

1 Introduced by the Council Member Ferraro and amended by the Finance  
2 Committee:

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5 **ORDINANCE 2019-136-E**

6 AN ORDINANCE APPROVING AND AUTHORIZING THE  
7 MAYOR, OR HIS DESIGNEE, AND CORPORATION  
8 SECRETARY TO EXECUTE AND DELIVER, FOR AND ON  
9 BEHALF OF THE CITY, THAT CERTAIN AGREEMENT FOR  
10 SALE AND PURCHASE ("PSA") BETWEEN THE CITY OF  
11 JACKSONVILLE ("CITY") AND THE HARBOUR WATERWAY  
12 SPECIAL DISTRICT ("HARBOUR"), AND TO EXECUTE  
13 ALL DEEDS AND CLOSING DOCUMENTS RELATING  
14 THERETO, AND AUTHORIZING ANY TECHNICAL CHANGES  
15 TO THE PSA DOCUMENTS RELATING THERETO, AND  
16 OTHERWISE TAKE ALL NECESSARY ACTION TO  
17 EFFECTUATE THE PURPOSE OF THE PSA, FOR THE  
18 CONVEYANCE TO HARBOUR OF PROPERTY LOCATED IN  
19 COUNCIL DISTRICT 2 AND AT LARGE GROUP 2,  
20 COMPRISED OF APPROXIMATELY 44 ACRES OF REAL  
21 PROPERTY LOCATED ON AN ISLAND/PENINSULA USED  
22 FOR DREDGE SPOIL AND KNOWN AS REED ISLAND IN  
23 THE ST. JOHNS RIVER SOUTH OF BLOUNT ISLAND  
24 LESS THAN FOUR MILES WEST OF THE INTRACOASTAL  
25 WATERWAY (THE "PROPERTY") FOR THE TOTAL  
26 PURCHASE PRICE OF \$88,000, WHICH IS THE  
27 APPRAISED VALUE; PROVIDING FOR WAIVER OF  
28 CHAPTER 122 (PUBLIC PROPERTY), PART 4 (REAL  
29 PROPERTY), 122.421(B)(GENERAL PROVISIONS;  
30 DELEGATIONS OF AUTHORITY), *ORDINANCE CODE*,

1 THAT NO PARK-RELATED LAND SHALL BE CONVERTED  
2 TO ANOTHER USE OR SOLD BY THE CITY UNLESS THE  
3 CITY REPLACES THAT LAND WITH NEW PARK  
4 FACILITIES; PROVIDING FOR WAIVER OF SECTION  
5 122.424(a)(1) (DISPOSITION BY DIRECT SALE,  
6 ADJOINING OWNERS), *ORDINANCE CODE*, AS TO THE  
7 NOTICE REQUIREMENTS; PROVIDING FOR CITY  
8 OVERSIGHT BY THE REAL ESTATE DIVISION OF THE  
9 PUBLIC WORKS DEPARTMENT; PROVIDING AN  
10 EFFECTIVE DATE.

11  
12 **BE IT ORDAINED** by the Council of the City of Jacksonville:

13 **Section 1. Agreement for Sale and Purchase Approved and**  
14 **Execution Authorized.** There is hereby approved, and the Mayor, or  
15 his designee, and Corporation Secretary are hereby authorized to  
16 execute and deliver, for and on behalf of the City, the PSA between  
17 the City and Harbour, in substantially the same form as attached  
18 hereto as **Revised Exhibit 1**, labeled as "Revised Exhibit 1, Rev  
19 Agmt, March 20, 2019 - Finance" (with such "technical" changes as  
20 herein authorized), and to execute all deeds and closing documents  
21 relating thereto, and otherwise take all action necessary or  
22 appropriate to effectuate the purpose of this Ordinance.

23 The PSA is for the purchase by Harbour of approximately 44  
24 acres of real property owned by the City for a total purchase price  
25 of \$88,000, which is the appraised value. The Property to be  
26 conveyed is shown on the map attached as **Exhibit 2** and will be used  
27 by Harbour as a dredge spoil disposal site for residential non-  
28 commercial area spoil or conservation, in accordance with the terms  
29 of the PSA.

30 The PSA may include such additions, deletions, and changes as  
31 may be reasonable, necessary, and incidental for carrying out the

1 purposes thereof, as may be acceptable to the Mayor or his  
2 designee, with such inclusion and acceptance being evidenced by  
3 execution of the PSA by the Mayor or his designee. No modification  
4 of the PSA may increase the financial obligations or the liability  
5 of the City and any such modification shall be technical only and  
6 shall be subject to appropriate legal review and approval of the  
7 General Counsel or his or her designee and all other appropriate  
8 action required by law. For the purposes of this Ordinance,  
9 "technical changes" is defined as those changes having no financial  
10 impact to the City; including, but not limited to, changes in legal  
11 descriptions or surveys, resolution of title defects (if any),  
12 descriptions of infrastructure improvements and/or any road  
13 project, ingress and egress, easements and rights-of-way,  
14 performance schedules (provided that no performance schedule may be  
15 extended for more than one year without City Council approval),  
16 design standards, access and site plans, and other non-substantive  
17 changes that do not substantively increase the duties and  
18 responsibilities of the City under the provisions of the PSA.

19 **Section 2. Waiver of Ordinance Code Chapter 122 (Public**  
20 **Property), Part 4 (Real Property), 122.421(b)(General Provisions;**  
21 **delegations of authority) that No Park-related Land Shall be**  
22 **Converted to Another Use or Sold by the City Unless the City**  
23 **Replaces That Land with New Park-like Facilities.** Section  
24 122.421(b), *Ordinance Code*, prohibits the City from converting or  
25 selling any park-related land to another unless the City replaces  
26 that land with new park-like facilities. Although the Property is  
27 part of a parcel for which park amenities are currently being  
28 developed as shown on **Exhibit 2**, the Property being conveyed by the  
29 PSA (i) has not been used for park-related activities and has been,  
30 and will continue to be, used solely as a dredge spoil site and  
31 (ii) is separated from the parcel to be developed with park

amenities by JEA transmission lines. Accordingly, Section 122.421(b), *Ordinance Code*, is hereby waived to authorize the City to sell the Property to Harbour in accordance with this Ordinance, pursuant to the terms and conditions of the PSA.

**Section 3. Waiver of Section 122.424(a)(1) (Disposition by direct sale, Adjoining Owners), Ordinance Code.** Section 122.424(1)(a)(Disposition by direct sale, Adjoining Owners) Chapter 122 (Public Property), *Ordinance Code*, is hereby waived as to the notice requirement to all adjoining property owners, as the direct sale is to Harbour, an adjoining property owner. Harbour is a special taxing district organized for dredging residential communities and has the expertise and budget for a residential spoil bank operation; therefore, no notice was given to the other adjoining property owners which are mostly residential subdivision homeowners.

**Section 4. Oversight.** The Real Estate Division of the Public Works Department shall provide oversight and administration of the PSA.

**Section 5. Further Action Authorized.** The General Counsel, or his designee, is authorized to take such further action and to execute all other documents necessary to effect the intentions set forth herein.

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

Form Approved:

/s/ P djdhw# 1#V bpdq

Office of General Counsel

Legislation Prepared By: Emerson M. Lotzia