

1 Introduced by the Council President at the request of the Mayor and
2 Co-Sponsored by Council Member Clark-Murray:

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5 **ORDINANCE 2024-849-E**

6 AN ORDINANCE APPROPRIATING \$7,600,000 FROM THE
7 GENERAL FUND OPERATING RESERVES TO PROVIDE A
8 CONSTRUCTION LOAN TO FUQUA BCDC ONE RIVERSIDE
9 PROJECT OWNER, LLC ("DEVELOPER"), ASSIGNEE OF
10 FUQUA ACQUISITIONS II, LLC, PURSUANT TO THE
11 SETTLEMENT AGREEMENT AND AMENDMENT TWO TO
12 REDEVELOPMENT AGREEMENT PREVIOUSLY AUTHORIZED
13 BY ORDINANCE 2024-452-E, AS INITIATED BY B.T.
14 25-018; REQUESTING ONE CYCLE EMERGENCY PASSAGE;
15 PROVIDING AN EFFECTIVE DATE.

16
17 **WHEREAS**, the City of Jacksonville ("City"), Downtown
18 Investment Authority ("DIA"), and Fuqua BCDC One Riverside Project
19 Owner, LLC, as successor in interest to Fuqua Acquisitions II, LLC
20 ("Developer"), entered into that certain Redevelopment Agreement
21 dated December 20, 2021, as authorized by Ordinance 2021-796-E, as
22 amended by that certain Amendment One to Redevelopment Agreement
23 dated October 12, 2022, as authorized by Ordinance 2022-493-E
24 (collectively, the "Agreement"), pursuant to which the Developer was
25 to construct certain residential, retail, mixed-use and restaurant
26 improvements, as further defined in the RDA, with a minimum required
27 capital investment of \$163,993,465 (the "Project"); and

28 **WHEREAS**, pursuant to Ordinance 2024-452-E, the execution of a
29 Mediated Settlement Agreement between City and Developer was approved
30 to resolve certain disputed issues and provide a path for completion
31 of the Project, which Ordinance also authorized an Amendment Two to

1 the Agreement ("Amendment Two") and also authorized and appropriated
2 a \$7,600,000 partially forgivable construction loan from the City to
3 Developer; and

4 **WHEREAS,** although the City and Developer had intended to close
5 on the construction loan during the 2023-2024 fiscal year, the
6 Developer was not prepared to close on the construction loan before
7 October 1, 2024, and the appropriation of funds therefore lapsed; and

8 **WHEREAS,** the Developer has indicated it will be prepared to
9 close on the construction loan within the next few weeks and the City
10 desires to reappropriate the funding for the closing in the current
11 fiscal year; now therefore

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

13 **Section 1. Appropriation.** For the 2024-2025 fiscal year,
14 within the City's budget, there are hereby appropriated the indicated
15 sum(s) from the account(s) listed in subsection (a) to the account(s)
16 listed in subsection (b):

17 (B.T. 25-018 attached hereto as **Exhibit 1** and incorporated herein by
18 this reference)

19 (a) Appropriated from:

20 See B.T. 25-018 \$7,600,000

21 (b) Appropriated to:

22 See B.T. 25-018 \$7,600,000

23 (c) Explanation of Appropriation: the appropriation above
24 is appropriating \$7,600,000 from the General Fund
25 Operating Reserves to provide a partially forgivable
26 construction loan to the Developer pursuant to the
27 Settlement Agreement and Amendment Two authorized
28 hereby to partially fund the construction cost of the
29 Project as described in the Agreement.

30 **Section 2. Purpose of Appropriation.** The purpose of the
31 appropriation is to fund the Construction Loan required by the

1 Mediated Settlement Agreement and resolve disputed legal issues and
2 avoid potential litigation and liability related to the Project.

3 **Section 3. Requesting One Cycle Emergency Passage Pursuant**
4 **to Council Rule 4.901 Emergency.** One cycle emergency passage of this
5 legislation is requested. The nature of the emergency is that the
6 City funding for the construction loan lapsed and there is a need to
7 be ready to fund the construction loan as contemplated by Ordinance
8 2024-452-E so as not to delay the Project.

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

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13 Form Approved:

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15 /s/ Mary E. Staffopoulos

16 Office of General Counsel

17 Legislation Prepared By: John Sawyer

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