

1 Introduced by the Council President at the request of the Mayor and  
2 amended by the Finance Committee:

3  
4  
5 **ORDINANCE 2021-254-E**

6 AN ORDINANCE RATIFYING AND APPROVING A  
7 SETTLEMENT AGREEMENT IN THE CASE OF *CITY OF*  
8 *JACKSONVILLE v. LOBLOLLY MITIGATION PRESERVE,*  
9 *LLC, ET AL.*; APPROVING AND AUTHORIZING MINOR  
10 MODIFICATIONS AND EXECUTION OF AN AMENDED AND  
11 RESTATED USE AGREEMENT; PROVIDING FOR OVERSIGHT  
12 OF THE AMENDED AND RESTATED USE AGREEMENT BY THE  
13 PLANNING AND DEVELOPMENT DEPARTMENT; PROVIDING  
14 AN EFFECTIVE DATE.

15  
16 **WHEREAS**, pursuant to Ordinance 2003-488-E, the City entered  
17 into a Use Agreement with Loblolly Mitigation Preserve, LLC  
18 ("Loblolly") regarding the purchase of certain lands and the  
19 regulatory permitting, development, and operation of the Loblolly  
20 Mitigation Bank; and

21 **WHEREAS**, there is now pending in Circuit Court, Fourth  
22 Judicial Circuit, a case styled *City of Jacksonville v. Loblolly*  
23 *Mitigation Preserve, LLC, et al.*, Case Number 16-2018-CA-001049;  
24 Division CV-F (the "Loblolly Litigation") in which the City alleged  
25 various claims against defendants as to the operation and sale and  
26 distribution of mitigation credits from the City owned portion of  
27 the Loblolly Mitigation Bank; and

28 **WHEREAS**, while the above litigation has been pending, there  
29 have been efforts to a reach a resolution of the Loblolly  
30 Litigation which is in the best interest of the parties; and

1           **WHEREAS**, through mediation, the City and defendants have  
2 reached a mediated settlement agreement contingent upon approval of  
3 the City Council; and

4           **WHEREAS**, to implement the settlement agreement and to clarify  
5 the Use Agreement the City and Loblolly have amended and restated  
6 the Use Agreement; now, therefore

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

8           **Section 1.           Ratification and Approval of the Settlement**  
9 **Agreement.** There is hereby ratified and approved, the Mediation  
10 Settlement Agreement and its terms and conditions in the form  
11 **attached hereto as Exhibit 1**, and the Mayor, the General Counsel,  
12 or designees, are authorized to take, or cause to be taken, for and  
13 on behalf of the City, such further action as is necessary to  
14 effectuate and administer the Mediation Settlement Agreement and  
15 fulfill the purposes of this Ordinance.

16           **Section 2.           Approval and Execution of the Amended and**  
17 **Restated Use Agreement.** The Mayor and the General Counsel, or  
18 designees and the Corporation Secretary, are authorized to execute,  
19 for and on behalf of the City, the Amended and Restated Use  
20 Agreement in substantially the same form as the document **Revised On**  
21 **File** with the Legislative Services Division. It is intended that  
22 modifications to the Amended and Restated Use Agreement shall be  
23 limited to ministerial or minor changes and shall not modify any  
24 financial rights or obligations of the City or result in any  
25 additional indebtedness or other financial, legal or administrative  
26 obligations on the City.

27           **Section 3.           Oversight Department.** The Planning and  
28 Development Department shall oversee administration of the Amended  
29 and Restated Use Agreement described herein.

30           **Section 4.           Effective Date.** This Ordinance shall become  
31 effective upon signature by the Mayor or upon becoming effective

1 without the Mayor's signature.

2

3

4

5 Form Approved:

6

7 /s/Paige H. Johnston

8 Office of General Counsel

9 Legislation Prepared By: Kealey West

10 GC-#1434128-v1-2021-254-E.docx