

ORDINANCE NO. O-14-2023

AN ORDINANCE OF THE CITY COUNCIL OF GREEN COVE SPRINGS FLORIDA AUTHORIZING THE CONVEYANCE OF CITY OWNED REAL PROPERTY GENERALLY DESCRIBED AS A 21.3 ACRE TRACT OF LAND IN THE SOUTHEAST CORNER OF PARCEL ID #016515-02-002-00, ADJACENT TO THE CSX RAILROAD, PURSUANT TO SECTION 2.12 (7) OF THE CITY CHARTER; PRESCRIBING THAT THE PRECISE TERMS AND CONDITIONS FOR THE CONVEYANCE WILL BE CONTAINED IN A SUBSEQUENT RESOLUTION OF THE CITY COUNCIL; PROVIDING REPEALER, SEVERABILITY, AND SETTING AN EFFECTIVE DATE.

WHEREAS, DR Horton, Inc. ("Horton") or Rookery Investors, LLC, is developing a subdivision West of Highway 17 and South of Cooks Lane on part of the old Gustafson Dairy property and the City of Green Cove Springs ("City") and Horton are exchanging real property in order to provide a more appropriate access into the subject subdivision; and,

WHEREAS, the City Council has determined that the exchange of the properties will be in the best interest of the City's health, safety, and welfare, and is being done for a public purpose.

NOW, THEREFORE BE IT ENACTED BY THE CITY COUNCIL OF GREEN COVE SPRINGS, FLORIDA AS FOLLOWS:

Section 1. The City is hereby authorized to convey that certain real property described in Exhibit "A", attached hereto, to DR Horton, Inc., or their designee Rookery Investors, LLC in exchange for real property to be conveyed to the City of approximate equal or more value.

Section 2. The terms and conditions of the exchange, including the property to be conveyed to the City will be contained in subsequent resolution of the City Council.

Section 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this ordinance which can be given effect without the invalid provision or application.

Section 4. Repealer. All Ordinances or parts of Ordinances insofar as they are

inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent of any conflict.

Section 5. Effective Date. This Ordinance shall take effect immediately upon its final adoption by the City Council.

INTRODUCED AND APPROVED AS TO FORM ONLY ON THE FIRST READING BY THE CITY COUNCIL OF GREEN COVE SPRINGS, FLORIDA, ON THIS 2nd DAY OF MAY, 2023.

CITY OF GREEN COVE SPRINGS, FLORIDA

By: _____

Daniel M. Johnson, Mayor

ATTEST: _____

Erin West, City Clerk

PASSED ON SECOND AND FINAL READING BY THE CITY COUNCIL OF GREEN COVE SPRINGS, FLORIDA, THIS 16th DAY OF MAY, 2023.

CITY OF GREEN COVE SPRINGS, FLORIDA

By: _____

Constance Butler, Mayor

ATTEST: _____

Erin West, City Clerk

APPROVED AS TO FORM:

L. J. Arnold III, City Attorney

EXHIBIT "A"

Tax Parcel Number 38-06-26-016515-002-00

LEGAL DESCRIPTION

A portion of Section 38 of the George I.F. Clarke Grant, Township 6 South, Range 26 East, Clay County, Florida, being a portion of those lands described as Parcel "A" and recorded in Official Records Book 3316, page 1098, of the Public Records of said county, being more particularly described as follows:

For a Point of Reference, commence at the intersection of the Southerly right of way line of Green Cove Avenue, a variable width right of way as presently established, with the Westerly right of way line of CSX Railroad, a 100 foot right of way as presently established; thence South $21^{\circ}54'49''$ East, along said Westerly right of way line, 1424.74 feet to the Point of Beginning.

From said Point of Beginning, thence continue South $21^{\circ}54'49''$ East, along said Westerly right of way line, 1502.39 feet to the Northeast corner of those lands described and recorded in Official Records Book 3855, page 1391, of said Public Records; thence North $77^{\circ}06'26''$ West, departing said Westerly right of way line and along the Northerly line of last said lands and along the Southerly line of said Parcel "A", 1313.50 feet; thence North $12^{\circ}52'16''$ East, departing said Southerly line, 31.45 feet to the point of curvature of a curve concave Easterly having a radius of 1250.00 feet; thence Northerly along the arc of said curve, through a central angle of $17^{\circ}35'55''$, an arc length of 383.94 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North $21^{\circ}40'14''$ East, 382.43 feet; thence Northeasterly along the arc of a non-tangent curve concave Southeasterly having a radius of 1441.24 feet, through a central angle of $05^{\circ}53'59''$, an arc length of 148.41 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North $26^{\circ}05'53''$ East, 148.34 feet; thence North $29^{\circ}02'53''$ East, 373.29 feet to the point of curvature of a curve concave Southeasterly having a radius of 517.02 feet; thence Northeasterly along the arc of said curve, through a central angle of $39^{\circ}09'19''$, an arc length of 353.33 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North $48^{\circ}37'32''$ East, 346.49 feet; thence North $68^{\circ}05'11''$ East, along a non-tangent line, 70.00 feet to the Point of Beginning.

Containing 21.30 acres, more or less.