

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2021-192**

5 A ORDINANCE MAKING CERTAIN FINDINGS, AND
6 APPROVING AND AUTHORIZING THE EXECUTION OF AN
7 ECONOMIC DEVELOPMENT AGREEMENT ("AGREEMENT")
8 BETWEEN THE CITY OF JACKSONVILLE ("CITY") AND
9 JAX NORTH APARTMENTS OWNER, LLC ("COMPANY"),
10 TO SUPPORT THE DEVELOPMENT OF A 324 UNIT
11 MULTIFAMILY APARTMENT PROJECT GENERALLY
12 LOCATED AT 14670 DUVAL ROAD IN THE CITY
13 ("PROJECT"); AUTHORIZING A \$250,000 TAX
14 INCREMENT DISTRICT INFRASTRUCTURE GRANT ("TID
15 GRANT"); APPROVING AND AUTHORIZING THE
16 EXECUTION OF DOCUMENTS BY THE MAYOR, OR HIS
17 DESIGNEE, AND CORPORATION SECRETARY;
18 AUTHORIZING APPROVAL OF TECHNICAL AMENDMENTS
19 BY THE EXECUTIVE DIRECTOR OF THE OFFICE OF
20 ECONOMIC DEVELOPMENT ("OED"); WAIVING
21 PROVISIONS OF CHAPTER 126, (PROCUREMENT CODE),
22 *ORDINANCE CODE*, WITH RESPECT TO THE PROJECT;
23 PROVIDING FOR OVERSIGHT BY THE OED; WAIVER OF
24 THAT PORTION OF THE PUBLIC INVESTMENT POLICY
25 ADOPTED BY ORDINANCE 2016-382-E WHICH WOULD
26 REQUIRE THAT IN ORDER FOR A PROJECT TO RECEIVE
27 A TID GRANT 20 NEW FULL-TIME JOBS MUST BE
28 CREATED; REQUESTING TWO-READING PASSAGE
29 PURSUANT TO COUNCIL RULE 3.305; PROVIDING AN
30 EFFECTIVE DATE.
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1 **WHEREAS**, Jax North Apartments Owner, LLC (the "Company") has
2 committed to construct a multi-family residential project with 324
3 units, with an anticipated private capital investment of
4 \$52,000,000, all as further described in the Project Summary
5 attached hereto as **Exhibit 1** and incorporated herein by this
6 reference; and

7 **WHEREAS**, for the reasons more fully described in the Project
8 Summary, the payment of the TID Grant in such amounts serves a
9 paramount public purpose; and

10 **WHEREAS**, the OED has reviewed the application submitted by the
11 Company for community development; and, together with
12 representatives of the City, negotiated the Agreement.
13 Accordingly, based upon the contents of the Agreement, it has been
14 determined that the Agreement and the uses contemplated therein to
15 be in the public interest, and that the public actions and
16 financial assistance contemplated in the Agreement take into
17 account and give consideration to the long-term public interests
18 and public interest benefits to be achieved by the City; and

19 **WHEREAS**, the JIA/CRA approved the TID Grant and Agreement,
20 subject to Council waiver of the Public Investment Policy and
21 portions of Chapter 126, *Ordinance Code*, as set forth herein, at
22 its meeting on March 23, 2021 via its Resolution 2021-01; and

23 **WHEREAS**, the Company has requested the City to enter into an
24 agreement in substantially the form placed **On File** with the Office
25 of Legislative Services; now therefore,

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

27 **Section 1. Findings.** It is hereby ascertained,
28 determined, found and declared as follows:

29 (a) The recitals set forth herein are true and correct.

30 (b) The location of the Company's Project in Jacksonville,
31 Florida, is more particularly described in the Agreement. The

1 Project will promote and further the public and municipal purposes
2 of the City.

3 (c) Enhancement of the City's tax base and revenues, are
4 matters of State and City policy and State and City concern in
5 order that the State and its counties and municipalities, including
6 the City, shall not continue to be endangered by unemployment,
7 underemployment, economic recession, poverty, crime and disease,
8 and consume an excessive proportion of the State and City revenues
9 because of the extra services required for police, fire, accident,
10 health care, elderly care, charity care, hospitalization, public
11 housing and housing assistance, and other forms of public
12 protection, services and facilities.

13 (d) The provision of the City's assistance as identified in
14 the Agreement is necessary and appropriate to make the Project
15 feasible; and the City's assistance is reasonable and not
16 excessive, taking into account the needs of the Company to make the
17 Project economically and financially feasible, and the extent of
18 the public benefits expected to be derived from the Project, and
19 taking into account all other forms of assistance available.

20 (e) The Company is qualified to carry out and complete the
21 construction and equipping of the Project, in accordance with the
22 Agreement.

23 (f) The authorizations provided by this Ordinance are for
24 public uses and purposes for which the City may use its powers as a
25 county, municipality and as a political subdivision of the State of
26 Florida and may expend public funds, and the necessity in the
27 public interest for the provisions herein enacted is hereby
28 declared as a matter of legislative determination.

29 (g) This Ordinance is adopted pursuant to the provisions of
30 Chapters 163, 166 and 125, Florida Statutes, as amended, the City's
31 Charter, and other applicable provisions of law.

1 **Section 2. Appropriation.** For the 2020-2021 fiscal year,
2 within the City's budget, there are hereby appropriated the
3 indicated sum(s) from the account(s) listed in subsection (a) to
4 the account(s) listed in subsection (b):
5 (JIA/CRA Budget Transfer Form attached hereto as **Exhibit 2** and
6 incorporated herein by this reference)

7 (a) Appropriated from:

8 See attached **Exhibit 2** \$250,000

9 (b) Appropriated to:

10 See attached **Exhibit 2** \$250,000

11 (c) **Explanation of Appropriation:**

12 The funding above is from the JIA Area CRA Unallocated
13 Plan Authorized Expenditures to authorize a \$250,000 tax
14 increment district infrastructure grant ("TID Grant") in
15 connection with the Project.

16 **Section 3. Purpose.** The purpose of the appropriation in
17 Section 2 is to provide a \$250,000 TID Grant to the Company upon
18 substantial completion of certain right-of-way improvements and
19 satisfaction of other certain conditions to payment.

20 **Section 4. Economic Development Agreement Approved.**

21 There is hereby approved, and the Mayor and Corporation Secretary
22 are authorized to execute and deliver, for and on behalf of the
23 City, an agreement between the City and the Company, substantially
24 in the form placed **On File** with the Office of Legislative Services
25 (with such "technical" changes as herein authorized), for the
26 purpose of implementing the recommendations of the OED, as are
27 further described in the Project Summary attached hereto as **Exhibit**
28 **1.**

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

1 designee, with such inclusion and acceptance being evidenced by
2 execution of the Agreement by the Mayor or his designee. No
3 modification to the Agreement may increase the financial
4 obligations or the liability of the City and any such modification
5 shall be technical only and shall be subject to appropriate legal
6 review and approval of the General Counsel, or his or her designee,
7 and all other appropriate action required by law. "Technical" is
8 herein defined as including, but not limited to, changes in legal
9 descriptions and surveys, descriptions of infrastructure
10 improvements and/or any road project, ingress and egress, easements
11 and rights of way, performance schedules (provided that no
12 performance schedule may be extended for more than one year without
13 City Council approval) design standards, access and site plan,
14 which have no financial impact.

15 **Section 5. Chapter 126 (Procurement Code), Ordinance Code**
16 **Waived.** The provisions of Chapter 126, Ordinance Code, are hereby
17 waived for the Infrastructure Improvements project, except that
18 this Section shall not waive any portion of Chapter 126, Ordinance
19 Code, pertaining to the Jacksonville Small Emerging Business
20 Program.

21 **Section 6. Designation of Authorized Official/OED**
22 **Contract Monitor.** The Mayor is designated as the authorized
23 official of the City for the purpose of executing and delivering
24 any contracts and documents and furnishing such information, data
25 and documents for the Agreement and related documents as may be
26 required and otherwise to act as the authorized official of the
27 City in connection with the Agreement, and is further authorized to
28 designate one or more other officials of the City to exercise any
29 of the foregoing authorizations and to furnish or cause to be
30 furnished such information and take or cause to be taken such
31 action as may be necessary to enable the City to implement the

1 Agreement according to its terms. The OED is hereby required to
2 administer and monitor the Agreement and to handle the City's
3 responsibilities thereunder, including the City's responsibilities
4 under such Agreement working with and supported by all relevant
5 City departments.

6 **Section 7. Further Authorizations.** The Mayor, or his
7 designee, and the Corporation Secretary, are hereby authorized to
8 execute and deliver the Agreement and all other contracts and
9 documents and otherwise take all necessary action in connection
10 therewith and herewith. The Executive Director of the OED, as
11 contract administrator, is authorized to negotiate and execute all
12 necessary changes and amendments to the Agreement and other
13 contracts and documents, to effectuate the purposes of this
14 Ordinance, without further Council action, provided such changes
15 and amendments are limited to amendments that are technical in
16 nature (as described in Section 4 hereof), and further provided
17 that all such amendments shall be subject to appropriate legal
18 review and approval by the General Counsel, or his or her designee,
19 and all other appropriate official action required by law.

20 **Section 8. Oversight Department.** The OED shall oversee
21 the Project described herein.

22 **Section 9. Waiver of Public Investment Policy.** The
23 following requirements of the Public Investment Policy adopted by
24 City Council Ordinance 2016-382-E, as amended, are hereby waived:
25 that in order to provide a TID Grant for the Project, the Company
26 must create a minimum of 20 new full-time jobs. The waiver is
27 justified due to the fact that the Project will cause private
28 capital investment of approximately \$52,000,000 of private capital
29 investment in the Project.

30 **Section 10. Requesting Two Reading Passage Pursuant to**
31 **Council Rule 3.305.** Two reading passage of this legislation is

1 requested pursuant to Council Rule 3.305.

2 **Section 11. Effective Date.** This Ordinance shall become
3 effective upon signature by the Mayor or upon becoming effective
4 without the Mayor's signature.

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7 Form Approved:

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 /s/ John Sawyer

10 Office of General Counsel

11 Legislation Prepared By: John Sawyer

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