

1 Introduced by the Council President at the request of the Mayor and  
2 Co-Sponsored by Council Member Schellenberg:

3  
4 **ORDINANCE 2019-466**

5 AN ORDINANCE APPROPRIATING \$345,000.00 (A  
6 \$30,000.00 TRANSFER OF FUNDS BETWEEN PROJECTS  
7 IN SUBFUND 32E AND \$315,000.00 IN AVAILABLE  
8 UNAPPROPRIATED REVENUE IN SUBFUND 324) FOR THE  
9 ACQUISITION OF TWO PARCELS ALONG ORANGE PICKER  
10 ROAD AND BRADY ROAD, ENVIRONMENTAL REMEDIATION  
11 AND DEMOLITION OF ANY STRUCTURES FOR THE  
12 EXPANSION OF THE PARKING LOT AT ALBERTS FIELD,  
13 AND ROADWAY INTERSECTION IMPROVEMENTS, AS  
14 INITIATED BY B.T. 19-102; APPROVING AND  
15 AUTHORIZING THE MAYOR OR HIS DESIGNEE AND  
16 CORPORATION SECRETARY TO EXECUTE AND DELIVER  
17 1) THE PURCHASE AND SALE AGREEMENT BETWEEN THE  
18 CITY OF JACKSONVILLE AND JOSEPH H. WALSH, III,  
19 AS PERSONAL REPRESENTATIVE TO THE ESTATE OF  
20 SAMUEL R. BURNEY, AND ALL SUCH OTHER DOCUMENTS  
21 NECESSARY OR APPROPRIATE TO EFFECTUATE THE  
22 PURPOSE OF THIS ORDINANCE TO ACQUIRE THE  
23 PROPERTY ON THE CORNER OF ORANGE PICKER ROAD  
24 AND BRADY ROAD, AN APPROXIMATELY 1.3 ACRE  
25 PARCEL APPRAISED AT \$200,000 AND BEING  
26 ACQUIRED AT A NEGOTIATED PURCHASE PRICE OF  
27 \$200,000.00 (THE "BURNEY PROPERTY") AND 2) THE  
28 PURCHASE AND SALE AGREEMENT BETWEEN THE CITY  
29 OF JACKSONVILLE AND JOSEPH H. WALSH, III AND  
30 ALL SUCH OTHER DOCUMENTS NECESSARY OR  
31 APPROPRIATE TO EFFECTUATE THE PURPOSE OF THIS



1           Alberts Field, and roadway intersection improvements.

2           **Section 2.           Approval and authorization of Purchase and**  
3 **Sale Agreements.** There are hereby approved, and the Mayor, or his  
4 designee, and the Corporation Secretary are hereby authorized to  
5 execute and deliver on behalf of the City: i) the Purchase and Sale  
6 Agreement between the City of Jacksonville and Joseph H. Walsh,  
7 III, as personal representative to the Estate of Samuel R. Burney,  
8 in substantially the form attached hereto as **Exhibit 2** and  
9 incorporated herein by this reference, and all such other documents  
10 necessary or appropriate to effectuate the purpose of this  
11 Ordinance (with such "technical" changes as herein authorized) to  
12 acquire the property on the corner of Orange Picker Road and Brady  
13 Road, which is approximately 1.3 acres, has been appraised at  
14 \$200,000, and is being acquired at a negotiated purchase price of  
15 \$200,000.00 (the "Burney Property"); and, ii) the Purchase and Sale  
16 Agreement between the City of Jacksonville and Joseph H. Walsh,  
17 III, in substantially the form attached hereto as **Exhibit 3** and  
18 incorporated herein by this reference, and all such other documents  
19 necessary or appropriate to effectuate the purpose of this  
20 Ordinance (with such "technical" changes as herein authorized) to  
21 acquire property on Orange Picker Road contiguous to the Burney  
22 Property, which is approximately 1.16 acres, has been appraised at  
23 \$105,000, and is being acquired at a negotiated purchase price of  
24 \$105,000.00 (the "Walsh Property"). The Burney Property and the  
25 Walsh Property are contiguous and will allow for the realignment of  
26 Orange Picker Road. The Purchase and Sale Agreements (the  
27 "Agreements") require no deposit and allow the City to terminate  
28 without penalty at its sole option. Closing shall take place within  
29 30 days after title is clear to the satisfaction of the City under  
30 paragraph 5(a) of the Agreements.

31           The Agreements and related documents may include such

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

20       **Section 3.       Oversight.**       The Real Estate Division of the  
21 Department of Public Works shall provide oversight and  
22 administration of the Agreement for the duration thereof.

23       **Section 4.       CIP Amendment.** Ordinance 2018-505-E, being the  
24 2019-2023 Five-Year Capital Improvement Program for the City and  
25 certain of its independent agencies, is hereby amended to provide  
26 funding for the project entitled "Orange Picker/Brady Road." The  
27 project is more fully described in the Project Information Sheet,  
28 attached hereto as **Exhibit 4** and incorporated herein by this  
29 reference. The Council finds that the deferral of this amendment of  
30 the CIP until the next annual budget and CIP review will be  
31 detrimental to the best interests of the community because such

1 deferral will cause the owners of the property to terminate the  
2 Agreements and cease the City's ability to complete the  
3 improvements economically and expeditiously. Pursuant to Section  
4 122.605(c), *Ordinance Code*, enactment of this ordinance requires  
5 the affirmative vote of two-thirds of the Council members present  
6 at the meeting because of the CIP amendment set forth in this  
7 section. This ordinance shall constitute an amendment to Ordinance  
8 2018-505-E. In all other respects, the Five-Year Capital  
9 Improvement Program approved by Ordinance 2018-505-E shall continue  
10 in full force and effect.

11 **Section 5. Effective Date.** This ordinance shall become  
12 effective upon signature by the Mayor or upon becoming effective  
13 without the Mayor's signature.

14  
15 Form Approved:

16  
17       /s/      James R. McCain, Jr.

18 Office of General Counsel

19 Legislation prepared by: James R. McCain, Jr.

20 GC-#1287498-v1-06\_10\_19\_BT\_XXX\_Purchase\_OrangePicker\_Brady\_CA\_CIP\_Oversight.doc