

1 Introduced by the Council President at the request of the Mayor and  
2 amended by the Finance Committee:

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5 **ORDINANCE 2023-657-E**

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

1 WORKS FOR THE ACQUISITION/ACCEPTANCE OF  
2 CONVEYANCE(S), AND PROVIDING OVERSIGHT BY THE  
3 RIGHT OF WAY STORMWATER MAINTENANCE DIVISION OF  
4 THE DEPARTMENT OF PUBLIC WORKS THEREAFTER;  
5 PROVIDING AN EFFECTIVE DATE.  
6

7 **WHEREAS**, the City desires to enter into the Mobility Fee and  
8 Credit Contract (the "Contract") to authorize Mobility Fee Credits  
9 in favor of Eisenhower Property Group, LLC, ("Developer") for the  
10 conveyance by the Developer to the City of land, for less than fair  
11 market value, needed for right-of-way and intersection improvements;  
12 and to memorialize the Mobility Fee associated with the development  
13 of the Braddock Family Parcel Planned Unit Development (the "Proposed  
14 Development"); and

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

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

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

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

1 planning, design, surveying, construction inspection, permitting, and  
2 construction of intersection improvements at Lem Turner Road and  
3 Braddock Road (the "Improvements"); and

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

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

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

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

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

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

23 **Section 1. Approval of Contract.** The Contract between the  
24 City of Jacksonville and Developer, in substantially the same form  
25 as attached hereto as **Revised Exhibit 1**, labeled as "Revised Exhibit  
26 1, Rev Agmt, November 7, 2023 - Finance", is hereby approved. The  
27 right-of-way conveyed as part of the Mobility System Project is hereby  
28 approved and the acquisition/acceptance of the land for the right-  
29 of-way shall be handled administratively by the Public Works  
30 Department with no further action required by the Council.

31 **Section 2. Purpose.** The Contract authorizes the process

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

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

25 **Section 3. Authorization for Execution of Agreement.** The  
26 Mayor and the Corporation Secretary are hereby authorized to execute  
27 and deliver on behalf of the City the Contract between the City of  
28 Jacksonville and Eisenhower Property Group, LLC, in substantially the  
29 form as attached hereto as **Revised Exhibit 1**, and all such other  
30 documents necessary or appropriate to effectuate the purpose of this  
31 ordinance with such "technical" changes as herein authorized and

1 defined as those changes having no financial impact to the City,  
2 including, but not limited to, changes in legal descriptions or  
3 surveys, ingress and egress, easements and rights of way, design  
4 standards, access and site plan, resolution of title defects, if any,  
5 and other non-substantive changes that do not substantively increase  
6 the duties and responsibilities of the City under the provisions of  
7 the Agreement.

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

15       **Section 5. Effective Date.**       This Ordinance shall become  
16 effective upon signature by the Mayor or upon becoming effective  
17 without the Mayor's Signature.

18  
19 Form Approved:

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21           /s/ Mary E. Staffopoulos          

22 Office of General Counsel

23 Legislation Prepared By: Susan C. Grandin

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