

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2024-846**

5 AN ORDINANCE TRANSFERRING \$6,000,000 BETWEEN
6 EXPENSE ACCOUNTS IN THE CHAFFEE ROAD PROJECT
7 ("PROJECT"), AS INITIATED BY B.T. 25-014;
8 AMENDING THE 2025-2029 FIVE-YEAR CAPITAL
9 IMPROVEMENT PLAN APPROVED BY ORDINANCE 2024-505-
10 E TO REFLECT THIS APPROPRIATION OF FUNDS WITHIN
11 THE PROJECT; DECLARING THE PUBLIC NECESSITY FOR
12 ACQUIRING FEE SIMPLE TITLE, TEMPORARY
13 CONSTRUCTION EASEMENTS, AND PERMANENT DRAINAGE
14 EASEMENTS, THROUGH CONDEMNATION BY RIGHT OF
15 EMINENT DOMAIN TO AND OVER CERTAIN REAL PROPERTY
16 IN COUNCIL DISTRICT 12, SUCH REAL PROPERTY
17 INTERESTS BEING NEAR OR ADJACENT TO A PORTION OF
18 CHAFFEE ROAD SOUTH INCLUDING THE PROPERTIES
19 LISTED IN EXHIBIT 1 (THE "PROPERTIES"), AS
20 REQUIRED FOR THE CHAFFEE ROAD WIDENING FROM
21 NORMANDY BOULEVARD TO INTERSTATE 10 PROJECT;
22 AUTHORIZING THE ACQUISITION OF THE PROPERTIES BY
23 NEGOTIATION OR EMINENT DOMAIN; AUTHORIZING THE
24 CHIEF OF ENGINEERING CONSTRUCTION DIVISION OF
25 THE DEPARTMENT OF PUBLIC WORKS TO MAKE A GOOD
26 FAITH DEPOSIT INTO THE COURT REGISTRY;
27 AUTHORIZING THE CHIEF OF THE REAL ESTATE
28 DIVISION OF THE DEPARTMENT OF PUBLIC WORKS, OR
29 HER DESIGNEE, TO MAKE OFFERS AND NEGOTIATE FOR
30 THE PURCHASE OF THE PROPERTIES, SUBJECT TO
31 CERTAIN CONDITIONS; AUTHORIZING THE CHIEF OF THE

1 REAL ESTATE DIVISION OF THE DEPARTMENT OF PUBLIC
2 WORKS, OR HER DESIGNEE, AT THE DIRECTION OF THE
3 ENGINEERING AND CONSTRUCTION MANAGEMENT
4 DIVISION OF THE DEPARTMENT OF PUBLIC WORKS, TO
5 MAKE OFFERS AND NEGOTIATE CLAIMS FOR BUSINESS
6 DAMAGES, ATTORNEYS' FEES, AND COSTS RELATED TO
7 THE PURCHASE OF THE PROPERTIES, SUBJECT TO
8 CERTAIN CONDITIONS; WAIVING THE SETTLEMENT
9 LIMITATION IN SECTIONS 112.307 (CLAIMS AND SUITS
10 BROUGHT AGAINST THE CITY FOR MONETARY RELIEF)
11 AND 112.308 (EMINENT DOMAIN), AND 112.309
12 (ATTORNEYS' FEES), PART 3 (SETTLEMENT OF CLAIMS
13 AND SUITS BY AND AGAINST CITY), CHAPTER 112
14 (CLAIMS BY AND AGAINST CITY), *ORDINANCE CODE*,
15 REGARDING LIMITATIONS ON TOTAL AMOUNT OF A
16 SETTLEMENT; AUTHORIZING AND DIRECTING THE OFFICE
17 OF GENERAL COUNSEL TO INSTITUTE APPROPRIATE
18 CONDEMNATION PROCEEDINGS AND DECLARATIONS OF
19 TAKING; APPROVING AND AUTHORIZING EXECUTION OF
20 EXISTING NEGOTIATED PROPOSED PURCHASE AND SALE
21 AGREEMENTS; PROVIDING FOR OVERSIGHT BY THE
22 ENGINEERING AND CONSTRUCTION MANAGEMENT
23 DIVISION OF THE DEPARTMENT OF PUBLIC WORKS;
24 PROVIDING AN EFFECTIVE DATE.

25
26 **WHEREAS**, the City of Jacksonville is authorized to construct
27 and maintain streets and highways, and improve those streets and
28 highways as needed, for the general public, and is vested by law with
29 the power of eminent domain to acquire interests in real property;
30 and

31 **WHEREAS**, the City of Jacksonville has determined that the

1 Chaffee Road Widening from Normandy Boulevard to Interstate 10 Project
2 (the "Project") referenced in this Ordinance serves a public purpose;
3 and

4 **WHEREAS**, the City of Jacksonville has determined that the
5 acquisition of the Properties described herein is reasonably
6 necessary for completion of the Project; and

7 **WHEREAS**, funding for the Project needs to be moved into the
8 Right-of-Way Acquisition account to allow for the acquisition of
9 these Properties; and

10 **WHEREAS**, to meet the requirements of Section 73.015, *Florida*
11 *Statutes*, it is necessary to make a written offer to the impacted
12 property owners prior to the commencement of any eminent domain
13 action; and

14 **WHEREAS**, the City of Jacksonville therefore desires to
15 authorize the Chief of the Real Estate Division of the Public Works
16 Department, or her designee, to make binding offers and to enter into
17 those contracts and agreements reached with property owners for the
18 acquisitions of the necessary property interests as set forth herein;
19 and

20 **WHEREAS**, the City of Jacksonville has determined that the
21 Project is time sensitive and may require the taking of possession
22 and title to real property in advance of the final judgment in an
23 eminent domain action, as authorized by Section 74.021, *Florida*
24 *Statutes*; and

25 **WHEREAS**, the City of Jacksonville desires to authorize the
26 Office of General Counsel to institute appropriate legal proceeds to
27 acquire the necessary property interests by eminent domain, and
28 further to issue and execute a declaration of taking pursuant to
29 Section 74.031, *Florida Statutes*; and

30 **WHEREAS**, the City has reached tentative settlement agreements
31 to purchase certain property interests needed for the Project subject

1 to Council approval, and the Council desires to approve those
2 agreements; now therefore

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

4 **Section 1. Appropriation.** For the 2024-2025 fiscal year,
5 within the City's budget, there is hereby appropriated the indicated
6 sum from the account listed in subsection (a) to the account listed
7 in subsection (b):

8 (B.T. 25-014, attached hereto as **Exhibit 2**, and incorporated herein
9 by this reference):

10 (a) Appropriated from:

11 See B.T. 25-014 \$6,000,000.00

12 (b) Appropriated to:

13 See B.T. 25-014 \$6,000,000.00

14 (c) Explanation of Appropriation:

15 The funding above represents a transfer of \$6,000,000.00
16 from the DM Other Construction Costs account (565051) to
17 the DM Right-of-way Acquisition account (561021) within
18 the Authorized Capital Projects - FY 23 and Beyond fund
19 ("Fund").

20 **Section 2. Purpose.** The purpose of the appropriation in
21 Section 1 is to transfer funds within the Fund to be used for the
22 acquisition of the real property interests needed for completion of
23 the Project.

24 **Section 3. Capital Improvement Plan Amendment.** Ordinance
25 2024-505-E, adopting the 2025-2029 Five-Year Capital Improvement Plan
26 (the "CIP") for the City and certain of its independent agencies, is
27 hereby amended to reflect this appropriation of funds to the Project,
28 as more fully described in the Project Information Sheet attached
29 hereto as **Exhibit 3** and incorporated herein by this reference. The
30 City Council finds that the deferral of this amendment of the CIP
31 until the next annual budget and CIP review will be detrimental to

1 the best interests of the community because such deferral could result
2 in the unnecessary delay in the acquisition of land related to the
3 Project which would negatively impact the completion of the Project.

4 Pursuant to Section 122.605(c), *Ordinance Code*, enactment of
5 this Ordinance requires the affirmative vote of two-thirds of the
6 City Council members present at the meeting because of the CIP
7 amendment set forth in this section. This Ordinance shall constitute
8 an amendment to Ordinance 2024-505-E. In all other respects, the
9 Five-Year Capital Improvement Plan approved by Ordinance 2024-505-E
10 shall remain unchanged and continue in full force and effect.

11 **Section 4. Declaration of Necessity.** The City hereby
12 declares the public necessity for acquiring through condemnation by
13 right of eminent domain, fee simple title, temporary construction
14 easements, and permanent drainage easements to and over the Properties
15 identified in **Exhibit 1** and located in Council District 12 as more
16 fully described by the drawings and legal descriptions and the right-
17 of-way control survey **On File** to complete the Project. In making
18 this determination of necessity, the City has ordered and reviewed
19 the Design Traffic Study, the Phase I Environmental Site Assessment,
20 and the Phase I Environmental Site Assessment Addendum, each in the
21 form placed **On File** with the Legislative Services Division, along
22 with the Exhibits hereto. In addition, the City has had the
23 opportunity to ask questions of the respective engineers and other
24 professionals conducting assessments and studies of the Property,
25 including appropriate City staff, and has considered the following:

- 26 1. Availability of alternate alignments, or parcels - The existing
27 alignment of Chaffee Road is a straight connection from Normandy
28 Road to the existing interchange at I-10. Changing the
29 alignment of this project would have greatly increased
30 environmental and private property impacts. However, because
31 private residences on the east side of the road are significantly

1 closer to the existing right of way than the residences on the
2 west side, almost all right of way acquisition is being done on
3 the west side of the road. While the selected alignment does
4 not reduce the amount of right of way needed, it reduces impacts
5 to residential structures along the right of way.

6 2. Costs - During the design of the roadway, the cross section was
7 revised to remove the bike lanes from the roadway, the traffic
8 lanes were narrowed and the proposed sidewalk on the west side
9 of the roadway was replaced with a 12-foot shared use path. This
10 reduced the overall width of the proposed improvements, which
11 in turn reduced the right-of-way needed and the impacts to the
12 abutting properties. The City has considered many different
13 designs and has chosen the most cost-effective plan that
14 accomplishes all of the project's goals. The City has also
15 adjusted the plans to require as little private property
16 acquisition as possible. Costs considered include design,
17 construction, and right-of-way acquisition.

18 3. Environmental Factors - The Environmental Assessment for this
19 project found the proposed project will incur impacts to
20 approximately 10.39 acres of wetlands for the road widening,
21 stormwater pond construction, and associated infrastructure.
22 Most of the project's proposed wetland impacts will be incurred
23 to roadside wetland edges caused by road shoulder
24 expansion. Other impacts are incurred by the necessary
25 alteration of the stormwater management system, including
26 stormwater ponds and drainage outfalls. All proposed work was
27 designed to eliminate and reduce wetland impacts to the maximum
28 extent practicable. The City will provide the necessary wetland
29 mitigation by purchasing credits from a mitigation bank or banks
30 approved to serve the area in which the project is located. The

1 project is not expected to have any adverse impact to Threatened
2 / Endangered or Protected species.

3 No significant historical and archaeological resources are
4 expected to be adversely impacted by the proposed project.

5 4. Long-range area planning - On the west side of Jacksonville,
6 Chaffee Road is the primary north-south corridor from the I-10
7 Interchange south to Normandy Boulevard. As a result, it is a
8 quickly developing residential and commercial corridor with
9 increased vehicle traffic, increased congestion and the need for
10 more traffic lanes along with both new and improved signalized
11 intersections. Accordingly, the project is in line with the
12 City's long-range area planning.

13 5. Safety - The presence of an elementary school and a public
14 library and the proposed construction of a middle school within
15 the project limits create an increasing need for bicycle and
16 pedestrian facilities that currently do not exist within the
17 corridor. The construction of a sidewalk on the east side of
18 the project, a shared use path on the west side and additional
19 signalized intersections at the school and library intersections
20 will significantly increase safety for school children and
21 adults walking and biking along the corridor and crossing from
22 one side of the roadway to the other. At the same time, the
23 additional thru lanes and turn lanes will provide for efficient
24 and safer vehicle travel through this area.

25 **Section 5. Acquisition of Fee Simple Title and Easement**

26 **Rights.** The City of Jacksonville shall acquire the necessary property
27 rights in the Properties by negotiation or eminent domain for the
28 purpose aforesaid from the present owners thereof and all persons
29 claiming any interest therein. Acquisition of fee simple title and
30 easements rights, if made by negotiation prior to the filing of a
31 petition for condemnation, shall be pursuant to the City of

1 Jacksonville Real Estate Purchase Agreement substantially in the form
2 of **Exhibit 4**. However, the terms may be negotiated and modified by
3 the Chief of Real Estate (the "Chief"), or her designee, as necessary,
4 so long as the cost to the City does not exceed those costs authorized
5 by this Ordinance or other provisions of the Ordinance Code and the
6 Office of General Counsel concurs that such modification is in the
7 best interests of the City. Where a petition for condemnation has
8 been filed, the acquisition may be made by Real Estate Purchase
9 Agreement, or by stipulated final judgment and order of taking. The
10 Chief, or her designee, is further authorized to execute the Real
11 Estate Purchase Agreements and to take all actions necessary to close
12 such agreed purchases pursuant to their terms, including those
13 provided by court order or judgment.

14 **Section 6. Authorizing Deposit of Good-Faith Estimate.** The
15 Chief of Engineering Construction Management, or his designee, is
16 authorized to approve the deposit of funds into the registry of the
17 court in the amount directed by an order of taking pursuant to Section
18 74.051, *Florida Statutes*, from funds lawfully appropriated for the
19 Project.

20 **Section 7. Negotiation of Purchase of Property.**
21 Recognizing that real property values can fluctuate significantly,
22 the Chief, or her designee, is hereby authorized to negotiate and
23 agree to the purchase of the necessary interests in real property
24 subject to the following conditions:

- 25 a. Lawfully appropriated funds are available for the Project to
26 pay the agreed purchase price; and,
- 27 b. The City will receive the necessary interest in real property
28 from the transaction without any encumbrances negatively
29 affecting the Project; and,
- 30 c. The purchase price is not more than 25% above the value
31 determined in a written appraisal performed by a licensed

1 appraiser on the property not more than one (1) year prior to
2 the date of the agreement or settlement; and,

3 d. The Chief of Engineering Construction Management, with the
4 written concurrence of the Director of Public Works and the
5 General Counsel (or their designees), finds that the purchase
6 of the Property under the agreed terms is in the best interest
7 of the City.

8 For purposes of this Ordinance, the "purchase price" means the
9 compensation paid to the property owner (and/or tenant) for the
10 property interests acquired, inclusive of the value of any
11 improvements to the property, severance damages to any remaining
12 property, or temporary or permanent costs to cure. The "purchase
13 price" does not include attorneys' fees or expert costs.

14 **Section 8. Negotiation of Claims for Business Damages**

15 If the City receives a timely claim for business damages pursuant to
16 Chapter 73.015, *Florida Statutes*, arising from the acquisition of
17 property rights provided for in this Ordinance, the Chief, or her
18 designee, may negotiate, settle, and authorize payment of such claim,
19 subject to the following conditions:

- 20 a. Lawfully appropriated funds are available for the Project to
21 pay the amount offered; and,
22 b. The amount does not exceed \$100,000; and,
23 c. The Chief of Engineering Construction Management, with the
24 written concurrence of the Director of the Director of Public
25 Works and the General Counsel (or their designees), finds
26 that settlement under the agreed terms is in the best interest
27 of the City.

28 **Section 9. Negotiation of Attorneys' Fees and Costs**

29 In addition to the purchase price, the Chief, or her designee, is
30 authorized to negotiate, settle, and authorize payment of any
31 attorneys' fees and costs legally due to the owner or tenant, as

1 provided under Chapters 73 and 74, *Florida Statutes*, with respect to
2 a purchase or settlement made pursuant to Sections 7 or 8 above,
3 subject to the following conditions:

- 4 a. Lawfully appropriated funds are available for the Project to
5 pay the amount offered; and,
- 6 b. The Chief of Engineering Construction Management, with the
7 written concurrence of the Director of Public Works and the
8 General Counsel (or their designees), finds that settlement
9 under the agreed terms is in the best interest of the City.

10 **Section 10. Waiving the Settlement Limitations in Sections**
11 **112.307, 112.308, & 112.309, Ordinance Code.** The settlement
12 limitations delineated in Subsection 112.307(a)(2)(iii) (Claims and
13 suits brought against the City for monetary relief), Section 112.308
14 (Eminent domain), and Section 112.309 (Attorneys' fees), Part 3
15 (Settlement of Claims and Suits By and Against City), Chapter 112
16 (Claims By and Against City), *Ordinance Code*, that the total amount
17 of certain settlements cannot exceed \$50,000 absent approval of City
18 Council is hereby waived recognizing that the value of the properties
19 involved in this project along with statutorily mandated attorneys'
20 fees and costs may require settlements exceeding the limits imposed
21 by Chapter 112, and that obtaining Council approval for settlements
22 relating to numerous parcels will unnecessarily delay the Project or
23 subject the City to increased liability.

24 **Section 11. Institution of Legal Proceedings.** The
25 Office of General Counsel of the City of Jacksonville is hereby
26 authorized to institute the appropriate legal proceedings to acquire
27 by condemnation property interests in the Properties for the purpose
28 described in this Ordinance. The Office of General Counsel is further
29 authorized to invoke the procedures of Chapter 74, *Florida Statutes*
30 (commonly known as a "quick-take") and to issue appropriate
31 declarations of taking on behalf of the City.

1 **Section 12. Approving and Authorizing Execution of Existing**
2 **Negotiated Proposed Purchase and Sale Agreements.** Based on
3 negotiations with the City, certain property owners identified in
4 **Exhibit 5** have already agreed to and executed Real Estate Purchase
5 Agreements for the City's purchase of property rights needed for this
6 project and in full settlement of any claims for additional
7 compensation, attorneys' fees, and costs, subject to approval by City
8 Council. These agreements are hereby approved and the Chief, or her
9 designee, is authorized to execute the Real Estate Purchase Agreements
10 **On File** and to take all actions necessary to close such agreed
11 purchases pursuant to their terms.

12 **Section 13. Oversight.** The Engineering and Construction
13 Management Division of the Department of Public Works shall oversee
14 the CIP Project described herein.

15 **Section 14. Effective Date.** This Ordinance shall become
16 effective upon signature by the Mayor or upon becoming effective
17 without the Mayor's signature.

18
19 Form Approved:

20
21 /s/ Laura Boeckman

22 Office of General Counsel

23 Legislation Prepared By: Chris Garrett

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