

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 2022-497-E**

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

1 SIGNAGE, AND SIMILAR ACCESS-RELATED USES FOR THE
2 BENEFIT OF THE COMMUNITY, AND PROVIDE LAND TO
3 EXPAND CITY-OWNED SEATON CREEK HISTORIC
4 PRESERVE; PROVIDING FOR OVERSIGHT BY THE
5 DEPARTMENT OF PARKS, RECREATION, AND COMMUNITY
6 SERVICES; PROVIDING AN EFFECTIVE DATE.

7
8 **WHEREAS**, the City of Jacksonville ("City") is the owner of the
9 following parcel of real property: (i) an approximately 3.2 acre
10 parcel of unimproved real property located at 2145 Arnold Road being
11 a portion of R.E. #019575-1010, which comprises unimproved park
12 related land managed by the City (the "City Property") as more
13 particularly described on **Exhibit 1** attached hereto and incorporated
14 herein by this reference; 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**, Pecan is the owner of the following parcels of real
19 property: (i) an approximately 0.5 acre parcel of unimproved real
20 property located at 0 Butch Baine Drive being a portion of R.E.
21 #019573-1020, abutting Seaton Creek Historic Preserve to the
22 Southwest; and (ii) an approximately 6.2 acre parcel of unimproved
23 real property located at 0 Butch Baine Drive, comprising a portion
24 of R.E. #019573-1025, abutting Seaton Creek Historic Preserve to the
25 West (collectively, the "Pecan Parcels") as more particularly
26 described on **Exhibit 2** attached hereto and incorporated herein by
27 this reference; and

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

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

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

8 **WHEREAS**, in accordance with Section 122.430.3, *Ordinance Code*,
9 should the value of the City Property, as determined by an appraisal,
10 exceed the value of the Pecan Parcels, as determined by an appraisal,
11 plus the cost of the Preserve Access Improvements, Pecan will make a
12 payment of such excess amount to the City; and

13 **WHEREAS**, the Council finds that supporting the Land Exchange
14 will contribute to economic development within the City and will
15 facilitate the expansion of the Seaton Creek Historic Preserve under
16 the oversight of the City's Parks, Recreation and Community Services
17 Department; now therefore

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

19 **Section 1. Declaration of Surplus.** The City hereby declares
20 the City Property (identified as a portion of R.E. NO. 019575-1010)
21 in Council District 7, as more particularly described in **Exhibit 1**,
22 attached hereto and incorporated herein by this reference to be
23 surplus to the needs of the City. A copy of the certificate from the
24 Chief of Real Estate for the surplus of real property, required by
25 Rule 3.102(g) (1) (Preparation of Bills), is attached hereto as **Exhibit**
26 **3** and incorporated herein by this reference.

27 **Section 2. Real Estate Land Exchange Agreement Authorized.**
28 There is hereby approved and the Mayor, or his designee, and the
29 Corporation Secretary, are hereby authorized to: (1) execute and
30 deliver the Real Estate Land Exchange Agreement between the City of
31 Jacksonville and Pecan (the "Agreement") in substantially the form

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

28 **Section 3. Oversight.** The Department of Parks, Recreation
29 and Community Services shall oversee the project as described herein.

30 **Section 4. Effective Date.** This Ordinance shall become
31 effective upon signature by the Mayor or upon becoming effective

1 without the Mayor's signature.

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3 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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