

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2019-806-E**

5 AN ORDINANCE APPROVING AND AUTHORIZING THE
6 MAYOR OR HIS DESIGNEE AND CORPORATION
7 SECRETARY TO EXECUTE AND DELIVER THE PURCHASE
8 AND SALE AGREEMENT ("AGREEMENT") BETWEEN THE
9 CITY OF JACKSONVILLE ("BUYER") AND M & M
10 DAIRY, INC. ("SELLER") AND ALL CLOSING
11 DOCUMENTS RELATING THERETO, AND OTHERWISE TAKE
12 ALL NECESSARY ACTION TO EFFECTUATE THE
13 PURPOSES OF THE AGREEMENT, FOR THE ACQUISITION
14 BY BUYER AT THE NEGOTIATED PURCHASE PRICE OF
15 \$805,600.00 OF REAL PROPERTY LOCATED IN
16 COUNCIL DISTRICT 2 AT 12210 NEW BERLIN ROAD
17 (R.E.# 106596-0000), COMPRISING AN
18 APPROXIMATELY 10.52 ACRE PARCEL FOR THE
19 LOCATION OF A NEW LIBRARY; PROVIDING FOR
20 OVERSIGHT BY THE PUBLIC LIBRARY DEPARTMENT;
21 PROVIDING AN EFFECTIVE DATE.
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23 **BE IT ORDAINED** by the Council of the City of Jacksonville:

24 **Section 1. Approval and authorization.** There is hereby
25 approved, and the Mayor, or his designee, and the Corporation
26 Secretary are hereby authorized to execute and deliver on behalf of
27 the City, the Purchase and Sale Agreement between the City of
28 Jacksonville (the "Buyer") and (the "Seller"), in substantially the
29 form placed **ON FILE** with the Office of Legislative Services, and
30 all such other documents necessary or appropriate to effectuate the
31 purpose of this Ordinance (with such "technical" changes as herein

1 authorized). The property at 12210 New Berlin Road (R.E.# 106596-
2 0000), which is approximately 10.52 acres and which has been
3 appraised at \$740,000.00, is being acquired for the location of a
4 new library at a negotiated purchase price of \$805,600.00. The
5 Purchase and Sale Agreement requires no deposit from the City,
6 provides the City with a due diligence period through January 30,
7 2020, and allows the City to terminate the Purchase and Sale
8 Agreement in its sole discretion without penalty during the due
9 diligence period. Closing shall take place on February 13, 2020, or
10 on a date mutually agreeable to both Buyer and Seller prior to
11 February 13, 2020.

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

1 **Section 2. Oversight.** The Public Library Department
2 shall provide oversight and administration of the Agreement for the
3 duration thereof.

4 **Section 3. Effective Date.** This Ordinance shall become
5 effective upon signature by the Mayor or upon becoming effective
6 without the Mayor's signature.

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8 Form Approved:

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10 /s/ James R. McCain, Jr.

11 Office of General Counsel

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

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