

1 Introduced by Council Member Gaffney, Jr.:
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4 **ORDINANCE 2023-93**

5 AN ORDINANCE DECLARING THE FOLLOWING NINE
6 PROPERTIES, ALL IN COUNCIL DISTRICT 7, TO BE
7 SURPLUS TO THE NEEDS OF THE CITY: 1247 DYAL
8 STREET, JACKSONVILLE, FLORIDA 32206 (R.E.
9 #114081-0000), 1410 FLORIDA AVENUE,
10 JACKSONVILLE, FLORIDA 32206 (R.E. #114619-
11 0010), 1322 HARRISON STREET, JACKSONVILLE,
12 FLORIDA 32206 (114444-0000), 1305 BRIDIER
13 STREET, JACKSONVILLE, FLORIDA 32206 (115302-
14 0000), 0 13TH STREET EAST. JACKSONVILLE, FLORIDA
15 32206 (R.E # 113702-0000), 719 5TH STREET EAST,
16 JACKSONVILLE, FLORIDA 32206 (R.E. # 114832-
17 0020), 1130 12TH STREET EAST, JACKSONVILLE,
18 FLORIDA 32206 (R.E. # 114906-0000), 1442 FLORIDA
19 AVENUE, JACKSONVILLE, FLORIDA (R.E. # 114614
20 0000), 1152 3RD STREET EAST, JACKSONVILLE
21 FLORIDA, 32206 (R.E. # 114330-
22 0000) (COLLECTIVELY, THE "PROPERTY");
23 AUTHORIZING CONVEYANCE OF THE PROPERTY TO
24 HISTORIC EASTSIDE COMMUNITY DEVELOPMENT
25 CORPORATION, INC., A FLORIDA NOT FOR PROFIT
26 CORPORATION, AT NO COST, TO BE USED FOR THE
27 PROVISION OF AFFORDABLE HOUSING; AUTHORIZING THE
28 MAYOR AND THE CORPORATION SECRETARY TO EXECUTE
29 A DONATION AGREEMENT, QUITCLAIM DEED AND OTHER
30 CONVEYANCE DOCUMENTS; WAIVING SECTION 122.424
31 (DISPOSITION BY DIRECT SALE), PART 4 (REAL

1 PROPERTY), CHAPTER 122 (PUBLIC PROPERTY),
2 ORDINANCE CODE, AND SECTION 122.425 (DISPOSITION
3 BY AUCTION OR SEALED BID), PART 4 (REAL
4 PROPERTY), CHAPTER 122 (PUBLIC PROPERTY),
5 ORDINANCE CODE, TO ALLOW THE PROPERTY TO BE
6 CONVEYED TO HISTORIC EASTSIDE COMMUNITY
7 DEVELOPMENT CORPORATION, INC., AT NO COST;
8 INCLUDING A COVENANT IN THE DEED CONVEYING THE
9 PROPERTY REQUIRING THE PROPERTY TO BE USED FOR
10 AFFORDABLE HOUSING WITHIN TWO YEARS OF THE
11 CONVEYANCE, AS EVIDENCED BY CERTIFICATES OF
12 OCCUPANCY, AND GRANTING REVERSIONARY RIGHTS IN
13 THE PROPERTY TO THE CITY IF NOT SO USED;
14 PROVIDING FOR CITY OVERSIGHT BY THE DEPARTMENT
15 OF PUBLIC WORKS, REAL ESTATE DIVISION OVER THE
16 TRANSFER OF THE PROPERTY TO THE GRANTEES;
17 PROVIDING FOR CITY OVERSIGHT BY THE DEPARTMENT
18 OF NEIGHBORHOODS HOUSING AND COMMUNITY
19 DEVELOPMENT DIVISION THEREAFTER; PROVIDING AN
20 EFFECTIVE DATE.

21
22 **WHEREAS**, the City of Jacksonville owns the Property, comprised
23 of four (4) vacant and five (5) improved parcels, with a 2023 (In
24 Progress) Assessed Value of \$101,319.00; and

25 **WHEREAS**, Historic Eastside Community Development Corporation, a
26 Florida not for profit corporation ("Eastside"), provides affordable
27 housing to residents of the City's historic Eastside neighborhood;
28 and

29 **WHEREAS**, Eastside has expressed interest in receiving the
30 Property at no cost for the purpose of providing affordable housing
31 thereon; 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**, the conveyance of the Property to Eastside would enable
5 it to utilize the Property to meet community housing needs; and

6 **WHEREAS**, the Council finds it to be in the best interest of the
7 public to convey the Property to Eastside; now therefore

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

9 **Section 1. Declaration of Surplus.** The City hereby
10 declares the Property, comprised of nine (9) parcels, in Council
11 District 7 in North Jacksonville, as more particularly described in
12 **Exhibit 1**, attached hereto and incorporated herein by this reference
13 (the "Property"), to be surplus to the needs of the City. A copy of
14 the certificate from the Chief of Real Estate for the surplus of real
15 property, required by Rule 3.102(g)(1) (Preparation of Bills), is
16 attached hereto as **Exhibit 2** and incorporated herein by this
17 reference.

18 **Section 2. Execution and Conveyance Authorized.** The Mayor
19 and the Corporation Secretary are authorized to execute and deliver
20 all documents, including a Donation Agreement in substantially the
21 same form as **Exhibit 3**, and a Quitclaim Deed in substantially the
22 form shown in **Exhibit 4**, both attached hereto, necessary to convey
23 the Property, at no cost, to Eastside. The Donation Agreement and
24 related documents may include such additions, deletions, and changes
25 as may be reasonable, necessary, and incidental for carrying out the
26 purposes thereof, as may be acceptable to the Mayor, or his designee,
27 with such inclusion and acceptance being evidenced by execution of
28 the Agreement by the Mayor, or his designee; provided however, no
29 modification of the Donation Agreement or related documents may
30 increase the financial obligations or liability of the City to an
31 amount in excess of the amount stated in the Donation Agreement or

1 decrease the financial obligations or liability of the Seller, and
2 any such modification shall be technical only and shall be subject
3 to appropriate legal review and approval by the Office of General
4 Counsel. For purposes of this Ordinance, the term "technical changes"
5 is defined as those changes having no financial impact to the City,
6 including, but not limited to, changes in legal descriptions or
7 surveys, ingress and egress, easements and rights of way, design
8 standards, access and site plan, resolution of title defects, if any,
9 and other non-substantive changes that do not substantively increase
10 the duties and responsibilities of the City under the provisions of
11 the Donation Agreement.

12 **Section 3. Waiving Section 122.424 (Disposition by direct**
13 **sale) and Section 122.425 (Disposition by auction or sealed bid),**
14 **Ordinance Code.** The provisions of Chapter 122.424 (Disposition direct
15 sale), Part 4 (Real Property), Chapter 122 (Public Property),
16 *Ordinance Code*, and Chapter 122.425 (Disposition by auction or sealed
17 bid), Part 4 (Real Property), Chapter 122 (Public Property), *Ordinance*
18 *Code* are hereby waived to allow the property to be conveyed to
19 Eastside at no cost instead of being disposed of through the standard
20 surplus property disposition process.

21 **Section 4. Use and Right of Reentry.** The Property shall be
22 used to provide affordable housing for the benefit of residents of
23 the City's Eastside neighborhood. The quitclaim deed into Eastside
24 shall include a covenant, running with title to the Property,
25 requiring the Property to be used for affordable housing as evidenced
26 by certificates of occupancy to be obtained within two (2) years of
27 the conveyance. Failure to comply with this covenant shall cause the
28 Property to revert to the City of Jacksonville by Special Warranty
29 Deed.

30 **Section 5. Oversight Department.** The Department of Public
31 Works, Real Estate Division shall oversee the transfer of the Property

1 to Eastside and the Department of Neighborhoods, Housing and Community
2 Development shall oversee the properties thereafter; if the use
3 provisions in Section 4 are not maintained, the Housing and Community
4 Development Department, through the Office of General Counsel, may
5 initiate an action for reverter.

6 **Section 6. Effective Date.** This ordinance shall become
7 effective upon signature by the Mayor or upon becoming effective
8 without the Mayor's signature.

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12 Form Approved:

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15 Office of General Counsel

16 Legislation Prepared By: Harry M. Wilson, IV

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