

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2023-657**

5 AN ORDINANCE APPROVING A MOBILITY FEE AND CREDIT
6 CONTRACT (THE "CONTRACT") BETWEEN THE CITY OF
7 JACKSONVILLE AND EISENHOWER PROPERTY GROUP, LLC,
8 TO AUTHORIZE MOBILITY FEE CREDITS IN EXCHANGE
9 FOR THE CONVEYANCE, AT NO COST TO THE CITY AND
10 WITH NO FURTHER COUNCIL ACTION, OF LAND FOR A
11 RIGHT-OF-WAY CORRIDOR REFERRED TO AS "BRADDOCK
12 ROAD EAST" LOCATED WITHIN MOBILITY ZONE 4 AND
13 COUNCIL DISTRICT 8, FROM THE INTERSECTION OF
14 BRADDOCK ROAD AND LEM TURNER ROAD TO THE
15 NORTHEAST INCLUDING ANY LAND ALONG EXISTING
16 BRADDOCK ROAD THAT MAY BE NEEDED FOR
17 INTERSECTION IMPROVEMENTS AT LEM TURNER ROAD,
18 AND FOR THE MEMORIALIZATION OF THE MOBILITY FEE
19 REQUIRED FOR FUTURE DEVELOPMENT OF THE PROPERTY
20 KNOWN AS THE BRADDOCK FAMILY PARCEL PUD;
21 AUTHORIZING THE MAYOR AND CORPORATION SECRETARY
22 TO EXECUTE AND DELIVER THE AGREEMENT AND ALL
23 CLOSING DOCUMENTS RELATING THERETO, AND
24 OTHERWISE TAKE ALL NECESSARY ACTIONS TO
25 EFFECTUATE THE PURPOSES OF THE AGREEMENT IN
26 ACCORDANCE WITH SECTION 655.507, ORDINANCE CODE;
27 PROVIDING FOR OVERSIGHT BY THE PLANNING AND
28 DEVELOPMENT DEPARTMENT REGARDING THE MOBILITY
29 FEE CREDIT AND MOBILITY FEES, AND THE REAL
30 ESTATE DIVISION OF THE DEPARTMENT OF PUBLIC
31 WORKS FOR THE ACQUISITION/ACCEPTANCE OF

1 CONVEYANCE(S), AND PROVIDING OVERSIGHT BY THE
2 RIGHT OF WAY STORMWATER MAINTENANCE DIVISION OF
3 THE DEPARTMENT OF PUBLIC WORKS THEREAFTER;
4 PROVIDING AN EFFECTIVE DATE.
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6 **WHEREAS**, the City desires to enter into the Mobility Fee and
7 Credit Contract (the "Contract") to authorize Mobility Fee Credits
8 in favor of Eisenhower Property Group, LLC, ("Developer") for the
9 conveyance by the Developer to the City of land, for less than fair
10 market value, needed for right-of-way and intersection improvements;
11 and to memorialize the Mobility Fee associated with the development
12 of the Braddock Family Parcel Planned Unit Development (the "Proposed
13 Development"); and

14 **WHEREAS**, the provision of Mobility Fee Credits in exchange for
15 the conveyance of land required for a Mobility System Project ("MSP")
16 is allowed pursuant to Sec. 655.507, *Ordinance Code*, with no further
17 action by the Council required; and

18 **WHEREAS**, the Mobility Fee associated with the Proposed
19 Development is Ten million three thousand three hundred sixty-seven
20 and NO/100 DOLLARS (\$10,003,367.00); and

21 **WHEREAS**, the Mobility Fee Credit will be for: (i) the conveyance
22 to the City, at no cost to the City, of property for the right-of-
23 way for an extension of Braddock Road from Lem Turner Road, northeast,
24 to the Gold Star Family Parkway ("Braddock Road East"); and (ii) the
25 conveyance to the City, at no cost to the City, of property for the
26 land on Braddock Road needed for an intersection improvement at
27 Braddock Road and Lem Turner Road; and

28 **WHEREAS**, the Mobility Fee Credit will also be for: (i) the
29 planning, design, surveying, construction inspection, permitting, and
30 construction of 2 lanes of the Braddock Road East; and (ii) for the
31 planning, design, surveying, construction inspection, permitting, and

1 construction of intersection improvements at Lem Turner Road and
2 Braddock Road (the "Improvements"); and

3 **WHEREAS**, the land to be conveyed will be appraised by two
4 appraisers whose separate appraisals will be averaged to determine a
5 value of the conveyance; and

6 **WHEREAS**, the Improvements will be valued using the then current
7 FDOT Construction Cost Indicator Report, and actual receipts, if
8 required, reviewed and approved by the Public Works Department; and

9 **WHEREAS**, these Mobility Fee Credits will be used to offset the
10 Mobility Fee that is required for the Proposed Development; and

11 **WHEREAS**, the Mobility Fee Credits shall be available only for
12 use in the Proposed Development until such time as right-of-way
13 satisfactory to the City for the purpose of connecting Braddock Road
14 East to Arnold Road/Gold Star Family Parkway has been conveyed to the
15 City; and

16 **WHEREAS**, the required public hearings were held by the
17 appropriate City Council committee of reference and the City Council,
18 with due public notice having been provided pursuant to the
19 requirements of Chapter 655, *Ordinance Code*, Section 166.041, Florida
20 Statutes, and Rule 3.601, *Council Rules*; now therefore

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

22 **Section 1. Approval of Contract.** The Contract between the
23 City of Jacksonville and Developer, in substantially the same form
24 as attached hereto as **Exhibit 1**, is hereby approved. The right-of-
25 way conveyed as part of the Mobility System Project is hereby approved
26 and the acquisition/acceptance of the land for the right-of-way shall
27 be handled administratively by the Public Works Department with no
28 further action required by the Council.

29 **Section 2. Purpose.** The Contract authorizes the process
30 for determination of Mobility Fee Credit to be used toward the payment
31 of Mobility Fees on the Proposed Development, and transferred as

1 specified in the Contract, in exchange for (i) the conveyance of
2 land, at no cost to the City, that portion of the property within the
3 Proposed Development needed for a future 4-lane extension of Braddock
4 Road from Lem Turner Road to the Gold Star Family Parkway, any portion
5 of land in the Proposed Development fronting on Braddock Road needed
6 for the intersection improvement, and the construction of 2 lanes of
7 Braddock Road East.

8 These lands are located in Council District 8, and as described
9 in the Contract, attached hereto as **Exhibit 1**. As more specifically
10 described in the Contract, the Mobility Fee Credit amount for the
11 land conveyance will be determined by taking the average of two MAI
12 appraisals. The Mobility Fee Credit for the road construction will
13 be determined by the Florida Department of Transportation
14 Construction Cost Indicator Report. The Mobility Fee Credit may be
15 used to offset the Mobility Fee generated only from the development
16 of the Proposed Development as described in the Contract until such
17 time as the City is in possession of the appropriate amount of right-
18 of-way to construct a 4-lane divided road, to City standards, from
19 Lem Turner Road through the Proposed Development land, and land
20 currently owned by others, to connect to the Gold Star Family Parkway.
21 Additionally, the Contract memorializes the Mobility Fees that are
22 required for the Proposed Development for a twenty (20) year term.

23 **Section 3. Authorization for Execution of Agreement.** The
24 Mayor and the Corporation Secretary are hereby authorized to execute
25 and deliver on behalf of the City the Contract between the City of
26 Jacksonville and Eisenhower Property Group, LLC, in substantially the
27 form as attached hereto as **Exhibit 1**, and all such other documents
28 necessary or appropriate to effectuate the purpose of this ordinance
29 with such "technical" changes as herein authorized and defined as
30 those changes having no financial impact to the City, including, but
31 not limited to, changes in legal descriptions or surveys, ingress and

1 egress, easements and rights of way, design standards, access and
2 site plan, resolution of title defects, if any, and other non-
3 substantive changes that do not substantively increase the duties and
4 responsibilities of the City under the provisions of the Agreement.

5 **Section 4. Oversight.** The Planning and Development
6 Department shall oversee the provision of Mobility Fee Credits and
7 the Mobility Fee calculation for the twenty (20) year term. The Real
8 Estate Division of the Department of Public Works shall oversee the
9 real estate transaction pursuant to Chapter 122, Part 4, Subpart A,
10 *Ordinance Code*, and the Right of Way Stormwater Maintenance Division
11 of the Department of Public Works thereafter.

12 **Section 5. Effective Date.** This Ordinance shall become
13 effective upon the signature by the Mayor or upon becoming effective
14 without the Mayor's Signature.

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16 Form Approved:

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18 /s/ Susan C. Grandin

19 Office of General Counsel

20 Legislation Prepared by: Susan C. Grandin

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