

1 Introduced by Council Member Cumber:
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3 **ORDINANCE 2022-777**

4 AN ORDINANCE DECLARING APPROXIMATELY 4.75 ACRES
5 OF REAL PROPERTY OWNED BY THE CITY IN COUNCIL
6 DISTRICT 5 (R.E. NO. 147279-0000) TO BE SURPLUS
7 TO THE NEEDS OF THE CITY; APPROVING AND
8 AUTHORIZING THE MAYOR OR HIS DESIGNEE AND
9 CORPORATION SECRETARY TO EXECUTE A PURCHASE AND
10 SALE AGREEMENT BETWEEN CITY AND LARSEN OAKS, LLC
11 AND TO EXECUTE ALL DEEDS AND CLOSING DOCUMENTS
12 RELATING THERETO AND OTHERWISE TAKE ALL
13 NECESSARY ACTION TO EFFECTUATE THE PURPOSES OF
14 THIS ORDINANCE TO CONVEY THE CITY PROPERTY FOR
15 A PURCHASE PRICE OF \$675,000.00 LESS THE
16 REMEDIATION CREDIT OF \$652,862.89 (\$22,237.11)
17 TO LARSEN OAKS, LLC, AN ADJACENT PROPERTY OWNER,
18 WHO WILL PERFORM REQUIRED REMEDIATION ON ITS
19 PROPERTY FOR THE REMEDIATION CREDIT; WAIVING
20 SECTION 122.424 (DISPOSITION BY DIRECT SALE),
21 *ORDINANCE CODE*; PROVIDING PROVISO REGARDING
22 COMPLIANCE WITHFDEP REQUIREMENTS; PROVIDING FOR
23 OVERSIGHT OF THE LAND CONVEYANCE DOCUMENTS BY
24 THE PUBLIC WORKS DEPARTMENT; PROVIDING AN
25 EFFECTIVE DATE.

26
27 **WHEREAS**, the City of Jacksonville ("City") is the owner of
28 approximately 4.75 acres located at 0 Clydo Road, Jacksonville,
29 Florida 32207 (R.E. No. 147279-0000), which is part of the site of
30 the former Southside Incinerator ("City Property"); and

31 **WHEREAS**, Larsen Oaks, LLC (Buyer), owns two adjacent parcels

1 (2546 Tabernacle Place South, Jacksonville, Florida 32207 (RE No.
2 147280-0010) and 0 Tabernacle Place South, Jacksonville, Florida
3 32207 (RE No. 147280-0025) (collectively, "Buyer's Property"); and

4 **WHEREAS**, both City Property and Buyer's Property are subject to
5 a Consent Order, dated December 1999, entered into by City and Florida
6 Department of Environmental Protection ("FDEP") related to
7 environmental impacts related to the operation of the Southside
8 Incinerator and the City is obligated under the Consent Order to pay
9 for remediation of Buyer's Property; and

10 **WHEREAS**, no remediation has yet occurred on Buyer's Property
11 under the Consent Order; and

12 **WHEREAS**, Buyer's principal approached the City earlier this year
13 regarding purchase of the City Property in order to expand the current
14 business operations on Buyer's Property; and

15 **WHEREAS**, the City has determined that there is no public need
16 for retaining the Property and has deemed it surplus to the needs of
17 the City; and

18 **WHEREAS**, the City obtained a recent estimate of \$652,862.89 for
19 the cost to remediate Buyer's Property in compliance with FDEP
20 requirements; and

21 **WHEREAS**, the City also obtained an appraisal report of the City
22 Property reflecting a value of \$675,000; and

23 **WHEREAS**, the Buyer has agreed to assume the City's obligation
24 to remediate the Buyer's Property, and to undertake the full
25 remediation of Buyer's Property at Buyer's sole expense, provided
26 that the City provide Buyer with a credit against the appraised value
27 in the amount of \$652,862.89; and

28 **WHEREAS**, Council finds that selling the City Property to the
29 adjacent neighbor, Buyer, is in the best interest of the public as
30 the City has no use for the Property and purchase of the Property by
31 the Buyer will allow for it to expand its existing business, and the

1 taxable value of the Buyer's Property; now therefore

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

3 **Section 1. Declaration of Surplus.** The City hereby declares
4 the City Property (R.E. No. 147280-0010) in Council District 5, as
5 more particularly described in **Exhibit 1**, attached hereto and
6 incorporated herein by this reference to be surplus to the needs of
7 the City. A copy of the certificate from the Chief of Real Estate for
8 the surplus of real property, required by Rule
9 3.102(g) (1) (Preparation of Bills), is attached hereto as **Exhibit 2**
10 and incorporated herein by this reference.

11 **Section 2. Authorization of Purchase and Sale Agreement,**
12 **Conveyance Documents and Other Related Documents.** There is hereby
13 approved and the Mayor, or his designee, and the Corporation
14 Secretary, are hereby authorized to: (1) that certain Purchase and
15 Sale Agreement between the City of Jacksonville and Larsen Oaks, LLC,
16 attached hereto as in the form placed **On File** with the Office of
17 Legislative Services and incorporated herein by this reference; 2)
18 execute and deliver the deed, related closing documents and other
19 conveyance documents regarding the City Property; 3) all such other
20 documents necessary or appropriate to effectuate the purpose of this
21 Ordinance; and (4) to take, or cause to be taken, such further action
22 to effectuate the purpose of this Ordinance.

23 **Section 3. Waiving Section 122.424 (Disposition by direct**
24 **sale), Ordinance Code.** The provisions of Chapter 122.424 (Disposition
25 by direct sale), Part 4 (Real Property), Chapter 122 (Public
26 Property), *Ordinance Code*, are hereby waived to allow the conveyance
27 of the Property to Buyer, as adjacent property owner, without the
28 need to obtain bids from other adjacent property owners.

29 **Section. 4. Proviso regarding compliance with FDEP**
30 **requirements.** The parties to this transaction agree that the City
31 Property and the Buyer's Property are subject to the Consent Order,

