

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2023-83**

5 AN ORDINANCE APPROPRIATING \$900,000 FROM THE
6 LASALLE STREET OUTFALL - DM OTHER CONSTRUCTION
7 COSTS ACCOUNT TO THE LASALLE STREET OUTFALL - DM
8 LAND ACCOUNT TO PROVIDE FUNDING FOR ACQUISITION
9 BY THE CITY OF A 0.12± ACRE PARCEL LOCATED AT
10 936 LASALLE STREET, JACKSONVILLE, FLORIDA (R.E.
11 NO. 080493-0000) IN COUNCIL DISTRICT 5, TO BE
12 USED FOR CONSTRUCTION OF THE LASALLE STREET PUMP
13 STATION, AS INITIATED BY B.T. 23-044; APPROVING
14 AND AUTHORIZING THE MAYOR, OR HIS DESIGNEE, AND
15 THE CORPORATION SECRETARY TO EXECUTE AND DELIVER
16 THAT CERTAIN PURCHASE AND SALE AGREEMENT (THE
17 "AGREEMENT") BETWEEN THE CITY OF JACKSONVILLE
18 AND ARBEN DARAGJATI, AND ALL CLOSING AND OTHER
19 DOCUMENTS RELATING THERETO, AND TO OTHERWISE
20 TAKE ALL NECESSARY ACTION TO EFFECTUATE THE
21 PURPOSES OF THE AGREEMENT TO PURCHASE THE
22 SUBJECT PROPERTY AT THE NEGOTIATED PURCHASE
23 PRICE OF \$900,000; PROVIDING FOR OVERSIGHT OF
24 ACQUISITION OF THE PROPERTY BY THE REAL ESTATE
25 DIVISION OF THE PUBLIC WORKS DEPARTMENT AND
26 THEREAFTER BY THE PUBLIC WORKS DEPARTMENT;
27 REQUESTING ONE CYCLE EMERGENCY PASSAGE;
28 PROVIDING AN EFFECTIVE DATE.
29

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

31 **Section 1. Appropriation.** For the 2022-2023 fiscal year,

1 within the City's budget, there are hereby appropriated the indicated
2 sum(s) from the account(s) listed in subsection (a) to the account(s)
3 listed in subsection (b):

4 (B.T. 23-044 attached hereto as **Exhibit 1** and incorporated herein by
5 this reference)

6 (a) Appropriated from:

7 See B.T. 23-044 \$900,000

8 (b) Appropriated to:

9 See B.T. 23-044 \$900,000

10 (c) Explanation of Appropriation:

11 The funding above represents an appropriation of \$900,000
12 from the Lasalle Street Outfall - DM Other Construction
13 Costs account to the Lasalle Street Outfall - DM Land
14 account for the purchase of 0.12± acres of improved real
15 property located at 936 Lasalle Street, Jacksonville,
16 Florida.

17 **Section 2. Purpose.** The purpose of the appropriation in
18 Section 1 is to provide funding for the purchase of residential
19 property located on Lasalle Street to be used for construction of the
20 Lasalle Street pump station (the "Project"). The Project will provide
21 drainage improvements in the San Marco area to alleviate roadway
22 flooding caused by heavy rainfall and high tides. The City's
23 appraised value for the subject property is \$480,000 but the seller
24 will not accept less than \$900,000. In light of the estimated costs
25 to pursue a condemnation action, and in the interest of time, the
26 City has agreed to purchase the property for \$900,000.

27 **Section 3. Approval and Authorization.** The Purchase and
28 Sale Agreement (the "Agreement") provides for the acquisition of an
29 improved 0.12± acre residential parcel located at 936 Lasalle Street
30 (R.E. No. 080493-0000), near the corner of Lasalle Street and River
31 Road, in Council District 5, as depicted on **Exhibit 2** (the

1 "Property"), to be used for construction of the Lasalle Street pump
2 station. There is hereby approved, and the Mayor, or his designee,
3 and the Corporation Secretary are hereby authorized to execute and
4 deliver on behalf of the City, that certain Purchase and Sale
5 Agreement between the City of Jacksonville and Arben Daragjati (the
6 "Seller"), in substantially the form as is attached hereto as **Exhibit**
7 **3** and incorporated herein by this reference, and all such closing and
8 other documents necessary or appropriate to effectuate the purpose
9 of this Ordinance (with such "technical" changes as herein
10 authorized). The negotiated purchase price of the Property is
11 \$900,000. This site will allow the Public Works Department to
12 complete the Project to address drainage and flooding issues in the
13 San Marco area. The Agreement does not require a deposit from the
14 City.

15 The Purchase and Sale Agreement, and any and all closing and
16 other documents related thereto, may include such additions,
17 deletions, and changes as may be reasonable, necessary, and incidental
18 for carrying out the purposes thereof, as may be acceptable to the
19 Mayor, or his designee, with such inclusion and acceptance being
20 evidenced by execution of the Agreement by the Mayor, or his designee;
21 provided however, no modification of the Agreement or related
22 documents may increase the financial obligations or liability of the
23 City to an amount in excess of the amount stated in the Agreement or
24 decrease the financial obligations or liability of the Seller, and
25 any such modification shall be technical only and shall be subject
26 to appropriate legal review and approval by the Office of General
27 Counsel. For purposes of this Ordinance, the term "technical changes"
28 is defined as those changes having no financial impact to the City,
29 including, but not limited to, changes in legal descriptions or
30 surveys, ingress and egress, easements and rights of way, design
31 standards, access and site plans, resolution of title defects, if

1 any, and other non-substantive changes that do not substantively
2 increase the duties and responsibilities of the City under the
3 provisions of the Agreement.

4 **Section 4. Capital Improvement Plan Amendment.** Ordinance
5 2022-505-E, adopting the 2023-2027 Five-Year Capital Improvement Plan
6 (the "CIP") for the City and certain of its independent agencies, is
7 hereby amended to transfer \$900,000 from Construction to Land
8 Acquisition and Site Preparation so that the funds are in the
9 appropriate account to procure additional property for the Project
10 as more fully described in the Project Information Sheet attached
11 hereto as **Exhibit 4** and incorporated herein by this reference. The
12 City Council finds that the deferral of this amendment of the CIP
13 until the next annual budget and CIP review will be detrimental to
14 the best interests of the community because such deferral will
15 unnecessarily delay completion of the Project.

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 5. Oversight.** The Real Estate Division of the
24 Public Works Department shall oversee the acquisition of the Property;
25 the Public Works Department shall have oversight thereafter.

26 **Section 6. Requesting One Cycle Emergency Passage Pursuant**
27 **to Council Rule 4.901 Emergency.** One cycle emergency passage of this
28 legislation is requested. The nature of the emergency is that the
29 Seller has requested that closing on the property occur as soon as
30 possible. In addition, the City cannot pursue permitting for the
31 Project until the closing has occurred and the City has title to the

1 property.

2 **Section 7. Effective Date.** This Ordinance shall become
3 effective upon signature by the Mayor or upon becoming effective
4 without the Mayor's signature.

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6 Form Approved:

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8 /s/Mary E. Staffopoulos

9 Office of General Counsel

10 Legislation prepared by: Mary E. Staffopoulos

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