

1 Introduced by Council Member Bowman:
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4 **ORDINANCE 2023-377**

5 AN ORDINANCE APPROPRIATING \$ 2,845,370.37 FROM 12
6 PUBLIC WORKS PROJECTS AT OR NEAR COMPLETION TO
7 "THE HODGES & GLEN KERNAN BOULEVARD IMPROVEMENTS
8 PROJECT" FOR THE PURPOSE OF FUNDING INTERSECTION
9 IMPROVEMENTS AND TRAFFIC SIGNAL IMPROVEMENTS
10 ALONG HODGES BOULEVARD NEAR ITS INTERSECTION WITH
11 J. TURNER BUTLER BOULEVARD; APPROVING AND
12 AUTHORIZING THE MAYOR AND CORPORATION SECRETARY
13 TO EXECUTE AND DELIVER, FOR AND ON BEHALF OF THE
14 CITY, THE "GLEN KERNAN PARK COST SHARING
15 AGREEMENT" BETWEEN THE CITY AND HODGES PROPERTIES
16 I, LLC ("DEVELOPER") TO AUTHORIZE DEVELOPER TO
17 DESIGN, CONSTRUCT, AND ENGINEER SUCH INTERSECTION
18 AND TRAFFIC SIGNAL IMPROVEMENTS, WITH CITY TO
19 REIMBURSE DEVELOPER FOR PORTIONS OF SAME;
20 REQUESTING EMERGENCY PASSAGE UPON INTRODUCTION;
21 PROVIDING FOR OVERSIGHT BY THE ENGINEERING AND
22 CONSTRUCTION MANAGEMENT DIVISION OF THE PUBLIC
23 WORKS DEPARTMENT; PROVIDING AN EFFECTIVE DATE.
24

25 **WHEREAS**, the City has experienced continued residential and
26 commercial growth, and resulting vehicular traffic, in and around the
27 area where Hodges Boulevard joins J. Turner Butler Boulevard (the
28 "Hodges/JTB Junction"), and, in particular, at the intersection of
29 Hodges Boulevard and Glen Kernan Parkway (the "Glen Kernan
30 Intersection"); and

31 **WHEREAS**, Developer, along with Glen Kernan Park, LLC, a Florida

1 limited liability company ("GKP"), and Gate Petroleum Company, a
2 Florida corporation ("Gate"), intend to develop a 50 ± acre parcel
3 at the western corner of the Hodges/JTB Junction into a full-service
4 residential community, with retail and commercial uses (the
5 "Development"); and

6 **WHEREAS**, the primary entrance into the Development shall be at
7 the intersection of Hodges Boulevard and the existing median opening
8 opposite Windsor Commons (the "Windsor Commons Intersection"), which
9 currently lacks a traffic signal; and

10 **WHEREAS**, City has previously identified a need to construct a
11 traffic signal at the Windsor Commons Intersection for traffic flow
12 and safety purposes (the "Traffic Signal Improvements"); and

13 **WHEREAS**, build out of the Development will also add a new leg
14 to the Windsor Commons Intersection and increase vehicular traffic
15 in and around the Glen Kernan Intersection; and

16 **WHEREAS**, City has previously identified a need to construct
17 certain intersection improvements at the Glen Kernan Intersection
18 (the "Intersection Improvements") to accommodate existing traffic
19 flow; and

20 **WHEREAS**, in connection with its pending build-out of the
21 Development, Developer's engineers have already conducted various
22 design and engineering analysis related to traffic signal and
23 intersection improvements; and

24 **WHEREAS**, given the above, City has determined that the
25 construction and inspection of the Traffic Signal Improvements and
26 the Intersection Improvements (collectively, the "Improvements") can
27 most efficiently and cost effectively be completed by the Developer
28 in connection with the build out of the Development; and

29 **WHEREAS**, City has agreed to reimburse Developer fifty percent
30 (50%) of the costs of the design, engineering, permitting,
31 construction and inspection of the Traffic Signal Improvements based

1 on the Engineer's Opinion of Probable Cost prepared for the
2 Improvements work ("EOPC"); and

3 **WHEREAS**, City has agreed to reimburse Developer one hundred
4 percent (100%) of the costs of the design, engineering, permitting,
5 construction and inspection of the Intersection Improvements based
6 on the EOPC; now, therefore

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

8 **Section 1. Appropriation.** For the 2022-2023 fiscal year, within
9 the City's budget, there are hereby appropriated the indicated sum(s)
10 from the account(s) listed in subsection (a) to the account(s) listed
11 in subsection (b):

12 (The account information is attached hereto as **Exhibit 1**, and
13 incorporated herein by this reference)

14 (a) Appropriated from:

15 See attached **B.T. 23** - \$ 2,845,370.37

16 (b) Appropriated to:

17 See attached **B.T. 23** - \$ 2,845,370.37

18 (c) Explanation of Appropriation: This legislation appropriates
19 funds from existing projects that are at or near completion to
20 the Hodges Boulevard and Glen Kernan Boulevard Improvements
21 Project for Intersection and Signal Improvements along Hodges
22 Boulevard at the median opening opposite Windsor Commons and at
23 Glen Kernan Parkway. This transfer represents a reappropriation
24 of funds and no additional debt is being incurred by City.

25 **Section 2. Purpose of Appropriation.** The purpose of the
26 appropriation is for funding the City's portion of the Improvements
27 at the Intersection located on Hodges Boulevard.

28 **Section 3. Authority to execute the Glen Kernan Park Cost**
29 **Sharing Agreement.** The Mayor, or his designee, and the Corporation
30 Secretary are hereby authorized to execute and deliver the Glen Kernan
31 Park Cost Sharing Agreement (the "Agreement") between the City and

1 the Developer, in substantially the same form as **Exhibit 2**, attached
2 hereto. The Agreement may include such additions, deletions, and
3 change as may be reasonable, necessary, and incidental for carrying
4 out the purpose thereof, as may be acceptable to the Mayor or his
5 designee, with such inclusion and acceptance being evidenced by
6 execution of the Agreement by the Mayor or his designee. No
7 modification of the Agreement may increase the financial obligations
8 or the liability of City and any such modification shall be technical
9 only and shall be subject to appropriate legal review and approval
10 of the General Counsel or his or her designee and all other
11 appropriate action required by law. For the purposes of this
12 Ordinance, "technical changes" is defined as those changes having no
13 financial impact to the City; including, but not limited to, changes
14 in legal descriptions or surveys, resolution of title defects (if
15 any), descriptions of infrastructure improvements and/or any road
16 project, ingress and egress, easements and rights-of-way, performance
17 schedules (provided that no performance schedule may be extended for
18 more than one year without City Council approval), design standards,
19 access and site plans, and other non-substantive changes that do no
20 substantively increase the duties and responsibilities of the City
21 under the provisions of the Agreement.

22 **Section 4. Requesting Emergency Passage Upon Introduction**
23 **pursuant to Council Rule 4.901.** Emergency passage upon introduction
24 of this ordinance is requested to secure the City's funding commitment
25 at the prices upon which the EOPC relies. The price of construction
26 materials and services required to build the Improvements continues
27 to escalate rapidly and the City should move expeditiously to lock
28 in the price of the Improvements per the EOPC before further price
29 escalation occurs.

30 **Section 5. Oversight of Improvements.** Oversight of the
31 Improvements and the Agreement shall be provided by the Engineering

1 and Construction Management Division of the Public Works Department.

2 **Section 6. 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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6 Form Approved:

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8 /s/ Harry M. Wilson, IV

9 Office of General Counsel

10 Legislation prepared by: Harry M. Wilson, IV

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