

1 Introduced by Council Member White:
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4 **ORDINANCE 2026-587**

5 AN ORDINANCE DECLARING THE PUBLIC NECESSITY FOR
6 ACQUIRING FEE SIMPLE TITLE, TEMPORARY
7 CONSTRUCTION EASEMENTS, AND PERMANENT DRAINAGE
8 EASEMENTS THROUGH CONDEMNATION BY RIGHT OF
9 EMINENT DOMAIN TO AND OVER CERTAIN REAL PROPERTY
10 IN COUNCIL DISTRICT 12, SUCH REAL PROPERTY
11 INTERESTS BEING NEAR OR ADJACENT TO A PORTION OF
12 CHAFFEE ROAD SOUTH (THE "PROPERTY"), AS REQUIRED
13 FOR THE CHAFFEE ROAD WIDENING FROM NORMANDY
14 BOULEVARD TO INTERSTATE 10 PROJECT; AUTHORIZING
15 ACQUISITION OF THE PROPERTIES BY NEGOTIATION OR
16 EMINENT DOMAIN; AUTHORIZING THE CHIEF OF THE
17 ENGINEERING AND CONSTRUCTION MANAGEMENT
18 DIVISION OF THE DEPARTMENT OF PUBLIC WORKS TO
19 MAKE A GOOD FAITH DEPOSIT INTO THE COURT
20 REGISTRY; AUTHORIZING THE CHIEF OF THE REAL
21 ESTATE DIVISION OF THE DEPARTMENT OF PUBLIC
22 WORKS, OR HER DESIGNEE, TO MAKE OFFERS AND
23 NEGOTIATE THE PURCHASE OF THE PROPERTY, SUBJECT
24 TO CERTAIN CONDITIONS; AUTHORIZING THE CHIEF OF
25 THE REAL ESTATE DIVISION OF THE DEPARTMENT OF
26 PUBLIC WORKS, OR HER DESIGNEE, AT THE DIRECTION
27 OF THE ENGINEERING AND CONSTRUCTION MANAGEMENT
28 DIVISION OF THE DEPARTMENT OF PUBLIC WORKS, TO
29 MAKE OFFERS AND NEGOTIATE CLAIMS FOR BUSINESS
30 DAMAGES, ATTORNEYS' FEES, AND COSTS RELATED TO
31 THE PURCHASE OF THE PROPERTY, SUBJECT TO CERTAIN

1 CONDITIONS; WAIVING THE SETTLEMENT LIMITATION IN
2 SECTIONS 112.307 (CLAIMS AND SUITS BROUGHT
3 AGAINST THE CITY FOR MONETARY RELIEF), 112.308
4 (EMINENT DOMAIN), AND 112.309 (ATTORNEYS' FEES),
5 PART 3 (SETTLEMENT OF CLAIMS AND SUITS BY AND
6 AGAINST CITY), CHAPTER 112 (CLAIMS BY AND
7 AGAINST CITY), ORDINANCE CODE, REGARDING
8 LIMITATIONS ON THE TOTAL AMOUNT OF A SETTLEMENT;
9 AUTHORIZING AND DIRECTING THE OFFICE OF GENERAL
10 COUNSEL TO INSTITUTE APPROPRIATE CONDEMNATION
11 PROCEEDINGS AND DECLARATIONS OF TAKING;
12 PROVIDING FOR OVERSIGHT BY THE ENGINEERING AND
13 CONSTRUCTION MANAGEMENT DIVISION OF THE
14 DEPARTMENT OF PUBLIC WORKS; PROVIDING AN
15 EFFECTIVE DATE.

16
17 **WHEREAS,** the City of Jacksonville is authorized to construct
18 and maintain streets and highways, and improve those streets and
19 highways as needed, for the general public, and is vested by law with
20 the power of eminent domain to acquire interests in real property;
21 and

22 **WHEREAS,** the City of Jacksonville has determined that the
23 Chaffee Road Widening from Normandy Boulevard to Interstate 10 Project
24 (the "Project") referenced in this Ordinance serves a public purpose;
25 and

26 **WHEREAS,** the City of Jacksonville has determined that
27 acquisition of the certain real property in Council District 12 near
28 or adjacent to a portion of Chaffee Road South (the "Property")
29 described herein is reasonably necessary for completion of the
30 Project; and

31 **WHEREAS,** to meet the requirements of Section 73.015, *Florida*

1 Statutes, it is necessary to make a written offer to the impacted
2 property owners prior to the commencement of any eminent domain
3 action; and

4 **WHEREAS,** the City Council therefore desires to authorize the
5 Chief of the Real Estate Division of the Public Works Department, or
6 her designee, to make binding offers and to enter into those contracts
7 and agreements reached with property owners for the acquisition of
8 the necessary property interests as set forth herein; and

9 **WHEREAS,** the City of Jacksonville has determined that the
10 Project is time sensitive and may require the taking of possession
11 and title to real property in advance of the final judgment in an
12 eminent domain action, as authorized by Section 74.021, *Florida*
13 *Statutes*; and

14 **WHEREAS,** the City of Jacksonville desires to authorize the
15 Office of General Counsel to institute appropriate legal proceedings
16 to acquire the necessary property interests by eminent domain, and
17 further to issue and execute a declaration of taking pursuant to
18 Section 74.031, *Florida Statutes*; now therefore

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

20 **Section 1. Declaration of Necessity.** The City hereby
21 declares the public necessity for acquiring through condemnation by
22 right of eminent domain, fee simple title, temporary construction
23 easements, and permanent drainage easements to and over the Property
24 located in Council District 12 as more fully described by the drawings
25 placed **On File** with the Legislative Services Division, and by the
26 legal description in **Exhibit 1**, attached hereto and incorporated
27 herein by this reference, to complete the Project. In making this
28 determination of necessity, the City has ordered and reviewed the
29 Roadway and Drainage Report and Pond Siting Report, each in the form
30 placed **On File** with the Legislative Services Division, along with
31 **Exhibit 1** hereto. In addition, the City has had the opportunity to

ask questions of the respective engineers and other professionals conducting assessments and studies of the Property, including appropriate City staff, and has considered the following:

1. Availability of alternate alignments, or parcels - The City has selected the most cost effective and minimally impactful configuration for improvements along Chaffee Road between Normandy Blvd and I-10. All acquisitions for the Project are directly related to the existing and planned alignment of the Chaffee Road Widening Project. The City has chosen the path that would minimize impacts to private property and overall project costs to the City.
2. Costs - The City has considered many different designs and has chosen the most cost-effective plan that accomplishes all the Project's goals. The City has adjusted the plans to require as little private property acquisition as possible. Costs considered include design, construction, and right-of-way acquisition.
3. Environmental Factors - The Project is anticipated to impact ± 1.15 acres of freshwater marsh, ± 2.53 acres of mixed hardwood wetlands, and ± 6.47 acres of vegetated non-forest wetlands, and construct four separate ponds that total ± 9.90 acres. In addition, the cultural resources assessment survey determined that there are no historical resources within the Project limits.
4. Long-range area planning - The Project is consistent with the long-range plan. By increasing the roadway corridor from two-lane to four-lane, the Project will reduce traffic congestion, increase pedestrian movement, and improve access along the length of the roadway improvements. This will positively impact safety of the traveling public in the region and promote future growth and development.

1 5. Safety - The Project will improve safety of the surrounding
2 areas by increasing the capacity of the roadway from two-lane
3 to four-lane for vehicular travelers and will include a new
4 multi-use trail west of the roadway. It will add to or expand
5 the existing sidewalks east of the roadway, which will improve
6 safety for non-vehicular users within the Project limits.

7 **Section 2. Acquisition of Fee Simple Title and Easement**
8 **Rights.** The City of Jacksonville shall acquire the necessary property
9 rights in the Property by negotiation or eminent domain for the
10 purpose aforesaid from the present owners thereof and all persons
11 claiming any interest therein. Acquisition of fee simple title and
12 easement rights, if made by negotiation prior to the filing of a
13 petition for condemnation, shall be pursuant to the City of
14 Jacksonville Real Estate Purchase Agreement substantially in the form
15 placed **On File** with the Legislative Services Division. However, the
16 terms may be negotiated and modified by the Chief of Real Estate (the
17 "Chief"), or her designee, as necessary, so long as the cost to the
18 City does not exceed those costs authorized by this Ordinance or
19 other provisions of the Ordinance Code and the Office of General
20 Counsel concurs that such modification is in the best interests of
21 the City. Where a petition for condemnation has been filed, the
22 acquisition may be made by Real Estate Purchase Agreement, or by
23 stipulated final judgment and order of taking. The Chief, or her
24 designee, is further authorized to execute the Real Estate Purchase
25 Agreements and to take all actions necessary to close such agreed
26 purchases pursuant to their terms, including those provided by court
27 order or judgment.

28 **Section 3. Authorizing Deposit of Good-Faith Estimate.** The
29 Chief of Engineering and Construction Management Division, or his
30 designee, is authorized to approve the deposit of funds into the
31 registry of the court in the amount directed by an order of taking

1 pursuant to Section 74.051, *Florida Statutes*, from funds lawfully
2 appropriated for the Project.

3 **Section 4. Negotiation of Purchase of Property.**

4 Recognizing that real property values can fluctuate significantly,
5 the Chief of the Real Estate Division, or her designee, is hereby
6 authorized to negotiate and agree to the purchase of the necessary
7 interests in real property subject to the following conditions:

8 a. Lawfully appropriated funds are available for the Project to
9 pay the agreed purchase price; and,

10 b. The City will receive the necessary interest in real property
11 from the transaction without any encumbrances negatively
12 affecting the Project; and,

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

17 d. The Chief of Engineering Construction Management, with the
18 written concurrence of the Director of Public Works and the
19 General Counsel (or their designees), finds that the purchase
20 of the Property under the agreed terms is in the best interest
21 of the City.

22 For purposes of this Ordinance, the "purchase price" means the
23 compensation paid to the property owner (and/or tenant) for the
24 property interests acquired, inclusive of the value of any
25 improvements to the property, severance damages to any remaining
26 property, or temporary or permanent costs to cure. The "purchase
27 price" does not include attorneys' fees or expert costs.

28 **Section 5. Negotiation of Claims for Business Damages.** If
29 the City receives a timely claim for business damages pursuant to
30 Chapter 73.015, *Florida Statutes*, arising from the acquisition of
31 property rights provided for in this Ordinance, the Chief of the Real

1 Estate Division, or her designee, may negotiate, settle, and authorize
2 payment of such claim, subject to the following conditions:

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

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

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

11 **Section 6. Negotiation of Attorneys' Fees and Costs.** In
12 addition to the purchase price, the Chief of the Real Estate Division,
13 or her designee, is authorized to negotiate, settle, and authorize
14 payment of any attorneys' fees and costs legally due to the owner or
15 tenant, as provided under Chapters 73 and 74, *Florida Statutes*, with
16 respect to a purchase or settlement made pursuant to Sections 4 or 5
17 above, subject to the following conditions:

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

20 b. The Chief of Engineering and Construction Management
21 Division, with the written concurrence of the Director of
22 Public Works and the General Counsel (or their designees),
23 finds that settlement under the agreed terms is in the best
24 interest of the City.

25 **Section 7. Waiving the Settlement Limitations in Sections**
26 **112.307, 112.308, and 112.309, Ordinance Code.** The settlement
27 limitations delineated in subsection 112.307(a)(2)(iii) (Claims and
28 suits brought against the City for monetary relief), Section 112.308
29 (Eminent domain), and Section 112.309 (Attorneys' fees), Part 3
30 (Settlement of Claims and Suits By and Against City), Chapter 112
31 (Claims By and Against City), *Ordinance Code*, that the total amount

1 of certain settlements cannot exceed \$50,000 absent approval of City
2 Council is hereby waived recognizing that the value of the property
3 involved in this project along with statutorily mandated attorneys'
4 fees and costs may require settlements exceeding the limits imposed
5 by Chapter 112, and that obtaining Council approval for settlements
6 relating to numerous parcels will unnecessarily delay the Project or
7 subject the City to increased liability.

8 **Section 8. Institution of Legal Proceedings.** The Office of
9 General Counsel of the City of Jacksonville is hereby authorized to
10 institute the appropriate legal proceedings to acquire by
11 condemnation property interests in the Property for the purpose
12 described in this Ordinance. The Office of General Counsel is further
13 authorized to invoke the procedures of Chapter 74, *Florida Statutes*
14 (commonly known as a "quick-take") and to issue appropriate
15 declarations of taking on behalf of the City.

16 **Section 9. Oversight.** The Engineering and Construction
17 Management Division of the Department of Public Works shall oversee
18 the CIP Project described herein.

19 **Section 10. Effective Date.** This Ordinance shall become
20 effective upon signature by the Mayor or upon becoming effective
21 without the Mayor's signature.

22
23 Form Approved:

24
25 /S/ Chris Garrett

26 Office of General Counsel

27 Legislation Prepared By: Chris Garrett

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