

1 Introduced by the Council President at the request of the DIA and
2 amended by the Finance Committee:

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5 **ORDINANCE 2021-358-E**

6 AN ORDINANCE APPROVING AND AUTHORIZING THE
7 CHIEF EXECUTIVE OFFICER OF THE DOWNTOWN
8 INVESTMENT AUTHORITY ("DIA") TO EXECUTE AND
9 DELIVER ON BEHALF OF THE CITY OF JACKSONVILLE
10 THAT CERTAIN DEVELOPMENT AGREEMENT BETWEEN THE
11 DOWNTOWN INVESTMENT AUTHORITY ("DIA") AND THE
12 JACKSONVILLE HISTORIC NAVAL SHIP ASSOCIATION,
13 INC. ("JHNSA"), FOR THE RELOCATION OF THE
14 RETIRED NAVAL VESSEL USS ORLECK (DD-886) ("USS
15 ORLECK") TO DOWNTOWN JACKSONVILLE AS A
16 FLOATING MUSEUM ("SHIP MUSEUM"), AT THE FORMER
17 JACKSONVILLE SHIPYARD SITE ON JACKSONVILLE'S
18 NORTHBANK, SAID AGREEMENT BEING FOR A THREE
19 (3) YEAR PERIOD AND CONTINGENT UPON CERTAIN
20 CONDITIONS PRECEDENT BEING MET BY JHNSA PRIOR
21 TO THE CITY'S ENTERING INTO A TEN (10) YEAR
22 LICENSE AGREEMENT WITH JHNSA, TOGETHER WITH
23 TWO (2) FIVE (5) YEAR LICENSE RENEWAL OPTIONS,
24 SUBJECT TO THE MUTUAL AGREEMENT OF THE
25 PARTIES, FOR JHNSA TO CONSTRUCT, OPERATE AND
26 MAINTAIN THE SHIP MUSEUM; AUTHORIZING THE DIA
27 TO AMEND THE DEVELOPMENT AGREEMENT AND LICENSE
28 AGREEMENT IN ACCORDANCE WITH THE DEVELOPMENT
29 AND LICENSE AGREEMENT TERMS WITHOUT FURTHER
30 COUNCIL APPROVAL; PROVIDING FOR OVERSIGHT BY

1 THE DIA; PROVIDING AN EFFECTIVE DATE.

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

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

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

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

23 **WHEREAS**, the DIA, pursuant to its Resolution dated January 15,
24 2020, attached hereto as **Exhibit 1**, has requested that the Council
25 of the City of Jacksonville, Florida approve this Ordinance; now
26 therefore

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

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

31 **Section 2. Authorization.** There is hereby approved and

1 the Chief Executive Officer of the DIA is hereby authorized to
2 execute and deliver that certain Development Agreement (the
3 "Agreement") between the DIA and JHNSA for the relocation of the
4 USS Orleck to Downtown Jacksonville as a floating museum ("Ship
5 Museum") at the former Jacksonville Shipyard site in Jacksonville's
6 Northbank Downtown Community Redevelopment Area, substantially in
7 the form as placed **Revised On File** with the Legislative Services
8 Division, and all such other documents, necessary or appropriate to
9 effectuate the purpose of this Ordinance, including the ten (10)
10 year license agreement for JHNSA to construct, operate and maintain
11 the Ship Museum, together with two (2) five (5) year license
12 renewal options subject to the mutual agreement of the parties,
13 upon JHNSA's satisfaction of certain conditions precedent contained
14 in the Agreement.

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

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

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

27 Form Approved:

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29 /s/ Paige H. Johnston

30 Office of General Counsel

31 Legislation prepared by John Sawyer

