

1 Introduced by Council President at the Request of the DIA and amended  
2 by the Neighborhoods, Community Services, Public Health and Safety  
3 Committee:

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6 **ORDINANCE 2022-493-E**

7 AN ORDINANCE APPROPRIATING \$1,649,604.90 FROM  
8 GENERAL FUND - GSD FUND BALANCE TO THE DOWNTOWN  
9 ECONOMIC DEVELOPMENT FUND TO FUND THE  
10 SUPPLEMENTAL PURCHASE PRICE OWED TO FUQUA BCDC  
11 ONE RIVERSIDE PROJECT OWNER, LLC (THE  
12 "DEVELOPER"), SUCCESSOR IN INTEREST TO FUQUA  
13 ACQUISITIONS II, LLC, IN CONNECTION WITH THE  
14 PURCHASE BY THE CITY OF APPROXIMATELY 4.95 ACRES  
15 OF DEVELOPER OWNED REAL PROPERTY PURSUANT TO THE  
16 REDEVELOPMENT AGREEMENT AMONG THE CITY, DOWNTOWN  
17 INVESTMENT AUTHORITY ("DIA") AND THE DEVELOPER  
18 DATED DECEMBER 20, 2021, PREVIOUSLY AUTHORIZED  
19 BY ORDINANCE 2021-796-E, AS INITIATED BY REVISED  
20 B.T. 22-092; PROVIDING FOR CARRYOVER OF FUNDS TO  
21 FISCAL YEAR 2022-2023; AUTHORIZING THE MAYOR, OR  
22 HIS DESIGNEE, AND CORPORATION SECRETARY TO  
23 EXECUTE AND DELIVER, FOR AND ON BEHALF OF THE  
24 CITY, (A) AN AMENDMENT ONE TO REDEVELOPMENT  
25 AGREEMENT AMONG THE CITY, DIA AND DEVELOPER AND  
26 (B) AN AMENDMENT ONE TO DEMOLITION AGREEMENT  
27 BETWEEN THE CITY AND DEVELOPER, TO INCREASE THE  
28 SUPPLEMENTAL PURCHASE PRICE BY \$42,284.90 AND  
29 EXTEND CERTAIN PERFORMANCE SCHEDULES BY THIRTY  
30 DAYS AS SET FORTH THEREIN AND OTHER TECHNICAL  
31 AMENDMENTS; AMENDING THE 2022-2026 FIVE-YEAR

CAPITAL IMPROVEMENT PROGRAM APPROVED BY  
ORDINANCE 2021-505-E TO ADD FUNDING TO THE  
PROJECT ENTITLED "MCCOY'S CREEK OUTFALL  
IMPROVEMENTS WITH RIVERWALK"; PROVIDING FOR  
OVERSIGHT BY THE DIA; PROVIDING AN EFFECTIVE  
DATE.

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

**Section 1. Appropriation.** For the 2021-2022 fiscal year,  
within the City's budget, there is hereby appropriated the indicated  
sum(s) from the account(s) listed in subsection (a) to the account(s)  
listed in subsection (b):

(Revised B.T. 22-092, attached hereto as **Revised Exhibit 1**, labeled  
as "Revised Exhibit 1, Rev B.T. 22-092, September 6, 2022 - NCSPHS"  
and incorporated herein by this reference)

(a) Appropriated from:

See Revised B.T. 22-092 \$1,649,604.90

(b) Appropriated to:

See Revised B.T. 22-092 \$1,649,604.90

(c) Explanation of Appropriation:

The funding is an appropriation of \$1,649,604.90 (the  
"Supplemental Purchase Price") from the General Fund - GSD  
Fund Balance to the Downtown Economic Development Fund to  
fund the Supplemental Purchase Price to Fuqua BCDC One  
Riverside Project Owner, LLC ("Developer") pursuant to the  
terms of the Redevelopment Agreement dated December 20,  
2021, authorized by Ordinance 2021-796-E.

**Section 2. Purpose.** The purpose of the appropriation in  
Section 1 is to provide funding in the amount of \$1,649,604.90 to  
fund the Supplemental Purchase Price payable to the Developer pursuant  
to the Redevelopment Agreement in connection with the purchase by the

1 City of approximately 4.95 acres of real property from the Developer.  
2 The Supplemental Purchase Price shall be payable to the Developer  
3 consistent with the terms and conditions of the Redevelopment  
4 Agreement.

5 **Section 3. Carryover.** The funds appropriated in this  
6 Ordinance shall not lapse but shall carryover to fiscal year 2022-  
7 2023.

8 **Section 4. Authorization.** The Mayor, or his designee, and  
9 Corporation Secretary are hereby authorized to execute and deliver:  
10 (a) an Amendment One to Redevelopment Agreement among the City of  
11 Jacksonville, Downtown Investment Authority and Fuqua BCDC One  
12 Riverside Project Owner, LLC ("Developer"), in substantially the form  
13 as is attached hereto as **Exhibit 2** and incorporated herein by this  
14 reference; and (b) an Amendment One to the Demolition Agreement  
15 between the City of Jacksonville and Developer, in substantially the  
16 form as attached hereto as **Exhibit 3** and incorporated herein by this  
17 reference. The Amendment One to Redevelopment Agreement increases  
18 the Supplemental Purchase Price by \$42,284.90, extends each of the  
19 commencement and completion dates of the City Performance Schedule  
20 (as defined in the redevelopment agreement), and makes additional  
21 technical changes related thereto. The Amendment One to Demolition  
22 Agreement extends the completion date for the demolition project for  
23 an additional thirty (30) days.

24 **Section 5. CIP Amendment.** Ordinance 2021-505-E, being the  
25 2022-2026 Five-Year Capital Improvement Program for the City and  
26 certain of its independent agencies, is hereby amended to provide  
27 additional funding in the amount of \$1,649,604.90 to the project  
28 entitled "McCoy's Creek Outfall Improvements with Riverwalk"  
29 ("Project"). The Project is more fully described in the Revised  
30 Project Information Sheet attached hereto as **Exhibit 4** and  
31 incorporated herein by this reference. The Council finds that the

1 deferral of this amendment of the CIP until the next annual budget  
2 and CIP review will be detrimental to the best interests of the  
3 community because the City has a contractual obligation to pay the  
4 Supplemental Purchase Price for real property acquired. Pursuant to  
5 Section 122.605(c), *Ordinance Code*, enactment of this ordinance  
6 requires the affirmative vote of two-thirds of the Council members  
7 present at the meeting because of the CIP amendment set forth in this  
8 section. This ordinance shall constitute an amendment to Ordinance  
9 2021-505-E. In all other respects, the Five-Year Capital Improvement  
10 Program approved by Ordinance 2021-505-E shall continue in full force  
11 and effect.

12       **Section 6. Oversight Department.** The Downtown Investment  
13 Authority shall oversee the payment of the Supplemental Purchase  
14 Price referenced herein.

15       **Section 7. Effective Date.** This Ordinance shall become  
16 effective upon signature by the Mayor or upon becoming effective  
17 without the Mayor's signature.

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20 Form Approved:

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22           /s/ Paige H. Johnston          

23 Office of General Counsel

24 Legislation prepared by: John Sawyer

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