

1 Introduced by Council Member Ferraro:
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4 **ORDINANCE 2023-352**

5 AN ORDINANCE APPROPRIATING \$500,000 FROM THE
6 CONFEDERATE MONUMENT REMOVAL, RELOCATION,
7 REMAINING AND RENAMING PER CC PROJECT TO FUND
8 THE PURCHASE OF REAL PROPERTY LOCATED AT 865
9 GOLFAIR BOULEVARD, FOR THE PURPOSE OF
10 CONSTRUCTING A COMMUNITY CENTER ON SAID PROPERTY
11 SUBJECT TO FUTURE APPROVAL AND APPROPRIATION BY
12 THE CITY COUNCIL; AN ORDINANCE AUTHORIZING THE
13 MAYOR, OR HIS DESIGNEE, AND CORPORATION
14 SECRETARY TO NEGOTIATE AND EXECUTE A PURCHASE
15 AND SALE AGREEMENT (THE "AGREEMENT") BETWEEN THE
16 CITY OF JACKSONVILLE (THE "BUYER") AND SBPS 3
17 JI, LLC (THE "SELLER") AND ALL CLOSING DOCUMENTS
18 RELATING THERETO, AND OTHERWISE TAKE ALL
19 NECESSARY ACTIONS TO EFFECTUATE THE PURPOSES OF
20 THE AGREEMENT, FOR THE ACQUISITION BY BUYER, AT
21 A NEGOTIATED PURCHASE PRICE OF NO MORE THAN
22 \$500,000 BASED UPON THE FUTURE APPRAISAL OF SAID
23 PROPERTY, OF THAT PROPERTY LOCATED AT 865
24 GOLFAIR BOULEVARD, (R.E.# 031960-0000); WAIVING
25 SECTION 122.411(C)(1) (FEE PURCHASES), PART 4
26 (REAL PROPERTY), CHAPTER 122 (PUBLIC PROPERTY),
27 *ORDINANCE CODE*, TO WAIVE REQUIREMENT THAT THE
28 CITY COUNCIL HAVE A WRITTEN PURCHASE INSTRUMENT
29 IN ADVANCE OF APPROVING PURCHASE; PROVIDING FOR
30 OVERSIGHT; AMENDING THE 2023-2027 FIVE-YEAR
31 CAPITAL IMPROVEMENT PLAN APPROVED BY ORDINANCE

1 2022-505-E TO REFLECT THE APPROPRIATION OF FUNDS
2 FOR THE ACQUISITION OF THE PROPERTY AS WELL AS
3 THE FUTURE PLANS FOR A COMMUNITY CENTER;
4 REQUESTING EMERGENCY PASSAGE UPON INTRODUCTION;
5 PROVIDING AN EFFECTIVE DATE.

6
7 **WHEREAS,** a drive-through liquor store has been erected at 865
8 Golfair Boulevard between I-95 Expressway and Brentwood Avenue, on
9 property which lies a mere 430 feet from KIPP Voice Academy, a K-7
10 charter school located at 813 Golfair Boulevard, where approximately
11 800 students attend school daily; and

12 **WHEREAS,** in 2020, an application was made by the owner of 865
13 Golfair Boulevard, for a zoning exception to allow an establishment
14 or facility which includes the retail sale and service of all
15 alcoholic beverages including liquor, beer or wine for off-premises
16 consumption;

17 **WHEREAS,** the Planning and Development Department ("PDD") made
18 a recommendation that the application be denied, stating in its report
19 that, "[t]he proposed use is located in a commercial corridor that
20 offers a wide range of commercial and retail development, and the
21 level of intensity of the full alcohol sales does not compliment the
22 commercial area and neighborhood. The grant of this waiver does not
23 further the goals of the 2030 Comprehensive Plan," and "[a]n
24 additional liquor store is inconsistent with the welfare of the
25 community and will not be neighborhood friendly"; and

26 **WHEREAS,** there already exists a liquor store (NFL Liquor)
27 approximately 1000 feet to the east of 865 Golfair Boulevard; and

28 **WHEREAS,** though KIPP Voice Academy had not yet been built at
29 the time of the zoning exception application, the PDD Report included
30 an aerial photograph identifying the property adjacent to 865 Golfair
31 Boulevard as being the future location of a KIPP school and the PDD

1 raised the issue at the meeting before the Planning Commission; and
2 **WHEREAS,** against the recommendation of the PDD, the Planning
3 Commission issued an order approving the application for the zoning
4 exception at 865 Golfair Boulevard; and

5 **WHEREAS,** numerous members of the Brentwood community have
6 expressed their concerns in regards to the well-being of the students
7 attending the school on the property adjacent to the liquor store,
8 as well as the detrimental effects yet another liquor store in the
9 area could have on the community at large;

10 **WHEREAS,** it is in the Brentwood community's best interest that
11 the City of Jacksonville attempt to purchase the property and replace
12 the liquor store with a community center;

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

14 **Section 1. Appropriation.** For the 2022-2023 fiscal year,
15 within the City's budget, there are hereby appropriated the indicated
16 sum(s) from the account(s) listed in subsection (a) to the account(s)
17 listed in subsection (b):

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

20 (a) Appropriated from:

21 See **Exhibit 1** \$500,000

22 (b) Appropriated to:

23 See **Exhibit 1** \$500,000

24 (c) Explanation of Appropriation:

25 The funding above represents an appropriation of \$500,000
26 from the Authorized Capital Projects - FY 23 and Forward
27 Fund/Confederate Monument Removal-Relocation-Remaining-
28 Renaming per CC Project, for the purchase of real property
29 located at 865 Golfair Boulevard for use as a community
30 center.

31 **Section 2. Purpose.** The purpose of the appropriation in

1 Section 1 is to provide funding for the acquisition of 865 Golfair
2 Boulevard (R.E. # 031960-0000) for the purpose of constructing a
3 community center on said property subject to future approval and
4 appropriation by the City Council, to ensure the well-being of the
5 approximately 800 students attending school on the property adjacent
6 to the liquor store and to alleviate any detrimental effects yet
7 another liquor store in the area could have on the community at large.

8 **Section 3. Authorization to Negotiate and Execute**
9 **Agreement.** The Mayor, or his designee, and the Corporation Secretary,
10 are hereby authorized to negotiate, execute, and deliver on behalf
11 of the City, a purchase and sale agreement between the City of
12 Jacksonville (the "Buyer") and SBPS 3 Ji, LLC, and all such other
13 documents necessary or appropriate to effectuate the purpose of this
14 ordinance (with such "technical" changes as herein authorized). The
15 purchase and sale agreement will provide for the acquisition of 865
16 Golfair Boulevard (R.E. # 031960-0000) for the purpose of constructing
17 a community center on said property subject to future approval and
18 appropriation by the City Council ("the Project"). The purchase price
19 of the property is not to exceed \$500,000 and should result from good
20 faith negotiations based upon the appraised value of the property,
21 such appraisal to be obtained in accordance with Section 122.411,
22 *Ordinance Code.*

23 The purchase and sale agreement and related documents may
24 include such additions, deletions, and changes as may be reasonable,
25 necessary, and incidental for carrying out the purposes thereof, as
26 may be acceptable to the Mayor, or his designee, with such inclusion
27 and acceptance being evidenced by execution of the purchase and sale
28 agreement by the Mayor, or his designee; provided however, no
29 modification of the purchase and sale agreement or related documents
30 may increase the financial obligations or liability of the City to
31 an amount in excess of the amount stated in the purchase and sale

1 agreement or decrease the financial obligations or liability of the
2 Seller, and any such modification shall be technical only and shall
3 be subject to appropriate legal review and approval by the Office of
4 General Counsel. For purposes of this Ordinance, the term "technical
5 changes" is defined as those changes having no financial impact to
6 the City, including, but not limited to, changes in legal descriptions
7 or surveys, ingress and egress, easements and rights of way, design
8 standards, access and site plan, resolution of title defects, if any,
9 and other non-substantive changes that do not substantively increase
10 the duties and responsibilities of the City under the provisions of
11 the purchase and sale agreement.

12 **Section 4. Waiver of Section 122.411(c) (1) (Fee Purchases),**
13 **Part 4 (Real Property), Chapter 122 (Public Property), Ordinance**
14 **Code.**

15 Section 122.411(c) (1) (Fee Purchases), Part 4 (Real Property),
16 Chapter 122 (Public Property), *Ordinance Code*, is hereby waived to
17 allow this purchase of property to be approved by the City Council
18 without satisfying the requirement that the City Council have, in
19 advance of such approval, a written purchase instrument.

20 **Section 5. Oversight.** The Real Estate Division of the
21 Department of Public Works shall oversee negotiations and the
22 potential acquisition of the property. The Parks, Recreation, and
23 Community Services Department shall oversee the community center to
24 be built on the property.

25 **Section 6. Capital Improvement Plan Amendment.** Ordinance
26 2022-505-E, adopting the 2023-2027 Five-Year Capital Improvement Plan
27 (the "CIP") for the City and certain of its independent agencies, is
28 hereby amended to reduce funding for the Confederate Monument Removal,
29 Relocation, Remaining and Renaming per CC Project and to provide
30 funding for this Project as more fully described in the Project
31 Information Sheets attached hereto as **Exhibit 2** and incorporated

1 herein by this reference. The City Council finds that the deferral
2 of this amendment of the CIP until the next annual budget and CIP
3 review will compromise the well-being of the students attending school
4 on the property adjacent to the liquor store and be detrimental to
5 the overall best interests of the community.

6 Pursuant to Section 122.605(c), *Ordinance Code*, enactment of
7 this Ordinance requires the affirmative vote of two-thirds of the
8 City Council members present at the meeting because of the CIP
9 amendment set forth in this section. This Ordinance shall constitute
10 an amendment to Ordinance 2022-505-E. In all other respects, the
11 Five-Year Capital Improvement Plan approved by Ordinance 2022-505-E
12 shall remain unchanged and continue in full force and effect.

13 **Section 7. Requesting emergency passage upon introduction**
14 **pursuant to Council Rule 4.901.** Emergency passage upon introduction
15 of this ordinance is requested. The nature of the emergency is that
16 the City Council would like to initiate negotiations to purchase the
17 property prior to the opening of the liquor store to ensure the well-
18 being of the students attending school on the property adjacent to
19 the liquor store and to alleviate any detrimental effects yet another
20 liquor store in the area could have on the community at large.

21 **Section 8. Effective Date.** This Ordinance shall become
22 effective upon signature by the Mayor or upon becoming effective
23 without the Mayor's signature.

24
25 Form Approved:

26
27 /s/ Rita M. Mairs

28 Office of General Counsel

29 Legislation Prepared By: Rita M. Mairs

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