

RESOLUTION 2014-08-01

A RESOLUTION OF THE DOWNTOWN INVESTMENT AUTHORITY (DIA) RECOMMENDING THAT THE CITY COUNCIL AMEND AND RESTATE THE PERPETUAL PUBLIC OPEN SPACE EASEMENTS AND MAINTENANCE AGREEMENT ENTERED INTO BY THE CITY OF JACKSONVILLE AND HP/CSD PARTNERS, LLC, PURSUANT TO ORDINANCE 2012-270-E.

WHEREAS, as the owners of contiguous parcels located at the intersection of Riverside Avenue and Forest Street (“Unity Plaza”), the City of Jacksonville and HP/CSD Partners, LLC, entered into a Perpetual Public Open Space Easements and Maintenance Agreement, as authorized by Ordinance 2012-270-E; and

WHEREAS, pursuant to the Perpetual Public Open Space Easements and Maintenance Agreement entered into by the City of Jacksonville and HP/CSD Partners, LLC, the City-owned portion of Unity Plaza would be maintained in perpetuity by HP/CSD Partners, LLC, or their assigns; and

WHEREAS, in consideration of HP/CSD Partners, LLC, maintaining City owned lands within Unity Plaza, the City will make a one-time payment of \$750,000 to HP/CSD Partners, LLC, or their assigns, as the City’s contribution towards such perpetual maintenance costs; and

WHEREAS, HP/CSD Partners, LLC, conveyed their portion of Unity Plaza to Unity Plaza Real Estate Holding, LLC (“Owner”); and

WHEREAS, City and Owner desire to amend and restate the Perpetual Public Open Space Easements and Maintenance Agreement (the “Amended and Restated Easement”) to allow for the installation of three (3), semi-permanent kiosks on the City owned portion of Unity Plaza, to be used by Owner for the sale of food and alcoholic and non-alcoholic beverages and other goods and merchandise in connection with events held at Unity Plaza, and to clarify maintenance obligations in connection with the public restroom easement granted by Owner to City, all as set forth in the Amended and Restated Easement; and

WHEREAS, HP/CSD Partners and Unity Plaza Real Estate Holding, LLC, have requested that the City amend and restate the Perpetual Public Open Space Easements and Maintenance Agreement.

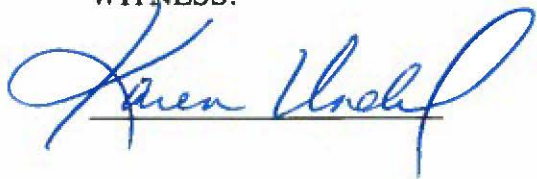
BE IT RESOLVED, By the Downtown Investment Authority:

Section 1. The DIA finds that the recitals set forth above are true and correct and are incorporated herein by this reference.

Section 2. The DIA respectfully submits and recommends that the City Council amend and restate the Perpetual Public Open Space Easements and Maintenance Agreement, included as Exhibit 1 to Resolution 2014-08-01.

Section 3. This Resolution 2014-08-01 shall become effective upon its approval by the DIA this 20th day of August, 2014.

WITNESS:



DOWNTOWN INVESTMENT AUTHORITY



Oliver Barakat, Chairman

VOTE: In Favor: 6 Opposed: 0 Abstained: _____

FORM APPROVAL:

Office of General Counsel