

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2021-457**

5 AN ORDINANCE APPROVING, AND AUTHORIZING THE
6 MAYOR, OR HIS DESIGNEE, AND CORPORATION
7 SECRETARY TO EXECUTE AND DELIVER AN AIR RIGHTS
8 EASEMENT, GRANTING TO 234A, LLC ("GRANTEE") AN
9 AERIAL EASEMENT OVER A PORTION OF THE CITY'S
10 VYSTAR VETERANS MEMORIAL ARENA PROPERTY AND
11 OVER A PORTION OF THE A. PHILIP RANDOLPH
12 BOULEVARD RIGHT-OF-WAY EXTENDING FROM THE
13 SECOND FLOOR OF THE BUILDING LOCATED AT 234 A.
14 PHILIP RANDOLPH BOULEVARD, THE CURRENT
15 LOCATION OF "THAT BAR AT THE ARENA", TO ALLOW
16 FOR GRANTEE'S CONSTRUCTION OF A BALCONY ON TWO
17 SIDES OF THE BUILDING AND RELATED SUPPORT
18 IMPROVEMENTS WITHIN THE EASEMENT AREA;
19 PROVIDING FOR OVERSIGHT OF CONVEYANCE AND
20 EXECUTION OF THE AIR RIGHTS EASEMENT BY THE
21 DEPARTMENT OF PUBLIC WORKS, REAL ESTATE
22 DIVISION, WITH ONGOING OVERSIGHT AND
23 MAINTENANCE OF THE VYSTAR VETERANS MEMORIAL
24 ARENA PROPERTY BY THE PARKS, RECREATION AND
25 COMMUNITY SERVICES DEPARTMENT, AND OVERSIGHT
26 AND MAINTENANCE OF THE A. PHILIP RANDOLPH
27 BOULEVARD RIGHT-OF-WAY BY THE DEPARTMENT OF
28 PUBLIC WORKS, RIGHT-OF-WAY AND STORMWATER
29 MAINTENANCE DIVISION, WITH INPUT FROM THE
30 DOWNTOWN INVESTMENT AUTHORITY AS APPROPRIATE;
31 PROVIDING AN EFFECTIVE DATE.

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

3 **Section 1. Air Rights Easement Approved and Execution**

4 **Authorized.** There is hereby approved, and the Mayor, or his
5 designee, and Corporation Secretary are hereby authorized to
6 execute and deliver that certain Air Rights Easement (the
7 "Easement") between the City of Jacksonville and 234A, LLC, in
8 substantially the same form as is attached hereto as **Exhibit 1** and
9 incorporated herein by this reference. The Easement grants to
10 Grantee an aerial easement that extends from the second floor of
11 the building located at 234 A. Philip Randolph Boulevard (the
12 "Building") a distance of three (3) feet over a portion of the
13 City's VyStar Veterans Memorial Arena property, and a second
14 easement area extending from the second floor of the Building a
15 distance of eight (8) feet over a portion of the A. Philip Randolph
16 Boulevard right-of-way, in which Grantee intends to construct a
17 second floor balcony and related support improvements on two sides
18 of the Building as an expansion of Grantee's business, commonly
19 known as "That Bar at the Arena". There were no objections to the
20 granting of this aerial easement by any relevant city, state, or
21 utility agencies.

22 **Section 2. Oversight Department.** The Real Estate

23 Division of the Department of Public Works shall provide initial
24 oversight of conveyance and execution of the Air Rights Easement
25 Agreement. The Parks, Recreation and Community Services Department
26 will continue to be responsible for oversight and maintenance of
27 the VyStar Veterans Memorial Arena property, inclusive of the City-
28 owned property situated below the air rights easement area, and the
29 Public Works Department, Right-of-Way and Stormwater Maintenance
30 Division, will continue to be responsible for ongoing oversight and
31 maintenance of the A. Philip Randolph Boulevard right-of-way,

1 inclusive of any portion situated below the air rights easement
2 area, with input from the Downtown Investment Authority as
3 appropriate.

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/ Mary E. Staffopoulos

11 Office of General Counsel

12 Legislation prepared by Mary E. Staffopoulos

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