

1 Introduced by the Council President at the request of the Mayor and  
2 amended by the Neighborhoods, Community Services, Public Health and  
3 Safety Committee:  
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6 **ORDINANCE 2023-142-E**

7 AN ORDINANCE DECLARING THAT CERTAIN PARCEL OF  
8 REAL PROPERTY LOCATED AT 0 PHILIPS HIGHWAY,  
9 BETWEEN BOWDENDALE AVENUE AND EXECUTIVE PARK  
10 COURT (R.E. NO. 152602-0300), IN COUNCIL  
11 DISTRICT 5, TO BE SURPLUS TO THE NEEDS OF THE  
12 CITY; AUTHORIZING CONVEYANCE OF THE PROPERTY TO  
13 THE FLORIDA DEPARTMENT OF TRANSPORTATION  
14 ("FDOT") FOR THE APPRAISED VALUE OF \$1,874,380;  
15 APPROVING, AND AUTHORIZING THE MAYOR, OR HIS  
16 DESIGNEE, AND CORPORATION SECRETARY TO EXECUTE  
17 AND DELIVER THAT CERTAIN PURCHASE AGREEMENT  
18 BETWEEN THE CITY AND FDOT AS WELL AS THE DEED  
19 AND OTHER CLOSING DOCUMENTS RELATING THERETO,  
20 AND TO OTHERWISE TAKE ALL NECESSARY ACTION TO  
21 EFFECTUATE THE PURPOSES OF THIS ORDINANCE;  
22 WAIVING SECTION 122.425 (DISPOSITION BY AUCTION  
23 OR SEALED BID), SUBPART B (REAL PROPERTY  
24 DISPOSITIONS AND EXCHANGES), PART 4 (REAL  
25 PROPERTY), CHAPTER 122 (PUBLIC PROPERTY),  
26 *ORDINANCE CODE*, TO ALLOW FOR SALE OF THE  
27 PROPERTY TO FDOT WITHOUT CONDUCTING AN AUCTION  
28 OR SEEKING SEALED BIDS; PROVIDING FOR OVERSIGHT  
29 OF EXECUTION OF THE CONVEYANCE DOCUMENTS BY THE  
30 PUBLIC WORKS DEPARTMENT, REAL ESTATE DIVISION;  
31 PROVIDING AN EFFECTIVE DATE.

1           **WHEREAS,** the City of Jacksonville ("City") is the owner of a  
2 41.54± acre parcel of unimproved real property, comprised mostly of  
3 wetlands and approximately seven acres of uplands, located at 0  
4 Philips Highway, Jacksonville, Florida 32216 (R.E. No. 152602-0300),  
5 between Bowdendale Avenue and Executive Park Court, in Council  
6 District 5 (the "Property"); and

7           **WHEREAS,** the Florida Department of Transportation ("FDOT") has  
8 requested to purchase the Property to construct a stormwater retention  
9 pond for treatment of runoff as part of a project to widen Interstate-  
10 95 between James Turner Butler Boulevard and Atlantic Boulevard; 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,** FDOT proposed to purchase the parcel for \$1,874,380  
15 which is consistent with the appraisal; and

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

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

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

29           **Section 2. Authorization to Execute a Purchase Agreement,**  
30 **Deed, and Related Closing Documents.** There is hereby approved and  
31 the Mayor, or his designee, and the Corporation Secretary, are hereby

1 authorized to: (1) execute that certain Purchase Agreement between  
2 the City of Jacksonville and the Florida Department of Transportation  
3 (the "Agreement"), in substantially the form attached hereto as  
4 **Exhibit 3** and incorporated herein by this reference; (2) execute and  
5 deliver the deed conveying the Property to FDOT, related closing  
6 documents, and all such other documents necessary or appropriate to  
7 effectuate the purpose of this Ordinance; and (3) to take, or cause  
8 to be taken, such further action to effectuate the purpose of this  
9 Ordinance. Furthermore, the Agreement may include such additions,  
10 deletions and changes as may be reasonable, necessary and incidental  
11 for carrying out the purposes thereof, as may be acceptable to the  
12 Mayor, or his designee, with such inclusion and acceptance being  
13 evidenced by execution of the Agreement by the Mayor, or his designee;  
14 provided however, no modification to the Agreement may increase the  
15 financial obligations or liability of the City to an amount in excess  
16 of the amount stated in the Agreement or decrease the financial  
17 obligations or liability of FDOT, and any such modification shall be  
18 technical only and shall be subject to appropriate legal review and  
19 approval by the Office of General Counsel. For purposes of this  
20 Ordinance, the term "technical changes" is defined as those changes  
21 having no financial impact to the City, including, but not limited  
22 to, changes in legal descriptions or surveys, ingress and egress,  
23 easements and rights of way, design standards, access and site plan,  
24 resolution of title defects, if any, and other non-substantive changes  
25 that do not substantively increase the duties and responsibilities  
26 of the City under the provisions of the Agreement.

27 **Section 3. Waiving Section 122.425 (Disposition by auction**  
28 **or sealed bid), Ordinance Code.** The provisions of Chapter 122.425  
29 (Disposition by auction or sealed bid), Part 4 (Real Property),  
30 Chapter 122 (Public Property), *Ordinance Code*, are hereby waived to  
31 allow the sale and conveyance of the Property to FDOT rather than

1 auctioning the Property or seeking sealed bids.

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

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

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9 Form Approved:

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11           /s/ Mary E. Staffopoulos          

12 Office of General Counsel

13 Legislation Prepared By: Mary E. Staffopoulos

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