

1 Introduced by the Council President at the request of the Mayor:  
2  
3

4 **ORDINANCE 2021-254**

5 AN ORDINANCE RATIFYING AND APPROVING A SETTLEMENT  
6 AGREEMENT IN THE CASE OF *CITY OF JACKSONVILLE v.*  
7 *LOBLOLLY MITIGATION PRESERVE, LLC, ET AL.*;  
8 APPROVING AND AUTHORIZING MINOR MODIFICATIONS AND  
9 EXECUTION OF AN AMENDED AND RESTATED USE  
10 AGREEMENT; PROVIDING FOR OVERSIGHT OF THE AMENDED  
11 AND RESTATED USE AGREEMENT BY THE PLANNING AND  
12 DEVELOPMENT DEPARTMENT; PROVIDING AN EFFECTIVE  
13 DATE.  
14

15 **WHEREAS**, pursuant to Ordinance 2003-488-E, the City entered into  
16 a Use Agreement with Loblolly Mitigation Preserve, LLC ("Loblolly")  
17 regarding the purchase of certain lands and the regulatory permitting,  
18 development, and operation of the Loblolly Mitigation Bank; and

19 **WHEREAS**, there is now pending in Circuit Court, Fourth Judicial  
20 Circuit, a case styled *City of Jacksonville v. Loblolly Mitigation*  
21 *Preserve, LLC, et al.*, Case Number 16-2018-CA-001049; Division CV-F  
22 (the "Loblolly Litigation") in which the City alleged various claims  
23 against defendants as to the operation and sale and distribution of  
24 mitigation credits from the City owned portion of the Loblolly  
25 Mitigation Bank; and

26 **WHEREAS**, while the above litigation has been pending, there have  
27 been efforts to reach a resolution of the Loblolly Litigation which  
28 is in the best interest of the parties; and

29 **WHEREAS**, through mediation, the City and defendants have reached  
30 a mediated settlement agreement contingent upon approval of the City  
31 Council; and

1           **WHEREAS**, to implement the settlement agreement and to clarify  
2 the Use Agreement the City and Loblolly have amended and restated the  
3 Use Agreement; now, therefore

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

5           **Section 1.           Ratification and Approval of the Settlement**  
6 **Agreement.** There is hereby ratified and approved, the Mediation  
7 Settlement Agreement and its terms and conditions in the form **attached**  
8 **hereto** as **Exhibit 1**, and the Mayor, the General Counsel, or designees,  
9 are authorized to take, or cause to be taken, for and on behalf of  
10 the City, such further action as is necessary to effectuate and  
11 administer the Mediation Settlement Agreement and fulfill the  
12 purposes of this Ordinance.

13           **Section 2.           Approval and Execution of the Amended and**  
14 **Restated Use Agreement.** The Mayor and the General Counsel, or  
15 designees and the Corporation Secretary, are authorized to execute,  
16 for and on behalf of the City, the Amended and Restated Use Agreement  
17 in substantially the same form as the document **On File** with the  
18 Legislative Services Division. It is intended that modifications to  
19 the Amended and Restated Use Agreement shall be limited to ministerial  
20 or minor changes and shall not modify any financial rights or  
21 obligations of the City or result in any additional indebtedness or  
22 other financial, legal or administrative obligations on the City.

23           **Section 3.           Oversight Department.** The Planning and  
24 Development Department shall oversee administration of the Amended  
25 and Restated Use Agreement described herein.

26           **Section 4.           Effective Date.** This Ordinance shall become  
27 effective upon signature by the Mayor or upon becoming effective  
28 without the Mayor's signature.

1 Form Approved:

2

3 /s/ Kealey A. West

4 Office of General Counsel

5 Legislation Prepared By: Kealey West

6 GC-#1426654-v1-Loblolly\_Settlement\_Agreement\_Ordinance.docx