

1 Introduced by Council Member DeFoor:
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4 **ORDINANCE 2021-201-E**

5 AN ORDINANCE APPROVING AND AUTHORIZING THE
6 EXECUTION AND DELIVERY OF AN AGREEMENT TO
7 SETTLE NUISANCE LIENS "AFTER-THE-FACT" BETWEEN
8 THE CITY OF JACKSONVILLE ("CITY") AND V AND O
9 PARTNERS, LLC ("OWNER"), IN CONNECTION WITH THE
10 DEMOLITION AND IMPROVEMENT OF THE VACANT
11 PROPERTY LOCATED AT 4422 ORTEGA BLVD., REAL
12 ESTATE NUMBER 100703-0000, ("PROPERTY"), WHICH
13 LIEN AGREEMENT AUTHORIZES A REDUCTION OF THE
14 NUISANCE LIENS "AFTER-THE-FACT" ON THE SUBJECT
15 PROPERTY IN THE AMOUNT OF \$15,051.49 PLUS
16 ACCRUED INTEREST; WAIVING THE REQUIREMENTS OF
17 SECTION 518.145 (D), ORD. CODE (COLLECTION AND
18 SETTLEMENT OF NUISANCE ABATEMENT AND DEMOLITION
19 LIENS); DIRECTING THE FINANCE AND
20 ADMINISTRATION DEPARTMENT AND THE NEIGHBORHOODS
21 DEPARTMENT TO ADMINISTER THE LIEN AGREEMENT;
22 PROVIDING AN EFFECTIVE DATE.
23

24 **WHEREAS**, V AND O Partners, LLC ("Owner") is the current
25 property owner of the vacant property located at 4422 Ortega
26 Boulevard, Real Estate Number 100703-0000, ("Property") having
27 purchased the property for \$218,200.00, as reflected in the
28 Certificate of Sale attached hereto as **Exhibit 1**, and legal
29 ownership as reflected in the Certificate of Title executed on
30 February 27, 2020, and recorded in the Official Duval County Public
31 Records on February 27, 2020, at Book No. 19120, Page No. 1035, a

1 copy of which is attached hereto as **Exhibit 2**; and

2 **WHEREAS**, pursuant to Chapter 518, Ordinance Code, the City of
3 Jacksonville Municipal Code Compliance Officer issued Notices to
4 the previous owner regarding various property safety conditions
5 deemed as violations of the Jacksonville Ordinance Code; and

6 **WHEREAS**, due to the previous owner's failure to comply with
7 said Notices, the City of Jacksonville hired local contractors to
8 abate the conditions on the Property, and subsequently imposed
9 nuisance liens on the Property pursuant to Section 518.212,
10 Ordinance Code; and

11 **WHEREAS**, there are 9 nuisance liens attached to the Property
12 in the total amount of \$15,051.49 plus accrued interest. A list of
13 the nuisance liens is attached hereto as **Exhibit 3**; and

14 **WHEREAS**, Section 518.145(d), Ord. Code, "...in exceptional
15 circumstances,..." requires that liens be extinguished "...in
16 consideration for the rehabilitation of the property"; and

17 **WHEREAS**, the City of Jacksonville's Nuisance and Demolition
18 Lien Abatement and Reduction Policy requires that the applicant
19 complete an application form "...before improvements begin..."; and

20 **WHEREAS**, the Owner, V and O Partners, LLC, demolished and
21 improved the Property **before** applying to the City for a reduction
22 as required; and

23 **WHEREAS**, the Owner has submitted documentation attached hereto
24 as **Exhibit 4** to support their request to reduce the aforementioned
25 Nuisance liens "after-the-fact"; and

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

27 **Section 1. Settlement of Nuisance Liens Agreement**

28 **Approved.** The Council hereby approves the Settlement of the
29 Nuisance Lien Agreement (the "Lien Agreement") between the City,
30 and the Owner in substantially the form attached hereto as **Exhibit**
31 **5.** The Mayor, or his designee, and the Corporation Secretary, on

1 behalf of the City, are hereby authorized to (1) execute and
2 deliver, for and on behalf of the City, the Lien Agreement and all
3 such other documents, necessary or appropriate to effectuate the
4 purpose of this ordinance and (2) take, or cause to be taken, for
5 and on behalf of the City, such further action to effectuate the
6 purpose of this Ordinance. The Lien Agreement may include such
7 additions, deletions and changes as may be reasonable, necessary,
8 and incidental for carrying out the purposes thereof, as may be
9 acceptable to the Mayor, or his designee, with such inclusion and
10 acceptance being evidenced by execution of the Settlement of Liens
11 Agreement by the Mayor, or his designee. No modification to the
12 Lien Agreement may increase the financial obligations or liability
13 of the City to an amount in excess of the amount authorized by this
14 ordinance, 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.

17 **Section 2. Direction to Authorized Official/Finance and**
18 **Administration Department and Neighborhoods Department as Contract**
19 **Administrators.** The Mayor is designated as the authorized official
20 of the City for the purpose of executing and delivering any
21 contracts and documents and furnishing such information, data and
22 documents for the Lien Agreement as may be required and otherwise
23 to act as the authorized official of the City in connection with
24 the Lien Agreement, and is further authorized to designate one or
25 more other officials of the City to exercise any of the foregoing
26 authorizations and to furnish or cause to be furnished such
27 information and take or cause to be taken such action as may be
28 necessary to enable the City to implement the Lien Agreement
29 according to its terms. The Finance and Administration Department,
30 and the Neighborhoods Department are hereby, together, required to
31 coordinate together and administer the Lien Agreement, and to

1 handle the City's responsibilities thereunder, including the City's
2 responsibilities under the Lien Agreement which reduces the
3 nuisance liens.

4 **Section 3. Waiver of Section 518.145(d), Ordinance Code.**

5 Section 518.145(d), Ordinance Code which requires the Director of
6 Finance and Administration and Real Estate Officer to extinguish
7 liens in consideration for rehabilitation of a property is waived
8 because the Owner proceeded with demolition of the Property,
9 despite the Pandemic shutdown, in order to eliminate the
10 dilapidated and hazardous structure due to its blight upon the
11 neighborhood; however the owner is not proposing to develop or re-
12 develop the Subject Property as a condition of this lien reduction
13 request.

14 **Section 4. Effective Date.** This Ordinance shall become
15 effective upon signature by the Mayor or upon becoming effective
16 without the Mayor's signature.

17 Form Approved:

18
19 /s/ Paige H. Johnston

20 Office of General Counsel

21 Legislation Prepared By: Cherry Shaw Pollock

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