

1 Introduced by the Council President at the request of the Mayor:
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4 **RESOLUTION 2024-686**

5 A RESOLUTION MAKING CERTAIN FINDINGS AND
6 APPROVING AND AUTHORIZING THE EXECUTION OF AN
7 ECONOMIC DEVELOPMENT AGREEMENT ("AGREEMENT")
8 BETWEEN THE CITY OF JACKSONVILLE AND PROJECT
9 FORTE ("COMPANY"), TO SUPPORT THE CONSTRUCTION
10 OF A NEW INDUSTRIAL BUILDING CONTAINING
11 APPROXIMATELY 300,000 SQUARE FEET TO BE LOCATED
12 IN NORTHWEST JACKSONVILLE; AUTHORIZING A FIVE-
13 YEAR RECAPTURE ENHANCED VALUE GRANT ("REV
14 GRANT") NOT TO EXCEED \$1,000,000; APPROVING AND
15 AUTHORIZING THE EXECUTION OF DOCUMENTS BY THE
16 MAYOR, OR HER DESIGNEE, AND CORPORATION
17 SECRETARY; AUTHORIZING APPROVAL OF TECHNICAL
18 AMENDMENTS BY THE EXECUTIVE DIRECTOR OF THE
19 OFFICE OF ECONOMIC DEVELOPMENT ("OED");
20 PROVIDING FOR CITY OVERSIGHT BY THE OED;
21 PROVIDING A DEADLINE FOR THE COMPANY TO EXECUTE
22 THE AGREEMENT; AFFIRMING THE PROJECT'S
23 COMPLIANCE WITH THE PUBLIC INVESTMENT POLICY
24 ADOPTED BY ORDINANCE 2024-286-E; REQUESTING TWO
25 READING PASSAGE PURSUANT TO COUNCIL RULE 3.305;
26 PROVIDING AN EFFECTIVE DATE.

27
28 **WHEREAS**, Project Forte (the "Company") is proposing to make
29 certain infrastructure and building improvements including the
30 construction of a new industrial building containing approximately
31 300,000 square feet and installation of equipment and machinery, and

1 has committed to create a minimum of 10 permanent full-time equivalent
2 new jobs in Jacksonville by December 31, 2027, and cause private
3 capital investment in the estimated amount of \$35,000,000, all as
4 further described in the Project Summary attached hereto as **Exhibit**
5 **1**; and

6 **WHEREAS**, the project parcel is located in a Level 1 Economically
7 Distressed Area;

8 **WHEREAS**, for the reasons more fully described in the Project
9 Summary, the payment of the REV Grant in the amounts set forth therein
10 serves a paramount public purpose; and

11 **WHEREAS**, the City's Office of Economic Development ("OED") has
12 reviewed the application submitted by the Company for economic
13 development, and, together with representatives of the City,
14 negotiated an agreement with the Company in substantially the form
15 placed **On File** with the Legislative Services Division (the
16 "Agreement") and, based upon the contents of the Agreement, has
17 determined the Agreement and the uses contemplated therein to be in
18 the public interest, and has determined that the public actions and
19 financial assistance contemplated in the Agreement take into account
20 and give consideration to the long-term public interests and public
21 interest benefits to be achieved by the City; now therefore,

22 **BE IT RESOLVED** by the Council of the City of Jacksonville:

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

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

26 (b) The location of the Company's Project in northwest
27 Jacksonville, Florida, is more particularly described in the Economic
28 Development Agreement. The Project will promote and further the
29 public and municipal purposes of the City.

30 (c) Enhancement of the City's tax base and revenues are matters
31 of State and City policy and State and City concern in order that the

1 State and its counties and municipalities, including the City, shall
2 not continue to be endangered by unemployment, underemployment,
3 economic recession, poverty, crime and disease, and consume an
4 excessive proportion of the State and City revenues because of the
5 extra services required for police, fire, accident, health care,
6 elderly care, charity care, hospitalization, public housing and
7 housing assistance, and other forms of public protection, services
8 and facilities.

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

16 (e) The Company is qualified to carry out and complete the
17 construction and equipping of the Project, in accordance with the
18 Agreement.

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

25 (g) This Resolution is adopted pursuant to the provisions of
26 Chapters 163, 166 and 125, Florida Statutes, as amended, the City's
27 Charter, and other applicable provisions of law.

28 **Section 2. Economic Development Agreement Approved.** There
29 is hereby approved, and the Mayor, or her designee, and the
30 Corporation Secretary are hereby authorized to execute and deliver,
31 for and on behalf of the City, the Agreement substantially in the

1 form placed **On File** with the Legislative Services Division (with such
2 "technical" changes as herein authorized), for the purpose of
3 implementing the recommendations of the OED, as are further described
4 in the Project Summary attached hereto as **Exhibit 1**.

5 The Agreement may include such additions, deletions, and changes
6 as may be reasonable, necessary, and incidental for carrying out the
7 purposes thereof, as may be acceptable to the Mayor or her designee,
8 with such inclusion and acceptance being evidenced by execution of
9 the Agreement by the Mayor or her designee. No modification of the
10 Economic Development Agreement may increase the financial obligations
11 or the liability of the City and any such modification shall be
12 technical only and shall be subject to appropriate legal review and
13 approval of the General Counsel or his or her designee and all other
14 appropriate action required by law. "Technical" is herein defined as
15 including, but not limited to, changes in legal descriptions and
16 surveys, descriptions of infrastructure improvements and/or any road
17 project, ingress and egress, easements and rights of way, performance
18 schedules (provided that no performance schedule may be extended for
19 more than one year without City Council approval), design standards,
20 access and site plans which have no financial impact.

21 **Section 3. Payment of the Recapture Enhanced Value (REV)**
22 **Grant.**

23 (a) The REV Grant shall not be deemed to constitute a debt,
24 liability, or obligation of the City or of the State of Florida or
25 any political subdivision thereof within the meaning of any
26 constitutional or statutory limitation, or a pledge of the faith and
27 credit or taxing power of the City or of the State of Florida or any
28 constitutional or any political subdivision thereof but shall be
29 payable solely from the funds provided therefor as provided in this
30 Section. The Agreement shall contain a statement of the effect that
31 the City shall not be obligated to pay any installment of its

1 financial assistance to the Company except from the non-ad valorem
2 revenues or other legally available funds provided for that purpose,
3 that neither the faith and credit nor the taxing power of the City
4 or of the State of Florida or any political subdivision thereof is
5 pledged to the payment of any portion of such financial assistance,
6 and that the Company, or any person, firm or entity claiming by,
7 through or under the Company, or any other person whomsoever, shall
8 never have any right, directly or indirectly, to compel the exercise
9 of the ad valorem taxing power of the City or of the State of Florida
10 or any political subdivision thereof for the payment of any portion
11 of such financial assistance.

12 (b) The Mayor, or her designee, is hereby authorized to and
13 shall disburse the annual installments of the REV Grant as provided
14 in this Section in accordance with this Resolution and the Agreement.

15 **Section 4. Designation of Authorized Official/OED Contract**
16 **Monitor.** The Mayor is designated as the authorized official of the
17 City for the purpose of executing and delivering any contracts and
18 documents and furnishing such information, data and documents for the
19 Agreement and related documents as may be required and otherwise to
20 act as the authorized official of the City in connection with the
21 Agreement, and is further authorized to designate one or more other
22 officials of the City to exercise any of the foregoing authorizations
23 and to furnish or cause to be furnished such information and take or
24 cause to be taken such action as may be necessary to enable the City
25 to implement the Agreement according to its terms. The OED is hereby
26 required to administer and monitor the Agreement and to handle the
27 City's responsibilities thereunder, including the City's
28 responsibilities under such Agreement working with and supported by
29 all relevant City departments.

30 **Section 5. Further Authorizations.** The Mayor, or her
31 designee, and the Corporation Secretary, are hereby authorized to

1 execute the Economic Development Agreement and all other contracts
2 and documents and otherwise take all necessary action in connection
3 therewith and herewith. The Executive Director of the OED, as contract
4 administrator, is authorized to negotiate and execute all necessary
5 changes and amendments to the Economic Development Agreement and
6 other contracts and documents, to effectuate the purposes of this
7 Resolution, without further Council action, provided such changes and
8 amendments are limited to amendments that are technical in nature (as
9 described in Section 2 hereof), and further provided that all such
10 amendments shall be subject to appropriate legal review and approval
11 by the General Counsel, or his or her designee, and all other
12 appropriate official action required by law.

13 **Section 6. Oversight Department.** The Office of Economic
14 Development shall oversee the Project described herein.

15 **Section 7. Execution of Agreement.** If the Agreement
16 approved by this Resolution has not been signed by the Company within
17 ninety (90) days after the OED delivers or mails the unexecuted
18 Agreement to the Company for execution, then the City Council
19 approvals in this Resolution and authorization for the Mayor to
20 execute the Agreement are automatically revoked; provided, however,
21 that the Executive Director of the OED shall have the authority to
22 extend such ninety (90) day period in writing at his discretion for
23 up to an additional ninety (90) days.

24 **Section 8. Public Investment Policy.** This Resolution
25 conforms to the guidelines provided in the Public Investment Policy
26 adopted by City Council Ordinance 2024-286-E.

27 **Section 9. Requesting two reading passage pursuant to**
28 **Council Rule 3.305.** Two reading passage of this legislation is
29 requested pursuant to Council Rule 3.305.

30 **Section 10. Effective Date.** This Resolution shall become
31 effective upon signature by the Mayor or upon becoming effective

1 without the Mayor's signature.

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3 Form Approved:

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5 /s/ Joelle J. Dillard

6 Office of General Counsel

7 Legislation prepared by: Joelle J. Dillard

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