

1 Introduced by the Council President at the request of the Mayor and
2 amended by the Neighborhoods, Community Services, Public Health and
3 Safety Committee:
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6 **ORDINANCE 2021-457-E**

7 AN ORDINANCE APPROVING, AND AUTHORIZING THE
8 MAYOR, OR HIS DESIGNEE, AND CORPORATION
9 SECRETARY TO EXECUTE AND DELIVER AN AIR RIGHTS
10 EASEMENT, GRANTING TO 234A, LLC ("GRANTEE") AN
11 AERIAL EASEMENT OVER A PORTION OF THE CITY'S
12 VYSTAR VETERANS MEMORIAL ARENA PROPERTY AND
13 OVER A PORTION OF THE A. PHILIP RANDOLPH
14 BOULEVARD RIGHT-OF-WAY EXTENDING FROM THE
15 SECOND FLOOR OF THE BUILDING LOCATED AT 234 A.
16 PHILIP RANDOLPH BOULEVARD, THE CURRENT
17 LOCATION OF "THAT BAR AT THE ARENA", TO ALLOW
18 FOR GRANTEE'S CONSTRUCTION OF A BALCONY ON TWO
19 SIDES OF THE BUILDING AND RELATED SUPPORT
20 IMPROVEMENTS WITHIN THE EASEMENT AREA;
21 PROVIDING FOR OVERSIGHT OF CONVEYANCE AND
22 EXECUTION OF THE AIR RIGHTS EASEMENT BY THE
23 DEPARTMENT OF PUBLIC WORKS, REAL ESTATE
24 DIVISION, WITH ONGOING OVERSIGHT AND
25 MAINTENANCE OF THE VYSTAR VETERANS MEMORIAL
26 ARENA PROPERTY BY THE PARKS, RECREATION AND
27 COMMUNITY SERVICES DEPARTMENT, AND OVERSIGHT
28 AND MAINTENANCE OF THE A. PHILIP RANDOLPH
29 BOULEVARD RIGHT-OF-WAY BY THE DEPARTMENT OF
30 PUBLIC WORKS, RIGHT-OF-WAY AND STORMWATER

1 MAINTENANCE DIVISION, WITH INPUT FROM THE
2 DOWNTOWN INVESTMENT AUTHORITY AS APPROPRIATE;
3 PROVIDING AN EFFECTIVE DATE.
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5 **BE IT ORDAINED** by the Council of the City of Jacksonville:

6 **Section 1. Air Rights Easement Approved and Execution**
7 **Authorized.** There is hereby approved, and the Mayor, or his
8 designee, and Corporation Secretary are hereby authorized to
9 execute and deliver that certain Air Rights Easement (the
10 "Easement") between the City of Jacksonville and 234A, LLC, in
11 substantially the same form as is attached hereto as **Revised**
12 **Exhibit 1**, labeled as "Revised Exhibit 1, Rev Easement, August 16,
13 2021 - NCSPHS" and incorporated herein by this reference. The
14 Easement grants to Grantee an aerial easement that extends from the
15 second floor of the building located at 234 A. Philip Randolph
16 Boulevard (the "Building") a distance of one (1) to three (3) feet
17 over portions of the City's VyStar Veterans Memorial Arena
18 property, and a second easement area extending from the second
19 floor of the Building a distance of eight (8) feet over a portion
20 of the A. Philip Randolph Boulevard right-of-way, in which Grantee
21 intends to construct a second floor balcony and related support
22 improvements on two sides of the Building as an expansion of
23 Grantee's business, commonly known as "That Bar at the Arena".
24 There were no objections to the granting of this aerial easement by
25 any relevant city, state, or utility agencies.

26 **Section 2. Oversight Department.** The Real Estate
27 Division of the Department of Public Works shall provide initial
28 oversight of conveyance and execution of the Air Rights Easement
29 Agreement. The Parks, Recreation and Community Services Department
30 will continue to be responsible for oversight and maintenance of
31 the VyStar Veterans Memorial Arena property, inclusive of the City-

1 owned property situated below the air rights easement area, and the
2 Public Works Department, Right-of-Way and Stormwater Maintenance
3 Division, will continue to be responsible for ongoing oversight and
4 maintenance of the A. Philip Randolph Boulevard right-of-way,
5 inclusive of any portion situated below the air rights easement
6 area, with input from the Downtown Investment Authority as
7 appropriate.

8 **Section 3. Effective Date.** This Ordinance shall become
9 effective upon signature by the Mayor or upon becoming effective
10 without the Mayor's signature.

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12 Form Approved:

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14 /s/ Paige H. Johnston

15 Office of General Counsel

16 Legislation prepared by Mary E. Staffopoulos

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