

RESOLUTION 2019-11-03

A RESOLUTION OF THE DOWNTOWN INVESTMENT AUTHORITY (“DIA”) INSTRUCTING ITS CHIEF EXECUTIVE OFFICER (“CEO”) TO ISSUE A 30-DAY NOTICE OF DISPOSITION IN ACCORDANCE WITH THE NEGOTIATED DISPOSITION PROCEDURE ADOPTED BY DIA, FOR AN APPROXIMATELY .39 ACRE PARCEL OF CITY-OWNED REAL PROPERTY LOCATED GENERALLY CONTIGUOUS TO THE NEWLY DESIGNED REALIGNED FOREST STREET RIGHT OF WAY BETWEEN RIVERSIDE AVENUE AND GEFEN PARK AND COMPRISING A PORTION OF DUVAL COUNTY TAX PARCEL NUMBER 088979-0100; APPROVING THE TERMS AND CONDITIONS INCLUDED AS EXHIBIT ‘1’ AND EXPRESSING THE INTENTION TO DISPOSE OF SAID PROPERTY IN ACCORDANCE WITH THE NEGOTIATED TERMS TO FIDELITY NATIONAL INFORMATION SERVICES, INC. (THE “COMPANY”) UPON EXPIRATION OF THE THIRTY DAY NOTICE PERIOD ABSENT HIGHER RESPONSIVE OFFERS; AND FINDING THAT THIS RESOLUTION FURTHERS THE BUSINESS INVESTMENT AND DEVELOPMENT (“BID”) PLAN, INCLUDING THE COMMUNITY REDEVELOPMENT AREA PLAN; AUTHORIZING CONVEYANCE OF CITY-OWNED REAL PROPERTY AS IDENTIFIED BY EXHIBIT “A” ATTACHED HERETO TO THE COMPANY, SUBJECT TO THE TERMS AND CONDITIONS AS SET FORTH IN EXHIBIT “1”; AUTHORIZING THE CEO OF THE DIA TO NEGOTIATE TO NEGOTIATE AND ENTER INTO A REDEVELOPMENT AGREEMENT, RESTRICTIVE COVENANT, AND DEVELOPMENT/CONSTRUCTION AGREEMENT FOR THE RECONSTRUCTION OF FOREST STREET AMONG THE CITY OF JACKSONVILLE, DIA, AND THE COMPANY AS NECESSARY FOR THE PROJECT; INSTRUCTING ITS CHIEF EXECUTIVE OFFICER (“CEO”) TO TAKE ALL NECESSARY ACTION TO EFFECTUATE THE PURPOSES OF THIS RESOLUTION; AUTHORIZING THE CEO TO INITIATE FILING LEGISLATION WITH THE CITY COUNCIL REGARDING THE SAME; AUTHORIZING THE CEO OF THE DIA TO EXECUTE SUCH AGREEMENTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City owns approximately 1.21 acres of unimproved real property located at 347 Riverside Avenue, consisting of R.E. #s 088979-0100 13 and 088979-0105 in Council District 7, known generally as the old Fire Station 5 Site (the “Property”), recently acquired to facilitate the realignment of Forest Street between Riverside Avenue and Gefen Park consistent with the bicycle and pedestrian mobility goals in the DIA Brooklyn road diet study; and

WHEREAS, the City has approved plans for the realignment of the right way which will result in an excess strip approximately 40 wide adjacent to tax parcel 088981 0000 and more particularly described on Exhibit A; and

WHEREAS, the City has negotiated the terms and conditions for the disposition of the Property to the Company at a purchase price of \$1.00 in order to facilitate construction thereon of a parking garage, of which the ground floor parking spaces (consisting of not less than 130 spaces) shall be open for use by the general public after 6:00 p.m. nightly and on weekends and specific identified holidays, for a term of twenty (20) years, as further set forth on the term sheet attached hereto; and

WHEREAS, the City and Company have determined that it is in the best interest of the Company and the City to enter into a Development Agreement pursuant to which the Company will manage and execute the re-construction of Forest Street in accordance with City approved plans and for the City to reimburse the Company for the costs associated therewith; and

WHEREAS, the Property is located within the NorthBank Downtown Community Redevelopment Area ("NorthBank CRA"); and

WHEREAS, DIA is the designated Community Redevelopment Agency for the North Bank CRA, to which a BID Plan, inclusive of a Community Redevelopment Plan, was adopted by Ordinance 2014-560-E; and

WHEREAS, in order to determine fair value for the property pursuant to Florida Statutes Chapter 163.380(2), and as required by City of Jacksonville Code of Ordinances §122.432, the DIA is utilizing a pro-rata calculation based on the appraisal recently obtained for the entire tax parcel of which this is a part; and

WHEREAS, upon adoption of this Resolution, a 30-day notice for the solicitation of proposals pursuant to Section 163.380(3)(a), Florida Statutes, and Sections 122.434(a) and (b), Jacksonville Ordinance Code, will be issued; and

WHEREAS, the DIA finds that this resolution furthers the following Redevelopment Goal and Strategic Objectives found in the BID Plan;

WHEREAS, Section 55.108 of the Jacksonville Code of Ordinances grants certain powers and duties to the DIA, including:

Interpreting the BID Plan and approve development and redevelopment projects within Downtown;

Implementing the BID Plan, and negotiate and grant final approval of downtown development and redevelopment agreements, grant agreements, license agreements, and lease agreements;

Plan and propose Projects and Public facilities within Downtown; and

NOW THEREFORE, BE IT RESOLVED, by the Downtown Investment Authority:

Section 1. The DIA finds that the recitals set forth above are true and correct and are incorporated herein by this reference.

Section 2. The DIA Board has determined that the Project is consistent with the following NorthBank Downtown Community Redevelopment Area Plan Redevelopment Goals:

Redevelopment Goal 1. Reinforce Downtown as the City's unique epicenter for business, history, culture, education, and entertainment by increasing the opportunities for employment within Downtown; and supporting the expansion of entertainment, restaurant and retail/commercial within proximity to adjacent residential redevelopment, in particular the following Strategic Objectives:

- a. Increase the opportunities for Downtown employment.*(Garage development necessary to facilitate increase in number of employees at nearby office building)*
- b. Support expansion of entertainment and restaurant facilities.*(Public availability of garage spaces on nights and weekends essential to meet demand for existing and proposed nearby retail/restaurant use)*
- c. Coordinate parking, pedestrian and transit systems to encourage strategically-placed parking that can accommodate multiple downtown destinations ("park once"). *(Location will support both Riverside and Forest street retail/restaurants)*

Redevelopment Goal No. 3

Simplify the approval process for downtown development and improve departmental and agency coordination, in particular the Following Strategic Objectives:

- a. Initiate public/private partnerships.
- b. Provide publicly-owned land and building space for public and private development which will support and strengthen Downtown's commercial and residential base and comply with the other Redevelopment Goals.

Redevelopment Goal 4. Improve walkability/bikeability and connectivity to adjacent neighborhoods and the St. John River while creating highly walkable nodes, in particular the Following Strategic Objectives:

- a. Improve Access to and from the St. Johns River.
- b. Increase public perpendicular access to the Riverwalk in line with the street grid.

Redevelopment Goal 5. Establish a waterfront design framework to ensure a unique experience and sense of place.

- a. Ensure that the Riverfront is both physically and visually accessible

Section 3. The DIA has determined that absent a higher responsive bid that can demonstrate an ability to perform on the same terms and conditions, it will proceed to sell the Property to the Company in accordance with the term sheet attached hereto as Exhibit A.

Section 4. The DIA instructs the Chief Executive Officer of the Downtown Investment Authority to take all necessary action necessary to effectuate the Notice of Disposition for the Property in accordance with its Negotiated Notice of Disposition Process.

Section 4. Proposals received, if any, will be reviewed by the DIA Chief Executive Officer, who will make a recommendation to the DIA Board regarding any responsive alternate proposals received.

Section 5. If no alternate proposals are received, or if they are determined by the CEO to be lower in value or unresponsive to the specific intended use of the Property, the CEO is authorized to enter into negotiation of final documentation with the Company regarding disposition of the Property in accordance with the term sheet attached as Exhibit A.

Section 6. City Council approval will be required to authorize any disposition via legislative action. The CEO is hereby authorized to initiate legislation for approval by City Council of the Redevelopment Agreement, Parking Garage Restrictive Covenant, Development Agreement for the Reconstruction of Forest Street and related documents including closing documents authorized hereby.

Section 7. The CEO is hereby authorized to execute all documents necessary to effectuate the terms hereof.

Section 8. This Resolution shall become effective on the date it is signed by the Chair of the DIA Board.

WITNESS:

DOWNTOWN INVESTMENT AUTHORITY





Craig Gibbs, Chair

11/13/19

Date

VOTE: In Favor: 6 Opposed: 0 Abstained: 0

Exhibit 1 to Resolution 2019-11-03

Summary of Terms and Conditions

Term sheet for Disposition of City Owned strip contiguous to realigned Forest Street Right of Way, public use of a parking garage to be constructed thereon, and re-construction of Forest Street in accordance with City approved plans.

City/DIA Responsibilities:

Real Property Conveyance. Subject to City Council approval, City shall convey that certain City-owned real property consisting of an approximately 40 foot wide strip between tax parcel 088981 0000 and the newly designed re-aligned right of way of Forest Street between Riverside Avenue and Gefen Park to the Company at a purchase price of \$1.00. The parcel consists of approximately .39 acres or 16,971 square feet and is more particularly described on Exhibit A attached hereto. (the “Land”)

- Based on an appraisal prepared for City dated May 17, 2019, the appraised value of the Land is \$45.00/square foot or \$763,695.
- The Land will be conveyed through a process compliant with the DIA Disposition of Property procedures as a Negotiated Disposition. (30 day public notice of proposed disposition required)
- The conveyance will be subject to a reversion clause to ensure that a structured parking facility is built whereby the ground floor level parking spaces (consisting of not less than 130 spaces) will be available to the general public as contemplated below.
- The City acknowledges that the Company intends to acquire additional private property adjacent to the Land and plans to develop a Parking Garage on such additional private property and the Land (together, the Garage Parcel); the Parking Garage will serve other private property also to be acquired and developed for other improvements by the Company. The Company shall supply certified legal descriptions of the Garage Parcel.

Company Responsibilities:

Parking Garage. The Company shall take title to the Land consistent with the redevelopment agreement, and construct a structured parking facility on a portion of the Land together with a 20 foot wide Urban Open Space element adjacent to Forest Street right of way and will ensure that the ground floor level parking spaces (consisting of not less than 130 spaces) will be available to the general public as contemplated below, which, when combined with the adjacent privately-owned parcel, will be used as contemplated in this Agreement.

- The Company will design, finance, construct and operate the parking facility.
- Construction of the Parking Garage shall commence within 12 months of closing, and subject to unavoidable delays be completed within 36 months of commencement.
- Upon substantial completion of the Parking Garage, the Company shall enter into the Restrictive Covenant on the Garage Parcel for a 20 year term, for use of the ground floor level parking spaces (consisting of not less than 130 spaces) within the Parking Garage by the general public after 6:00 p.m. nightly, 24/7 use on weekends, and 24/7 on the following specified holidays: New Years, Martin Luther King Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas.

Development Agreement for Reconstruction of Forest Street. The City and Company have determined that it is in the best interest of the Company and the City to enter into a Development Agreement pursuant to which the Company will manage and execute the re-construction of Forest Street in accordance with City approved plans and for the City to reimburse the Company for the costs associated therewith.

- The City shall have the sole authority to approve, in its discretion, the plans for the re-alignment of Forest Street, including the costs associated therewith.
- The City agrees to convey the necessary stormwater credits for the re-alignment of Forest Street to the Company compliant with all applicable City Ordinance Code requirements. (Stormwater credits for the Parking Garage and other improvements to be developed by the Company will be addressed in separate documents to be approved by the DIA.)
- The Company agrees to manage construction of the re-aligned Forest Street, in accordance with the City-approved plans, and to pay for such construction during the execution of said work, subject to reimbursement by the City upon completion and acceptance of said work.

Closing: To occur following Company's Acceptance Date of condition of title and site, at a time mutually agreed to by City and Company. Site to be sold "as is".

Conditions: This Term Sheet is limited by the following conditions:

These proposed financial terms are subject to and contingent upon the approval of the Downtown Investment Authority, the City of Jacksonville Administration, and the Jacksonville City Council.

There will be additional terms, conditions, rights, responsibilities, warranties and obligations for both parties in a later negotiated mutually agreeable written contract (or multiple written contracts as is deemed necessary).

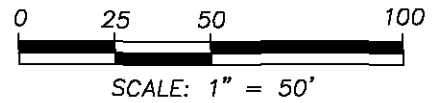
Exhibit A

THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND, SITUATED, LYING AND BEING A PART OF BLOCK E OR TWENTY-ONE (21), BROOKLYN, DEED BOOK "P", PAGE 379, OF THE FORMER PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, BEING A PORTION OF THE SAME LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 13931, PAGE 901 OF THE CURRENT PUBLIC RECORDS OF DUVAL, COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE SOUTHEASTERLY RIGHT OF WAY LINE OF RIVERSIDE AVENUE WITH THE FORMER SOUTHWESTERLY RIGHT OF WAY OF LINE OF DORA STREET (BOTH AS NOW ESTABLISHED BY THE OFFICE OF THE CITY ENGINEER); THENCE SOUTH 54°29'00" WEST, ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE OF RIVERSIDE AVENUE, A DISTANCE OF 253.75 FEET TO THE MOST WESTERLY CORNER OF LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 3676, PAGE 199 OF SAID COUNTY, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 54°29'00" WEST, ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 40.23 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 468.22 FEET; THENCE SOUTHWESTERLY ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE AND THE ARC OF SAID CURVE, A DISTANCE OF 0.55 FEET MAKING A CENTRAL ANGLE OF 00°04'02" AND HAVING A CHORD BEARING AND DISTANCE OF SOUTH 54°27'50" WEST, 0.55 FEET; THENCE DEPARTING SAID SOUTHEASTERLY RIGHT OF WAY LINE, SOUTH 42°06'37" EAST, A DISTANCE OF 407.68 FEET TO A POINT LYING ON THE SOUTHEASTERLY LINE OF OFFICIAL RECORDS BOOK 13931, PAGE 901; THENCE NORTH 47°45'30" EAST, ALONG SAID SOUTHEASTERLY LINE OF OFFICIAL RECORDS BOOK 13931, PAGE 901, A DISTANCE OF 43.25 FEET TO A POINT LYING ON SOUTHWESTERLY LINE OF OFFICIAL RECORDS BOOK 3676, PAGE 199; THENCE NORTH 42°30'00" WEST, ALONG SAID SOUTHWESTERLY LINE OF OFFICIAL RECORDS BOOK 3676, PAGE 199, A DISTANCE OF 402.91 FEET TO THE POINT OF BEGINNING .

CONTAINING 16,971 SQUARE FEET, 0.39 ACRES MORE OR LESS.

MAP OF

PART OF BLOCK E OR TWENTY-ONE (21), BROOKLYN, DEED BOOK "P", PAGE 379, OF THE FORMER PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, BEING THE SAME LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 13931, PAGE 901 OF THE CURRENT PUBLIC RECORDS OF DUVAL, COUNTY, FLORIDA.



CHORD
 $S54^{\circ}27'50''W$
 0.55'
 RADIUS=468.22'
 ARC=0.55'
 DELTA=00^{\circ}04'02''

RIVERSIDE DRIVE
 VARIABLE WIDTH RIGHT OF WAY PUBLIC PAVED

POINT OF REFERENCE

INTERSECTION OF THE SOUTHEASTERLY RIGHT OF WAY LINE OF RIVERSIDE AVENUE (STATE ROAD No. 15) WITH THE FORMER SOUTHWESTERLY RIGHT OF WAY LINE OF DORA STREET

$S54^{\circ}29'00''W$
 40.23'

$S54^{\circ}29'00''W$ SOUTHEASTERLY RIGHT OF WAY
 253.75'

POINT OF BEGINNING

MOST WESTERLY CORNER OF OFFICIAL RECORDS BOOK 3676, PG 199
 16,971± SQUARE FEET, 0.39± ACRES

20.14' 20.14'

EXCEPTION TO OFFICIAL RECORDS BOOK 13931, PG 901

25' NORTHEASTERLY RIGHT OF WAY OF FOREST STREET

$S42^{\circ}06'37''E$

SOUTHWESTERLY LINE OF OFFICIAL RECORDS BOOK 3676, PG 199

$N42^{\circ}30'00''W$

OFFICIAL RECORDS BOOK 3676, PG 199

$S42^{\circ}12'00''E$
DORA STREET
 690±
 FORMER 40' RIGHT OF WAY - CLOSED PER ORDINANCE 1999-914-E
 OFFICIAL RECORDS BOOK 11460, PAGE 1582 - WITH UTILITY EASEMENT RESERVATION
 NORTHEASTERLY LINE OF OFFICIAL RECORDS BOOK 3676, PG 199

FOREST STREET
 25' WIDE PRIVATE ALLEY
 (PER PIPES REPLAT, PLAT BOOK 6, PAGE 39)

OFFICIAL RECORDS BOOK 13931, PG 901

407.68'

PARCEL 2, OFFICIAL RECORDS BOOK 5603, PG 962

402.91'

COCKLY PLAT PAGE 379

SEE SHEET 1 OF 2 FOR COMPLETE DESCRIPTION AND GENERAL NOTES.

$N47^{\circ}45'30''E$
 43.25'

708±

SOUTHEASTERLY LINE OF OFFICIAL RECORDS BOOK 13931, PG 901

"NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER."

DONN W. BOATWRIGHT, P.S.M.
FLORIDA LIC. SURVEYOR and MAPPER No. LS 3295
 FLORIDA LIC. SURVEYING & MAPPING BUSINESS No. LB 3672

CHECKED BY: _____
 DRAWN BY: KLW
 FILE #: 2019-1594

BOATWRIGHT LAND SURVEYORS, INC.
 1500 ROBERTS DRIVE
 JACKSONVILLE BEACH, FLORIDA 241-8550

DATE: NOVEMBER 12, 2019
 SHEET 2 OF 2
 Exhibit 1