

1 Introduced by the Council President at the request of the Mayor and  
2 amended by the Neighborhoods, Community Services, Public Health and  
3 Safety Committee:  
4  
5

6 **ORDINANCE 2023-351-E**

7 AN ORDINANCE APPROVING AND AUTHORIZING THE  
8 MAYOR, OR HIS DESIGNEE, AND CORPORATION  
9 SECRETARY TO EXECUTE AND DELIVER, FOR AND ON  
10 BEHALF OF THE CITY, THAT CERTAIN AGREEMENT FOR  
11 SALE AND PURCHASE ("PSA") BETWEEN THE CITY OF  
12 JACKSONVILLE ("CITY") AND THE HARBOUR WATERWAY  
13 SPECIAL DISTRICT ("HARBOUR"), AND TO EXECUTE ALL  
14 DEEDS AND CLOSING DOCUMENTS RELATING THERETO,  
15 AND AUTHORIZING ANY TECHNICAL CHANGES TO THE PSA  
16 DOCUMENTS RELATING THERETO, AND OTHERWISE TAKE  
17 ALL NECESSARY ACTION TO EFFECTUATE THE PURPOSE  
18 OF THE PSA, FOR THE CONVEYANCE TO HARBOUR OF  
19 PROPERTY LOCATED IN COUNCIL DISTRICT 2 AND AT  
20 LARGE GROUP 2, COMPRISED OF APPROXIMATELY 77.7  
21 ACRES OF REAL PROPERTY LOCATED ON AN  
22 ISLAND/PENINSULA USED FOR DREDGE SPOIL AND KNOWN  
23 AS REED ISLAND IN THE ST. JOHNS RIVER SOUTH OF  
24 BLOUNT ISLAND LESS THAN FOUR MILES WEST OF THE  
25 INTRACOASTAL WATERWAY (THE "PROPERTY") IN  
26 EXCHANGE FOR HARBOUR'S AGREEMENT TO MANAGE AND  
27 IMPROVE AND EXPAND THE PUBLIC PARK LOCATED ON  
28 THE PROPERTY; PROVIDING FOR WAIVER OF SECTION  
29 122.422 (DETERMINATION OF NEED; DECLARATION THAT  
30 PROPERTY IS SURPLUS TO THE NEEDS OF THE PUBLIC),  
31 *ORDINANCE CODE*, AS TO DECLARING THE PROPERTY

1 SURPLUS; PROVIDING FOR WAIVER OF SECTION  
2 122.421(B) (GENERAL PROVISIONS; DELEGATION OF  
3 AUTHORITY), *ORDINANCE CODE*, AS TO REPLACING  
4 PROPERTY WITH SIMILAR PARK LAND; APPROPRIATING  
5 \$375,000.00 FROM THE REED ISLAND CONSTRUCTION  
6 PHASE FLORIDA INLAND NAVIGATION DISTRICT (FIND)  
7 GRANT PROJECT TO FUND A SHORTFALL IN THE REED  
8 ISLAND DESIGN PHASE FIND GRANT PROJECT  
9 (\$39,681.59) AND TO FUND THE JOE CARLUCCI BOAT  
10 RAMP FISHING PIER PROJECT (\$335,318.41);  
11 AMENDING THE 2023-2027 FIVE-YEAR CAPITAL  
12 IMPROVEMENT PLAN APPROVED BY ORDINANCE  
13 2022-505-E TO REDUCE FUNDING FOR THE REED ISLAND  
14 FIND GRANT PROJECTS AND TO INCREASE FUNDING FOR  
15 THE JOE CARLUCCI BOAT RAMP FISHING PIER PROJECT;  
16 PROVIDING FOR CITY OVERSIGHT BY THE PARKS,  
17 RECREATION AND COMMUNITY SERVICES DEPARTMENT;  
18 AMENDING ORDINANCE 2010-725-E, AS AMENDED BY  
19 ORDINANCES 2015-233-E and 2020-267-E; PROVIDING  
20 AN EFFECTIVE DATE.

21  
22 **BE IT ORDAINED** by the Council of the City of Jacksonville:

23 **Section 1. Agreement for Sale and Purchase Approved and**  
24 **Execution Authorized.** There is hereby approved, and the Mayor, or  
25 his designee, and Corporation Secretary are hereby authorized to  
26 execute and deliver, for and on behalf of the City, the PSA between  
27 the City and Harbour, in substantially the same form as attached  
28 hereto as **Revised Exhibit 1**, labeled as "Revised Exhibit 1, Rev  
29 Agmt, June 20, 2023 - NCSPHS" (with such "technical" changes as herein  
30 authorized), and to execute all deeds and closing documents relating  
31 thereto, and otherwise take all action necessary or appropriate to

1 effectuate the purpose of this Ordinance.

2 The PSA is for the purchase by Harbour of approximately 77.7  
3 acres of real property owned by the City and the consideration for  
4 transfer of the Property to Harbour, Harbour will manage, maintain  
5 and improve the Property as provided in the PSA. The Property to be  
6 conveyed is shown on the map attached as **Exhibit 2** and will be used  
7 by Harbour as a public access park facility except as consistent with  
8 the terms of the PSA.

9 The PSA may include such additions, deletions, and changes as  
10 may be reasonable, necessary, and incidental for carrying out the  
11 purposes thereof, as may be acceptable to the Mayor or his designee,  
12 with such inclusion and acceptance being evidenced by execution of  
13 the PSA by the Mayor or his designee. No modification of the PSA may  
14 increase the financial obligations or the liability of the City and  
15 any such modification shall be technical only and shall be subject  
16 to appropriate legal review and approval of the General Counsel or  
17 his or her designee and all other appropriate action required by law.  
18 For the purposes of this Ordinance, "technical changes" is defined  
19 as those changes having no financial impact to the City; including,  
20 but not limited to, changes in legal descriptions or surveys,  
21 resolution of title defects (if any), descriptions of infrastructure  
22 improvements and/or any road project, ingress and egress, easements  
23 and rights-of-way, performance schedules (provided that no  
24 performance schedule may be extended for more than one year without  
25 City Council approval), design standards, access and site plans, and  
26 other non-substantive changes that do not substantively increase the  
27 duties and responsibilities of the City under the provisions of the  
28 PSA.

29 **Section 2. Waiver of Section 122.422 (Determination of**  
30 **need; declaration that property is surplus to the needs of the**  
31 **public), Ordinance Code.** Section 122.422 (Determination of need;

1 declaration that property is surplus to the needs of the public),  
2 Chapter 122 (Public Property), *Ordinance Code*, is hereby waived as  
3 to the process of declaring the property surplus to the needs of the  
4 City by circulating the property to each City agency to determine  
5 whether there is a need.

6 **Section 3. Waiver of Section 122.421(b) (General**  
7 **provisions; delegation of authority), *Ordinance Code*.** Section  
8 122.421(b) (General provisions; delegation of authority), Chapter 122  
9 (Public Property), *Ordinance Code*, is hereby waived as to allow for  
10 sale of the City park to Harbour without the City replacing the park  
11 land with new park land of equal or greater size and value.

12 **Section 4. Appropriation.** For the 2022-2023 fiscal year,  
13 within the City's budget, there is hereby appropriated the indicated  
14 sum from the account listed in subsection (a) to the account listed  
15 in subsection (b):

16 (The account information is attached hereto as **Exhibit 3** and  
17 incorporated herein by this reference)

18 (a) Appropriated from:

19 See **Exhibit 3** \$375,000.00

20 (b) Appropriated from:

21 See **Exhibit 3** \$375,000.00

22 (c) Explanation of Appropriation:

23 The funding above represents: a) a deappropriation of  
24 \$750,000.00 from the Florida Inland Navigation District  
25 (FIND) Reed Island construction phase project, consisting  
26 of a City match of \$375,000.00 and FIND grant funding of  
27 \$375,000.00, b) a deappropriation of \$100,000.00 in the  
28 FIND Reed Island design phase project construction account  
29 and an appropriation of \$39,681.59 to the FIND Reed Island  
30 design phase project City match account (for a net  
31 deappropriation of \$60,318.41 within the design phase

1 project), and c) an appropriation of \$335,318.41 to the  
2 Joe Carlucci Boat Ramp Fishing Pier project all as further  
3 detailed in Section 5 below.

4 **Section 5. Purpose.** The purpose of the appropriation in  
5 Section 4 is to reallocate unused City matching dollars that were  
6 previously budgeted for the FIND Reed Island construction phase  
7 project to: a) cover the shortfall in the FIND Reed Island design  
8 phase project, and b) appropriate funding for the Joe Carlucci Boat  
9 Ramp Fishing Pier project. The City previously approved and  
10 appropriated funding for both the design and construction phases of  
11 the FIND Reed Island project. As a result of the conveyance of the  
12 Property to Harbour, the City will not be eligible to seek  
13 reimbursement from FIND for expenditures already incurred for the  
14 design phase of that project and the City will not be commencing the  
15 construction phase of the project for which no expenditures have been  
16 incurred. The City has incurred expenditures for the design phase of  
17 the project in excess of the City matching dollars appropriated for  
18 that phase, leaving a funding shortfall of \$39,681.59 in the design  
19 phase project. However, as a result of not commencing the construction  
20 phase of the project, there exists unused City matching funds of  
21 \$450,000.00. This legislation reallocates a portion of the unused  
22 City matching funds of the construction phase project (\$375,000.00)  
23 to: a) increase the City match for the design phase project  
24 (\$39,681.59) in order to cover the funding shortfall within that  
25 phase and b) appropriate \$335,318.41 for the Joe Carlucci Boat Ramp  
26 Fishing Pier project. Additionally, as part of the appropriation in  
27 Section 4, the expenditure budget for the design phase project is  
28 being reduced by \$60,318.41 to close out the project and the  
29 expenditure budget for the construction phase project is being reduced  
30 by \$750,000.00. The remaining balance of \$75,000.00 within the  
31 construction phase project has been identified for a future planned

1 appropriation.

2           **Section 6.           Capital Improvement Plan Amendment.** Ordinance  
3 2022-505-E, adopting the 2023-2027 Five-Year Capital Improvement Plan  
4 (the "CIP") for the City and certain of its independent agencies, is  
5 hereby amended to reduce funding for the projects entitled FIND -  
6 Reed Island Dock & Dev Design (design phase) and FIND Reed Island -  
7 PRC14619 (construction phase), and increase funding for the Joe  
8 Carlucci Boat Ramp Fishing Pier project as more fully described in  
9 the Project Information Sheets attached hereto as **Exhibit 4** and  
10 incorporated herein by this reference. The City Council finds that  
11 the deferral of this amendment of the CIP until the next annual budget  
12 and CIP review will unnecessarily delay the improvements at the Joe  
13 Carlucci Boat Ramp at Sisters Creek which will enhance public fishing  
14 access at this waterfront park and alleviate conflicts between boaters  
15 and fishermen.

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

23           **Section 7.           Oversight.** The Parks, Recreation and Community  
24 Services Department shall provide oversight and administration of the  
25 PSA.

26           **Section 8.           Amendment to Section 2, Ordinance No.**  
27 **2010-725-E, as amended by Ordinance Nos. 2015-233-E and 2020-267-E.**  
28 Section 2 is amended in part to read as follows:

29           Sec. 2. Purpose. The purpose of the District shall be the  
30 continuing maintenance of the system of canals located in The Harbour  
31 neighborhood, Harbour Cay neighborhood, Harbour North neighborhood,

1 Harbour Island neighborhood, construction and maintenance of a dredge  
2 disposal site, ~~and~~ maintenance and improvement of the upland and  
3 marsh areas surrounding the spoil disposal site together with access  
4 roads to the spoil disposal site, and maintenance and operation of  
5 public park property adjacent to the spoil disposal site conveyed to  
6 the District by the City for operation as a park. The District shall  
7 fulfill its purpose by dredging the canals, dredging the channel that  
8 provides the canals with access to the St. Johns River, maintaining  
9 a jetty, maintaining navigational aids, enhancing and restoring  
10 uplands and wetlands on the lands owned by the District, and operating  
11 and maintaining a public access park on land adjacent conveyed to the  
12 District for that purpose that are adjacent to the spoil site owned  
13 and operated by the District.

14 **Section 9. Retroactive applicability.** This Ordinance shall  
15 be retroactive so that the amendment adopted herein shall be effective  
16 as if it were contained in the original enabling Ordinance 2010-725-E.

17 **Section 10. All other aspects of Ordinance 2010-725-E**  
18 **unchanged.** With the exception of Section 9 of this Ordinance, in all  
19 other respects Ordinance 2010-725-E shall remain unchanged and in  
20 full force and effect.

21 **Section 11. Further Action Authorized.** The General Counsel,  
22 or his designee, is authorized to take such further action and to  
23 execute all other documents necessary to effect the intentions set  
24 forth herein.

25 **Section 12. Effective Date.** This Ordinance shall become  
26 effective upon signature by the Mayor or upon becoming effective  
27 without the Mayor's signature.

1 Form Approved:  
2

3           /s/ Mary E. Staffopoulos          

4 Office of General Counsel

5 Legislation Prepared By: Harry M. Wilson, IV

6 GC-#1573926-v1-2023-351-E.docx