

1 Introduced by Council Member Gaffney and amended by the Neighborhoods,
2 Community Services, Public Health and Safety Committee:

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5 **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-
10 0000) (COLLECTIVELY, THE "CITY PROPERTY") TO BE
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
24 AN APPRAISED VALUE OF \$47,000.00, TO FACILITATE
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),

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

19
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
28 park related land managed by the City; (iii) an approximately 2.92
29 acre parcel located at 0 32nd Street East. R.E. # 131412-0000; and
30 (iv) an approximately 0.52 acre parcel located at 0 32nd Street East,
31 R.E. #132997-0000 (collectively, the "City Property"); and

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

4 **WHEREAS**, Keystone is the owner of an approximately 1.02 acre
5 parcel of unimproved real property located at 4300 Talleyrand Avenue,
6 R.E. No. 131489-0000, abutting Wigmore Park to the south (the
7 "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

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

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

17 **Section 1. Declaration of Surplus.** The City hereby declares
18 the City Property (identified as R.E. NOS. 131412-0000, 132997-0000,
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.

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

1 Property to Keystone, related closing documents, and all such other
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
4 to effectuate the purpose of this Ordinance. The Agreement may include
5 such additions, deletions and changes as may be reasonable, necessary
6 and incidental for carrying out the purposes thereof, as may be
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
11 an amount in excess of the amount stated in the Agreement or decrease
12 the financial obligations or liability of Keystone, and any such
13 modification shall be technical only and shall be subject to
14 appropriate legal review and approval by the Office of General
15 Counsel. For purposes of this Ordinance, the term "technical changes"
16 is defined as those changes having no financial impact to the City,
17 including, but not limited to, changes in legal descriptions or
18 surveys, ingress and egress, easements and rights of way, design
19 standards, access and site plan, resolution of title defects, if any,
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.

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

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

1 **for direct sale; finding sale of parcels in the greater public good.**

2 Pursuant to Section 122.421(b), *Ordinance Code*, it is City policy
3 that no park related land or space be converted or sold by the City.
4 The Council affirms that as a general matter, this policy should
5 prevail over sale of park parcels to third parties. However, in this
6 case, the Council finds that the sale of the City Property to Keystone
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
11 eliminating blighted conditions within the area. In addition, the
12 City will acquire land from Keystone to facilitate the expansion of
13 Wigmore Park. Thus, the Council hereby waives the contrary provisions
14 of Section 122.421(b), *Ordinance Code*, as the park lands are not
15 being replaced with new park facilities of equal or greater size in
16 the same general area.

17 **Section 5. Conveyance of City Property Contingent on Duly**
18 **Executed Crossing Agreements and Railroad Reimbursement Agreements.**

19 No City Property shall be conveyed to Keystone pursuant to the
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

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