

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

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4
5 **ORDINANCE 2023-278-E**

6 AN ORDINANCE APPROVING AND AUTHORIZING THE
7 MAYOR, OR HIS DESIGNEE, AND CORPORATION
8 SECRETARY TO EXECUTE AND DELIVER AN AMENDMENT
9 FOUR TO LEASE AGREEMENT ("AMENDMENT FOUR")
10 BETWEEN THE CITY OF JACKSONVILLE ("CITY") AND
11 CECIL FIELD POW/MIA MEMORIAL, INC. ("TENANT") TO
12 EXTEND THE TERM OF THE LEASE TO MARCH 31, 2043,
13 TO EXTEND THE COMMENCEMENT OF CONSTRUCTION
14 DEADLINE FROM NOT LATER THAN JUNE 30, 2024 TO
15 NOT LATER THAN JUNE 30, 2029, AND CERTAIN OTHER
16 AMENDMENTS AS SET FORTH IN THE AMENDMENT FOUR
17 AUTHORIZED HEREBY; PROVIDING FOR CITY OVERSIGHT
18 BY THE OFFICE OF ECONOMIC DEVELOPMENT; PROVIDING
19 AN EFFECTIVE DATE.
20

21 **WHEREAS,** the City and Cecil Field POW/MIA Memorial, Inc.
22 ("Tenant"), previously entered into that certain Cecil Commerce
23 Center Lease Agreement dated October 2, 2017, as authorized by
24 Ordinance 2017-394-E, as amended by that certain Amendment One to
25 Cecil Commerce Center Lease Agreement dated August 21, 2018, as
26 authorized by Ordinance 2018-422-E, as amended by that certain
27 Amendment Two to Cecil Commerce Center Lease Agreement dated March
28 1, 2021, as authorized by Ordinance 2021-240-E, as amended by that
29 certain Amendment Three to Cecil Commerce Center Lease Agreement
30 dated December 16, 2021, as authorized by Ordinance 2021-755-E,
31 (collectively, the "Lease") for the lease of certain real property

1 located generally at 6112 POW-MIA Memorial Parkway, and the Lease is
2 in full force and effect in accordance with its terms; and

3 **WHEREAS,** Tenant has requested to extend the initial term of
4 the lease for an additional twenty years, to March 31, 2043, at the
5 same rental rate, but with applicable CAM charges of \$200 per month
6 commencing April 1, 2023; and

7 **WHEREAS,** the Lease required the Tenant to meet certain
8 deadlines related to its plan to construct a veterans memorial
9 building (the "Project") on the Ground Parcel, and Tenant has
10 requested an additional extension that the deadline to commence
11 vertical construction on the Ground Parcel (as defined in the Lease)
12 to be extended from not later than June 30, 2024, to not later than
13 June 30, 2029, with the deadline to demonstrate the financial
14 resources to complete the project extended from December 31, 2022 to
15 December 31, 2027; and

16 **WHEREAS,** Tenant has requested the City to enter into an
17 Amendment Four to Lease Agreement substantially in the form attached
18 hereto as **Exhibit 1**; now therefore

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

20 **Section 1. Approval and authorization to execute Amendment**
21 **Four to Lease Agreement approved.** There is hereby approved, and the
22 Mayor or his designee and Corporation Secretary are authorized to
23 enter into an Amendment Four to Lease Agreement ("Amendment") between
24 the City and the Tenant, substantially in the form attached hereto
25 as **Exhibit 1**. The Amendment extends the expiration of the term of the
26 Lease from March 31, 2023 to March 31, 2043 at the current rental
27 rate but with the application of CAM charges commencing April 1,
28 2023, extends the construction deadlines by up to five years, extends
29 the deadline to demonstrate the financial resources to complete the
30 Project by five years, and makes certain other amendments as shown
31 in **Exhibit 1**, with all other terms and conditions of the Lease

1 remaining unchanged.

2 **Section 2. Oversight Department.** The OED shall oversee the
3 Lease and the Project.

4 **Section 3. Effective Date.** This Ordinance shall become
5 effective upon signature by the Mayor or upon becoming effective
6 without the Mayor's signature.

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8 Form Approved:

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10 /s/ Mary E. Staffopoulos

11 Office of General Counsel

12 Legislation Prepared By: John Sawyer

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