

RESOLUTION 2021-02-03

A RESOLUTION OF THE DOWNTOWN INVESTMENT AUTHORITY ("DIA") RECOMMENDING AMENDMENTS TO THE REDEVELOPMENT AGREEMENT AMONG THE CITY OF JACKSONVILLE ("CITY"), DIA, ELEMENTS DEVELOPMENT OF JACKSONVILLE, LLC ("ELEMENTS"), THE DISTRICT COMMUNITY DEVELOPMENT DISTRICT ("CDD") DATED JULY 12, 2018, ("RDA) AND RELATED DOCUMENTS, INCLUDING BUT NOT LIMITED TO THE CRA INFRASTRUCTURE IMPROVEMENTS COSTS DISBURSEMENT AGREEMENT ("DISBURSEMENT AGREEMENT") BETWEEN THE DIA, CDD AND ELEMENTS DATED DECEMBER 22, 2020 AND THE INTERLOCAL AGREEMENT ("INTERLOCAL AGREEMENT") AMONG THE CITY, DIA AND THE CDD DATED DECEMBER 22, 2020, TO REFLECT THAT THE DEFINITION OF GENERAL CONTRACTOR BE REVISED TO PERMIT THE USE OF TWO GENERAL CONTRACTORS FOR THE CRA INFRASTRUCTURE IMPROVEMENTS AT THE DISTRICT AND SUCH OTHER REVISIONS TO SAID DOCUMENTS AS MAY BE NECESSARY TO EFFECTUATE SUCH PERMISSION TO USE TWO GENERAL CONTRACTORS, WITH ALL OTHER TERMS AND CONDITIONS OF THE RDA AND RELATED DOCUMENTS REMAINING UNCHANGED; AUTHORIZING THE CHIEF EXECUTIVE OFFICER OF THE DIA (THE "CEO") TO FILE LEGISLATION TO ENACT THE MODIFICATIONS TO THE RDA AND RELATED DOCUMENTS; AUTHORIING THE CEO TO EXECUTE ALL DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the DIA and City Council approved the RDA, Disbursement Agreement, Interlocal Agreement and related documents via DIA Resolution 2018-04-01 and Ordinance 2018-313-E, respectively; and

WHEREAS, the CDD recently closed on the bonds to fund construction of the CDD Infrastructure Improvements and CRA Infrastructure Improvements and in December of 2020 Elements conveyed to the City the City Parcels for the Riverwalk, several waterfront parks and a marsh front park in accordance with the terms of the RDA; and

WHEREAS, Elements and the CDD have been diligently pursuing completing the design and permitting of the CDD Infrastructure Improvements and CRA Infrastructure Improvements including the bulkhead, Riverwalk, parks, road and parking facilities; and

WHEREAS, the CDD and Elements are ready to begin construction of the bulkhead portion of the CRA Infrastructure Improvements and wish to execute a contract for construction of the bulkhead portion of the CRA Infrastructure Improvements but have yet to finish final designs of the remaining portions of the CRA Infrastructure Improvements and are thus unable to bid the remaining CRA Infrastructure Improvements at this time; and

WHEREAS, after consultation with the Office of General Counsel, DIA has concluded that the RDA, Disbursement Agreement, and Interlocal Agreement contemplated the use of a single General Contractor for construction of the CRA Infrastructure Improvements; and

WHEREAS, it is beyond the authority of the DIA as contract administrator to authorize the use of two general contractors for construction of the CRA Infrastructure Improvements and amend the contracts previously approved by City Council; and

WHEREAS, DIA, the CDD and Elements wish to amend the definition of General Contractor to allow the use of two separate General Contractors for the construction of the CRA Infrastructure Improvements, to authorize the Director of Public Works and the CEO of DIA to jointly approve the use of up to three General Contractors for construction of the CDD Infrastructure Improvements, and to make all other necessary changes to the RDA, Disbursement Agreement, Interlocal Agreement and related documents to effectuate such change, with all other terms and conditions remaining un-modified; and

WHEREAS, all capitalized terms not otherwise defined herein shall have the meaning ascribed to such terms in the RDA.

NOW THEREFORE BE IT RESOLVED, by the Downtown Investment Authority:

Section 1. The DIA finds that the recitals set forth above are true and correct and are incorporated herein by this reference.

Section 2. The DIA recommends the amendment of the RDA and related documents to permit the use of two General Contractors in construction of the CRA Infrastructure Improvements, one for bulkhead portion of the CRA Infrastructure Improvements and one for all remaining CRA Infrastructure Improvements.

Section 3. The DIA recommends the amendment of the RDA and related documents to authorize the Director of Public Works and the CEO of DIA to jointly approve, in their discretion for good cause shown, the use of up to three General Contractors in construction of the CDD Infrastructure Improvements.

Section 4. The DIA authorizes the CEO to initiate filing legislation with the City Council to enact the changes incorporated within this Resolution 2021-02-03.

Section 5. The Chief Executive Officer is hereby authorized to execute the contracts and documents and otherwise take all necessary action in connection therewith to effectuate the purposes of this Resolution.

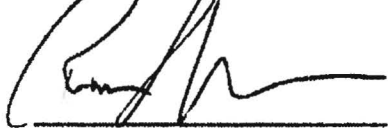
Section 6. This Resolution 2021-02-03, shall become effective on the date it is signed by the Chair of the DIA Board.

[SIGNATURES ON FOLLOWING PAGE]

WITNESS:



DOWNTOWN INVESTMENT AUTHORITY



Ron Moody, Chairman

2/17/21

Date

VOTE: In Favor: 9 Opposed: 0 Abstained: 0