

1 Introduced by the Council President at the request of the Mayor:
2

3 **RESOLUTION 2022-278**

4 A RESOLUTION APPROPRIATING \$135,000 FROM THE
5 NORTHWEST OED FUND/TRANSFER FROM FUND BALANCE
6 FOR THE PURPOSE OF PROVIDING A \$135,000
7 NORTHWEST JACKSONVILLE SMALL BUSINESS
8 DEVELOPMENT INITIATIVE LOAN TO FRUIT OF BARREN
9 TREES LLC ("COMPANY"), AS INITIATED BY B.T. 22-
10 062, IN CONNECTION WITH THE COMPANY'S RENOVATION
11 OF A BUILDING LOCATED GENERALLY AT 3202 N.
12 MYRTLE AVENUE, JACKSONVILLE, FLORIDA
13 ("PROJECT"); PURPOSE OF APPROPRIATION;
14 APPROVING AND AUTHORIZING THE MAYOR, OR HIS
15 DESIGNEE, AND THE CORPORATION SECRETARY TO
16 EXECUTE AND DELIVER, FOR AND ON BEHALF OF THE
17 CITY OF JACKSONVILLE, THE ECONOMIC DEVELOPMENT
18 AGREEMENT BETWEEN COMPANY AND THE CITY;
19 AUTHORIZING APPROVAL OF TECHNICAL AMENDMENTS BY
20 THE EXECUTIVE DIRECTOR OF THE OFFICE OF ECONOMIC
21 DEVELOPMENT ("OED"); PROVIDING FOR CITY OF
22 JACKSONVILLE OVERSIGHT BY THE OED; AFFIRMING THE
23 PROJECT'S COMPLIANCE WITH THE NWJEDF GUIDELINES
24 APPROVED AND ADOPTED BY ORDINANCE 2016-779-E;
25 AFFIRMING THE PROJECT'S COMPLIANCE WITH THE
26 PUBLIC INVESTMENT POLICY ADOPTED BY ORDINANCE
27 2016-382-E, AS AMENDED; REQUESTING TWO READING
28 PASSAGE PURSUANT TO COUNCIL RULE 3.305;
29 PROVIDING AN EFFECTIVE DATE.
30
31

1 **WHEREAS**, Fruit of Barren Trees LLC (the "Company") has proposed
2 to renovate an existing vacant building located at 3202 N. Myrtle
3 Avenue, Jacksonville, Florida to serve as the Company's office,
4 provide office rental space, and market rate residential rental units
5 (the "Project"); and

6 **WHEREAS**, in connection therewith, the Company proposes to create
7 7 permanent full-time equivalent new jobs in Jacksonville with an
8 average salary, exclusive of benefits, of \$34,700 by December 31,
9 2026, and has committed to cause private capital investment in the
10 Project in the estimated amount of \$670,000, as further described in
11 the Project Summary attached hereto as **Exhibit 1**; and

12 **WHEREAS**, for the reasons more fully described in the Project
13 Summary, the Northwest Jacksonville Small Business Development
14 Initiative Loan in the original principal amount of \$135,000 ("SBDI
15 Loan") serves a paramount public purpose; and

16 **WHEREAS**, the City's Office of Economic Development ("OED") has
17 reviewed the application submitted by the Company for community
18 development, and, together with representatives of the City,
19 negotiated the Economic Development Agreement and, based upon the
20 contents of the Economic Development Agreement, has determined the
21 Economic Development Agreement and the uses contemplated therein to
22 be in the public interest, and has determined that the public actions
23 and financial assistance contemplated in the Economic Development
24 Agreement take into account and give consideration to the long-term
25 public interests and public interest benefits to be achieved by the
26 City; and

27 **WHEREAS**, the Company has requested the City to enter into an
28 Economic Development Agreement; now therefore,

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

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

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

2 (b) The Project will promote and further the public and
3 municipal purposes of the City.

4 (c) Enhancement of the City's tax base and revenues, are
5 matters of State and City policy and State and City concern in order
6 that the State and its counties and municipalities, including the
7 City, shall not continue to be endangered by unemployment,
8 underemployment, economic recession, poverty, crime and disease, and
9 consume an excessive proportion of the State and City revenues because
10 of the extra services required for police, fire, accident, health
11 care, elderly care, charity care, hospitalization, public housing and
12 housing assistance, and other forms of public protection, services
13 and facilities.

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

21 (e) The Company is qualified to carry out and complete the
22 construction and equipping of the Project, in accordance with the
23 Economic Development Agreement.

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

30 (g) This Resolution is adopted pursuant to the provisions of
31 Chapters 163, 166 and 125, Florida Statutes, as amended, the City's

1 Charter, and other applicable provisions of law.

2 **Section 2. Appropriation.** For the 2021-2022 fiscal year,
3 within the City's budget, there are hereby appropriated the indicated
4 sum(s) from the account(s) listed in subsection (a) to the account(s)
5 listed in subsection (b):

6 (B.T. 22-062, attached hereto as **Exhibit 2** and incorporated herein
7 by this reference):

8 (a) Appropriated from:

9 See B.T. 22-062 \$135,000

10 (b) Appropriated to:

11 See B.T. 22-062 \$135,000

12 (c) **Explanation of Appropriation**

13 The funding above appropriates \$135,000 from the
14 Northwest OED Fund - Transfer from Fund Balance, to provide
15 a \$135,000 SBDI Loan.

16 **Section 3. Purpose.** The purpose of the appropriation in
17 Section 2 is to provide funding to the Company in the form of a
18 \$135,000 Northwest Jacksonville Small Business Development Initiative
19 Loan. The Company is a real estate development firm and is investing
20 \$670,000 to renovate a mixed-use building and proposes to create 7
21 new full-time jobs at an average wage of \$34,700.00 per year. The
22 NWJEDF Advisory Board recommended City Council's approval of the
23 Company's loan application at its March 22, 2022 meeting.

24 **Section 4. Economic Development Agreement Approved.** The
25 Mayor, or his designee, and the Corporation Secretary are hereby
26 authorized to execute and deliver, for and on behalf of the City, the
27 Economic Development Agreement substantially in the form placed **On**
28 **File** with the Office of Legislative Services. The Economic Development
29 Agreement may include such additions, deletions, and changes as may
30 be reasonable, necessary, and incidental for carrying out the purposes
31 thereof, as may be acceptable to the Mayor or his designee, with such

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

15 **Section 5. Further Authorizations.** The Mayor, or his
16 designee, and the Corporation Secretary, are hereby authorized to
17 execute the Economic Development Agreement and all other contracts
18 and documents and otherwise take all necessary action in connection
19 therewith and herewith. The Executive Director of the OED, as contract
20 administrator, is authorized to negotiate and execute all necessary
21 changes and amendments to the Economic Development Agreement and
22 other contracts and documents, to effectuate the purposes of this
23 Resolution, without further Council action, provided such changes and
24 amendments are limited to amendments that are technical in nature (as
25 described in Section 4 hereof), and further provided that all such
26 amendments shall be subject to appropriate legal review and approval
27 by the General Counsel, or his or her designee, and all other
28 appropriate official action required by law.

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

31 **Section 7. Execution of the Economic Development Agreement.**

1 If the Economic Development Agreement approved by this Resolution has
2 not been signed by the Company within ninety (90) days after the OED
3 delivers or mails the unexecuted Economic Development Agreement to
4 the Company for execution, then the City Council approval of the
5 Project and authorization for the Mayor to execute the Economic
6 Development Agreement is automatically revoked, provided however,
7 that the Executive Director of the OED shall have the authority to
8 extend such ninety (90) day period in writing at his discretion for
9 up to an additional ninety (90) days.

10 **Section 8. NWJEDF Guidelines.** This Resolution conforms
11 to the NWJEDF Guidelines adopted by City Council Ordinance 2016-779-
12 E.

13 **Section 9. Public Investment Policy.** This Resolution
14 conforms to the guidelines provided in the Public Investment Policy
15 adopted by City Council Ordinance 2016-382-E, as amended.

16 **Section 10. Requesting two reading passage pursuant to**
17 **Council Rule 3.305.** Two reading passage of this legislation is
18 requested pursuant to Council Rule 3.305.

19 **Section 11. Effective Date.** This Resolution shall become
20 effective upon signature by the Mayor or upon becoming effective
21 without the Mayor’s signature.

22 Form Approved:

23
24 /s/ Joelle J. Dillard

25 Office of General Counsel

26 Legislation prepared by: Joelle J. Dillard