

1 Introduced by the Council President at the request of the DIA and
2 amended by the Neighborhoods, Community Services, Public Health &
3 Safety Committee:
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6 **ORDINANCE 2020-707-E**

7 AN ORDINANCE MAKING CERTAIN FINDINGS, AND
8 AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO
9 EXECUTE A REDEVELOPMENT AGREEMENT
10 ("REDEVELOPMENT AGREEMENT") BETWEEN THE CITY
11 OF JACKSONVILLE ("CITY"), THE DOWNTOWN
12 INVESTMENT AUTHORITY ("DIA"), AND PEP10 LLC
13 ("DEVELOPER"), TO SUPPORT THE RENOVATION BY
14 DEVELOPER OF THE FORMER INDEPENDENT LIFE
15 BUILDING ("BUILDING") LOCATED AT 233 W. DUVAL
16 STREET AND ASSOCIATED PARKING LOT IN THE
17 NORTHBANK DOWNTOWN COMMUNITY REDEVELOPMENT
18 AREA ("PROJECT"); AUTHORIZING A DOWNTOWN
19 HISTORIC PRESERVATION AND REVITALIZATION TRUST
20 FUND GRANT IN THE AMOUNT OF \$3,000,000 TO THE
21 DEVELOPER IN CONNECTION WITH THE RENOVATIONS
22 TO THE BUILDING, TO BE APPROPRIATED BY
23 SUBSEQUENT LEGISLATION; WAIVING THE DOWNTOWN
24 HISTORIC PRESERVATION AND REVITALIZATION TRUST
25 FUND GUIDELINES AUTHORIZED BY 2002-395-E TO
26 AUTHORIZE GRANTS IN EXCESS OF \$1,000,000 FOR
27 THE PROJECT; DESIGNATING THE DIA AS CONTRACT
28 MONITOR FOR THE REDEVELOPMENT AGREEMENT;
29 PROVIDING FOR CITY OVERSIGHT OF THE PROJECT BY
30 THE DEPARTMENT OF PUBLIC WORKS AND THE

1 DOWNTOWN INVESTMENT AUTHORITY; AUTHORIZING THE
2 EXECUTION OF ALL DOCUMENTS RELATING TO THE
3 ABOVE AGREEMENT AND TRANSACTIONS, AND
4 AUTHORIZING TECHNICAL CHANGES TO THE
5 DOCUMENTS; PROVIDING AN EFFECTIVE DATE.

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7 **WHEREAS**, pursuant to Section 111.910 (Downtown Historic
8 Preservation and Revitalization Trust Fund), *Ordinance Code*, the
9 City of Jacksonville ("City") established the Downtown Historic
10 Preservation and Revitalization Trust Fund for purposes of funding
11 programs to restore and preserve historic buildings in Downtown
12 Jacksonville; and

13 **WHEREAS**, PEP10 LLC (the "Developer") owns certain real
14 property, inclusive of the former Independent Life Building,
15 located at 233 W. Duval Street (the "Building") in which Developer
16 intends to cause the renovation and development of approximately
17 140 apartment units, a 21,000 sq. ft. grocery store and a 10,000
18 sq. ft. restaurant and lounge (collectively, the "Project"), as
19 further detailed in the Redevelopment Agreement placed **On File** with
20 the Legislative Services Division; and

21 **WHEREAS**, the Developer is seeking a Downtown Historic
22 Preservation and Revitalization Trust Fund Grant in the not-to-
23 exceed amount of \$3,000,000 (the "HPTF Grant") for Façade and
24 exterior rehabilitation and restoration, interior rehabilitation
25 and restoration, and Code required improvements of the Building in
26 support of the Project; and

27 **WHEREAS**, the Developer will only receive the HPTF Grant funds
28 after the City of Jacksonville Planning and Development Department
29 has authorized the approved work and sent notification to the DIA
30 that the work has been performed in satisfaction with Certificates

1 of Appropriateness from the City of Jacksonville's Historic
2 Preservation Commission and the U.S. Department of the Interior's
3 Secretary of Interior Standards and certificates of occupancy have
4 been issued for the applicable project; and

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

8 **WHEREAS**, the DIA has considered the Developer's requests and
9 has determined that the Downtown Historic Preservation and
10 Revitalization Trust Fund Grant will enable the Developer to
11 restore the historic structure and construct the Project as
12 described in the Redevelopment Agreement; and

13 **WHEREAS**, the Project is consistent with the DIA BID Plan, and
14 furthers Redevelopment Goal 1 (Reinforce Downtown as the City's
15 unique epicenter for business, history, culture, education and
16 entertainment), Redevelopment Goal 2 (Increase rental and owner-
17 occupied housing downtown), and Redevelopment Goal 7 (use planning
18 and economic development activities to promote healthy living); and

19 **WHEREAS**, on June 18, 2020, the DIA approved a resolution (the
20 "Resolution") to enter into the Redevelopment Agreement, said
21 Resolution being attached hereto as **Revised Exhibit 1**, labeled as
22 "Revised Exhibit 1, Rev Resolution, January 19, 2021 - NCSPHS"; and

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

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

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

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

30 (b) The Project will greatly enhance the City and otherwise

1 promote and further the municipal purposes of the City.

2 (c) The City's assistance for the Project will enable and
3 facilitate the Project, the Project will enhance and increase the
4 City's tax base and revenues, and the Project will improve the
5 quality of life necessary to encourage and attract business
6 expansion in the City.

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

9 (e) The Developer is qualified to carry out the Project.

10 (f) The authorizations provided by this Ordinance are for
11 public uses and purposes for which the City may use its powers as a
12 municipality and as a political subdivision of the State of Florida
13 and may expend public funds, and the necessity in the public
14 interest for the provisions herein enacted is hereby declared as a
15 matter of legislative determination.

16 (g) This Ordinance is adopted pursuant to the provisions of
17 Chapters 163, 166 and 125, Florida Statutes, as amended, the City's
18 Charter, and other applicable provisions of law.

19 **Section 2. Redevelopment Agreement Approved.** The Mayor (or
20 his authorized designee) and the Corporation Secretary are hereby
21 authorized to execute and deliver the Redevelopment Agreement (the
22 "Agreement") substantially in the form placed **On File** with the
23 Legislative Services Division (with such "technical" changes as
24 herein authorized), for the purpose of implementing the
25 recommendations of the DIA as further described in the Agreement.

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

1 modification to the Agreement may increase the financial obligations
2 or the liability of the City or DIA and any such modification shall
3 be technical only and shall be subject to appropriate legal review
4 and approval of the General Counsel, or his or her designee, and all
5 other appropriate action required by law. "Technical" is herein
6 defined as including, but not limited to, changes in legal
7 descriptions and surveys, descriptions of infrastructure
8 improvements and/or any road project, ingress and egress, easements
9 and rights of way, performance schedules (provided that no
10 performance schedule may be extended for more than six months
11 without DIA Board approval) design standards, access and site plan,
12 which have no financial impact.

13 **Section 3. Payment of Downtown Historic Preservation and**
14 **Revitalization Trust Fund Grant to Developer.** The HPTF Grant is
15 hereby authorized, and, subject to subsequent appropriation by
16 Council, the City is authorized to disburse the HPTF Grant to the
17 Developer in an amount not to exceed \$3,000,000, pursuant to and as
18 set forth in the Agreement. Pursuant to the phase-in period as
19 authorized by Ordinance 2020-527-E, the Developer has elected to
20 submit its application under the 2002 Historic Preservation and
21 Revitalization Trust Fund Guidelines authorized by 2002-395-E, and
22 pursuant to Chapter 111.910, *Ordinance Code*, as the same existed
23 prior to the effective date of Ordinance 2020-527-E.

24 **Section 4. Waiver of HPTF Guidelines restricting maximum**
25 **grant for a project to no more than \$1,000,000.** The requirement in
26 the guidelines enacted and adopted by Ordinance 2002-395-E, that no
27 project may receive more than \$1,000,000 in HPTF Grant funds, is
28 hereby waived to authorize the HPTF Grant as described in this
29 Ordinance.

30 **Section 5. Designation of Authorized Official and DIA as**
31 **Contract Monitor.** The Mayor is designated as the authorized

1 official of the City for the purpose of executing and delivering
2 any contracts and documents and furnishing such information, data
3 and documents for the Agreement and related documents as may be
4 required and otherwise to act as the authorized official of the
5 City in connection with the Agreement, and is further authorized to
6 designate one or more other officials of the City to exercise any
7 of the foregoing authorizations and to furnish or cause to be
8 furnished such information and take or cause to be taken such
9 action as may be necessary to enable the City to implement the
10 Agreement according to its terms. The DIA is hereby required to
11 administer and monitor the Agreement and to handle the City's
12 responsibilities thereunder, including the City's responsibilities
13 under such Agreement working with and supported by all relevant
14 City departments.

15 **Section 6. Oversight Department.** The Department of Public
16 Works and the Downtown Investment Authority shall oversee the
17 Project described herein.

18 **Section 7. Further Authorizations.** The Mayor, or his
19 designee, and the Corporation Secretary, are hereby authorized to
20 execute the Agreement and all other contracts and documents and
21 otherwise take all necessary action in connection therewith and
22 herewith. The Chief Executive Officer of the DIA, as contract
23 administrator, is authorized to negotiate and execute all necessary
24 changes and amendments to the Agreement and other contracts and
25 documents, to effectuate the purposes of this Ordinance, without
26 further Council action, provided such changes and amendments are
27 limited to amendments that are technical in nature (as described in
28 Section 2 hereof), and further provided that all such amendments
29 shall be subject to appropriate legal review and approval by the
30 General Counsel, or his or her designee, and all other appropriate
31 official action required by law.

1 **Section 8. Effective Date.** This Ordinance shall become
2 effective upon signature by the Mayor or upon becoming effective
3 without the Mayor's signature.
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8 Form Approved:

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10 /s/ Paige H. Johnston

11 Office of General Counsel

12 Legislation Prepared By: John Sawyer

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