

**CITY COUNCIL RESEARCH DIVISION
LEGISLATIVE SUMMARY**



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Bill Type and Number: Ordinance 2026-327

Introducer/Sponsor(s): Council President at the request of the Mayor

Date of Introduction: April 28, 2026

Committee(s) of Reference: F, NCSPHS, R, TEU

Date of Analysis: April 27, 2026

Type of Action: Appropriation; CIP Amendment; declare public necessity for acquiring fee simple title, temporary construction easements, and permanent drainage easements; authorize acquisition of properties; authorizations; waive Sections 112.307, 112.308, and 112.309, *Ordinance Code*; provide for oversight

Bill Summary: This bill appropriates \$12,599,258 from the Emerald Trail—Hogan’s Creek to Riverwalk Other Construction Costs account to the City Owned Land Acquisition account. It amends the 2026-2030 Five-Year Capital Improvement Plan approved by Ordinance 2025-505-E to reflect this appropriation of funds. The bill declares the public necessity for acquiring fee simple title, temporary construction easements, and permanent drainage easements, through condemnation by right of eminent domain to and over certain parcels of real property in Council District 7.

The bill makes a series of authorizations. First, it authorizes the acquisition of the relevant properties by negotiation or eminent domain. It authorizes the Chief of the Engineering and Construction Management Division of the Department of Public Works to make a good-faith deposit into the court registry. It authorizes the Chief of the Real Estate Division of the Department of Public Works to make offers and negotiate for the purchase of the properties, subject to certain conditions. The Chief of the Real Estate Division is also authorized to make offers and negotiate claims for business damages, attorneys’ fees, and costs related to the purchase of the properties, at the direction of the Engineering and Construction Management Divisions. The Office of General Counsel is authorized to initiate appropriate condemnation proceedings and declarations of taking.

Finally, the bill waives Sections 112.307, 112.308, and 112.309 of the Ordinance Code, which limit the total amount of certain settlements to \$50,000 absent City Council approval. This waiver recognizes that the value of the properties involved in the project and statutorily mandated attorneys’ fees and costs may require settlements exceeding that amount, and obtaining Council approval for each settlement would result in delays and increased liability. The Engineering and Construction Management Division provides oversight.

Background Information: The City, by law, has the power of eminent domain to acquire interests in real property and has determined that the Emerald Trail—Hogan’s Creek to Riverwalk project serves a public purpose. The City has determined that the acquisition of certain parcels of real property in Council District 7, located near or adjacent to a portion of Hogan’s Creek, is reasonably necessary for completion of the project. To acquire the properties, funding for other construction costs must be reallocated to land acquisition. Per Section 73.015, *Florida Statutes*, it is necessary to make written offers to impacted property owners before the commencement of any eminent domain action. To this end, the bill authorizes the Chief of the Real Estate Division to make binding offers and to enter into contracts with property owners for the acquisition of necessary property interests for the project.

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The City has also determined that the project is time sensitive and may require taking possession of and title to real property in advance of the final judgment in an eminent domain action, as authorized by Section 74.021, *Florida Statutes*. If the City, through the Real Estate Division, is unable to reach agreements with property owners, the bill authorizes the Office of General Counsel to take appropriate legal action to acquire these property interests.

Policy Impact Area: Emerald Trail, land acquisition

Fiscal Impact: This bill appropriates \$12,599,258 from the Emerald Trail—Hogan’s Creek to Riverwalk Other Construction Costs account to the City Owned Land Acquisition account.

Analyst: Russell