

RESOLUTION 2025-01-04

A RESOLUTION OF THE DOWNTOWN INVESTMENT AUTHORITY (“DIA”) DIRECTING ITS CEO TO TAKE ALL NECESSARY ACTIONS TO FORMALLY TERMINATE THE JULY 23, 1999 REDEVELOPMENT AGREEMENT (“RDA”) BETWEEN THE CITY OF JACKSONVILLE (“CITY”), DIA AND DB HOLDINGS, LLC (“DEVELOPER”), AS SUBSEQUENTLY AMENDED, REGARDING DEVELOPMENT OF THE BERKMAN PLAZA RESIDENTIAL HOUSING DEVELOPMENT IN TWO PHASES ON EAST BAY STREET BETWEEN LIBERTY STREET AND CATHERINE STREET; FINDING THAT THE DEVELOPER FAILED TO MEET THE PERFORMANCE SCHEDULE UNDER THE RDA FOR THE DEVELOPMENT OF THE PHASE II PROPERTY; AUTHORIZING THE CHIEF EXECUTIVE TO OTHERWISE TAKE ALL NECESSARY ACTION IN CONNECTION HERewith TO EFFECTUATE THE PURPOSES OF THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Ordinance 1999-511-E, awarded three (3) City owned parcels totaling approximately 8.41 acres along E Bay Street and fronting the St. John’s River in the Downtown Northbank Community Redevelopment Area to DB Holdings, LLC to facilitate development of two condominium residential towers, townhomes, parking, and related amenities; and

WHEREAS, Ordinance 1999-511-E also awarded DB Holdings, LLC with Community Development Grants totaling \$2,330,000 including \$1,115,000 for Phase I and \$1,215,000 for Phase II to be paid over five years following completion of each respective building; and

WHEREAS, The Redevelopment Agreement (“RDA”) between the City of Jacksonville, the Jacksonville Economic Development Commission (“JEDC” as predecessor to the Downtown Investment Authority), and DB Holdings, LLC, was entered into July 23, 1999, and established terms and conditions of the conveyance of the property, Phase I and Phase II development activity, and related incentives from the City, including a performance schedule for completion of each phase, and

WHEREAS, the RDA was subsequently amended on multiple occasions, the last of which was the Third Amendment to Redevelopment Agreement dated September 22, 2006; and

WHEREAS, Developer started and successfully completed the Phase I Improvements and started but did not complete the Phase II Improvements; and

WHEREAS, the current owner of the property has requested a formal termination of the RDA to clear title to the subject parcels; and

WHEREAS, the DIA hereby finds that the Developer has failed to perform in accordance with the Performance Schedule for development of the Phase II Improvements established in the RDA as amended among other defaults which warrant termination; and

WHEREAS, while the administrative function of contract administration, including declaration of defaults and mutual terminations, is within the authority of the CEO without DIA Board action, the formal termination of the RDA, as amended, to clear title warrants Board direction on this matter.

NOW THEREFORE, BE IT RESOLVED, by the Downtown Investment Authority:

Section 1. The DIA finds that the recitals set forth above are true and correct and are incorporated herein by this reference.

Section 2. The DIA directs its CEO to take all necessary action, whether by mutual agreement or declaration of default, to terminate the previous Redevelopment Agreement dated July 23, 1999, as amended three times, between the DIA as successor to JEDC, the City and Developer together with all ancillary agreements.

Section 3. The Effective Date of this Resolution is the date upon execution of this Resolution by the Chair of the DIA Board.


WITNESS:

DOWNTOWN INVESTMENT AUTHORITY





Patrick Krechowski, Esq., Chair



Date

VOTE: In Favor: 7 Opposed: 0 Abstained: 0