

1 Introduced by Council President Hazouri at the request of the Mayor  
2 and Council Member White:

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5 **ORDINANCE 2021-293**

6 AN ORDINANCE CONCERNING ATLANTIC COAST LINE  
7 LOCOMOTIVE NO. 1504, LOCATED AT 1000 WEST BAY  
8 STREET AND SITUATED ON THE GROUNDS OF THE  
9 PRIME OSBORN CONVENTION CENTER, IN COUNCIL  
10 DISTRICT 9, JACKSONVILLE, FLORIDA ("ACL  
11 1504"); DECLARING ACL 1504, VALUED AT  
12 \$50,000.00, TO BE SURPLUS TO THE NEEDS OF THE  
13 CITY OF JACKSONVILLE (THE "CITY") AND  
14 AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO  
15 TRANSFER TITLE OF SAID PROPERTY TO THE NORTH  
16 FLORIDA CHAPTER OF THE NATIONAL RAILWAY  
17 HISTORICAL SOCIETY, INC. ("NFC-NRHS"), AT NO  
18 COST, IN ACCORDANCE WITH SECTION 122.812(C),  
19 *ORDINANCE CODE*, FOR RESTORATION AND OPERATION  
20 AS A SHORT-LINE PASSENGER EXCURSION AND  
21 FUNDRAISING TRAIN; DESIGNATING THE PLANNING  
22 AND DEVELOPMENT DEPARTMENT TO MONITOR ACTUAL  
23 USE OF ACL 1504; PROVIDING FOR A REVERTER;  
24 AUTHORIZING REMOVAL OF THE NATIONAL REGISTER  
25 OF HISTORIC PLACES DESIGNATION; RESCINDING  
26 LOCAL LANDMARK AND LANDMARK SITE DESIGNATIONS  
27 FOR ACL 1504, WAIVING THE REQUIREMENTS OF  
28 CHAPTER 307, *ORDINANCE CODE*, RELATIVE TO  
29 REVIEW OF THE RESCISSION OF THE LOCAL LANDMARK  
30 AND LANDMARK SITE DESIGNATIONS BY THE  
31 JACKSONVILLE HISTORIC PRESERVATION COMMISSION

1 AND TO THE EXTENT SAID CHAPTER IS INCONSISTENT  
2 WITH THIS ORDINANCE, AND DIRECTING THE ZONING  
3 ADMINISTRATOR AND CHIEF OF LEGISLATIVE  
4 SERVICES TO TAKE CERTAIN ACTIONS RELATIVE TO  
5 THE RESCISSION OF LOCAL LANDMARK AND LANDMARK  
6 SITE DESIGNATIONS FOR ACL 1504; PROVIDING FOR  
7 AN EFFECTIVE DATE.

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

10 **Section 1. Declaration of Surplus.** The City hereby  
11 declares ACL 1504, valued at \$50,000.00, as more particularly  
12 described in **Exhibit 1**, attached hereto and incorporated herein by  
13 this reference, to be surplus to the needs of the City of  
14 Jacksonville and authorizes the appropriate City officials to  
15 transfer title of ACL 1504 to North Florida Chapter of the National  
16 Railway Historical Society, Inc., at no cost, pursuant to Section  
17 122.812(c), *Ordinance Code*. A copy of the certificate from the  
18 Director of Procurement certifying compliance with the provisions  
19 of Chapter 122, *Ordinance Code*, is attached hereto as **Exhibit 2** and  
20 incorporated herein by this reference. A copy of the property  
21 transfer form is attached hereto as **Exhibit 3**.

22 **Section 2. Public Purpose.** NFC-NRHS is under contract  
23 with Sugar Express, LLC ("Sugar Express"), who will restore and  
24 operate ACL 1504 as a "fundraising" train by using the locomotive  
25 to offer short-line passenger excursions in south central Florida.  
26 NFC-NRHS will use the proceeds of the sale of ACL 1504 to Sugar  
27 Express to fund a "NFC-NRHS/Sugar Express Railroad Educational  
28 Scholarship" (the "Scholarship") to provide financial assistance to  
29 local Duval County high school students who desire to attend the  
30 National Railway Historical Society Rail Camp and other related  
31 activities. In addition, a portion of the sale proceeds will be

1 used to support local educational and historical preservation goals  
2 of NFC-NRHS. Once ACL 1504 is operational, Sugar Express has  
3 agreed that all ticket sale proceeds generated from the first year  
4 of operations will go to NFC-NRHS for furtherance of rail  
5 preservation projects and further endowment of the Scholarship  
6 fund.

7 **Section 3. Planning and Development Department to Monitor**  
8 **Actual Use of ACL 1504.** The Planning and Development Department  
9 will be the designated agency to monitor the use and operation of  
10 ACL 1504 in accordance with the purposes set forth herein.

11 **Section 4. Reverter.** The disposition authorized herein  
12 is conditioned upon the refurbishment and continued use and  
13 operation of ACL 1504 for the purposes set forth herein and is  
14 further conditioned upon NFC-NRHS agreeing to convey and physically  
15 return ACL 1504 back to the City, at no cost to the City, in the  
16 event ACL 1504 is not refurbished and continuously used for these  
17 purposes. NCF-NRHS shall include this reverter in any and all  
18 documents effectuating a sale or transfer of ownership of ACL 1504  
19 for the sole and express benefit of the City of Jacksonville.

20 **Section 5. Authorizing Removal of National Register of**  
21 **Historic Places Designation.** The City Council hereby recognizes  
22 and authorizes the removal of the National Register of Historic  
23 Places designation that will be automatically revoked upon transfer  
24 of ACL 1504 from its current location.

25 **Section 6. Rescinding Local Landmark and Landmark Site**  
26 **Designations; Waiver of Chapter 307, Ordinance Code, Pertaining to**  
27 **Review by the Jacksonville Historic Preservation Commission;**  
28 **Directing the Zoning Administrator and Chief of Legislative**  
29 **Services to Take Certain Actions.** The City Council hereby rescinds  
30 the Local Landmark and Landmark Site Designations for Atlantic  
31 Coast Line Locomotive No. 1504, located at 1000 West Bay Street and

1 situated on the grounds of the Prime Osborn Convention Center, as  
2 approved by Ordinance 2009-650-E, and states and finds as follows:

3 (a) The Planning and Development Department has reviewed the  
4 application to rescind the Local Landmark and Landmark Site  
5 Designations for ACL 1504, as approved by Ordinance 2009-650-E, and  
6 has made its recommendation to the City Council.

7 (b) The Land Use and Zoning Committee, after due notice and  
8 public hearing, reviewed the application to rescind the Local  
9 Landmark and Landmark Site Designations for ACL 1504, as approved  
10 by Ordinance 2009-650-E, and has made its recommendations to the  
11 City Council. Pursuant to Council Rule 6.105, there shall be only  
12 one official record of the quasi-judicial proceedings before the  
13 Committee of Reference, and the City Council finds that the Land  
14 Use and Zoning Committee served as the Committee creating the  
15 official record of quasi-judicial proceedings for this matter,  
16 notwithstanding review of this Ordinance by other Committees of the  
17 City Council.

18 (c) Based upon the competent, substantial evidence in the  
19 record, including the Staff Report of the Planning and Development  
20 Department and the recommendation of the Land Use and Zoning  
21 Committee, the City Council hereby finds that ACL 1504 fails to  
22 meet the requisite number of criteria for Local Landmark and  
23 Landmark Site Designations pursuant to Section 307.104(j),  
24 *Ordinance Code*, without owner consent.

25 (d) The City Council hereby waives Chapter 307, *Ordinance*  
26 *Code*, to the extent inconsistent with this Ordinance, including  
27 review by the Jacksonville Historic Preservation Commission, to  
28 expedite transfer and ultimate restoration of ACL 1504, and finds  
29 that the notice provided, and public hearings held, by the City  
30 Council and the Land Use and Zoning Committee meet all procedural  
31 and substantive due process requirements for rescinding the Local

1 Landmark and Landmark Site Designations as described herein.  
2 Pursuant to the Rules of the City Council, the Rules Committee of  
3 the Council reviewed this waiver and has made its recommendations  
4 to the City Council.

5 (e) The City Council hereby directs the following actions:

6 (i) The Zoning Administrator shall remove the  
7 designations of ACL 1504 as a Local Landmark and Landmark Site  
8 on the City's Zoning Atlas.

9 (ii) The Chief of Legislative Services shall notify each  
10 applicant, the property owner, and the Property Appraiser, of  
11 the rescission of the designations of ACL 1504 as a Local  
12 Landmark and Landmark Site.

13 (iii) The Chief of Legislative Services shall record this  
14 Ordinance in the public records of Duval County, Florida.

15 (f) The enactment of this Section 6 of this Ordinance shall  
16 be deemed to constitute a quasi-judicial action of the City  
17 Council. Its effective date shall be the date of signature by the  
18 Council President and Council Secretary, notwithstanding the date  
19 of signature by the Mayor, or this Ordinance becoming law without  
20 the Mayor's signature.

21 **Section 7. Effective Date.** This Ordinance shall become  
22 effective upon signature by the Mayor or upon becoming effective  
23 without the Mayor's signature.

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25 Form Approved:

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27           /s/ Mary E. Staffopoulos          

28 Office of General Counsel

29 Legislation prepared by: Mary E. Staffopoulos

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