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ORDINANCE 2021-358

AN ORDINANCE APPROVING AND AUTHORIZING THE CHIEF EXECUTIVE OFFICER OF THE DOWNTOWN INVESTMENT AUTHORITY ("DIA") TO EXECUTE AND DELIVER ON BEHALF OF THE CITY OF JACKSONVILLE THAT CERTAIN DEVELOPMENT AGREEMENT BETWEEN THE DOWNTOWN INVESTMENT AUTHORITY ("DIA") AND THE JACKSONVILLE HISTORIC NAVAL SHIP ASSOCIATION, INC. ("JHNSA"), FOR THE RELOCATION OF THE RETIRED NAVAL VESSEL USS ORLECK (DD-886) ("USS ORLECK") TO DOWNTOWN JACKSONVILLE AS FLOATING MUSEUM ("SHIP MUSEUM"), AT THE FORMER JACKSONVILLE SHIPYARD SITE ON JACKSONVILLE'S NORTHBANK, SAID AGREEMENT BEING FOR A THREE (3) YEAR PERIOD AND CONTINGENT UPON CERTAIN CONDITIONS PRECEDENT BEING MET BY JHNSA PRIOR TO THE CITY'S ENTERING INTO A TEN (10) YEAR LICENSE AGREEMENT WITH JHNSA, TOGETHER WITH TWO (2) FIVE (5) YEAR LICENSE RENEWAL OPTIONS, SUBJECT TO THE MUTUAL AGREEMENT OF THE PARTIES, FOR JHNSA TO CONSTRUCT, OPERATE AND MAINTAIN THE SHIP MUSEUM; AUTHORIZING THE DIA TO AMEND THE DEVELOPMENT AGREEMENT AND LICENSE AGREEMENT IN ACCORDANCE WITH THE DEVELOPMENT AND LICENSE AGREEMENT TERMS WITHOUT FURTHER COUNCIL APPROVAL; PROVIDING FOR OVERSIGHT BY THE DIA; PROVIDING AN EFFECTIVE DATE.

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WHEREAS, the Jacksonville Historic Naval Ship Association, Inc. ("JHNSA") has approached the Downtown Investment Authority ("DIA") with plans to moor the retired naval vessel USS Orleck at the former Jacksonville Shipyard's north/south bulkhead on the north bank of the St. John's River; and

WHEREAS, establishing the USS Orleck in downtown Jacksonville as a Ship Museum and tourist attraction would benefit the City, the Navy, and the public; and

WHEREAS, the JHNSA has taken title to the USS Orleck and has approached the Downtown Investment Authority ("DIA") with plans to moor the USS Orleck at the former Jacksonville Shipyard's north/south bulkhead on the north bank of the St. John's River and to operate the Ship Museum (the "Project"); and

WHEREAS, the DIA has evaluated the Project and has proposed a development agreement and license agreement to ensure the Project's overall operation is satisfactory and contributing to the City, including the obligation of JHNSA to relocate or remove the USS Orleck, at no cost to the City, if the DIA determines at anytime that the USS Orleck is not contributing to the improvement of Downtown Jacksonville; and

WHEREAS, the DIA, pursuant to its Resolution dated January 15, 2020, attached hereto as Exhibit 1, has requested that the Council of the City of Jacksonville, Florida approve this Ordinance; now therefore

ΒE ΙT ORDAINED by the Council of the City Jacksonville:

Recitals Correct. The above recitals are true Section 1. and correct, and by this reference are incorporated herein.

Section 2. Authorization. There is hereby approved and the Chief Executive Officer of the DIA is hereby authorized to execute and deliver that certain Development Agreement (the

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"Agreement") between the DIA and JHNSA for the relocation of the USS Orleck to Downtown Jacksonville as a floating museum ("Ship Museum") at the former Jacksonville Shipyard site in Jacksonville's Northbank Downtown Community Redevelopment Area, substantially in the form as placed On File with the Legislative Services Division, and all such other documents, necessary or appropriate to effectuate the purpose of this Ordinance, including the ten (10) year license agreement for JHNSA to construct, operate and maintain the Ship Museum, together with two (2) five (5) year license renewal options subject to the mutual agreement of the parties, upon JHNSA's satisfaction of certain conditions precedent contained in the Agreement.

Section 3. Additional Authorization. The Chief Executive Officer of the DIA is hereby authorized to execute additional amendments to the Development Agreement and License Agreement where authorized in accordance with the Development Agreement and License Agreement terms, so long as the amendments to the agreements are technical amendments that do not increase the financial obligations of the City or the Downtown Investment Authority.

Section 4. Oversight Department. The DIA shall oversee the Project in accordance with this Ordinance and the Agreement.

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

Form Approved:

/s/ Mary E. Staffopoulos

Office of General Counsel

Legislation prepared by John Sawyer

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