

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

2  
3 **ORDINANCE 2021-787**

4 AN ORDINANCE APPROVING, AND AUTHORIZING THE  
5 MAYOR, OR HIS DESIGNEE, AND THE CORPORATION  
6 SECRETARY TO EXECUTE AND DELIVER A PUBLIC  
7 INFRASTRUCTURE CAPITAL IMPROVEMENTS COST  
8 DISBURSEMENT AGREEMENT BETWEEN THE CITY OF  
9 JACKSONVILLE AND EASTLAND DEVELOPMENT GROUP,  
10 INC.; INVOKING THE EXEMPTION IN SECTION  
11 126.107(G), *ORDINANCE CODE*; PROVIDING FOR  
12 OVERSIGHT BY THE PUBLIC WORKS DEPARTMENT;  
13 PROVIDING AN EFFECTIVE DATE.

14  
15 **WHEREAS**, the 2021-2022 City Budget includes an appropriation of  
16 \$10,681,250 for a road widening project on a segment Race Track Road;  
17 and

18 **WHEREAS**, the City's Capital Improvement Plan (CIP) also includes  
19 a Race Track Road widening project in fiscal year 2021-2022 which  
20 entails widening a two lane segment of Race Track Road extending east  
21 from Bartram Park Boulevard, under the State Road 9B overpass toward  
22 I-95 and terminating at the proposed intersection of East Peyton  
23 Parkway, to four lanes (the "Improvements"); and

24 **WHEREAS**, Eastland Development Group, Inc. ("Eastland") is the  
25 developer of the Bartram Park Development of Regional Impact which  
26 fronts, in part, this two-lane segment of Race Track Road; and

27 **WHEREAS**, the City has determined that the design, engineering,  
28 permitting, construction and inspection of the Improvements can most  
29 efficiently and cost effectively be completed by Eastland; and

30 **WHEREAS**, Eastland has agreed to undertake the design,  
31 engineering, permitting, construction and inspections of the

1 Improvements in accordance with the terms and conditions outlined in  
2 the Public Infrastructure Capital Improvements Costs Disbursements  
3 Agreement (the "Agreement"), attached hereto as **Exhibit 1** and  
4 incorporated herein by this reference; and

5 **WHEREAS**, pursuant to the Agreement, the City has agreed to fund  
6 the design, engineering, permitting, construction and inspection of  
7 the Improvements in a maximum amount equal to the lesser of the actual  
8 verified costs for construction of the Improvements, or \$10,700,000,  
9 with the balance, if any, to be funded by Eastland; and

10 **WHEREAS**, the funds to pay the City's share in the costs to  
11 complete the Improvements were already appropriated pursuant to 2021-  
12 504-E; now therefore

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

14 **Section 1. Recitals.** The recitals set forth above are true  
15 and contract and are incorporated herein by this reference.

16 **Section 2. Approval and authorization to execute.** There is  
17 hereby approved, and the Mayor, or his designee, and Corporation  
18 Secretary are hereby authorized to execute and deliver, the Public  
19 Infrastructure Capital Improvements Costs Disbursements Agreement  
20 between the City of Jacksonville and Eastland Development Group,  
21 Inc., in substantially the form as is attached hereto as **Exhibit 1**  
22 and incorporated herein by this reference (the "Agreement"),  
23 including any amendments or extensions thereto. The Agreement may  
24 include such additions, deletions and changes as may be reasonable,  
25 necessary and incidental for carrying out the purposes thereof, as  
26 may be acceptable to the Mayor, or his designee, with such inclusion  
27 and acceptance being evidenced by execution of the Agreement by the  
28 Mayor, or his designee; provided however, no amendment, extension,  
29 or modification to the Agreement may increase the financial  
30 obligations or liability of the City to an amount in excess of the  
31 amount stated in the Agreement or decrease the duties and obligations

1 of Eastland Development Group, Inc. as stated in the Agreement, and  
2 any such modification shall be technical only and shall be subject  
3 to appropriate legal review and approval by the Office of General  
4 Counsel. For the purposes of this Ordinance, the term "technical  
5 changes" is defined as those changes having no financial impact to  
6 the City and any other non-substantive changes that do not  
7 substantively increase the duties and responsibilities of the City  
8 under the provisions of the Agreement.

9           **Section 3. Invoking the exception to Section 126.107(g),**  
10 **Ordinance Code.** The City is hereby authorized to enter into the  
11 Agreement approved and authorized in Section 2 above. Pursuant to  
12 Section 126.107(g) (Exemptions), Part 1 (General Regulations),  
13 Chapter 126 (Procurement Code), *Ordinance Code*, such procurement is  
14 exempted from competitive solicitation because the supplies or  
15 services are to be provided by those specifically prescribed within  
16 authorizing legislation that appropriates the same. With the  
17 exception of the foregoing, all other provisions of Chapter 126,  
18 *Ordinance Code*, shall remain in full force and effect.

19           **Section 4. Oversight.** The Public Works Department shall  
20 provide oversight of the Agreement and the project described herein.

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

24  
25 Form Approved:

26  
27           /s/ Mary E. Staffopoulos          

28 Office of General Counsel

29 Legislation prepared by: Mary E. Staffopoulos

30 GC-#1461255-v1-Race\_Track\_Road\_-\_Cost\_Share\_Agreement\_Approval\_(Eastland\_Development).docx