

1 Introduced by the Council President at the request of the DIA:  
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4 **ORDINANCE 2020-707**

5 AN ORDINANCE MAKING CERTAIN FINDINGS, AND  
6 AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO  
7 EXECUTE A REDEVELOPMENT AGREEMENT  
8 ("REDEVELOPMENT AGREEMENT") BETWEEN THE CITY OF  
9 JACKSONVILLE ("CITY"), THE DOWNTOWN INVESTMENT  
10 AUTHORITY ("DIA"), AND PEP10 LLC ("DEVELOPER"),  
11 TO SUPPORT THE RENOVATION BY DEVELOPER OF THE  
12 FORMER INDEPENDENT LIFE BUILDING ("BUILDING")  
13 LOCATED AT 233 W. DUVAL STREET AND ASSOCIATED  
14 PARKING LOT IN THE NORTHBANK DOWNTOWN COMMUNITY  
15 REDEVELOPMENT AREA ("PROJECT"); AUTHORIZING A  
16 DOWNTOWN HISTORIC PRESERVATION AND  
17 REVITALIZATION TRUST FUND GRANT IN THE AMOUNT OF  
18 \$3,000,000 TO THE DEVELOPER IN CONNECTION WITH  
19 THE RENOVATIONS TO THE BUILDING, TO BE  
20 APPROPRIATED BY SUBSEQUENT LEGISLATION; WAIVING  
21 THE DOWNTOWN HISTORIC PRESERVATION AND  
22 REVITALIZATION TRUST FUND GUIDELINES AUTHORIZED  
23 BY 2002-395-E TO AUTHORIZE GRANTS IN EXCESS OF  
24 \$1,000,000 FOR THE PROJECT; DESIGNATING THE DIA  
25 AS CONTRACT MONITOR FOR THE REDEVELOPMENT  
26 AGREEMENT; PROVIDING FOR CITY OVERSIGHT OF THE  
27 PROJECT BY THE DEPARTMENT OF PUBLIC WORKS AND  
28 THE DOWNTOWN INVESTMENT AUTHORITY; AUTHORIZING  
29 THE EXECUTION OF ALL DOCUMENTS RELATING TO THE  
30 ABOVE AGREEMENT AND TRANSACTIONS, AND  
31 AUTHORIZING TECHNICAL CHANGES TO THE DOCUMENTS;

1 PROVIDING AN EFFECTIVE DATE.  
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3 **WHEREAS**, pursuant to Section 111.910 (Downtown Historic  
4 Preservation and Revitalization Trust Fund), *Ordinance Code*, the City  
5 of Jacksonville ("City") established the Downtown Historic  
6 Preservation and Revitalization Trust Fund for purposes of funding  
7 programs to restore and preserve historic buildings in Downtown  
8 Jacksonville; and

9 **WHEREAS**, PEP10 LLC (the "Developer") owns certain real property,  
10 inclusive of the former Independent Life Building, located at 233 W.  
11 Duval Street (the "Building") in which Developer intends to cause the  
12 renovation and development of an approximately 140 apartment units,  
13 a 21,000 sq. ft. grocery store and a 10,000 sq. ft. restaurant and  
14 lounge (collectively, the "Project"), as further detailed in the  
15 Redevelopment Agreement placed **On File** with the Legislative Services  
16 Division; and

17 **WHEREAS**, the Developer is seeking a Downtown Historic  
18 Preservation and Revitalization Trust Fund Grant in the not-to-exceed  
19 amount of \$3,000,000 (the "HPTF Grant") for Façade and exterior  
20 rehabilitation and restoration, interior rehabilitation and  
21 restoration, and Code required improvements of the Building in support  
22 of the Project; and

23 **WHEREAS**, the Developer will only receive the HPTF Grant funds  
24 after the City of Jacksonville, Planning and Development Department  
25 has authorized the approved work and sent notification to the DIA  
26 that the work has been performed in satisfaction with Certificates  
27 of Appropriateness from the City of Jacksonville's Historic  
28 Preservation Commission and the U.S. Department of the Interior's  
29 Secretary of Interior Standards and certificates of occupancy have  
30 been issued for the applicable project; and

1           **WHEREAS**, historic preservation, revitalization, and the reuse  
2 of Jacksonville's historic buildings and structures are important to  
3 the City's overall social and economic welfare; and

4           **WHEREAS**, the DIA has considered the Developer's requests and has  
5 determined that the Downtown Historic Preservation and Revitalization  
6 Trust Fund Grant will enable the Developer to restore the historic  
7 structure and construct the Project as described in the Redevelopment  
8 Agreement; and

9           **WHEREAS**, the Project is consistent with the DIA BID Plan, and  
10 furthers Redevelopment Goal 1 (Reinforce Downtown as the City's unique  
11 epicenter for business, history, culture, education and  
12 entertainment), Redevelopment Goal 2 (Increase rental and owner-  
13 occupied housing downtown), and Redevelopment Goal 7 (use planning  
14 and economic development activities to promote healthy living); and

15           **WHEREAS**, on June 18, 2020, the DIA approved a resolution (the  
16 "Resolution") to enter into the Redevelopment Agreement, said  
17 Resolution being attached hereto as **Exhibit 1**; and

18           **WHEREAS**, it has been determined to be in the interest of the  
19 City to enter into the Redevelopment Agreement and approve of and  
20 adopt the matters set forth in this Ordinance; now, therefore,

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

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

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

25           (b) The Project will greatly enhance the City and otherwise  
26 promote and further the municipal purposes of the City.

27           (c) The City's assistance for the Project will enable and  
28 facilitate the Project, the Project will enhance and increase the  
29 City's tax base and revenues, and the Project will improve the quality  
30 of life necessary to encourage and attract business expansion in the  
31 City.

1 (d) Enhancement of the City's tax base and revenues are matters  
2 of State and City concern.

3 (e) The Developer is qualified to carry out the Project.

4 (f) The authorizations provided by this Ordinance are for public  
5 uses and purposes for which the City may use its powers as a  
6 municipality and as a political subdivision of the State of Florida  
7 and may expend public funds, and the necessity in the public interest  
8 for the provisions herein enacted is hereby declared as a matter of  
9 legislative determination.

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

13 **Section 2. Redevelopment Agreement Approved.** The Mayor (or his  
14 authorized designee) and the Corporation Secretary are hereby  
15 authorized to execute and deliver the Redevelopment Agreement (the  
16 "Agreement") substantially in the form placed **On File** with the  
17 Legislative Services Division (with such "technical" changes as  
18 herein authorized), for the purpose of implementing the  
19 recommendations of the DIA as further described in the Agreement.

20 The Agreement may include such additions, deletions and changes  
21 as may be reasonable, necessary and incidental for carrying out the  
22 purposes thereof, as may be acceptable to the Mayor, or his designee,  
23 with such inclusion and acceptance being evidenced by execution of  
24 the Agreement by the Mayor or his designee. No modification to the  
25 Agreement may increase the financial obligations or the liability of  
26 the City or DIA and any such modification shall be technical only and  
27 shall be subject to appropriate legal review and approval of the  
28 General Counsel, or his or her designee, and all other appropriate  
29 action required by law. "Technical" is herein defined as including,  
30 but not limited to, changes in legal descriptions and surveys,  
31 descriptions of infrastructure improvements and/or any road project,

1 ingress and egress, easements and rights of way, performance schedules  
2 (provided that no performance schedule may be extended for more than  
3 six months without DIA Board approval) design standards, access and  
4 site plan, which have no financial impact.

5         **Section 3. Payment of Downtown Historic Preservation and**  
6 **Revitalization Trust Fund Grant to Developer.** The HPTF Grant is hereby  
7 authorized, and, subject to subsequent appropriation by Council, the  
8 City is authorized to disburse the HPTF Grant to the Developer in an  
9 amount not to exceed \$3,000,000, pursuant to and as set forth in the  
10 Agreement. Pursuant to the phase-in period as authorized by Ordinance  
11 2020-527-E, the Developer has elected to submit its application under  
12 the 2002 Historic Preservation and Revitalization Trust Fund  
13 Guidelines authorized by 2002-395-E, and pursuant to Chapter 111.910,  
14 *Ordinance Code*, as the same existed prior to the effective date of  
15 Ordinance 2020-527-E.

16         **Section 4. Waiver of HPTF Guidelines restricting maximum**  
17 **grant for a project to no more than \$1,000,000.** The requirement in  
18 the guidelines enacted and adopted by Ordinance 2002-395-E, that no  
19 project may receive more than \$1,000,000 in HPTF Grant funds, is  
20 hereby waived to authorize the HPTF Grant as described in this  
21 Ordinance.

22         **Section 5. Designation of Authorized Official and DIA as**  
23 **Contract Monitor.** The Mayor is designated as the authorized official  
24 of the City for the purpose of executing and delivering any contracts  
25 and documents and furnishing such information, data and documents for  
26 the Agreement and related documents as may be required and otherwise  
27 to act as the authorized official of the City in connection with the  
28 Agreement, and is further authorized to designate one or more other  
29 officials of the City to exercise any of the foregoing authorizations  
30 and to furnish or cause to be furnished such information and take or  
31 cause to be taken such action as may be necessary to enable the City

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

6 **Section 6. Oversight Department.** The Department of Public  
7 Works and the Downtown Investment Authority shall oversee the Project  
8 described herein.

9 **Section 7. Further Authorizations.** The Mayor, or his  
10 designee, and the Corporation Secretary, are hereby authorized to  
11 execute the Agreement and all other contracts and documents and  
12 otherwise take all necessary action in connection therewith and  
13 herewith. The Chief Executive Officer of the DIA, as contract  
14 administrator, is authorized to negotiate and execute all necessary  
15 changes and amendments to the Agreement and other contracts and  
16 documents, to effectuate the purposes of this Ordinance, without  
17 further Council action, provided such changes and amendments are  
18 limited to amendments that are technical in nature (as described in  
19 Section 2 hereof), and further provided that all such amendments  
20 shall be subject to appropriate legal review and approval by the  
21 General Counsel, or his or her designee, and all other appropriate  
22 official action required by law.

23 **Section 8. Effective Date.** This Ordinance shall become  
24 effective upon signature by the Mayor or upon becoming effective  
25 without the Mayor's signature.

1 Form Approved:

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3 /S/ John Sawyer

4 Office of General Counsel

5 Legislation Prepared By: John Sawyer

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