

1 Introduced by Council Member Cumber and amended by the Neighborhoods,
2 Community Services, Public Health and Safety Committee:

3
4 **ORDINANCE 2022-777-E**

5 AN ORDINANCE DECLARING APPROXIMATELY 4.75 ACRES
6 OF REAL PROPERTY OWNED BY THE CITY IN COUNCIL
7 DISTRICT 5 (R.E. NO. 147279-0000) TO BE SURPLUS
8 TO THE NEEDS OF THE CITY; APPROVING AND
9 AUTHORIZING THE MAYOR OR HIS DESIGNEE AND
10 CORPORATION SECRETARY TO EXECUTE A PURCHASE AND
11 SALE AGREEMENT BETWEEN CITY AND LARSEN OAKS, LLC
12 AND TO EXECUTE ALL DEEDS AND CLOSING DOCUMENTS
13 RELATING THERETO AND OTHERWISE TAKE ALL
14 NECESSARY ACTION TO EFFECTUATE THE PURPOSES OF
15 THIS ORDINANCE TO CONVEY THE CITY PROPERTY FOR
16 A PURCHASE PRICE OF \$675,000.00 LESS THE
17 REMEDIATION CREDIT OF \$652,862.89 (\$22,137.11)
18 TO LARSEN OAKS, LLC, AN ADJACENT PROPERTY OWNER,
19 WHO WILL PERFORM REQUIRED REMEDIATION ON ITS
20 PROPERTY FOR THE REMEDIATION CREDIT; WAIVING
21 SECTION 122.424 (DISPOSITION BY DIRECT SALE),
22 *ORDINANCE CODE*; PROVIDING PROVISIO REGARDING
23 COMPLIANCE WITH FDEP REQUIREMENTS; PROVIDING FOR
24 OVERSIGHT OF THE LAND CONVEYANCE DOCUMENTS BY
25 THE PUBLIC WORKS DEPARTMENT; PROVIDING AN
26 EFFECTIVE DATE.

27
28 **WHEREAS**, the City of Jacksonville ("City") is the owner of
29 approximately 4.75 acres located at 0 Clydo Road, Jacksonville,
30 Florida 32207 (R.E. No. 147279-0000), which is part of the site of
31 the former Southside Incinerator ("City Property"); and

1 **WHEREAS**, an affiliated entity of Larsen Oaks, LLC (Buyer), owns
2 two adjacent parcels (2546 Tabernacle Place South, Jacksonville,
3 Florida 32207 (RE No. 147280-0010) and 0 Tabernacle Place South,
4 Jacksonville, Florida 32207 (RE No. 147280-0025) (collectively,
5 "Buyer's Property"); and

6 **WHEREAS**, both City Property and Buyer's Property are subject to
7 a Consent Order, dated December 1999, entered into by City and Florida
8 Department of Environmental Protection ("FDEP") related to
9 environmental impacts related to the operation of the Southside
10 Incinerator and the City is obligated under the Consent Order to pay
11 for remediation of Buyer's Property; and

12 **WHEREAS**, no remediation has yet occurred on Buyer's Property
13 under the Consent Order; and

14 **WHEREAS**, Buyer's principal approached the City earlier this year
15 regarding purchase of the City Property in order to expand the current
16 business operations on Buyer's Property; and

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

20 **WHEREAS**, the City obtained a recent estimate of \$652,862.89 for
21 the cost to remediate Buyer's Property in compliance with FDEP
22 requirements; and

23 **WHEREAS**, the City also obtained an appraisal report of the City
24 Property reflecting a value of \$675,000; and

25 **WHEREAS**, the Buyer has agreed to assume the City's obligation
26 to remediate the Buyer's Property, and to undertake the full
27 remediation of Buyer's Property at Buyer's sole expense, provided
28 that the City provide Buyer with a credit against the appraised value
29 in the amount of \$652,862.89; and

30 **WHEREAS**, Council finds that selling the City Property to the
31 adjacent neighbor, Buyer, is in the best interest of the public as

1 the City has no use for the City Property and purchase of the Property
2 by the Buyer will allow for it to expand its existing business, and
3 the taxable value of the Buyer's Property; now therefore

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

5 **Section 1. Declaration of Surplus.** The City hereby declares
6 the City Property (R.E. No. 147279-0000) in Council District 5, as
7 more particularly described in **Exhibit 1**, attached hereto and
8 incorporated herein by this reference to be surplus to the needs of
9 the City. A copy of the certificate from the Chief of Real Estate for
10 the surplus of real property, required by Rule
11 3.102(g) (1) (Preparation of Bills), is attached hereto as **Exhibit 2**
12 and incorporated herein by this reference.

13 **Section 2. Authorization of Purchase and Sale Agreement,**
14 **Conveyance Documents and Other Related Documents.** There is hereby
15 approved and the Mayor, or his designee, and the Corporation
16 Secretary, are hereby authorized to: (1) execute that certain Purchase
17 and Sale Agreement between the City of Jacksonville and Larsen Oaks,
18 LLC, attached hereto as in the form placed **On File** with the Office
19 of Legislative Services and incorporated herein by this reference;
20 (2) execute and deliver the deed, related closing documents and other
21 conveyance documents regarding the City Property; (3) execute all
22 such other documents necessary or appropriate to effectuate the
23 purpose of this Ordinance; and (4) take, or cause to be taken, such
24 further action to effectuate the purpose of this Ordinance.

25 **Section 3. Waiving Section 122.424 (Disposition by direct**
26 **sale), Ordinance Code.** The provisions of Chapter 122.424 (Disposition
27 by direct sale), Part 4 (Real Property), Chapter 122 (Public
28 Property), *Ordinance Code*, are hereby waived to allow the conveyance
29 of the City Property to Buyer, as adjacent property owner, without
30 the need to obtain bids from other adjacent property owners.

31 **Section. 4. Proviso regarding compliance with FDEP**

1 **requirements.** The parties to this transaction agree that the City
2 Property and the Buyer's Property are subject to the Consent Order,
3 dated December 1999, entered into by City and FDEP. The conveyance
4 of the City Property approved herein and the transaction provided for
5 in Section 2, including Buyer's ownership of the City Property, shall
6 comply in all respects with FDEP requirements, including those that
7 involve the recording of restrictive covenants on the City Property
8 and Buyer's Property.

9 **Section 5. Oversight.** The Public Works Department shall
10 oversee the execution of the conveyance documents and any other
11 documents related thereto.

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

15
16 Form Approved:

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18
19 /s/ Mary E. Staffopoulos

20 Office of General Counsel

21 Legislation Prepared By: Paige H. Johnston

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