

1 Introduced by Council Member Gaffney:  
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4 **ORDINANCE 2022-497**

5 AN ORDINANCE DECLARING APPROXIMATELY 3.2 ACRES  
6 OF REAL PROPERTY OWNED BY THE CITY IN COUNCIL  
7 DISTRICT 7 (A PORTION OF R.E. NO. 019575-1010) (  
8 THE "CITY PROPERTY") TO BE SURPLUS TO THE NEEDS  
9 OF THE CITY; APPROVING AND AUTHORIZING THE  
10 MAYOR OR HIS DESIGNEE AND CORPORATION SECRETARY  
11 TO EXECUTE A REAL ESTATE LAND EXCHANGE AGREEMENT  
12 ("AGREEMENT") BETWEEN THE CITY OF JACKSONVILLE  
13 AND PECAN'S ENVY, LLC ("PECAN"), AND TO EXECUTE  
14 ALL DEEDS AND CLOSING DOCUMENTS RELATING  
15 THERETO, AND OTHERWISE TAKE ALL NECESSARY ACTION  
16 TO EFFECTUATE THE PURPOSES OF THE AGREEMENT, FOR  
17 THE EXCHANGE OF THE CITY PROPERTY, HAVING AN  
18 APPRAISED VALUE REASONABLY BELIEVED NOT TO  
19 EXCEED \$100,000.00 BUT TO BE SUBSEQUENTLY  
20 ESTABLISHED BY A FORMAL APPRAISAL, IN EXCHANGE  
21 FOR PECAN-OWNED PROPERTY OF APPROXIMATELY 6.70  
22 ACRES COMPRISING PORTIONS OF R.E. NOS. 019573-  
23 1020 AND 019573-1025 WITH AN APPRAISED VALUE  
24 REASONABLY BELIEVED TO BE NOT IN EXCESS OF  
25 \$100,000.00 BUT TO BE SUBSEQUENTLY ESTABLISHED  
26 BY A FORMAL APPRAISAL, IN CONNECTION WITH THE  
27 CONSTRUCTION OF A DEDICATED PUBLIC ROAD AND  
28 RELATED IMPROVEMENTS FOR VEHICULAR AND  
29 PEDESTRIAN ACCESS TO OTHER PROPERTIES, RELATED  
30 STORMWATER FACILITIES, STREET LIGHTING, TRAFFIC  
31 SIGNAGE, AND SIMILAR ACCESS-RELATED USES FOR THE

1 BENEFIT OF THE COMMUNITY, AND PROVIDE LAND TO  
2 EXPAND CITY-OWNED SEATON CREEK HISTORIC  
3 PRESERVE; WAIVING SECTION 122.425 (DISPOSITION  
4 BY AUCTION OR SEALED BID), *ORDINANCE CODE*;  
5 PROVIDING FOR OVERSIGHT BY THE DEPARTMENT OF  
6 PARKS, RECREATION, AND COMMUNITY SERVICES;  
7 PROVIDING AN EFFECTIVE DATE.  
8

9 **WHEREAS**, the City of Jacksonville ("City") is the owner of the  
10 following parcel of real property: (i) an approximately 3.2 acre  
11 parcel of unimproved real property located at 2145 Arnold Road being  
12 a portion of R.E. #019575-1010, which comprises unimproved park  
13 related land managed by the City (the "City Property") as more  
14 particularly described on **Exhibit 1** attached hereto and incorporated  
15 herein by this reference; and

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

19 **WHEREAS**, Pecan is the owner of the following parcels of real  
20 property: (i) an approximately 0.5 acre parcel of unimproved real  
21 property located at 0 Butch Baine Drive being a portion of R.E.  
22 #019573-1020, abutting Seaton Creek Historic Preserve to the  
23 Southwest; and (ii) an approximately 6.2 acre parcel of unimproved  
24 real property located at 0 Butch Baine Drive, comprising a portion  
25 of R.E. #019573-1025, abutting Seaton Creek Historic Preserve to the  
26 West (collectively, the "Pecan Parcels") as more particularly  
27 described on **Exhibit 2** attached hereto and incorporated herein by  
28 this reference; and

29 **WHEREAS**, Pecan desires to acquire the City Property for use in  
30 connection with the construction of a dedicated public road and  
31 related improvements for vehicular and pedestrian access to other

1 properties, related stormwater facilities, street lighting, traffic  
2 signage, and similar access-related uses, and City desires to acquire  
3 the Pecan Parcels for the purpose of expanding Seaton Creek Historic  
4 Preserve (the "Land Exchange"); and

5 **WHEREAS**, in connection with the Land Exchange, City and Pecan  
6 desire that Pecan will design and construct certain access  
7 improvements to benefit Seaton Creek Historic Preserve (the "Preserve  
8 Access Improvements") subject to approval and acceptance by City; and

9 **WHEREAS**, the Council finds that supporting the Land Exchange  
10 will contribute to economic development within the City and will  
11 facilitate the expansion of the Seaton Creek Historic Preserve under  
12 the oversight of the City's Parks, Recreation and Community Services  
13 Department

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

15 **Section 1. Declaration of Surplus.** The City hereby declares  
16 the City Property (identified as a portion of R.E. NO. 019575-1010)  
17 in Council District 7, as more particularly described in **Exhibit 1**,  
18 attached hereto and incorporated herein by this reference to be  
19 surplus to the needs of the City. A copy of the certificate from the  
20 Chief of Real Estate for the surplus of real property, required by  
21 Rule 3.102(g) (1) (Preparation of Bills), is attached hereto as **Exhibit**  
22 **3** and incorporated herein by this reference.

23 **Section 2. Purchase and Sale Agreement Authorized.** There  
24 is hereby approved and the Mayor, or his designee, and the Corporation  
25 Secretary, are hereby authorized to: (1) execute and deliver the Real  
26 Estate Land Exchange Agreement between the City of Jacksonville and  
27 Pecan (the "Agreement") in substantially the form placed **On File** with  
28 the Legislative Services Division, the deed conveying the City  
29 Property to Pecan, related closing documents, and all such other  
30 documents necessary or appropriate to effectuate the purpose of this  
31 Ordinance; and (2) to take, or cause to be taken, such further action

1 to effectuate the purpose of this Ordinance. The Agreement may include  
2 such additions, deletions and changes as may be reasonable, necessary  
3 and incidental for carrying out the purposes thereof, as may be  
4 acceptable to the Mayor, or his designee, with such inclusion and  
5 acceptance being evidenced by execution of the Agreement by the Mayor,  
6 or his designee; provided however, no modification to the Agreement  
7 may increase the financial obligations or liability of the City to  
8 an amount in excess of the amount stated in the Agreement or decrease  
9 the financial obligations or liability of Pecan, and any such  
10 modification shall be technical only and shall be subject to  
11 appropriate legal review and approval by the Office of General  
12 Counsel. For purposes of this Ordinance, the term "technical changes"  
13 is defined as those changes having no financial impact to the City,  
14 including, but not limited to, changes in legal descriptions or  
15 surveys, ingress and egress, easements and rights of way, design  
16 standards, access and site plan, resolution of title defects, if any,  
17 and other non-substantive changes that do not substantively increase  
18 the duties and responsibilities of the City under the provisions of  
19 the Agreement.

20 **Section 3. Waiving Section 122.425 (Disposition by auction or**  
21 **sealed bid), Ordinance Code.** The provisions of Chapter 122.425  
22 (Disposition by auction or sealed bid), Part 4 (Real Property),  
23 Chapter 122 (Public Property), *Ordinance Code*, are hereby waived to  
24 allow the conveyance of the City Property to Pecan, at no cost rather  
25 than auctioning the Property or seeking sealed bids.

26 **Section 4. Oversight.** The Department of Parks, Recreation  
27 and Community Services shall oversee the project as described herein.

28 **Section 5. Effective Date.** This Ordinance shall become  
29 effective upon signature by the Mayor or upon becoming effective  
30 without the Mayor's signature.

1 Form Approved:

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3       /s/ Harry M. Wilson, IV      

4 Office of General Counsel

5 Legislation Prepared By: Harry M. Wilson, IV

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