

1 Introduced by Council Member Arias:
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4 **ORDINANCE 2023-568**

5 AN ORDINANCE APPROPRIATING \$1,355,761.90,
6 INCLUDING \$1,043,000 FROM GENERAL FUND FUND
7 BALANCE AND \$292,761.90 FROM WELLS CREEK, LLC,
8 MATTAMY JACKSONVILLE LLC, AND KB HOME
9 JACKSONVILLE LLC, TO THE AUTHORIZED CAPITAL
10 PROJECTS FUND TO PAY FOR CONSTRUCTION OF TRAFFIC
11 SIGNALIZATION IMPROVEMENTS AT THE INTERSECTION
12 OF PHILIPS HIGHWAY AND WELLS CREEK PARKWAY (THE
13 "PROJECT"); APPROVING, AND AUTHORIZING THE
14 MAYOR, OR HER DESIGNEE, AND THE CORPORATION
15 SECRETARY TO EXECUTE AND DELIVER AN AMENDED AND
16 RESTATED ESCROW AND TRAFFIC SIGNALIZATION
17 PROJECT AGREEMENT BETWEEN THE CITY OF
18 JACKSONVILLE AND WELLS CREEK, LLC, MATTAMY
19 JACKSONVILLE LLC, KB HOME JACKSONVILLE LLC AND
20 WELLS CREEK PROPERTY OWNERS ASSOCIATION, INC.,
21 PROVIDING THE TERMS, CONDITIONS AND
22 RESPONSIBILITIES OF PARTIES WITH RESPECT TO THE
23 PROJECT; PROVIDING FOR OVERSIGHT BY THE
24 DEPARTMENT OF PUBLIC WORKS; PROVIDING AN
25 EFFECTIVE DATE.
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27 **BE IT ORDAINED** by the Council of the City of Jacksonville:

28 **Section 1. Appropriation.** For the 2022-2023 fiscal year,
29 within the City's budget, there is hereby appropriated the indicated
30 sum(s) from the account(s) listed in subsection (a) to the account(s)
31 listed in subsection (b):

1 (The account information is attached hereto as **Exhibit 1** and
2 incorporated herein by this reference)

3 (a) Appropriated from:

4 See attached **Exhibit 1** \$1,355,761.90

5 (b) Appropriated to:

6 See attached **Exhibit 1** \$1,355,761.90

7 (c) Explanation of Appropriation:

8 The funding above represents an appropriation of
9 \$1,355,761.90, including \$1,043,000 from General Fund fund
10 balance and \$292,761.90 from Wells Creek, LLC, Mattamy
11 Jacksonville LLC, and KB Home Jacksonville LLC
12 (collectively, the "Funding Entities"), for construction
13 of traffic signalization improvements at the intersection
14 of Philips Highway and Wells Creek Parkway (the "Project").
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16 **Section 2. Purpose.** The purpose of the appropriation in
17 Section 1 is to provide funding for the Project. The Funding Entities
18 have placed a total of \$457,761.90 in escrow for the Project. In
19 accordance with the Amended and Restated Escrow and Traffic
20 Signalization Project Agreement attached hereto as **Exhibit 2** and
21 incorporated herein by this reference, Wells Creek Property Owners
22 Association, Inc. (the "POA"), will retain a design professional(s)
23 to design, engineer and permit the Project at a cost not-to-exceed
24 \$165,000. The POA will thereafter transfer all Project plans and
25 specifications prepared by the design professional(s) to the City of
26 Jacksonville. The City will be responsible for construction of the
27 Project and will secure a qualified contractor through a competitive,
28 sealed bid process. After the City's receipt of bids for the Project,
29 the remainder of the escrow funds shall be transferred to the City
30 in an amount that may exceed, but shall not be less than, \$292,761.90.
31 Should the Funding Entities fail to transfer the full contribution

1 outlined above to the City, the City will not be obligated to proceed
2 with the Project.

3 **Section 3. Approval and Authorization to Execute the**
4 **Amended and Restated Escrow and Traffic Signalization Project**
5 **Agreement.** There is hereby approved, and the Mayor, or her designee,
6 and the Corporation Secretary are hereby authorized to execute and
7 deliver, that certain Amended and Restated Escrow and Traffic
8 Signalization Project Agreement between the City of Jacksonville and
9 Wells Creek, LLC, Mattamy Jacksonville LLC, KB Home Jacksonville LLC
10 and Wells Creek Property Owners Association, Inc. (the "Agreement"),
11 in substantially the form attached hereto as **Exhibit 2**. The Agreement
12 may include such additions, deletions and changes as may be
13 reasonable, necessary and incidental for carrying out the purposes
14 thereof, as may be acceptable to the Mayor or her designee, with such
15 inclusion and acceptance being evidenced by execution of the Agreement
16 by the Mayor or her designee.

17 No modification of the Agreement may increase the financial
18 obligations or the liability of the City and any such modification
19 shall be technical only and shall be subject to appropriate legal
20 review and approval by the Office of General Counsel. For the purposes
21 of this Ordinance, "technical changes" is defined as those having no
22 financial impact to the City and other non-substantive changes that
23 do not substantively increase the duties and responsibilities of the
24 City under the provisions of the Agreement.

25 **Section 4. Oversight.** The Department of Public Works shall
26 oversee the Project described herein.

27 **Section 5. Effective Date.** This Ordinance shall become
28 effective upon signature by the Mayor or upon becoming effective
29 without the Mayor's signature.
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1 Form Approved:

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3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Mary E. Staffopoulos

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