

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2023-19-W**

5 AN ORDINANCE DECLARING THE PUBLIC NECESSITY FOR
6 ACQUIRING FEE SIMPLE TITLE THROUGH CONDEMNATION
7 BY RIGHT OF EMINENT DOMAIN TO CERTAIN REAL
8 PROPERTY IN COUNCIL DISTRICT 2, SUCH REAL
9 PROPERTY BEING A PORTION OF R.E. NO. 106330-0010
10 LOCATED AT 1460 STARRATT ROAD, CONSISTING OF
11 APPROXIMATELY 4,554 SQUARE FEET, APPRAISED AT
12 \$21,900 (THE "PROPERTY"), AS REQUIRED FOR THE
13 STARRATT/DUNN CREEK ROAD INTERSECTION
14 IMPROVEMENT PROJECT; AUTHORIZING THE REAL ESTATE
15 DIVISION OF THE DEPARTMENT OF PUBLIC WORKS TO
16 MAKE OFFERS AND NEGOTIATE FOR THE PURCHASE OF
17 THE PROPERTY; AUTHORIZING ISSUANCE OF A
18 DECLARATION OF TAKING; AUTHORIZING AND DIRECTING
19 THE OFFICE OF GENERAL COUNSEL TO INSTITUTE
20 APPROPRIATE CONDEMNATION PROCEEDINGS; PROVIDING
21 AN EFFECTIVE DATE.
22

23 **WHEREAS**, the City of Jacksonville is authorized to construct and
24 maintain streets and highways, and improve those streets and highways
25 as needed, for the general public, and is vested by law with the
26 power of eminent domain to acquire fee simple title; and

27 **WHEREAS**, the City of Jacksonville has determined that the
28 Starratt/Dunn Creek Road Intersection Improvement Project (the
29 "Project") referenced in this Ordinance serves a public purpose; and

30 **WHEREAS**, the City of Jacksonville has determined that the
31 acquisition of the Property described herein is reasonably necessary

1 for the completion of the Project; and

2 **WHEREAS**, to meet the requirements of Section 73.015, *Florida*
3 *Statutes*, it will be necessary to make a written offer to the impacted
4 property owners prior to the commencement of any eminent domain
5 action; and

6 **WHEREAS**, the City of Jacksonville therefore desires to pre-
7 approve those contracts and agreements reached with property owners
8 based on written offers and to authorize the Chief of the Real Estate
9 Division to negotiate for the acquisitions as set forth herein; and

10 **WHEREAS**, the City of Jacksonville has determined that the
11 Project is time sensitive and may require the taking of possession
12 and title to real property in advance of the final judgment in an
13 eminent domain action, as authorized by Section 74.021, *Florida*
14 *Statutes*; and

15 **WHEREAS**, in order to timely and cost-effectively complete the
16 Project, the City of Jacksonville desires to authorize the Chief of
17 the Real Estate Division to invoke the procedures under Chapter 74,
18 *Florida Statutes*, and further to issue and execute a declaration of
19 taking pursuant to Section 74.031, *Florida Statutes*; now therefore,

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

21 **Section 1. Declaration of Necessity.** The City hereby
22 declares the public necessity for acquiring through condemnation by
23 right of eminent domain, fee simple title to certain real property
24 located in Council District 2 as more fully described in **Exhibit 1**,
25 attached hereto and depicted in **Exhibit 2**, attached hereto (the
26 "Property") to complete the Project. In making this determination
27 of necessity, the City has ordered and reviewed the Phase I
28 Environmental Site Assessment, performed and drafted a Traffic
29 Engineering Analysis, and reviewed a Right-of-Way Map, each in the
30 form placed **On File** with the Legislative Services Division. In
31 addition, the City has had the opportunity to ask questions of the

1 respective engineers and other professionals conducting assessments
2 and studies of the Property, including appropriate City staff, and
3 has considered the following:

- 4 1. Availability of alternate alignments, or parcels - Given the
5 unique nature of these intersections, the City finds there are
6 no other alignments or parcels that would result in a safe
7 realignment of the intersections. The City has considered other
8 alternatives, and no other reasonable alternatives exist.
- 9 2. Costs - The City has considered alternate design configurations
10 and is proposing the most cost-effective plan (and simplest
11 alignment) that causes the least impact on City and privately-
12 owned property. The City is also proposing to take the least
13 amount of land necessary to complete the Project. Costs
14 considered included design, construction, and land acquisition.
- 15 3. Environmental Factors - The City conducted a Phase I
16 Environmental Site Assessment of the Property and affected area,
17 and the assessment concluded there was no evidence of recognized
18 environmental conditions associated with the site.
- 19 4. Long-range area planning - There are no other projects planned
20 for this area. This Project addresses an acute need in a
21 specific area and is not part of a larger project or plan.
- 22 5. Safety - This is the primary factor driving this Project. The
23 current intersection configuration creates multiple confusing
24 conflict points which have resulted in many crashes. Changing
25 the configuration of the intersections so that they are
26 separated into two intersections and are not skewed and present
27 closer to ninety-degree angles will increase safety for drivers
28 using these roads.

29 **Section 2. Acquisition of Fee Simple Title and Easement**
30 **Rights.** The City of Jacksonville shall acquire fee simple title in
31 those lands described in **Exhibit 1** and **Exhibit 2** by negotiation or

1 eminent domain for the purpose aforesaid from the present owners
2 thereof and all persons claiming any interest therein. Acquisition
3 of fee simple title and easements rights, if made by negotiation,
4 shall be pursuant to the City of Jacksonville Real Estate Purchase
5 Agreement substantially in the form placed **On File** with the
6 Legislative Services Division.

7 **Section 3. Authorizing Issuance of a Declaration of Taking.**

8 The Chief of the Real Estate Division ("Chief") of the City of
9 Jacksonville Department of Public Works is hereby authorized to
10 execute on behalf of the City a Declaration of Taking pursuant to
11 Section 74.031, *Florida Statutes*.

12 **Section 4. Negotiation of Purchase of Property.** Full

13 compensation for the taking of the Property was appraised at a value
14 of \$21,900 (the "Appraised Value") on October 14, 2021. Recognizing
15 that real property values can fluctuate significantly, the Chief is
16 hereby authorized to make or accept binding offers for purchase of
17 the necessary interests in real property either informally or pursuant
18 to Section 73.015, *Florida Statutes*, under the following conditions:

- 19 a. The purchase price offered or accepted shall not exceed the
20 greater of the Appraised Value or the value determined by an
21 updated appraisal of the Property prior to the execution of
22 the Declaration of Taking; and,
23 b. Lawfully appropriated and encumbered funds are available to
24 pay the purchase price; and,
25 c. The City will receive the necessary interest in real property
26 from the transaction without any encumbrances negatively
27 affecting the Project.

28 **Section 5. Institution of Legal Proceedings.** The Office of

29 General Counsel of the City of Jacksonville is hereby authorized and
30 directed to institute the appropriate legal proceedings to acquire
31 by condemnation fee simple title in those lands described in **Exhibit**

1 **1** and **Exhibit 2** for the purpose described in this Ordinance. The
2 Office of General Counsel is further authorized to invoke the
3 procedures of Chapter 74, *Florida Statutes* (commonly known as a
4 "quick-take").

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

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9 Form Approved:

10
11 /s/ Laura Boeckman

12 Office of General Counsel

13 Legislation Prepared By: Laura Boeckman

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