

1 Introduced by the Council President at the request of the DIA and  
2 amended by the Neighborhoods, Community Services, Public Health and  
3 Safety Committee:  
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6 **ORDINANCE 2022-580-E**

7 AN ORDINANCE MAKING CERTAIN FINDINGS;  
8 APPROPRIATING \$1,231,760 FROM GENERAL FUND -GSD  
9 FUND BALANCE TO THE DOWNTOWN ECONOMIC  
10 DEVELOPMENT FUND; APPROVING AND AUTHORIZING THE  
11 CHIEF EXECUTIVE OFFICER OF THE DOWNTOWN  
12 INVESTMENT AUTHORITY, OR HER DESIGNEE, TO  
13 EXECUTE A REDEVELOPMENT AGREEMENT ("AGREEMENT")  
14 BETWEEN THE DOWNTOWN INVESTMENT AUTHORITY  
15 ("DIA") AND ALE KINGS HOLDINGS, LLC ("OWNER"),  
16 TO SUPPORT THE RENOVATION AND REHABILITATION BY  
17 OWNER OF THE BUILDING LOCATED AT 1001 KINGS  
18 AVENUE (THE "PROJECT"); AUTHORIZING THREE  
19 DOWNTOWN PRESERVATION AND REVITALIZATION  
20 PROGRAM ("DPRP") LOANS, IN AN AGGREGATE AMOUNT  
21 NOT TO EXCEED \$1,231,760, TO THE OWNER IN  
22 CONNECTION WITH THE REDEVELOPMENT OF THE  
23 PROJECT, TO BE APPROPRIATED BY SUBSEQUENT  
24 LEGISLATION; DESIGNATING THE DIA AS CONTRACT  
25 MONITOR FOR THE AGREEMENT; PROVIDING FOR  
26 OVERSIGHT OF THE PROJECT BY THE DIA; AUTHORIZING  
27 THE EXECUTION OF ALL DOCUMENTS RELATING TO THE  
28 ABOVE AGREEMENT AND TRANSACTIONS, AND  
29 AUTHORIZING TECHNICAL CHANGES TO THE DOCUMENTS;  
30 PROVIDING AN EFFECTIVE DATE.  
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1           **WHEREAS**, pursuant to Chapter 55, Part 3 (Downtown Preservation  
2 and Revitalization Program), *Ordinance Code*, the City of Jacksonville  
3 ("City") established the Downtown Preservation and Revitalization  
4 Program for purposes of fostering the preservation and revitalization  
5 of certain historic and qualified non-historic, buildings located in  
6 Downtown Jacksonville; and

7           **WHEREAS**, ALE Kings Holdings, LLC (the "Owner") owns certain real  
8 property located at 1001 Kings Avenue, on which Owner intends to  
9 cause the renovation and rehabilitation of the building ("Building"),  
10 as further detailed in the Agreement; and

11           **WHEREAS**, the Owner is seeking to secure Downtown Preservation  
12 and Revitalization Program loans consisting of a Historic  
13 Preservation Restoration and Rehabilitation Forgivable Loan, a Code  
14 Compliance Renovations Forgivable Loan, and a Deferred Principal Loan  
15 on each building comprising the Project in an aggregate amount not  
16 to exceed \$1,231,760.00 (each, a "DPRP Loan") for exterior and  
17 interior rehabilitation and restoration, and Code required  
18 improvements in support of the Project; and

19           **WHEREAS**, the scope of the Project will include interior and  
20 exterior redevelopment and renovation of the 13,500 gross square foot  
21 Building to provide retail space, office space, and amenities  
22 (collectively, the "Improvements"); and

23           **WHEREAS**, the Project will also include improvements related to  
24 restoring the property to historic standards, preserving and  
25 maintaining the integrity of the structures, and meeting certain code  
26 compliance requirements to make the property more accessible and  
27 functional; and

28           **WHEREAS**, historic preservation, revitalization, and the reuse  
29 of Jacksonville's historic buildings and structures are important to  
30 the City's overall social and economic welfare; and

31           **WHEREAS**, the DIA has considered the Owner's requests and has

1 determined that the DPRP Loans will enable the Owner to restore and  
2 rehabilitate the historic structures and construct the Project as  
3 described in the Agreement; and

4 **WHEREAS**, the DIA has approved its Resolution 2022-04-11 (the  
5 "Resolution") to enter into the Agreement, said Resolution being  
6 attached hereto as **Exhibit 1**; and

7 **WHEREAS**, it has been determined to be in the interest of the  
8 City to enter into the Agreement and approve of and adopt the matters  
9 set forth in this Ordinance; now, therefore,

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

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

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

14 (b) The Project will greatly enhance the City and otherwise  
15 promote and further the municipal purposes of the City.

16 (c) The City's assistance for the Project will enable and  
17 facilitate the Project, the Project will enhance and increase the  
18 City's tax base and revenues, and the Project will improve the quality  
19 of life necessary to encourage and attract business expansion in the  
20 City.

21 (d) Enhancement of the City's tax base and revenues are matters  
22 of State and City concern.

23 (e) The Owner is qualified to carry out the Project.

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

30 (g) This Ordinance 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 (The account information is attached hereto as **Exhibit 2** and  
7 incorporated herein by this reference)

8 (a) Appropriated from:

9 See attached **Exhibit 2** \$1,231,760

10 (b) Appropriated to:

11 See attached **Exhibit 2** \$1,231,760

12 (c) **Explanation of Appropriation.** This funding above is an  
13 appropriation of \$1,231,760 from the General Fund - GSD Fund  
14 balance to the Downtown Economic Development Fund to provide  
15 funding for the DPRP Loans to the Owner.

16 **Section 3. Purpose.** The purpose of the appropriation above  
17 is to provide funding for the DPRP Loans to the Owner.

18 **Section 4. Redevelopment Agreement Approved and Execution**  
19 **Authorized.** There is hereby approved, and the Chief Executive Officer  
20 of the DIA, or her designee, is hereby authorized to execute and  
21 deliver the Redevelopment Agreement substantially in the form placed  
22 **Second Revised On File** with the Office of Legislative Services (with  
23 such "technical" changes as herein authorized), for the purpose of  
24 implementing the recommendations of the DIA as further described in  
25 the Agreement.

26 The Agreement may include such additions, deletions and changes  
27 as may be reasonable, necessary and incidental for carrying out the  
28 purposes thereof, as may be acceptable to the Chief Executive Officer  
29 of the DIA, or her designee, with such inclusion and acceptance being  
30 evidenced by execution of the Agreement by the Chief Executive Officer  
31 of the DIA, or her designee. No modification to the Agreement may

1 increase the financial obligations or the liability of the City or  
2 DIA and any such modification shall be technical only and shall be  
3 subject to appropriate legal review and approval of the General  
4 Counsel, or his or her designee, and all other appropriate action  
5 required by law. "Technical" is herein defined as including, but not  
6 limited to, changes in legal descriptions and surveys, descriptions  
7 of infrastructure improvements and/or any road project, ingress and  
8 egress, easements and rights of way, performance schedule extensions  
9 of up to six (6) months in the discretion of the CEO of the DIA,  
10 design standards, access and site plan, which have no financial  
11 impact.

12       **Section 5.       Payment of DPRP Loans to Owner.** The DPRP Loans  
13 are hereby authorized and the City is authorized to disburse the DPRP  
14 Loans to the Owner in an aggregate amount not to exceed \$1,231,760.00,  
15 pursuant to and as set forth in the Agreement.

16       The DPRP Loans for the Improvements at 1001 Kings Avenue are  
17 comprised of a Historic Preservation Restoration and Rehabilitation  
18 Forgivable ("HPRR") Loan in the not-to-exceed amount of \$257,200.00,  
19 a Code Compliance Forgivable ("CCR") Loan in the not-to-exceed amount  
20 of \$728,200.00, with said HPRR and CCR Loans forgiven at a rate of  
21 20% per year (with claw back provisions provided in the Agreement),  
22 and a Deferred Principal Loan in the not-to-exceed amount of  
23 \$246,360.00 which requires interest payments annually with principal  
24 to be repaid at maturity (10 years from the date of funding).

25       **Section 6.       Designation of Authorized Official and DIA as**  
26 **Contract Monitor.** The Chief Executive Officer of the DIA is  
27 designated as the authorized official of the City for the purpose of  
28 executing and delivering the Agreement and is further designated as  
29 the authorized official of the City for the purpose of executing any  
30 additional contracts and documents and furnishing such information,  
31 data and documents for the Agreement and related documents as may be

1 required and otherwise to act as the authorized official of the City  
2 in connection with the Agreement, and take or cause to be taken such  
3 action as may be necessary to enable the City to implement the  
4 Agreement according to its terms. The DIA is hereby further required  
5 to administer and monitor the Agreement and to handle the City's  
6 responsibilities thereunder, including the City's responsibilities  
7 under such Agreement working with and supported by all relevant City  
8 departments.

9       **Section 7. Oversight Department.** The Downtown Investment  
10 Authority shall oversee the Project described herein.

11       **Section 8. Further Authorizations.** The Chief Executive  
12 Officer of the DIA, or her designee, is hereby authorized to execute  
13 the Agreement and otherwise take all necessary action in connection  
14 therewith and herewith. The Chief Executive Officer of the DIA is  
15 further authorized to negotiate and execute all necessary changes and  
16 amendments to the Agreement and any other contracts and documents to  
17 effectuate the purposes of this Ordinance, without further Council  
18 action, provided such changes and amendments to the Agreement are  
19 limited to amendments that are technical in nature (as described in  
20 Section 2 hereof), and further provided that all such amendments  
21 shall be subject to appropriate legal review and approval by the  
22 General Counsel, or his or her designee, and take all other  
23 appropriate official action required by law.

24       **Section 9. Effective Date.** This Ordinance shall become  
25 effective upon signature by the Mayor or upon becoming effective  
26 without the Mayor's signature.

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1 Form Approved:

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3           /s/ Paige H. Johnston          

4 Office of General Counsel

5 Legislation Prepared By: John Sawyer

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