

1 Introduced by the Council President at the Request of the Mayor:  
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4 **ORDINANCE 2026-**

5 AN ORDINANCE APPROPRIATING \$12,599,258 FROM THE  
6 EMERALD TRAIL - HOGAN'S CREEK TO RIVERWALK OTHER  
7 CONSTRUCTION COSTS ACCOUNT TO THE CITY OWNED  
8 LAND ACQUISITION ACCOUNT; AMENDING THE 2026-2030  
9 FIVE-YEAR CAPITAL IMPROVEMENT PLAN APPROVED BY  
10 ORDINANCE 2025-505-E TO REFLECT THIS  
11 APPROPRIATION OF FUNDS FROM THE OTHER  
12 CONSTRUCTION COSTS ACCOUNT TO THE CITY OWNED  
13 LAND ACQUISITION ACCOUNT FOR THE PROJECT  
14 ENTITLED "EMERALD TRAIL - HOGAN'S CREEK TO  
15 RIVERWALK"; DECLARING THE PUBLIC NECESSITY FOR  
16 ACQUIRING FEE SIMPLE TITLE, TEMPORARY  
17 CONSTRUCTION EASEMENTS, AND PERMANENT DRAINAGE  
18 EASEMENTS, THROUGH CONDEMNATION BY RIGHT OF  
19 EMINENT DOMAIN TO AND OVER CERTAIN PARCELS OF  
20 REAL PROPERTY IN COUNCIL DISTRICT 7, SUCH  
21 PARCELS BEING LOCATED NEAR OR ADJACENT TO  
22 PORTIONS OF HOGAN'S CREEK, INCLUDING THE ENTIRE  
23 PARCELS OF REAL PROPERTY, OR PORTIONS THEREOF,  
24 AS MORE SPECIFICALLY DESCRIBED  
25 HEREIN (COLLECTIVELY, THE "PROPERTIES"), AS  
26 REQUIRED FOR THE PROJECT; AUTHORIZING  
27 ACQUISITION OF THE PROPERTIES BY NEGOTIATION OR  
28 EMINENT DOMAIN; AUTHORIZING THE CHIEF OF THE  
29 ENGINEERING AND CONSTRUCTION MANAGEMENT  
30 DIVISION OF THE DEPARTMENT OF PUBLIC WORKS TO  
31 MAKE A GOOD FAITH DEPOSIT INTO THE COURT

1           REGISTRY; AUTHORIZING THE CHIEF OF THE REAL  
2           ESTATE DIVISION OF THE DEPARTMENT OF PUBLIC  
3           WORKS, OR HER DESIGNEE, TO MAKE OFFERS AND  
4           NEGOTIATE FOR THE PURCHASE OF THE PROPERTIES,  
5           SUBJECT TO CERTAIN CONDITIONS; AUTHORIZING THE  
6           CHIEF OF THE REAL ESTATE DIVISION OF THE  
7           DEPARTMENT OF PUBLIC WORKS, OR HER DESIGNEE, AT  
8           THE DIRECTION OF THE ENGINEERING AND  
9           CONSTRUCTION MANAGEMENT DIVISION OF THE  
10          DEPARTMENT OF PUBLIC WORKS, TO MAKE OFFERS AND  
11          NEGOTIATE CLAIMS FOR BUSINESS DAMAGES,  
12          ATTORNEYS' FEES, AND COSTS RELATED TO THE  
13          PURCHASE OF THE PROPERTIES, SUBJECT TO CERTAIN  
14          CONDITIONS; WAIVING THE SETTLEMENT LIMITATION IN  
15          SECTIONS 112.307 (CLAIMS AND SUITS BROUGHT  
16          AGAINST THE CITY FOR MONETARY RELIEF), 112.308  
17          (EMINENT DOMAIN), AND 112.309 (ATTORNEYS' FEES),  
18          PART 3 (SETTLEMENT OF CLAIMS AND SUITS BY AND  
19          AGAINST CITY), CHAPTER 112 (CLAIMS BY AND  
20          AGAINST CITY), *ORDINANCE CODE*, REGARDING  
21          LIMITATIONS ON THE TOTAL AMOUNT OF A SETTLEMENT;  
22          AUTHORIZING AND DIRECTING THE OFFICE OF GENERAL  
23          COUNSEL TO INITIATE APPROPRIATE CONDEMNATION  
24          PROCEEDINGS AND DECLARATIONS OF TAKING;  
25          PROVIDING FOR OVERSIGHT BY THE ENGINEERING AND  
26          CONSTRUCTION MANAGEMENT DIVISION OF THE  
27          DEPARTMENT OF PUBLIC WORKS; PROVIDING AN  
28          EFFECTIVE DATE.

29  
30           **WHEREAS**, the City of Jacksonville is vested by law with the  
31           power of eminent domain to acquire interests in real property; and

1           **WHEREAS,** the City of Jacksonville has determined that the  
2 project entitled "Emerald Trail-Hogan's Creek to Riverwalk" (the  
3 "Project") serves a public purpose; and

4           **WHEREAS,** the City of Jacksonville has determined that the  
5 acquisition of certain parcels of real property in Council District  
6 7 being located near or adjacent to a portion of Hogan's Creek,  
7 (collectively, the "Properties"), including, as applicable, the  
8 entire parcel or portions of such parcels, and related property  
9 interests to include temporary construction easements and drainage  
10 easements, is reasonably necessary for completion of the Project; and

11           **WHEREAS,** to allow for the acquisition of the Properties,  
12 funding currently allocated to other construction costs for the  
13 Project must be reallocated to land acquisition within the Project;  
14 and

15           **WHEREAS,** to meet the requirements of Section 73.015, *Florida*  
16 *Statutes*, it is necessary to make a written offer to the impacted  
17 property owners prior to the commencement of any eminent domain  
18 action; and

19           **WHEREAS,** the City Council desires to authorize the Chief of  
20 the Real Estate Division of the Public Works Department, or her  
21 designee, to make binding offers and to enter into contracts with  
22 said property owners for the acquisition of necessary property  
23 interests for the Project as set forth herein; and

24           **WHEREAS,** the City of Jacksonville has determined that the  
25 Project is time sensitive and may require the taking of possession  
26 and title to real property in advance of the final judgment in an  
27 eminent domain action, as authorized by Section 74.021, *Florida*  
28 *Statutes*; and

29           **WHEREAS,** in the event the City, through the Real Estate  
30 Division, cannot reach agreements with property owners to acquire the  
31 required property interests through negotiated settlements, the City

1 Council desires to authorize the Office of General Counsel to  
2 institute appropriate legal proceedings to acquire the necessary  
3 property interests by eminent domain, and further to issue and execute  
4 a declaration of taking pursuant to Section 74.031, *Florida Statutes*;  
5 now therefore

6 BE IT ORDAINED by the Council of the City of Jacksonville:

7 **Section 1. Appropriation.** For the 2025-2026 fiscal year,  
8 within the City's budget, there is hereby appropriated the indicated  
9 sum from the account listed in subsection (a) to the account listed  
10 in subsection (b):

11 (The account information is attached hereto as **Exhibit 1** and  
12 incorporated herein by this reference)

13 Appropriated from:

14 See Exhibit 1 \$12,599,258

15 Appropriated to:

16 See Exhibit 1 \$12,599,258

17 (c) Explanation of Appropriation:

18 The funding above represents an appropriation of \$12,599,258  
19 from the Emerald Trail-Hogan's Creek to Riverwalk - Other Construction  
20 Costs account to the City Owned Lands Acquisition account to be used  
21 to acquire interests in real property necessary for completion of the  
22 Project.

23 **Section 2. Purpose.** The purpose of the appropriation in  
24 Section 1 is to transfer funds within the Project to be used for the  
25 acquisition of the real property interests needed for completion of  
26 the Project.

27 **Section 3. Capital Improvement Plan Amendment.** Ordinance  
28 2025-505-E, adopting the 2026-2030 Five-Year Capital Improvement Plan  
29 (the "CIP") for the City and certain of its independent agencies, is  
30 hereby amended to reflect the appropriation of funds from the Other  
31 Construction Costs account to the City Owned Land Acquisition account

1 within the Project, as more fully described in the Project Information  
2 Sheet attached hereto as **Exhibit 2** and incorporated herein by this  
3 reference. The City Council finds that the deferral of this amendment  
4 of the CIP until the next annual budget and CIP review will be  
5 detrimental to the best interests of the community because such  
6 deferral could result in unnecessary delay in the acquisition of land  
7 related to the Project which would negatively impact the completion  
8 of the Project.

9 Pursuant to Section 122.605(c), Ordinance Code, enactment of  
10 this Ordinance requires the affirmative vote of two-thirds of the  
11 City Council members present at the meeting because of the CIP  
12 amendment set forth in this Section. This Ordinance shall constitute  
13 an amendment to Ordinance 2025-505-E. In all other respects, the  
14 Five-Year Capital Improvement Plan approved by Ordinance 2025-505-E  
15 shall remain unchanged and continue in full force and effect.

16 **Section 4. Declaration of Necessity.** The City hereby  
17 declares the public necessity for acquiring through condemnation by  
18 right of eminent domain, fee simple title, temporary construction  
19 easements, and permanent drainage easements, as applicable, to and  
20 over the Properties as generally depicted and identified in **Exhibit**  
21 **3**, attached hereto and incorporated herein by this reference, and  
22 located in Council District 7 as more fully described in the drawings,  
23 legal descriptions and surveys placed **On File** with the Legislative  
24 Services Division, to complete the Project.

25 **Section 5. Acquisition of Fee Simple Title and Easement**  
26 **Rights.** The City of Jacksonville shall acquire the necessary property  
27 rights in the Properties by negotiation or eminent domain for the  
28 purpose aforesaid from the present owners thereof and all persons  
29 claiming any interest therein. Acquisition of fee simple title and  
30 easements rights, if made by negotiation prior to the filing of a  
31 petition for condemnation, shall be pursuant to the City of

1 Jacksonville Real Estate Purchase Agreement, substantially in the  
2 form of **Exhibit 4**, attached hereto and incorporated herein by this  
3 reference. However, the terms of any agreement may be negotiated and  
4 modified by the Chief of the Real Estate Division of the Department  
5 of Public Works (the "Chief"), or her designee, as necessary, so long  
6 as the cost to the City does not exceed those costs authorized by  
7 this Ordinance or other provisions of the Ordinance Code and the  
8 Office of General Counsel concurs that such modification is in the  
9 best interests of the City. Where a petition for condemnation has  
10 been filed, the acquisition may be made by Real Estate Purchase  
11 Agreement, or by stipulated final judgment and order of taking. The  
12 Chief, or her designee, is further authorized to execute, for and on  
13 behalf of the City, the Real Estate Purchase Agreements and to take  
14 all actions necessary to close such agreed purchases pursuant to  
15 their terms, including those provided by court order or judgment.

16 **Section 6. Authorizing Deposit of Good-Faith Estimate.** The  
17 Chief of the Engineering and Construction Management Division of the  
18 Department of Public Works, or his designee, is authorized to approve  
19 the deposit of funds into the registry of the court in the amount  
20 directed by an order of taking pursuant to Section 74.051, *Florida*  
21 *Statutes*, from funds lawfully appropriated for the Project.

22 **Section 7. Negotiation of Purchase of Property.**  
23 Recognizing that real property values can fluctuate significantly,  
24 the Chief, or her designee, is hereby authorized to negotiate and  
25 agree to the purchase of the necessary interests in real property  
26 subject to the following conditions:

- 27 a. Lawfully appropriated funds are available for the Project to  
28 pay the agreed purchase price; and,
- 29 b. The City will receive the necessary interest in real property  
30 from the transaction without any encumbrances negatively  
31 affecting the Project; and,

1 c. The purchase price is not more than 25% above the value  
2 determined in a written appraisal performed by a licensed  
3 appraiser on the property not more than one (1) year prior to  
4 the date of the agreement or settlement; and,

5 d. The Chief of the Engineering and Construction Management  
6 Division, with the written concurrence of the Director of  
7 Public Works and the General Counsel (or their designees),  
8 finds that the purchase of the property interest under the  
9 agreed terms is in the best interest of the City.

10 For purposes of this Ordinance, the "purchase price" means the  
11 compensation paid to the property owner (and/or tenant) for the  
12 property interests acquired, inclusive of the value of any  
13 improvements to the property, severance damages to any remaining  
14 property, or temporary or permanent costs to cure. The "purchase  
15 price" does not include attorneys' fees or expert costs.

16 **Section 8. Negotiation of Claims for Business Damages.** If  
17 the City receives a timely claim for business damages pursuant to  
18 Chapter 73.015, *Florida Statutes*, arising from the acquisition of  
19 property rights provided for in this Ordinance, the Chief, or her  
20 designee, may negotiate, settle, and authorize payment of such claim,  
21 subject to the following conditions:

22 a. Lawfully appropriated funds are available for the Project to  
23 pay the amount offered; and,

24 b. The amount does not exceed \$100,000; and,

25 c. The Chief of the Engineering and Construction Management  
26 Division of the Department of Public Works, with the written  
27 concurrence of the Director of Public Works and the General  
28 Counsel (or their designees), finds that settlement under the  
29 agreed terms is in the best interest of the City.

30 **Section 9. Negotiation of Attorneys' Fees and Costs.** In  
31 addition to the purchase price, the Chief, or her designee, is

1 authorized to negotiate, settle, and authorize payment of any  
2 attorneys' fees and costs legally due to the owner or tenant, as  
3 provided under Chapters 73 and 74, *Florida Statutes*, with respect to  
4 a purchase or settlement made pursuant to Section 7 above, subject  
5 to the following conditions:

6 a. Lawfully appropriated funds are available for the Project to  
7 pay the amount offered; and,

8 b. The Chief of the Engineering and Construction Management  
9 Division of the Department of Public Works, with the written  
10 concurrence of the Director of Public Works and the General  
11 Counsel (or their designees), finds that settlement under the  
12 agreed terms is in the best interest of the City.

13 **Section 10. Waiving the Settlement Limitations in Sections**  
14 **112.307, 112.308, and 112.309, Ordinance Code.** The settlement  
15 limitations delineated in subsection 112.307(a)(2)(iii) (Claims and  
16 suits brought against the City for monetary relief), Section 112.308  
17 (Eminent domain), and Section 112.309 (Attorneys' fees), Part 3  
18 (Settlement of Claims and Suits By and Against City), Chapter 112  
19 (Claims By and Against City), *Ordinance Code*, that the total amount  
20 of certain settlements cannot exceed \$50,000 absent approval of City  
21 Council is hereby waived recognizing that the value of the properties  
22 involved in the Project along with statutorily mandated attorneys'  
23 fees and costs may require settlements exceeding the limits imposed  
24 by Chapter 112, *Ordinance Code*, and that obtaining Council approval  
25 for settlements relating to numerous parcels will unnecessarily delay  
26 the Project or subject the City to increased liability.

27 **Section 11. Institution of Legal Proceedings.** The Office of  
28 General Counsel of the City of Jacksonville is hereby authorized to  
29 institute the appropriate legal proceedings to acquire by  
30 condemnation property interests in the Properties for the purpose  
31 described in this Ordinance. The Office of General Counsel is further

1 authorized to invoke the procedures of Chapter 74, *Florida Statutes*  
2 (commonly known as a "quick-take") and to issue appropriate  
3 declarations of taking on behalf of the City.

4 **Section 12. Oversight.** The Engineering and Construction  
5 Management Division of the Department of Public Works shall oversee  
6 the Project described herein.

7 **Section 13. Effective Date.** This Ordinance shall become  
8 effective upon signature by the Mayor or upon becoming effective  
9 without the Mayor's signature.

10  
11 Form Approved:

12  
13           /s/ Harry M. Wilson, IV          

14 Office of General Counsel

15 Legislation Prepared By: Harry M. Wilson, IV

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