Amended 6/14/22 Enacted 6/14/22

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ORDINANCE 2022-328-E

6 AN ORDINANCE DECLARING APPROXIMATELY 6.05 ACRES 7 OF REAL PROPERTY OWNED BY THE CITY IN COUNCIL 8 DISTRICT 7 (R.E. NOS. 131412-0000, 132997-0000, 9 AND PORTIONS OF R.E. NO. 111074-0000) (COLLECTIVELY, THE "CITY PROPERTY") TO BE 10 11 SURPLUS TO THE NEEDS OF THE CITY; APPROVING AND 12 AUTHORIZING THE MAYOR OR HIS DESIGNEE AND 13 CORPORATION SECRETARY TO EXECUTE A REAL ESTATE 14 LAND EXCHANGE AGREEMENT ("AGREEMENT") BETWEEN 15 THE CITY OF JACKSONVILLE AND **KEYSTONE** 16 INVESTMENTS, LLC ("KEYSTONE"), AND TO EXECUTE 17 ALL DEEDS AND CLOSING DOCUMENTS RELATING 18 THERETO, AND OTHERWISE TAKE ALL NECESSARY ACTION 19 TO EFFECTUATE THE PURPOSES OF THE AGREEMENT, FOR 20 THE EXCHANGE OF THE CITY PROPERTY, HAVING AN 21 APPRAISED VALUE OF \$18,300.00, IN EXCHANGE FOR 22 KEYSTONE-OWNED PROPERTY OF APPROXIMATELY 1.02 23 ACRES (A PORTION OF R.E. NO. 131489-0000) WITH AN APPRAISED VALUE OF \$47,000.00, TO FACILITATE 24 25 THE DEVELOPMENT OF A RAILROAD TRACK EXTENSION 26 FOR KEYSTONE WHICH WILL RESULT IN EXPANDED JOB 27 OPPORTUNITIES AND OTHER ECONOMIC BENEFITS FOR 28 THE COMMUNITY, AND PROVIDE LAND TO EXPAND CITY-29 OWNED WIGMORE PARK; WAIVING SECTION 122.425 30 (DISPOSITION BY AUCTION OR SEALED BID),

ORDINANCE CODE; WAIVING SECTION 122.421(B) 1 2 (GENERAL PROVISIONS; DELEGATIONS OF AUTHORITY), CHAPTER 122 (PUBLIC PROPERTY), ORDINANCE CODE, 3 REGARDING THE POLICY FOR THE PRESERVATION OF 4 5 PARKLANDS TO AUTHORIZE THE SALE OF UNIMPROVED PARKLAND AS SET FORTH IN THE AGREEMENT; FINDING 6 7 SALE OF PARCELS IN THE GREATER PUBLIC GOOD; PROVIDING THAT NO CITY PROPERTY MAY BE CONVEYED 8 9 TO KEYSTONE PURSUANT TO THE AGREEMENT UNTIL SUCH TIME AS ALL CROSSING AGREEMENTS AND RAILROAD 10 11 REIMBURSEMENT AGREEMENTS NECESSARY FOR THE RAILROAD TRACK EXTENSION HAVE BEEN 12 DULY 13 EXECUTED; PROVIDING FOR OVERSIGHT OF THE EXECUTION OF THE LAND EXCHANGE AGREEMENT BY THE 14 REAL ESTATE DIVISION OF THE PUBLIC WORKS 15 DEPARTMENT AND THEREAFTER BY THE DEPARTMENT OF 16 PARKS, RECEREATION, AND COMMUNITY SERVICES; 17 PROVIDING AN EFFECTIVE DATE. 18

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20 WHEREAS, the City of Jacksonville ("City") is the owner of the 21 following parcels of real property: (i) an approximately 1.0 acre 22 parcel of unimproved real property located east of Evergreen Avenue, 23 and south of Winona Drive, being a portion of R.E. #111074-0000, 24 which comprises unimproved park related land managed by the City; 25 (ii) an approximately 1.61 acre parcel of unimproved real property 26 located east of the CSX railroad track and west of Evergreen Avenue, 27 comprising a portion of R.E. #111074-0000, which comprises unimproved park related land managed by the City; (iii) an approximately 2.92 28 29 acre parcel located at 0 32^{nd} Street East. R.E. # 131412-0000; and (iv) an approximately 0.52 acre parcel located at 0 32nd Street East, 30 R.E. #132997-0000 (collectively, the "City Property"); and 31

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

WHEREAS, Keystone is the owner of an approximately 1.02 acre parcel of unimproved real property located at 4300 Talleyrand Avenue, R.E. No. 131489-0000, abutting Wigmore Park to the south (the "Keystone Parcel"); and

8 WHEREAS, Keystone desires to acquire the City Property for use 9 in connection with the development of a railroad track extension, and 10 City desires to acquire the Keystone Parcel for the purpose of 11 expanding Wigmore Park (the "Land Exchange"); and

WHEREAS, the Council finds that supporting the Land Exchange will contribute to economic development within the City and will facilitate the expansions of Wigmore Park under the oversight of the City's Parks, Recreation and Community Services Department

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

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Declaration of Surplus. The City hereby declares 17 Section 1. the City Property (identified as R.E. NOS. 131412-0000, 132997-0000, 18 19 and portions of R.E. NO. 111074-0000) in Council District 7, as more 20 particularly described in **Exhibit 1**, attached hereto and incorporated 21 herein by this reference to be surplus to the needs of the City. A 22 copy of the certificate from the Chief of Real Estate for the surplus 23 of real property, required by Rule 3.102(g)(1)(Preparation of Bills), 24 is attached hereto as **Exhibit 2** and incorporated herein by this 25 reference.

Section 2. Purchase and Sale Agreement Authorized. There is hereby approved and the Mayor, or his designee, and the Corporation Secretary, are hereby authorized to: (1) execute and deliver the Real Estate Land Exchange Agreement between the City of Jacksonville and Keystone (the "Agreement") in substantially the form placed **On File** with the Legislative Services Division, the deed conveying the City

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Property to Keystone, related closing documents, and all such other 1 2 documents necessary or appropriate to effectuate the purpose of this 3 Ordinance; and (2) to take, or cause to be taken, such further action to effectuate the purpose of this Ordinance. The Agreement may include 4 5 such additions, deletions and changes as may be reasonable, necessary and incidental for carrying out the purposes thereof, as may be 6 7 acceptable to the Mayor, or his designee, with such inclusion and 8 acceptance being evidenced by execution of the Agreement by the Mayor, 9 or his designee; provided however, no modification to the Agreement 10 may increase the financial obligations or liability of the City to an amount in excess of the amount stated in the Agreement or decrease 11 the financial obligations or liability of Keystone, and any such 12 modification shall be technical only and shall be subject to 13 appropriate legal review and approval by the Office of General 14 Counsel. For purposes of this Ordinance, the term "technical changes" 15 is defined as those changes having no financial impact to the City, 16 17 including, but not limited to, changes in legal descriptions or surveys, ingress and egress, easements and rights of way, design 18 standards, access and site plan, resolution of title defects, if any, 19 20 and other non-substantive changes that do not substantively increase 21 the duties and responsibilities of the City under the provisions of 22 the Agreement.

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

Section 4. Waiving Section 122.421(b) (General Provisions;
delegation of authority), Chapter 122 (Public Property), Ordinance
Code, as to the policy regarding preservation of parklands to allow

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for direct sale; finding sale of parcels in the greater public good. 1 Pursuant to Section 122.421(b), Ordinance Code, it is City policy 2 3 that no park related land or space be converted or sold by the City. The Council affirms that as a general matter, this policy should 4 5 prevail over sale of park parcels to third parties. However, in this case, the Council finds that the sale of the City Property to Keystone 6 7 meets a greater public good in that the sale of these parcels and 8 conversion of the use from passive, unimproved park wetland to allow 9 for the railroad track extension will result in greater public benefit 10 for the community by way of expanding job opportunities and eliminating blighted conditions within the area. In addition, the 11 City will acquire land from Keystone to facilitate the expansion of 12 Wigmore Park. Thus, the Council hereby waives the contrary provisions 13 of Section 122.421(b), Ordinance Code, as the park lands are not 14 15 being replaced with new park facilities of equal or greater size in the same general area. 16

Conveyance of City Property Contingent on Duly 17 Section 5. Executed Crossing Agreements and Railroad Reimbursement Agreements. 18 No City Property shall be conveyed to Keystone pursuant to the 19 20 Agreement until such time as all crossing agreements and railroad 21 reimbursement agreements necessary for the railroad track extension 22 project have been duly executed by the City, CSX Transportation, 23 State of Florida Department of Transportation and any other necessary 24 parties thereto.

25 Section 6. Oversight. The Real Estate Division of the 26 Public Works Department shall oversee the execution of the Land 27 Exchange Agreement; the Department of Parks, Recreation and Community 28 Services shall have oversight of the real property acquired by the 29 City thereafter.

30 Section 7. Effective Date. This Ordinance shall become 31 effective upon signature by the Mayor or upon becoming effective

1	without the Mayor's signature.
2	Form Approved:
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5	/s/ Paige H. Johnston
6	Office of General Counsel
7	Legislation Prepared By: Harry M. Wilson, IV
8	GC-#1504034-v1-2022-328-E.docx