

1 Introduced by the Council President at the request of the Mayor and
2 Co-Sponsored by Council Member Schellenberg and amended by the
3 Transportation, Energy and Utilities Committee:
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6 **ORDINANCE 2019-466-E**

7 AN ORDINANCE APPROPRIATING \$345,000.00 (A
8 \$30,000.00 TRANSFER OF FUNDS BETWEEN PROJECTS
9 IN SUBFUND 32E AND \$315,000.00 IN AVAILABLE
10 UNAPPROPRIATED REVENUE IN SUBFUND 324) FOR THE
11 ACQUISITION OF TWO PARCELS (R.E. NOS. 106062-
12 0000 AND 106063-0000) ALONG ORANGE PICKER ROAD
13 AND BRADY ROAD, ENVIRONMENTAL REMEDIATION AND
14 DEMOLITION OF ANY STRUCTURES FOR THE EXPANSION
15 OF THE PARKING LOT AT ALBERTS FIELD, AND
16 ROADWAY INTERSECTION IMPROVEMENTS, AS
17 INITIATED BY B.T. 19-102; APPROVING AND
18 AUTHORIZING THE MAYOR OR HIS DESIGNEE AND
19 CORPORATION SECRETARY TO EXECUTE AND DELIVER
20 1) THE PURCHASE AND SALE AGREEMENT BETWEEN THE
21 CITY OF JACKSONVILLE AND JOSEPH H. WALSH, III,
22 AS PERSONAL REPRESENTATIVE TO THE ESTATE OF
23 SAMUEL R. BURNEY, AND ALL SUCH OTHER DOCUMENTS
24 NECESSARY OR APPROPRIATE TO EFFECTUATE THE
25 PURPOSE OF THIS ORDINANCE TO ACQUIRE THE
26 PROPERTY ON THE CORNER OF ORANGE PICKER ROAD
27 AND BRADY ROAD, AN APPROXIMATELY 1.3 ACRE
28 PARCEL APPRAISED AT \$200,000 AND BEING
29 ACQUIRED AT A NEGOTIATED PURCHASE PRICE OF
30 \$200,000.00 (THE "BURNEY PROPERTY") AND 2) THE

1 PURCHASE AND SALE AGREEMENT BETWEEN THE CITY
 2 OF JACKSONVILLE AND JOSEPH H. WALSH, III AND
 3 ALL SUCH OTHER DOCUMENTS NECESSARY OR
 4 APPROPRIATE TO EFFECTUATE THE PURPOSE OF THIS
 5 ORDINANCE TO ACQUIRE PROPERTY ON ORANGE PICKER
 6 ROAD CONTIGUOUS TO THE BURNEY PROPERTY, AN
 7 APPROXIMATELY 1.16 ACRE PARCEL APPRAISED AT
 8 \$105,000 AND BEING ACQUIRED AT A NEGOTIATED
 9 PURCHASE PRICE OF \$105,000.00 (THE "WALSH
 10 PROPERTY"); PROVIDING FOR OVERSIGHT BY THE
 11 REAL ESTATE DIVISION OF THE DEPARTMENT OF
 12 PUBLIC WORKS; AMENDING THE 2019-2023 FIVE-YEAR
 13 CAPITAL IMPROVEMENT PROGRAM APPROVED BY
 14 ORDINANCE 2018-505-E TO PROVIDE FUNDING FOR
 15 THE PROJECT ENTITLED "ORANGE PICKER/BRADY
 16 ROAD;" PROVIDING AN EFFECTIVE DATE.

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

19 **Section 1. Appropriation.** For the 2018-2019 fiscal year,
 20 within the City's budget, there are hereby appropriated the
 21 indicated sum(s) from the account(s) listed in subsection (a) to
 22 the account(s) listed in subsection (b):

23 (B.T. 19-102, attached hereto as **Exhibit 1** and incorporated herein
 24 by this reference)

25 (a) Appropriated from:

26	See B.T. 19-102	\$345,000.00
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27 (b) Appropriated to:

28	See B.T. 19-102	\$345,000.00
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29 (c) Explanation of Appropriation

30 The funding above is a transfer of funds between projects
 31 in Subfund 32E (\$30,000.00) and available unappropriated

1 revenue in Subfund 324 (\$315,000.00) for the acquisition
2 of two parcels (R.E. Nos. 106062-0000 and 106063-0000)
3 along Orange Picker Road and Brady Road, environmental
4 remediation and demolition of any structures for the
5 expansion of the parking lot at Alberts Field, and
6 roadway intersection improvements.

7 **Section 2. Approval and authorization of Purchase and**
8 **Sale Agreements.** There are hereby approved, and the Mayor, or his
9 designee, and the Corporation Secretary are hereby authorized to
10 execute and deliver on behalf of the City: i) the Purchase and Sale
11 Agreement between the City of Jacksonville and Joseph H. Walsh,
12 III, as personal representative to the Estate of Samuel R. Burney,
13 in substantially the form attached hereto as **Exhibit 2** and
14 incorporated herein by this reference, and all such other documents
15 necessary or appropriate to effectuate the purpose of this
16 Ordinance (with such "technical" changes as herein authorized) to
17 acquire the property on the corner of Orange Picker Road and Brady
18 Road (R.E. No. 106062-0000), which is approximately 1.3 acres, has
19 been appraised at \$200,000, and is being acquired at a negotiated
20 purchase price of \$200,000.00 (the "Burney Property"); and, ii) the
21 Purchase and Sale Agreement between the City of Jacksonville and
22 Joseph H. Walsh, III, in substantially the form attached hereto as
23 **Exhibit 3** and incorporated herein by this reference, and all such
24 other documents necessary or appropriate to effectuate the purpose
25 of this Ordinance (with such "technical" changes as herein
26 authorized) to acquire property on Orange Picker Road contiguous to
27 the Burney Property (R.E. No. 106063-0000), which is approximately
28 1.16 acres, has been appraised at \$105,000, and is being acquired
29 at a negotiated purchase price of \$105,000.00 (the "Walsh
30 Property"). The Burney Property and the Walsh Property are
31 contiguous and will allow for the realignment of Orange Picker

1 Road. The Purchase and Sale Agreements (the "Agreements") require
2 no deposit and allow the City to terminate without penalty at its
3 sole option. Closing shall take place within 30 days after title is
4 clear to the satisfaction of the City under paragraph 5(a) of the
5 Agreements.

6 The Agreements and related documents may include such
7 additions, deletions, and changes as may be reasonable, necessary,
8 and incidental for carrying out the purposes thereof, as may be
9 acceptable to the Mayor, or his designee, with such inclusion and
10 acceptance being evidenced by execution of the Agreement by the
11 Mayor, or his designee; provided however, no modification of the
12 Agreement or related documents may increase the financial
13 obligations or liability of the City to an amount in excess of the
14 amount stated in the Agreement or decrease the financial
15 obligations or liability of the Seller, and any such modification
16 shall be technical only and shall be subject to appropriate legal
17 review and approval by the Office of General Counsel. For purposes
18 of this ordinance, the term "technical changes" is defined as those
19 changes having no financial impact to the City, including, but not
20 limited to, changes in legal descriptions or surveys, ingress and
21 egress, easements and rights of way, design standards, access and
22 site plan, resolution of title defects, if any, and other non-
23 substantive changes that do not substantively increase the duties
24 and responsibilities of the City under the provisions of the
25 Agreement.

26 **Section 3. Oversight.** The Real Estate Division of the
27 Department of Public Works shall provide oversight and
28 administration of the Agreement for the duration thereof.

29 **Section 4. CIP Amendment.** Ordinance 2018-505-E, being the
30 2019-2023 Five-Year Capital Improvement Program for the City and
31 certain of its independent agencies, is hereby amended to provide

1 funding for the project entitled "Orange Picker/Brady Road." The
2 project is more fully described in the Project Information Sheet,
3 attached hereto as **Exhibit 4** and incorporated herein by this
4 reference. The Council finds that the deferral of this amendment of
5 the CIP until the next annual budget and CIP review will be
6 detrimental to the best interests of the community because such
7 deferral will cause the owners of the property to terminate the
8 Agreements and cease the City's ability to complete the
9 improvements economically and expeditiously. Pursuant to Section
10 122.605(c), *Ordinance Code*, enactment of this ordinance requires
11 the affirmative vote of two-thirds of the Council members present
12 at the meeting because of the CIP amendment set forth in this
13 section. This ordinance shall constitute an amendment to Ordinance
14 2018-505-E. In all other respects, the Five-Year Capital
15 Improvement Program approved by Ordinance 2018-505-E shall continue
16 in full force and effect.

17 **Section 5. Effective Date.** This ordinance shall become
18 effective upon signature by the Mayor or upon becoming effective
19 without the Mayor's signature.

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21 Form Approved:

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23 /s/ Paige H. Johnston

24 Office of General Counsel

25 Legislation prepared by: James R. McCain, Jr.

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