

RESOLUTION 2021-03-06

A RESOLUTION OF THE DOWNTOWN INVESTMENT AUTHORITY (“DIA”) INSTRUCTING ITS CHIEF EXECUTIVE OFFICER (“CEO”) TO ISSUE A 30-DAY NOTICE OF DISPOSITION IN ACCORDANCE WITH THE NEGOTIATED DISPOSITION PROCEDURE ADOPTED BY DIA, FOR THE GRANTING OF AN UPLAND EASEMENT THAT GRANTS RIPARIAN RIGHTS ADJACENT TO CITY OWNED PROPERTY FRONTING THE BERKMAN MARINA TO THE OWNER OF SAID MARINA IN ORDER TO FACILITATE A RENEWAL OF THE SUBMERGED LANDS LEASE FOR SAID MARINA; APPROVING THE TERMS AND CONDITIONS INCLUDED AS EXHIBIT ‘B’ AND EXPRESSING THE INTENTION TO DISPOSE OF SAID PROPERTY INTEREST SUBSTANTIALLY IN ACCORDANCE WITH THE NEGOTIATED TERMS TO DB HOLDINGS COMPANY AMELIA ISLAND, LLC (TOGETHER WITH ITS PREDECESSOR-IN-INTEREST DB HOLDINGS, L.L.C., (THE “DEVELOPER”) UPON EXPIRATION OF THE THIRTY DAY NOTICE PERIOD ABSENT HIGHER RESPONSIVE OFFERS; AND FINDING THAT THIS RESOLUTION FURTHERS THE BUSINESS INVESTMENT AND DEVELOPMENT (“BID”) PLAN, INCLUDING THE COMMUNITY REDEVELOPMENT AREA PLAN; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Developer, as owner of the riparian rights related to that certain real property depicted in blue on Exhibit A attached hereto (the “Property”), entered into a Sovereignty Submerged Lands Lease with the Board of Trustees for the Internal Improvement Trust Fund of the State of Florida with an effective date of May 7, 2002 (as amended, the “Submerged Lands Lease”), regarding construction of a marina (the “Marina”) on certain submerged lands depicted in red on Exhibit A attached hereto (the “Leased Parcel”);and

WHEREAS, Developer has continuously operated the Marina pursuant to the Submerged Lands Lease since 2002; and

WHEREAS, the pursuant to that certain Special Warranty Deed dated November 5th , 2003 and recorded on Official Records Book 11464, at page 700-713 of the Public records of Duval County Florida, DB Holdings, LLC (Grantor) conveyed to the City certain real property including that certain Riverwalk property depicted on Exhibit A attached hereto (the Property); and

WHEREAS, the deed reserved to Grantor and its successors a right of access over the Property but did not expressly reserve to Grantor riparian rights; and

WHEREAS, riparian rights follow ownership of the Property and the City has concluded that the riparian rights are therefore now owned by the City; and

WHEREAS, notwithstanding the City's position, the Grantor and the holder of the current submerged lands lease believe they have the necessary riparian rights to continue marina operation and renew the submerged lands lease but are seeking this interest in order to clear title; and

WHEREAS, the Property is located within the Northbank Community Redevelopment Area ("Northbank CRA"); and

WHEREAS, DIA is the designated Community Redevelopment Agency for the Northbank CRA, for which a BID Plan, inclusive of a Community Redevelopment Plan, was adopted by Ordinance 2014-560-E; and

WHEREAS, pursuant to state law, any disposition of any interest in CRA property must follow the prescribed thirty-day notice procedure; and

WHEREAS, the Developer wishes to renew the Submerged Lands Lease and continue operation of the Marina; and has requested an upland easement that grants certain riparian rights in the Property in order to do so; and

WHEREAS, the DIA finds the grant of the requested property interest to be in the best interest of the Community Redevelopment Area; and

WHEREAS, upon adoption of this Resolution, a 30-day notice for the solicitation of proposals pursuant to Section 163.380(3)(a), Florida Statutes, and Sections 122.434(a) and (b), Jacksonville Ordinance Code, will be issued; and

WHEREAS, the DIA finds that this resolution furthers the following Redevelopment Goal and Strategic Objectives found in the BID Plan:

Redevelopment Goal No. 1 Reinforce Downtown as the City's unique epicenter for business, history, culture, education, and entertainment.

Redevelopment Goal No. 5 Establish a waterfront design framework to ensure a unique experience and sense of place.

NOW THEREFORE, 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 has determined that absent an alternate responsive bid that can demonstrate an ability to own, operate and manage the marina, it will proceed to convey an upland easement interest that grants certain riparian rights in the Property to the Developer in accordance with the term sheet attached hereto as Exhibit B.

Section 3. The DIA instructs the Chief Executive Officer of the Downtown Investment Authority to take all necessary action necessary to effectuate the Notice of Disposition for aforementioned interest in the Property in accordance with its Negotiated Notice of Disposition Process.

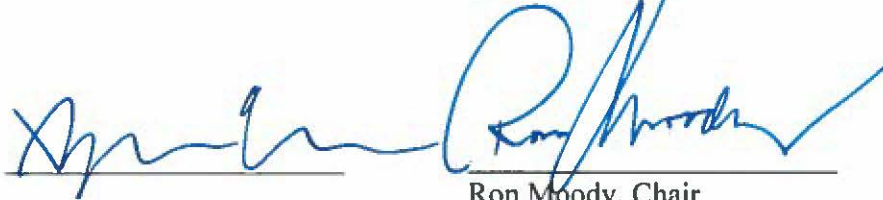
Section 4. Proposals received, if any, will be reviewed by the DIA Chief Executive Officer, who will make a recommendation to the DIA Board regarding any responsive alternate proposals received.

Section 5. If no alternate responsive and qualified proposals are received, the CEO is authorized to take all necessary actions, including the filing of legislation with City Council if required, to effectuate the disposition to Developer of a sufficient upland easement interest in the Property together with riparian rights necessary to renew the Submerged Lands Lease and continue the operation of the marina in accordance with the term sheet attached hereto as Exhibit B.

Section 6. This Resolution shall become effective on the date it is signed by the Chair of the DIA Board.

WITNESS:

DOWNTOWN INVESTMENT AUTHORITY



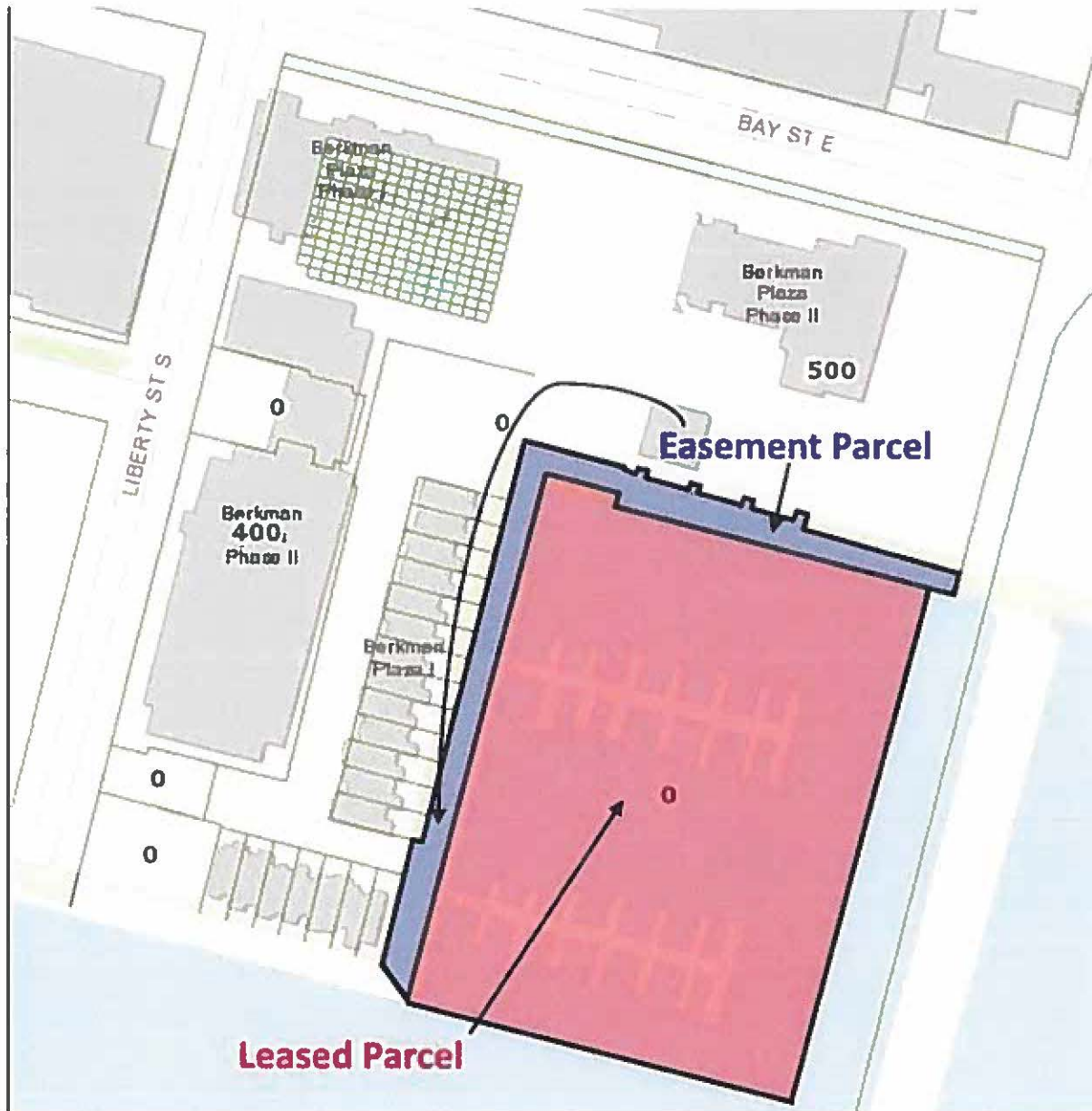
Ron Moody, Chair

3/17/21

Date

VOTE: In Favor: 8 Opposed: 0 Abstained: 0

Exhibit A
Map depicting the Property



The “Easement Parcel” depicts the Property.

The “Leased Parcel” depicts the property that is the subject of the Sovereignty Submerged Land Lease.

Exhibit B
Term Sheet

1. DIA shall convey to Developer at no cost a sufficient upland easement interest in the Property together with riparian rights in the Property pursuant to a riparian easement agreement to aid Developer in renewal of the Submerged Lands Lease for the Marina.
2. Such riparian rights shall extend so long as the Marina remains in continuous operation, but such interest shall revert to the City in the event the Submerged Lands Lease is allowed to lapse, is terminated or the Marina ceases operation. The conveyance shall not diminish any property interests owned by Developer by virtue of the reservations contained in the Deed.