

1 Introduced by the Council President at the request of the Mayor and
2 amended by the Neighborhoods, Community Services, Public Health and
3 Safety Committee:

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6 **ORDINANCE 2024-846-E**

7 AN ORDINANCE TRANSFERRING \$6,000,000.00 BETWEEN
8 EXPENSE ACCOUNTS IN THE CHAFFEE ROAD PROJECT
9 ("PROJECT"), AS INITIATED BY B.T. 25-014;
10 AMENDING THE 2025-2029 FIVE-YEAR CAPITAL
11 IMPROVEMENT PLAN APPROVED BY ORDINANCE
12 2024-505-E TO REFLECT THIS APPROPRIATION OF
13 FUNDS WITHIN THE PROJECT; DECLARING THE PUBLIC
14 NECESSITY FOR ACQUIRING FEE SIMPLE TITLE,
15 TEMPORARY CONSTRUCTION EASEMENTS, AND PERMANENT
16 DRAINAGE EASEMENTS, THROUGH CONDEMNATION BY
17 RIGHT OF EMINENT DOMAIN TO AND OVER CERTAIN REAL
18 PROPERTY IN COUNCIL DISTRICT 12, SUCH REAL
19 PROPERTY INTERESTS BEING NEAR OR ADJACENT TO A
20 PORTION OF CHAFFEE ROAD SOUTH INCLUDING THE
21 PROPERTIES LISTED IN REVISED EXHIBIT 1 (THE
22 "PROPERTIES"), AS REQUIRED FOR THE CHAFFEE ROAD
23 WIDENING FROM NORMANDY BOULEVARD TO INTERSTATE
24 10 PROJECT; AUTHORIZING THE ACQUISITION OF THE
25 PROPERTIES BY NEGOTIATION OR EMINENT DOMAIN;
26 AUTHORIZING THE CHIEF OF THE ENGINEERING AND
27 CONSTRUCTION MANAGEMENT DIVISION OF THE
28 DEPARTMENT OF PUBLIC WORKS TO MAKE A GOOD FAITH
29 DEPOSIT INTO THE COURT REGISTRY; AUTHORIZING THE
30 CHIEF OF THE REAL ESTATE DIVISION OF THE
31 DEPARTMENT OF PUBLIC WORKS, OR HER DESIGNEE, TO

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

28
29 **WHEREAS**, the City of Jacksonville is authorized to construct
30 and maintain streets and highways, and improve those streets and
31 highways as needed, for the general public, and is vested by law with

1 the power of eminent domain to acquire interests in real property;
2 and

3 **WHEREAS,** the City of Jacksonville has determined that the
4 Chaffee Road Widening from Normandy Boulevard to Interstate 10 Project
5 (the "Project") referenced in this Ordinance serves a public purpose;
6 and

7 **WHEREAS,** the City of Jacksonville has determined that the
8 acquisition of the Properties described herein is reasonably
9 necessary for completion of the Project; and

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

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

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

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

28 **WHEREAS,** the City of Jacksonville desires to authorize the
29 Office of General Counsel to institute appropriate legal proceedings
30 to acquire the necessary property interests by eminent domain, and
31 further to issue and execute a declaration of taking pursuant to

1 Section 74.031, *Florida Statutes*; and

2 **WHEREAS**, the City has reached tentative settlement agreements
3 to purchase certain property interests needed for the Project subject
4 to Council approval, and the Council desires to approve those
5 agreements; now therefore

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

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

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

13 (a) Appropriated from:

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

15 (b) Appropriated to:

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

17 (c) Explanation of Appropriation:

18 The funding above represents a transfer of \$6,000,000.00
19 from the DM Other Construction Costs account (565051) to
20 the DM Right-of-way Acquisition account (561021) within
21 the Chaffee Road Project.

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

26 **Section 3. Capital Improvement Plan Amendment.** Ordinance
27 2024-505-E, adopting the 2025-2029 Five-Year Capital Improvement Plan
28 (the "CIP") for the City and certain of its independent agencies, is
29 hereby amended to reflect this appropriation of funds within the
30 Project, as more fully described in the Project Information Sheet
31 attached hereto as **Exhibit 3** and incorporated herein by this

1 reference. The City Council finds that the deferral of this amendment
2 of the CIP until the next annual budget and CIP review will be
3 detrimental to the best interests of the community because such
4 deferral could result in the unnecessary delay in the acquisition of
5 land related to the Project which would negatively impact the
6 completion of the Project.

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

14 **Section 4. Declaration of Necessity.** The City hereby
15 declares the public necessity for acquiring through condemnation by
16 right of eminent domain, fee simple title, temporary construction
17 easements, and permanent drainage easements to and over the Properties
18 identified in **Revised Exhibit 1**, labeled as "Revised Exhibit 1, Rev
19 Property List, November 18, 2024 - NCSPHS" and located in Council
20 District 12 as more fully described by the drawings and legal
21 descriptions and the right-of-way control survey **On File** to complete
22 the Project. In making this determination of necessity, the City has
23 ordered and reviewed the Design Traffic Study, the Phase I
24 Environmental Site Assessment, and the Phase I Environmental Site
25 Assessment Addendum, each in the form placed **On File** with the
26 Legislative Services Division, along with the Exhibits hereto. In
27 addition, the City has had the opportunity to ask questions of the
28 respective engineers and other professionals conducting assessments
29 and studies of the Property, including appropriate City staff, and
30 has considered the following:

31 1. Availability of alternate alignments, or parcels - The

1 existing alignment of Chaffee Road is a straight connection from
2 Normandy Boulevard to the existing interchange at I-10. Changing
3 the alignment of this project would have greatly increased
4 environmental and private property impacts. However, because
5 private residences on the east side of the road are significantly
6 closer to the existing right of way than the residences on the
7 west side, almost all right of way acquisition is being done on
8 the west side of the road. While the selected alignment does not
9 reduce the amount of right of way needed, it reduces impacts to
10 residential structures along the right of way.

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

23 3. Environmental Factors - The Environmental Assessment for
24 this project found the proposed project will incur impacts to
25 approximately 10.39 acres of wetlands for the road widening,
26 stormwater pond construction, and associated infrastructure.
27 Most of the project's proposed wetland impacts will be incurred
28 to roadside wetland edges caused by road shoulder
29 expansion. Other impacts are incurred by the necessary
30 alteration of the stormwater management system, including
31 stormwater ponds and drainage outfalls. All proposed work was

1 designed to eliminate and reduce wetland impacts to the maximum
2 extent practicable. The City will provide the necessary wetland
3 mitigation by acquiring credits from a mitigation bank or banks
4 approved to serve the area in which the project is located. The
5 project is not expected to have any adverse impact to Threatened
6 / Endangered or Protected species.

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

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

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

29 **Section 5. Acquisition of Fee Simple Title and Easement**
30 **Rights.** The City of Jacksonville shall acquire the necessary property
31 rights in the Properties by negotiation or eminent domain for the

1 purpose aforesaid from the present owners thereof and all persons
2 claiming any interest therein. Acquisition of fee simple title and
3 easements rights, if made by negotiation prior to the filing of a
4 petition for condemnation, shall be pursuant to the City of
5 Jacksonville Real Estate Purchase Agreement substantially in the form
6 of **Exhibit 4**. However, the terms may be negotiated and modified by
7 the Chief of Real Estate (the "Chief"), or her designee, as necessary,
8 so long as the cost to the City does not exceed those costs authorized
9 by this Ordinance or other provisions of the Ordinance Code and the
10 Office of General Counsel concurs that such modification is in the
11 best interests of the City. Where a petition for condemnation has
12 been filed, the acquisition may be made by Real Estate Purchase
13 Agreement, or by stipulated final judgment and order of taking. The
14 Chief, or her designee, is further authorized to execute the Real
15 Estate Purchase Agreements and to take all actions necessary to close
16 such agreed purchases pursuant to their terms, including those
17 provided by court order or judgment.

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

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

- 29 a. Lawfully appropriated funds are available for the Project to
30 pay the agreed purchase price; and,
31 b. The City will receive the necessary interest in real property

1 from the transaction without any encumbrances negatively
2 affecting the Project; and,

3 c. The purchase price is not more than 25% above the value
4 determined in a written appraisal performed by a licensed
5 appraiser on the property not more than one (1) year prior to
6 the date of the agreement or settlement; and,

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

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

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

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

24 a. Lawfully appropriated funds are available for the Project to
25 pay the amount offered; and,

26 b. The amount does not exceed \$100,000; and,

27 c. The Chief of the Engineering and Construction Management
28 Division, with the written concurrence of the Director of
29 Public Works and the General Counsel (or their designees),
30 finds that settlement under the agreed terms is in the best
31 interest of the City.

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

2 In addition to the purchase price, the Chief, or her designee, is
3 authorized to negotiate, settle, and authorize payment of any
4 attorneys' fees and costs legally due to the owner or tenant, as
5 provided under Chapters 73 and 74, *Florida Statutes*, with respect to
6 a purchase or settlement made pursuant to Sections 7 or 8 above,
7 subject to the following conditions:

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

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

29 **Section 11. Institution of Legal Proceedings.** The Office of
30 General Counsel of the City of Jacksonville is hereby authorized to
31 institute the appropriate legal proceedings to acquire by

1 condemnation property interests in the Properties for the purpose
2 described in this Ordinance. The Office of General Counsel is further
3 authorized to invoke the procedures of Chapter 74, *Florida Statutes*
4 (commonly known as a "quick-take") and to issue appropriate
5 declarations of taking on behalf of the City.

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

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

20 **Section 14. Effective Date.** This Ordinance shall become
21 effective upon signature by the Mayor or upon becoming effective
22 without the Mayor's signature.

23
24 Form Approved:

25
26 /s/ Mary E. Staffopoulos

27 Office of General Counsel

28 Legislation Prepared By: Chris Garrett

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