

RESOLUTION 2021-03-04

A RESOLUTION OF THE DOWNTOWN INVESTMENT AUTHORITY (“DIA”) AUTHORIZING ITS CHIEF EXECUTIVE OFFICER (“CEO”) TO TAKE ALL ACTIONS NECESSARY TO ADEQUATELY REPRESENT THE CITY AND DIA IN PENDING LITIGATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Jacksonville (“City”) and the Jacksonville Economic Development Commission entered into a Redevelopment Agreement (“Agreement”) dated March 5, 2004 with Metropolitan Parking Solutions, LLC. (“MPS”) for the purposes of constructing and operating three (3) parking garages in Downtown Jacksonville; and

WHEREAS, in the event MPS sustains expenses in excess of revenues for any semi-annual period, the Agreement requires the City to make a Development Loan to MPS in the total amount of those expenses; and

WHEREAS, the accumulated principal amount of the Development Loans and interest thereon now exceeds \$71 million; and

WHEREAS, the DIA currently administers the Agreement on behalf of the City and such administration includes the verification of monthly revenues and expenses reported by MPS; and

WHEREAS, documentation provided by MPS to the DIA was not in a format consistent with what was required by the Agreement, making it impossible for DIA to accurately verify monthly revenue and expenditure amounts as submitted by MPS; and,

WHEREAS, despite repeated requests of MPS by DIA to provide such information in a format necessary to accurately verify monthly revenue and expenditure amounts, which MPS did not provide, the DIA made a deduction from the 2020A Development Loan request in an amount equal to estimated underreported revenues and estimated overreported expenses; and,

WHEREAS, on September 4, 2020, MPS filed a complaint against the City and the DIA in the Circuit Court, Fourth Judicial Circuit in and for Duval County, Florida (“Court”); and

WHEREAS, on October 12, 2020, the City and the DIA filed with the Court both an answer to the complaint and counterclaim; and,

WHEREAS, MPS has recently requested the City and the DIA participate in mediation in an attempt to resolve such litigation; and,

NOW THEREFORE BE IT RESOLVED by the Downtown Investment Authority:

Section 1. The Downtown Investment Authority finds the above recitals true and correct and they are incorporated herein by reference.

Section 2. The Downtown Investment Authority hereby authorizes the CEO to take all actions necessary to adequately represent the interest of the DIA, the City and taxpayers in the pending litigation, including, but not limited to, participating in mediation, and filing of legislation with the Jacksonville City Council to purchase the MPS garages in the event the Court finds MPS to be in default of the Agreement.

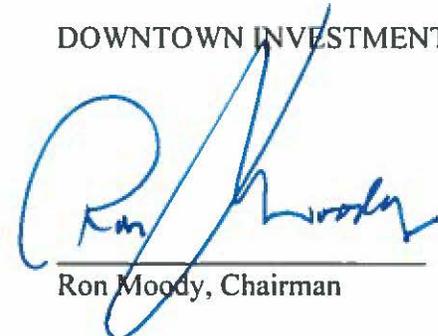
Section 3. The Effective Date of this Resolution is the date upon execution of this Resolution by the Chair of the DIA Board.

WITNESS:

DOWNTOWN INVESTMENT AUTHORITY



Witness



Ron Moody, Chairman

3/17/21
Date

VOTE: In Favor: 7 Opposed: 0 Abstained: 1