

1 Introduced by the Council President at the request of the Mayor:

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4 **ORDINANCE 2023-351**

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6 AN ORDINANCE APPROVING AND AUTHORIZING THE
7 MAYOR, OR HIS DESIGNEE, AND CORPORATION
8 SECRETARY TO EXECUTE AND DELIVER, FOR AND ON
9 BEHALF OF THE CITY, THAT CERTAIN AGREEMENT FOR
10 SALE AND PURCHASE ("PSA") BETWEEN THE CITY OF
11 JACKSONVILLE ("CITY") AND THE HARBOUR WATERWAY
12 SPECIAL DISTRICT ("HARBOUR"), AND TO EXECUTE ALL
13 DEEDS AND CLOSING DOCUMENTS RELATING THERETO,
14 AND AUTHORIZING ANY TECHNICAL CHANGES TO THE PSA
15 DOCUMENTS RELATING THERETO, AND OTHERWISE TAKE
16 ALL NECESSARY ACTION TO EFFECTUATE THE PURPOSE
17 OF THE PSA, FOR THE CONVEYANCE TO HARBOUR OF
18 PROPERTY LOCATED IN COUNCIL DISTRICT 2 AND AT
19 LARGE GROUP 2, COMPRISED OF APPROXIMATELY 77.7
20 ACRES OF REAL PROPERTY LOCATED ON AN
21 ISLAND/PENINSULA USED FOR DREDGE SPOIL AND KNOWN
22 AS REED ISLAND IN THE ST. JOHNS RIVER SOUTH OF
23 BLOUNT ISLAND LESS THAN FOUR MILES WEST OF THE
24 INTRACOASTAL WATERWAY (THE "PROPERTY") IN
25 EXCHANGE FOR HARBOUR'S AGREEMENT TO MANAGE AND
26 IMPROVE AND EXPAND THE PUBLIC PARK LOCATED ON
27 THE PROPERTY; PROVIDING FOR WAIVER OF SECTION
28 122.424(a)(1) (DISPOSITION BY DIRECT SALE,
29 ADJOINING OWNERS), *ORDINANCE CODE*, AS TO THE
30 NOTICE REQUIREMENTS; PROVIDING FOR CITY
31 OVERSIGHT BY THE PARKS, RECREATION AND COMMUNITY

1 SERVICES DEPARTMENT; AMENDING ORDINANCE 2010-
2 725-E, AS AMENDED BY ORDINANCES 2015-233-E and
3 2020-267-E; PROVIDING AN EFFECTIVE DATE.
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5 **BE IT ORDAINED** by the Council of the City of Jacksonville:

6 **Section 1. Agreement for Sale and Purchase Approved and**
7 **Execution Authorized.** There is hereby approved, and the Mayor, or
8 his designee, and Corporation Secretary are hereby authorized to
9 execute and deliver, for and on behalf of the City, the PSA between
10 the City and Harbour, in substantially the same form as attached
11 hereto as **Exhibit 1**, labeled as "Exhibit 1" (with such "technical"
12 changes as herein authorized), and to execute all deeds and closing
13 documents relating thereto, and otherwise take all action necessary
14 or appropriate to effectuate the purpose of this Ordinance.

15 The PSA is for the purchase by Harbour of approximately 77.7
16 acres of real property owned by the City and the consideration for
17 transfer of the Property to Harbour, Harbour will manage, maintain
18 and improve the Property as provided in the PSA. The Property to be
19 conveyed is shown on the map attached as **Exhibit 2** and will be used
20 by Harbour as a public access park facility except as consistent with
21 the terms of the PSA.

22 The PSA may include such additions, deletions, and changes as
23 may be reasonable, necessary, and incidental for carrying out the
24 purposes thereof, as may be acceptable to the Mayor or his designee,
25 with such inclusion and acceptance being evidenced by execution of
26 the PSA by the Mayor or his designee. No modification of the PSA may
27 increase the financial obligations or the liability of the City and
28 any such modification shall be technical only and shall be subject
29 to appropriate legal review and approval of the General Counsel or
30 his or her designee and all other appropriate action required by law.

1 For the purposes of this Ordinance, "technical changes" is defined
2 as those changes having no financial impact to the City; including,
3 but not limited to, changes in legal descriptions or surveys,
4 resolution of title defects (if any), descriptions of infrastructure
5 improvements and/or any road project, ingress and egress, easements
6 and rights-of-way, performance schedules (provided that no
7 performance schedule may be extended for more than one year without
8 City Council approval), design standards, access and site plans, and
9 other non-substantive changes that do not substantively increase the
10 duties and responsibilities of the City under the provisions of the
11 PSA.

12 **Section 2. Waiver of Section 122.424(a) (1) (Disposition by**
13 **direct sale, Adjoining Owners), Ordinance Code.** Section
14 122.424(1) (a) (Disposition by direct sale, Adjoining Owners) Chapter
15 122 (Public Property), Ordinance Code, is hereby waived as to the
16 notice requirement to all adjoining property owners, as the direct
17 sale is to Harbour, an adjoining property owner. Harbour is a special
18 taxing district organized for dredging residential communities that
19 currently provides maintenance services for the Property and has the
20 expertise and budget for operation and maintenance of the park on the
21 Property, therefore, no notice was given to the other adjoining
22 property owners which are mostly residential subdivision homeowners.

23 **Section 3. Oversight.** The Parks, Recreation and
24 Community Services Department shall provide oversight and
25 administration of the PSA.

26 **Section 4. Amendment to Section 2, Ordinance No. 2010-725-**
27 **E, as amended by Ordinance Nos. 2015-233-E and 2020-267-E.** Section 2
28 is amended in part to read as follows:

29 Sec. 2. Purpose. The purpose of the District shall be the
30 continuing maintenance of the system of canals located in The Harbour

1 neighborhood, Harbour Cay neighborhood, Harbour North neighborhood,
2 Harbour Island neighborhood, construction and maintenance of a dredge
3 disposal site, ~~and~~ maintenance and improvement of the upland and
4 marsh areas surrounding the spoil disposal site together with access
5 roads to the spoil disposal site, and maintenance and operation of
6 public park property adjacent to the spoil disposal site conveyed to
7 the District by the City for operation as a park. The District shall
8 fulfill its purpose by dredging the canals, dredging the channel that
9 provides the canals with access to the St. Johns River, maintaining
10 a jetty, maintaining navigational aids, enhancing and restoring
11 uplands and wetlands on the lands owned by the District, and operating
12 and maintaining a public access park on land adjacent conveyed to the
13 District for that purpose that are adjacent to the spoil site owned
14 and operated by the District.

15 **Section 5. Retroactive applicability.** This ordinance
16 shall be retroactive so that the amendment adopted herein shall be
17 effective as if it were contained in the original enabling Ordinance
18 2010-725-E.

19 **Section 6. All other aspects of Ordinance 2010-725-E**
20 **unchanged.** With the exception of Section 5 of this ordinance, in all
21 other respects Ordinance 2010-725-E shall remain unchanged and in
22 full force and effect.

23 **Section 7. Further Action Authorized.** The General
24 Counsel, or his designee, is authorized to take such further action
25 and to execute all other documents necessary to effect the intentions
26 set forth herein.

27 **Section 8. Effective Date.** This Ordinance shall become
28 effective upon signature by the Mayor or upon becoming effective
29 without the Mayor's signature.

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Form Approved:

/s/ Harry M. Wilson, IV

Office of General Counsel

Legislation prepared by: Harry M. Wilson, IV

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