

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2023-278**

5 AN ORDINANCE APPROVING AND AUTHORIZING THE
6 MAYOR, OR HIS DESIGNEE, AND CORPORATION
7 SECRETARY TO EXECUTE AND DELIVER AN AMENDMENT
8 FOUR TO LEASE AGREEMENT ("AMENDMENT FOUR")
9 BETWEEN THE CITY OF JACKSONVILLE ("CITY") AND
10 CECIL FIELD POW/MIA MEMORIAL, INC. ("TENANT") TO
11 EXTEND THE TERM OF THE LEASE TO MARCH 31, 2043,
12 TO EXTEND THE COMMENCEMENT OF CONSTRUCTION
13 DEADLINE FROM NOT LATER THAN JUNE 30, 2024 TO
14 NOT LATER THAN JUNE 30, 2029, AND CERTAIN OTHER
15 AMENDMENTS AS SET FORTH IN THE AMENDMENT FOUR
16 AUTHORIZED HEREBY; PROVIDING FOR CITY OVERSIGHT
17 BY THE OFFICE OF ECONOMIC DEVELOPMENT; PROVIDING
18 AN EFFECTIVE DATE.
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20 **WHEREAS**, the City and Cecil Field POW/MIA Memorial, Inc.
21 ("Tenant"), previously entered into that certain Cecil Commerce
22 Center Lease Agreement dated October 2, 2017, as authorized by
23 Ordinance 2017-394-E, as amended by that certain Amendment One to
24 Cecil Commerce Center Lease Agreement dated August 21, 2018, as
25 authorized by Ordinance 2018-422-E, as amended by that certain
26 Amendment Two to Cecil Commerce Center Lease Agreement dated March
27 1, 2021, as authorized by Ordinance 2021-240-E, as amended by that
28 certain Amendment Three to Cecil Commerce Center Lease Agreement
29 dated December 16, 2021, as authorized by Ordinance 2021-755-E,
30 (collectively, the "Lease") for the lease of certain real property
31 including located generally at 6112 POW-MIA Memorial Parkway, and the

1 Lease is in full force and effect in accordance with its terms; and
2 **WHEREAS**, Tenant has requested to extend the initial term of the
3 lease for an additional twenty years, to March 31, 2043, at the same
4 rental rate, but with applicable CAM charges of \$200 per month
5 commencing April 1, 2023; and

6 **WHEREAS**, the Lease required the Tenant to meet certain deadlines
7 related to its plan to construct a veterans memorial building (the
8 "Project") on the Ground Parcel, and Tenant has requested an
9 additional extension that the deadline to commence vertical
10 construction on the Ground Parcel (as defined in the Lease) to be
11 extended from not later than June 30, 2024, to not later than June
12 30, 2029, with the deadline to demonstrate the financial resources
13 to complete the project extended from December 31, 2022 to December
14 31, 2027; and

15 **WHEREAS**, Tenant has requested the City to enter into an Amendment
16 Four to Lease Agreement substantially in the form attached hereto as
17 **Exhibit 1**; now therefore,

18 **BE IT RESOLVED** by the Council of the City of Jacksonville:

19 **Section 1. Approval and authorization to execute Amendment**
20 **Four to Lease Agreement approved.** There is hereby approved, and
21 the Mayor or his designee and Corporation Secretary are authorized
22 to enter into an Amendment Four to Lease Agreement ("Amendment")
23 between the City and the Tenant, substantially in the form attached
24 hereto as **Exhibit 1**. The Amendment extends the expiration of the
25 term of the Lease from March 31, 2023 to March 31, 2043 at the current
26 rental rate but with the application of CAM charges commencing April
27 1, 2023, the construction deadlines by up to five years, extends the
28 deadline to demonstrate the financial resources to complete the
29 Project by five years, and makes certain other amendments as shown
30 in **Exhibit 1**, with all other terms and conditions of the Lease
31 remaining unchanged.

1 **Section 2. Oversight Department.** The OED shall oversee
2 the Lease and the Project.

3 **Section 3. Effective Date.** This Ordinance shall become
4 effective upon signature by the Mayor or upon becoming effective
5 without the Mayor's signature.

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7 Form Approved:

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9 John Sawyer

10 Office of General Counsel

11 Legislation prepared by: John Sawyer

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