conveyance documents
28 and any other documents related thereto.

29 **Section 5. Effective Date.** This Ordinance shall become
30 effective upon signature by the Mayor or upon becoming effective
31 without the Mayor's signature.

1 Form Approved:

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3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Mary E. Staffopoulos

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