

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2019-612**

5 AN ORDINANCE REPEALING IN ITS ENTIRETY
6 ORDINANCE 2017-433-E, WHICH AUTHORIZED AN
7 EASEMENT AGREEMENT BETWEEN SOUTHBANK APARTMENT
8 VENTURES, LLC ("GRANTOR") AND THE CITY OF
9 JACKSONVILLE ("CITY"), GRANTING A SOUTHBANK
10 RIVERWALK EASEMENT AND PATH EASEMENT TO THE
11 CITY; APPROVING, AND AUTHORIZING THE MAYOR
12 AND CORPORATION SECRETARY TO EXECUTE AND
13 DELIVER, THE GRANT OF EASEMENT BETWEEN GRANTOR
14 AND GRANTEE, GRANTING EASEMENTS ON THE
15 SOUTHBANK TO THE CITY IN ORDER TO EXPAND THE
16 EXISTING RIVERWALK FROM APPROXIMATELY 5 FEET
17 TO 20 FEET AND PROVIDE A PEDESTRIAN PATHWAY
18 CONNECTING THE RIVERWALK TO PRUDENTIAL DRIVE;
19 PROVIDING FOR CITY OVERSIGHT BY THE DEPARTMENT
20 OF PARKS, RECREATION AND COMMUNITY SERVICES;
21 PROVIDING AN EFFECTIVE DATE.

22
23 **WHEREAS,** the Downtown Investment Authority ("DIA") and
24 Southbank Apartment Ventures, LLC ("Grantor") previously entered
25 into that certain Redevelopment Agreement dated May 11, 2017
26 ("RDA"), to support the construction by Grantor of an approximately
27 300 unit residential apartment complex (the "Project") on the
28 Southbank of the St. Johns River on a parcel of land commonly known
29 as the Hines Property (the "Property"), and providing certain
30 incentives in connection with the Project, as further detailed in
31 the RDA; and

1 **WHEREAS**, Council previously adopted Ordinance 2017-433-E (the
2 "Prior Ordinance"), which authorized an easement agreement ("Prior
3 Easement Agreement") between Grantor and the City of Jacksonville
4 ("City"), whereby Grantor was to grant Riverwalk and related
5 easements over a portion of the Property to the City; and

6 **WHEREAS**, the purpose of the Prior Easement Agreement was to
7 expand the existing portion of the Riverwalk along the Southbank of
8 the St. Johns River running adjacent to the Property from its
9 current width of approximately 5 feet to a total width of 20 feet,
10 and to provide a pedestrian pathway ("Pathway") connecting the
11 Riverwalk to Prudential Drive; and

12 **WHEREAS**, a neighboring property owner ("Appellant") appealed
13 Grantor's regulatory approvals, and ultimately filed an appeal by
14 petition for writ of certiorari with the Circuit Courts of Duval
15 County (the "Appeal"); and

16 **WHEREAS**, Grantor and Appellant have entered into a Settlement
17 Agreement reducing the number of units in the apartment complex
18 comprising a part of the Project from 300 to approximately 185; and

19 **WHEREAS**, as a result of the Appeal, Grantor was delayed in
20 purchasing the Property, and Grantor and City have not executed the
21 Prior Easement Agreement; and

22 **WHEREAS**, as a result of the redesign of the Project, the
23 configuration of the easement area has materially changed from what
24 was approved by Council in the Prior Ordinance, and Grantor and
25 City have agreed on a new easement area as set forth in the
26 easement agreement placed **On File** with the Office of Legislative
27 Services; now therefore

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

29 **Section 1. Ordinance 2017-433-E repealed.** Ordinance
30 2017-433-E authorizing the Prior Easement Agreement between Grantor
31 and Grantee is hereby repealed in its entirety.

1 **Section 2. Grant of Easement approved and execution**
2 **authorized.** There is hereby approved, and the Mayor and
3 Corporation Secretary are hereby authorized to execute and deliver,
4 the Grant of Easement between Southbank Apartment Ventures, LLC and
5 the City of Jacksonville, in substantially the same form placed **On**
6 **File** with the Office of Legislative Services (the "Easement"),
7 granting easements on the Southbank to the City.

8 **Section 3. Purpose.** The Downtown Investment Authority
9 previously allocated 300 multi-family units (of which only 185 will
10 be used, pursuant to the Settlement Agreement) to Grantor from the
11 Consolidated Downtown Development of Regional Impact for use on the
12 Property, located on the Southbank fronting the St. Johns River
13 between the Acosta Bridge and the Aetna Building. As part of the
14 consideration for the development rights, Grantor committed to
15 providing easements to the City for: (i) the expansion of the
16 existing portion of the Riverwalk along the Southbank of the St.
17 Johns River running through the Property from its current width of
18 approximately 5 feet to a total width of 20 feet; (ii) the design
19 and installation of a 12-foot wide multi-use path with an eight-
20 foot wide landscaping strip on the northeastern side of the path
21 for a total width of 20 feet, running across the Property from the
22 termination point of the bulkhead to Prudential Drive; and (iii) a
23 20' wide area with a minimum 12' wide multi-use path and
24 landscaping consisting of a minimum 2' wide grass strip adjacent to
25 the curb and the remainder on the interior side of the path along
26 the northerly border of Prudential Drive. The purpose of the
27 Easement is to allow for the expansion the existing Riverwalk from
28 approximately 5 feet to 20 feet and creation of the pedestrian
29 pathway connecting the Riverwalk to Prudential Drive.

30 **Section 4. Oversight.** The Department of Parks,
31 recreation and Community Services shall oversee the project

1 described herein.

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

5 Form Approved:

6 /s/ John Sawyer

7 Office of General Counsel

8 Legislation prepared by John Sawyer

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