

1 Introduced by Council Member Cumber:
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4 **ORDINANCE 2021-865-E**

5 AN ORDINANCE REGARDING PROPERTY LOCATED AT 1230
6 HENDRICKS AVENUE IN COUNCIL DISTRICT 5 AND IN
7 COMPLIANCE WITH THE PUD REQUIREMENT OF ORDINANCE
8 2017-136-E; MAKING CERTAIN FINDINGS; AUTHORIZING
9 THE MAYOR, OR HIS DESIGNEE, AND CORPORATION
10 SECRETARY TO EXECUTE AND DELIVER A MAINTENANCE
11 AGREEMENT AND A PUBLIC ACCESS EASEMENT BY AND
12 BETWEEN THE CITY OF JACKSONVILLE AND CHADBOURNE II
13 LLC; AUTHORIZING TECHNICAL CHANGES; PROVIDING FOR
14 OVERSIGHT BY THE PUBLIC WORKS DEPARTMENT;
15 REQUESTING ONE CYCLE EMERGENCY PASSAGE; PROVIDING
16 AN EFFECTIVE DATE.

17
18 **WHEREAS**, City is the owner of certain public rights-of-way
19 known as Nira Street and Naldo Avenue (collectively, the "City ROW
20 Property");

21 **WHEREAS**, City is responsible for the maintenance of certain
22 portions of the public right-of-way known as Hendricks Avenue which
23 is owned by the State of Florida Department of Transportation (the
24 "FDOT ROW Property" and, together with the City ROW Property, the
25 "ROW Property");

26 **WHEREAS**, Chadbourne II LLC ("Owner") is the owner of a parcel of
27 land contiguous with portions of the ROW Property ("Owner's Parcel")
28 which Owner is planning to develop as a multi-story, mixed-use
29 development project featuring integrated residential and commercial
30 uses ("Project");

31 **WHEREAS**, to facilitate the Project, the Owner's Parcel was

1 rezoned and reclassified from Commercial Community/General-1 (CCG-1)
2 District to Planned Unit Development (PUD) District pursuant to
3 Ordinance 2017-136-E (the "Ordinance"), and the Ordinance as a
4 condition of the PUD requires Owner to construct certain improvements
5 within the ROW Property including sidewalks, pavers, landscaping and
6 parallel parking spaces and a multi-use path and pedestrian path on
7 the Owner's Parcel("Improvements");

8 **WHEREAS**, Owner intends to construct the Improvements within the
9 ROW Property and on the Owner's Parcel in accordance with the
10 Ordinance;

11 **WHEREAS**, the Improvements are for the use and enjoyment of the
12 public, and Owner has agreed to assume, at its sole expense, all
13 maintenance responsibilities regarding the Improvements for the
14 benefit of the City and the general public;

15 **WHEREAS**, the Council believes it is in the best interest of the
16 City that the Improvements should be maintained by Owner so that the
17 aesthetic integrity of the areas on and around the Owner's Parcel can
18 be maintained; now therefore

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

20 **Section 1. Recitals.** The Recitals above are true and
21 correct and incorporated herein by this reference.

22 **Section 2. Approval and authorization.** There is hereby
23 approved, and the Mayor, or his designee, and Corporation Secretary
24 are hereby authorized to execute and deliver for and on behalf of the
25 City the Maintenance Agreement and the Public Access Easement by and
26 between the City and Owner (the "Agreements") in substantially the
27 forms placed **On File** with the Legislative Services Division (with such
28 "technical" changes as herein authorized).

29 The Agreements may include such additions, deletions and changes
30 as may be reasonable, necessary and incidental for carrying out the
31 purposes thereof, as may be acceptable to the Mayor, or his designee,

1 with such inclusion and acceptance being evidenced by execution of
2 the Agreements by the Mayor or his designee. No modification to the
3 Agreements may increase the financial obligations or the liability of
4 the City and any such modification shall be technical only and shall
5 be subject to appropriate legal review and approval of the General
6 Counsel, or his or her designee, and all other appropriate action
7 required by law. "Technical" is herein defined as including, but not
8 limited to, changes in legal descriptions and surveys, descriptions
9 of infrastructure improvements and/or any road project, ingress and
10 egress, easements and rights of way, design standards, access and site
11 plan, which have no financial impact.

12 **Section 3. Oversight.** The Public Works Department shall
13 oversee the Agreements entered into between the City and Owner
14 pursuant to this ordinance.

15 **Section 4. Requesting one cycle emergency passage pursuant**
16 **to Council Rules 4.901 Emergency.** One cycle emergency passage of
17 this legislation is requested. The nature of the emergency is that
18 the timing of the execution of the Maintenance Agreement is a material
19 condition to Owner's financing for the Project, which is anticipated
20 to cause private capital investment in the Project in excess of
21 \$75,000,000.

22 **Section 5. Effective Date.** This ordinance shall become
23 effective upon signature by the Mayor or upon becoming effective
24 without the Mayor's signature.

25
26 Form Approved:

27
28 /s/ Joelle J. Dillard

29 Office of General Counsel

30 Legislation Prepared By: Joelle J. Dillard