Introduced by the Council President at the request of the Mayor:

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ORDINANCE 2021-447-E

AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, AND THE CORPORATION SECRETARY TO EXECUTE AND DELIVER THAT CERTAIN THIRD AMENDMENT TO THE PURCHASE AGREEMENT BETWEEN THE CITY OF JACKSONVILLE AND THE VESTCOR FAMILY FOUNDATION, INC., TO PROVIDE AN ADDITIONAL \$270,392.80 IN ESCROW FUNDS TO COVER THE CITY'S PORTION OF THE COSTS TO COMPLETE THE ON-SITE ASH REMEDIATION PROJECT ON PROPERTIES LOCATED AT 2100 AND 2039 FOREST STREET, JACKSONVILLE, FLORIDA AS REQUIRED COMPLIANCE WITH THE UNITED FOR STATES ENVIRONMENTAL PROTECTION AGENCY CONSENT ORDER GOVERNING SAID PROPERTIES; PROVIDING ΑN EFFECTIVE DATE.

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

Section 1. Authorization. The Mayor, or his designee, and the Corporation Secretary are hereby authorized to execute and deliver that certain Third Amendment (the "Amendment") to the Purchase Agreement between the City of Jacksonville and The Vestcor Family Foundation, Inc. ("VFF") dated April 4, 2019, originally approved and authorized in Ordinance 2019-138-E, in substantially the form attached hereto as Exhibit 1 and incorporated herein by this reference. The Amendment authorizes an additional expenditure by the City of \$270,392.80 to be placed in escrow to cover the City's portion of additional costs for completion of on-site ash remediation required pursuant to the United States Environmental Protection Agency Consent

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Order governing the subject properties (the "Project"). The increased costs stem from additional work required to remove, replace and recertify portions of the on-site protective clean soil cap that were not functioning as designed. This additional work was deemed necessary when it was determined that the cap soil from a City borrow pit did not have the required permeability for use as a protective soil cap and drainage layer. This caused persistent and constant issues with the performance of the on-site stormwater system to function as designed. The City's additional contribution will cover 75% of the increased costs to complete the Project and VFF will be responsible for the remaining 25%.

Section 2. 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: Mary E. Staffopoulos

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