

1 Introduced by Council Member Arias and Co-Sponsored by Council Members
2 Howland, Amaro, Johnson, Carlucci, J. Carlucci, Gay, Boylan, White,
3 Salem, Freeman, Miller, Carrico, Lahnen, Gaffney, Jr. and Peluso and
4 amended by the Finance Committee:
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6

7 **ORDINANCE 2023-568-E**

8 AN ORDINANCE APPROPRIATING \$1,355,761.90,
9 INCLUDING \$1,043,000 FROM GENERAL FUND FUND
10 BALANCE AND \$292,761.90 FROM WELLS CREEK, LLC,
11 MATTAMY JACKSONVILLE LLC, AND KB HOME
12 JACKSONVILLE LLC, TO THE AUTHORIZED CAPITAL
13 PROJECTS FUND TO PAY FOR CONSTRUCTION OF TRAFFIC
14 SIGNALIZATION IMPROVEMENTS AT THE INTERSECTION
15 OF PHILIPS HIGHWAY AND WELLS CREEK PARKWAY (THE
16 "PROJECT"); APPROVING, AND AUTHORIZING THE
17 MAYOR, OR HER DESIGNEE, AND THE CORPORATION
18 SECRETARY TO EXECUTE AND DELIVER AN AMENDED AND
19 RESTATED ESCROW AND TRAFFIC SIGNALIZATION
20 PROJECT AGREEMENT BETWEEN THE CITY OF
21 JACKSONVILLE AND WELLS CREEK, LLC, MATTAMY
22 JACKSONVILLE LLC, KB HOME JACKSONVILLE LLC AND
23 WELLS CREEK PROPERTY OWNERS ASSOCIATION, INC.,
24 PROVIDING THE TERMS, CONDITIONS AND
25 RESPONSIBILITIES OF PARTIES WITH RESPECT TO THE
26 PROJECT; PROVIDING FOR OVERSIGHT BY THE
27 DEPARTMENT OF PUBLIC WORKS; PROVIDING AN
28 EFFECTIVE DATE.
29

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

31 **Section 1. Appropriation.** For the 2022-2023 fiscal year,

1 within the City's budget, there is hereby appropriated the indicated
2 sum(s) from the account(s) listed in subsection (a) to the account(s)
3 listed in subsection (b):

4 (The account information is attached hereto as **Exhibit 1** and
5 incorporated herein by this reference)

6 (a) Appropriated from:

7 See attached **Exhibit 1** \$1,355,761.90

8 (b) Appropriated to:

9 See attached **Exhibit 1** \$1,355,761.90

10 (c) Explanation of Appropriation:

11 The funding above represents an appropriation of
12 \$1,355,761.90, including \$1,043,000 from General Fund fund
13 balance and \$292,761.90 from Wells Creek, LLC, Mattamy
14 Jacksonville LLC, and KB Home Jacksonville LLC
15 (collectively, the "Funding Entities"), for construction
16 of traffic signalization improvements at the intersection
17 of Philips Highway and Wells Creek Parkway (the "Project").
18

19 **Section 2. Purpose.** The purpose of the appropriation in
20 Section 1 is to provide funding for the Project. The Funding Entities
21 have placed a total of \$457,761.90 in escrow for the Project. In
22 accordance with the Amended and Restated Escrow and Traffic
23 Signalization Project Agreement attached hereto as **Revised Exhibit**
24 **2**, labeled as "Revised Exhibit 2, Rev Agmt, September 19, 2023 -
25 Finance" and incorporated herein by this reference, Wells Creek
26 Property Owners Association, Inc. (the "POA"), will retain a design
27 professional(s) to design, engineer and permit the Project at a cost
28 not-to-exceed \$165,000. The POA will thereafter transfer all Project
29 plans and specifications prepared by the design professional(s) to
30 the City of Jacksonville. The City will be responsible for
31 construction of the Project and will secure a qualified contractor

1 through a competitive, sealed bid process. After the City's receipt
2 of bids for the Project, the remainder of the escrow funds shall be
3 transferred to the City in an amount that may exceed, but shall not
4 be less than, \$292,761.90. Should the Funding Entities fail to
5 transfer the full contribution outlined above to the City, the City
6 will not be obligated to proceed with the Project.

7 **Section 3. Approval and Authorization to Execute the**
8 **Amended and Restated Escrow and Traffic Signalization Project**
9 **Agreement.** There is hereby approved, and the Mayor, or her designee,
10 and the Corporation Secretary are hereby authorized to execute and
11 deliver, that certain Amended and Restated Escrow and Traffic
12 Signalization Project Agreement between the City of Jacksonville and
13 Wells Creek, LLC, Mattamy Jacksonville LLC, KB Home Jacksonville LLC
14 and Wells Creek Property Owners Association, Inc. (the "Agreement"),
15 in substantially the form attached hereto as **Revised Exhibit 2**. The
16 Agreement may include such additions, deletions and changes as may
17 be reasonable, necessary and incidental for carrying out the purposes
18 thereof, as may be acceptable to the Mayor or her designee, with such
19 inclusion and acceptance being evidenced by execution of the Agreement
20 by the Mayor or her designee.

21 No modification of the Agreement may increase the financial
22 obligations or the liability of the City and any such modification
23 shall be technical only and shall be subject to appropriate legal
24 review and approval by the Office of General Counsel. For the purposes
25 of this Ordinance, "technical changes" is defined as those having no
26 financial impact to the City and other non-substantive changes that
27 do not substantively increase the duties and responsibilities of the
28 City under the provisions of the Agreement.

29 **Section 4. Oversight.** The Department of Public Works shall
30 oversee the Project described herein.

31 **Section 5. Effective Date.** This Ordinance shall become

1 effective upon signature by the Mayor or upon becoming effective
2 without the Mayor's signature.

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4 Form Approved:

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6 /s/ Mary E. Staffopoulos

7 Office of General Counsel

8 Legislation Prepared By: Mary E. Staffopoulos

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