

1 Introduced by Council Members Ferraro and Pittman and Co-Sponsored
2 by Council Members Gaffney, Freeman, Carlucci, and Diamond, and
3 amended by the Neighborhoods, Community Services, Public Health and
4 Safety Committee:

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7 **ORDINANCE 2022-124-E**

8 AN ORDINANCE APPROVING AND AUTHORIZING THE
9 EXECUTION AND DELIVERY OF AN AGREEMENT TO SETTLE
10 NUISANCE LIENS "AFTER-THE-FACT" BETWEEN THE CITY
11 OF JACKSONVILLE ("CITY") AND CHRIST THE LIVING
12 CORNERSTONE, INC. ("OWNER"), IN CONNECTION WITH
13 THE DEMOLITION AND IMPROVEMENT OF THE VACANT
14 PROPERTY LOCATED AT 2111 PHOENIX AVENUE, REAL
15 ESTATE NUMBER 114915-0000, ("PROPERTY"), WHICH
16 LIEN AGREEMENT AUTHORIZES A REDUCTION OF THE
17 NUISANCE LIENS "AFTER-THE-FACT" ON THE SUBJECT
18 PROPERTY IN THE AMOUNT OF \$4,771.39 PLUS ACCRUED
19 INTEREST; WAIVING THE REQUIREMENTS OF SECTION
20 518.145 (D), *ORDINANCE CODE* (COLLECTION AND
21 SETTLEMENT OF NUISANCE ABATEMENT AND DEMOLITION
22 LIENS); DIRECTING THE FINANCE AND ADMINISTRATION
23 DEPARTMENT AND THE NEIGHBORHOODS DEPARTMENT TO
24 ADMINISTER THE LIEN AGREEMENT; PROVIDING AN
25 EFFECTIVE DATE.

26
27 **WHEREAS**, Christ the Living Cornerstone, Inc. ("Owner") is the
28 current property owner of the vacant property located at 2111 Phoenix
29 Avenue, Real Estate Number 114915-0000, ("Property") having received
30 the property by donation executed in 2012 and recorded 2017, as
31 reflected in the Quitclaim Deed attached hereto as **Exhibit 1**, and

1 while the property was briefly conveyed to a third party in 2018, it
2 was returned to the ownership of the Owner, as reflected in the
3 Quitclaim Deed, recorded in the Official Duval County Public Records
4 on January 15, 2019, a copy of which is attached hereto as **Exhibit**
5 **2**; and

6 **WHEREAS**, pursuant to Chapter 518, *Ordinance Code*, the City of
7 Jacksonville Municipal Code Compliance Officer issued Notices to the
8 previous owner regarding various property safety conditions deemed
9 as violations of the Jacksonville Ordinance Code; and

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

15 **WHEREAS**, there are 4 nuisance liens and 1 demolition lien
16 attached to the Property in the total amount of \$4,771.39 plus accrued
17 interest. A list of the nuisance liens is attached hereto as **Exhibit**
18 **3**; and

19 **WHEREAS**, Section 518.145(d), *Ordinance Code*, "...in exceptional
20 circumstances,..." requires that liens be extinguished "...in
21 consideration for the rehabilitation of the property; and

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

25 **WHEREAS**, the Christ the Living Cornerstone, Inc., improved the
26 Property and brought it into compliance with the Municipal Code
27 Enforcement Division **before** applying to the City for a reduction as
28 required; and

29 **WHEREAS**, the Owner has submitted documentation attached hereto
30 as **Revised Exhibit 4**, labeled as "Revised Exhibit 4, Rev Documents,

1 March 14, 2022 - NCSPHS" to support their request to reduce the
2 aforementioned Nuisance liens "after-the-fact"; and

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

4 **Section 1. Settlement of Nuisance Liens Agreement Approved.**

5 The Council hereby approves the Agreement to Reduce Nuisance Abatement
6 Liens (the "Lien Agreement") between the City, and the Owner in
7 substantially the form attached hereto as **Exhibit 5**. The Mayor, or
8 his designee, and the Corporation Secretary, on behalf of the City,
9 are hereby authorized to (1) execute and deliver, for and on behalf
10 of the City, the Lien Agreement and all such other documents,
11 necessary or appropriate to effectuate the purpose of this ordinance
12 and (2) take, or cause to be taken, for and on behalf of the City,
13 such further action to effectuate the purpose of this Ordinance. The
14 Lien Agreement may include such additions, deletions and changes as
15 may be reasonable, necessary, and incidental for carrying out the
16 purposes thereof, as may be acceptable to the Mayor, or his designee,
17 with such inclusion and acceptance being evidenced by execution of
18 the Settlement of Liens Agreement by the Mayor, or his designee. No
19 modification to the Lien Agreement may increase the financial
20 obligations or liability of the City to an amount in excess of the
21 amount authorized by this ordinance, and any such modification shall
22 be technical only and shall be subject to appropriate legal review
23 and approval by the Office of General Counsel.

24 **Section 2. Direction to Authorized Official/Finance and**
25 **Administration Department and Neighborhoods Department as Contract**
26 **Administrators.** The Mayor is designated as the authorized official
27 of the City for the purpose of executing and delivering any contracts
28 and documents and furnishing such information, data and documents for
29 the Lien Agreement as may be required and otherwise to act as the
30 authorized official of the City in connection with the Lien Agreement,
31 and is further authorized to designate one or more other officials

1 of the City to exercise any of the foregoing authorizations and to
2 furnish or cause to be furnished such information and take or cause
3 to be taken such action as may be necessary to enable the City to
4 implement the Lien Agreement according to its terms. The Finance and
5 Administration Department, and the Neighborhoods Department are
6 hereby, together, required to coordinate together and administer the
7 Lien Agreement, and to handle the City's responsibilities thereunder,
8 including the City's responsibilities under the Lien Agreement which
9 reduces the nuisance liens.

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

11 Section 518.145(d), *Ordinance Code*, which requires the Director of
12 Finance and Administration and Real Estate Officer to extinguish
13 liens in consideration for rehabilitation of a property is waived
14 because the Owner proceeded with improvement of the Property, in
15 order to bring the property into compliance and to reduce its blight
16 upon the neighborhood.

17 **Section 4. Effective Date.** This Ordinance shall become
18 effective upon signature by the Mayor or upon becoming effective
19 without the Mayor's signature.

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23 Form Approved:

24
25 /s/ Paige H. Johnston

26 Office of General Counsel

27 Legislation Prepared By: Paige H. Johnston

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