



**Downtown Investment Authority  
Retail Enhancement and Property Disposition Committee**

**Hybrid Virtual In-Person Meeting  
Friday, August 13<sup>th</sup> at 1:00 p.m.**

# **RE&PD REVISED AGENDA PACKET**

Oliver Barakat, Chair

Todd Froats, Committee Member

Carol Worsham, Committee Member

Committee Members Excused: David Ward, Esq.

- I. CALL TO ORDER
- II. PUBLIC COMMENTS\*
- III. JUNE 25, 2021 RETAIL ENHANCEMENT AND PROPERTY DISPOSITION COMMITTEE MEETING MINUTES APPROVAL
- IV. DISCUSSION OF FORD ON BAY STATUS AND APPROACH
  - a. RESOLUTION 2021-08-09: TERMINATION OF ISP-0307-20 (Ford on Bay)
  - b. RESOLUTION 2021-08-10: CBRE EXTENSION
  - c. RESOLUTION 2021-11: DISPOSITION TERMS 330 BAY (Former Courthouse Parcel)
- V. HARPER STREET DISPOSITION (Steve Kelley, Director of Downtown Real Estate and Development)
- VI. ADJOURN

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*\* Only individuals attending the meeting in-person will have an opportunity to provide public comments. Persons who cannot attend the meeting in-person, but who wish to submit public comments regarding any matter on the agenda for consideration at the meeting, may do so by sending their public comments via electronic mail to [DIAPublicComments@coj.net](mailto:DIAPublicComments@coj.net) prior to the start of the meeting. Public comments received prior to the meeting will not be read during the meeting but will instead be forwarded to all DIA Board members for review in advance of the meeting and will remain a part of the permanent record for the meeting itself. You are encouraged to submit public comments well in advance of the start of the meeting to provide DIA Board members with adequate time to read them in preparation for the meeting.*

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**Downtown Investment Authority  
Retail Enhancement and Property Disposition Committee**

**Hybrid Virtual In-Person Meeting  
Friday, August 13<sup>th</sup> at 1:00 p.m.**

*Please be advised that this will be a hybrid virtual in person meeting.*

**PHYSICAL LOCATION**

City of Jacksonville Edward Ball Building  
214 N Hogan St  
8th Floor (Conference Room – 851)  
Jacksonville, Florida 32202

Visitors are encouraged not to enter City owned public buildings if they have: symptoms of COVID-19, a fever of 100.4 degrees Fahrenheit or higher, are currently undergoing evaluation for COVID-19 infection, a diagnosis of COVID-19 in the prior 10 days, or have had close contact with someone infected with COVID-19 during the prior 14 days. Any member of the public entering City owned public building may choose to wear a mask inside the building.

**VIRTUAL LOCATION**

Interested persons desiring to attend this meeting virtually can do so via Zoom (including by computer or telephone) using the following meeting access information:

**Join Zoom Meeting**

<https://us02web.zoom.us/j/85315709378?pwd=VEtwOXBMbE9ud3FjVHVsb0liVVIKQT09>

Meeting ID: 853 1570 9378

Passcode: 534965

**One tap mobile**

+1 (312) 626-6799 (Chicago)

+1 (646) 558-8656 (New York)

Find your local number: <https://us02web.zoom.us/j/keg325N2hY>

**TAB III.**

**JUNE 25, 2021 RETAIL ENHANCEMENT AND PROPERTY DISPOSITION  
COMMITTEE MEETING MINUTES**



**Downtown Investment Authority**  
**Retail Enhancement and Property Disposition Committee Hybrid Meeting**  
*Friday, June 25, 2021 – 1:30 p.m.*

**RE&PD Committee Hybrid Meeting**  
***MEETING MINUTES***

**Retail Enhancement and Property Disposition Committee Members in Attendance:**

Carol Worsham, Chair  
Oliver Barakat, Committee Member  
Jim Citrano, Committee Member

David Ward, Esq., Committee Member  
Craig Gibbs, Esq., Committee Member  
Ron Moody, Ex-officio (Non-voting – Zoom)

**Committee Members Excused:** Todd Froats

**Board Members in Attendance:** Braxton Gillam, Esq. (Zoom)

**DIA Staff Present:** Lori Boyer, Chief Executive Officer; Guy Parola, Operations Manager; Ina Mezini, Marketing and Communications Specialist; Lori Radcliffe-Meyers, Development Coordinator; Steve Kelley, Director of Downtown Real Estate and Development; John Crescimbeni, Contract and Regulatory Compliance Manager; Jackie Mott, Financial Analyst; and Xzavier Chisholm, Administrative Assistant

**Office of General Counsel:** John Sawyer, Esq.

**I. CALL TO ORDER**

The Retail Enhancement and Property Disposition Committee meeting of June 25, 2021, was called to order at 1:30 p.m. by Committee Chair Worsham.

**II. PUBLIC COMMENTS**

Madam Chair Worsham opened the floor to public comment.

The following persons made in-person public comments, made public comments virtually through Zoom, or provided comments that were read into the record by DIA Staff. Note: the subject matter of the comment(s) indicated to the right of each person:

Barbara Gubbin  
Nancy Powell  
John Nooney  
Daniel Davis  
Alvin Barlow  
Daniel Van Sickle

Resiliency Planning  
Wholistic Downtown Development  
Non-motorized Boat Launch  
Support of Shipyards Proposal  
Proposal for Funding for Homelessness  
Proposal for Use of Local Registered Electrical Apprentices

**III. MARCH 15, 2021 RETAIL ENHANCEMENT AND PROPERTY DISPOSITION COMMITTEE MEETING MINUTES APPROVAL**

Having called for corrections or other edits by her fellow committee members and after receiving none, Madam Chair Worsham asked for a motion and second on the item.

**Motion:** Committee Member Barakat moved to approve the minutes as presented

**Seconded:** Committee Member Citrano seconded the motion

Madam Chair Worsham called for a vote.

**Vote: Aye: 5      Nay: 0      Abstain: 0**

**THE MOTION PASSED UNANIMOUSLY 5-0-0.**

**IV. RESOLUTION 2021-07-01: KIDS KAMPUS DISPOSITION**

**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; AUTHORIZING THE PUBLICATION OF A NOTICE OF DISPOSITION FOR THE FEE SIMPLE CONVEYANCE OF AN APPROXIMATELY 4.77 ACRE PARCEL (THE “HOTEL PARCEL”) AND THE GROUND LEASE OF A 1.05 ACRE PARCEL (THE “OFFICE PARCEL”) OF CITY-OWNED REAL PROPERTY EACH AS DEPICTED ON THE SITE PLAN ATTACHED HERETO AS EXHIBIT “A” AND COMPRISING A PORTION THE LAND GENERALLY KNOWN AS KIDS KAMPUS LOCATED BETWEEN GATOR BOWL BOULEVARD AND THE ST. JOHNS RIVER, AND IDENTIFIED BY DUVAL COUNTY TAX PARCEL NUMBER RE# 130572-0100, COLLECTIVELY “THE PROPERTY”; EXPRESSING THE INTENTION TO DISPOSE OF SAID PROPERTY IN ACCORDANCE WITH THE NEGOTIATED TERMS TO IGUANA INVESTMENTS OF FLORIDA, LLC (THE “DEVELOPER”) UPON EXPIRATION OF THE THIRTY DAY NOTICE PERIOD ABSENT HIGHER RESPONSIVE OFFERS; APPROVING THE TERMS AND CONDITIONS OF SAID DISPOSITION INCLUDED AS EXHIBIT ‘B’; AUTHORIZING THE DISPOSITION OF THE PROPERTY AND ITS REDEVELOPMENT ON THE TERMS SET FORTH ON EXHIBIT B IF NO ALTERNATIVE RESPONSIVE OFFER IS RECEIVED; FINDING THAT THIS RESOLUTION FURTHERS THE BUSINESS INVESTMENT AND DEVELOPMENT (“BID”) PLAN, INCLUDING THE COMMUNITY REDEVELOPMENT AREA PLAN; AUTHORIZING THE CEO OF THE DIA TO NEGOTIATE A REDEVELOPMENT AGREEMENT AND ASSOCIATED DOCUMENTS; AUTHORIZING THE CEO TO INITIATE THE FILING OF LEGISLATION WITH THE CITY COUNCIL REGARDING THE SAME; AUTHORIZING THE CEO OF THE DIA TO TAKE ALL ACTION NECESSARY TO EFFECTUATE THE PURPOSES OF THIS RESOLUTION, INCLUDING THE EXECUTION OF A REDEVELOPMENT AGREEMENT, PURCHASE AND SALE AGREEMENT, OR FUNCTIONAL EQUIVALENTS; PROVIDING FOR AN EFFECTIVE DATE.**

Madam Chair Worsham gave the floor to CEO Boyer to introduce the Resolution.

CEO Boyer presented Resolution 2021-07-01, discussing the following:

- Alignment of Shipyards project with Conceptual Masterplan criteria
- Identified parcels relevant to project proposal
- Brief overview of DuPont Riverfront Activation initiative
- Park opportunities
- Economic impact
- Overview of accompanying Staff Report
- Basic deal terms
- Resiliency
- Public benefits

Mr. Kelley provided an overview of the ROI calculation, City protections, and Performance Schedule. Madam Chair Worsham opened the floor to the Committee for comment.

The Committee expressed support for the project.

Committee Member Gibbs asked what consideration the developer has given to nearby communities. Mark Lamping, President of the Jacksonville Jaguars, responded that they have been working with community organizations to support and direct resources to nearby neighborhoods.

Committee Member Gibbs asked how the proposed residential units benefit the City. Mr. Lamping responded that the associated ad valorem taxes would bring additional revenue as well as offer a product that would attract a unique audience.

CEO Boyer confirmed that the project will meet Riverwalk setback and height limitations.

Regarding the Notice of Disposition, CEO Boyer confirmed that the solicitation for additional proposals will not be predicated on a particular incentive, program or site plan.

Discussion occurred regarding the Completion Grant and the developer's agreement with the Four Seasons Hotel.

CEO Boyer clarified for Committee Member Citrano that discussion is taking place with the state to relocate the grant encumbrance. The marina would still have the FRDAP grant encumbrance.

Discussion occurred regarding the Land Value Contribution, REV grant, and Completion grant.

Mr. Lamping clarified for Committee Member Citrano that the developer has completed the schematic designs on the project and a significant amount of work has been completed on cost analysis.

Board Member Gillam stated his support for the project.

Mr. Sawyer clarified for Committee Member Moody that he is not able to vote.

CEO Boyer clarified for Committee Member Moody that the City has received a No Further Action Letter (NFA) from the state based on the remediation that has been performed on the site where

contamination was previously identified. The developer is doing additional site testing and has the right to terminate prior to closing if something is discovered that significantly alters the economics.

CEO Boyer summarized the process used to analyze the cost of the project for Madam Chair Worsham.

Discussion occurred regarding the marina support building.

CEO Boyer stated that an amendment is needed to correct discrepancies between the Term Sheet and the Staff Report.

CEO Boyer clarified for the Committee that if there are no other bids on the disposition, the project would not come back to the Board for a vote.

Madam Chair Worsham called for any further public comment.

The following persons made in-person public comments, made public comments virtually through Zoom, or provided comments that were read into the record by DIA Staff. Note: the subject matter of the comment(s) indicated to the right of each person:

Natalie Rosenberg Support for the Shipyard Project

Committee Member Barakat stated that he will need to file a Form 8B and is eligible to vote.

Madam Chair Worsham called for a motion.

Mr. Kelley articulated the language for an amendment to Resolution 2021-07-01 which entails corrections to the Term Sheet. On page 11, under the section titled "Office Parcel," the following amendment was made to subsection "i": *"We will be adding to this language that the total gross square footage inclusive of terraces, ground level common space, roof and mechanical, would be 157,027 with no less than 141,300 sq ft, which is the 10 percent reduction as contemplated."*

**Motion:** Committee Member Ward moved to approve Resolution 2021-07-01 as amended

**Seconded:** Committee Member Gibbs seconded the motion

**Vote: Aye: 5      Nay: 0      Abstain: 0**

**THE MOTION PASSED UNANIMOUSLY 5-0-0.**

## **V. ADJOURNMENT**

REPD Chair Worsham adjourned the meeting at 3:18 p.m.

*The written minutes for this meeting are only an overview of what was discussed. For verbatim comments of this meeting, a recording is available upon request. Please contact Xzavier Chisholm at [xchisholm@coj.net](mailto:xchisholm@coj.net) to acquire a recording of the meeting.*

**TAB IV.**  
**DISCUSSION OF FORD ON BAY STATUS AND APPROACH**





# DOWNTOWN INVESTMENT AUTHORITY

117 West Duval Street #310, Jacksonville, Florida 32202  
(904) 255-5302 | <https://dia.coj.net/>

## Discussion Outline for Consideration by REPD Committee

### Ford on Bay

- a. Terminate negotiation with Spandrel and ISP 0307-20
  - i. Their current proposal is materially different than the NOD response and requires re-notice of the disposition in any event
- b. Courthouse site only, or courthouse and ROFR parcel?
  - i. Marina parcel in design now for public marina
- c. Timing- move forward now or hold in inventory?
  - i. In reality development options for stand-alone site are mixed-use residential and retail, or park
  - ii. Impact of loss of residential in Shipyards
  - iii. Riverfront Plaza, Shipyards West Park and Met Park all requiring funding and implementation
- d. Negotiated disposition vs. open disposition
- e. DIA advertised RFP for 30 days only, or marketing 30 days followed by NOD open October 1?
  - i. If DIA Not ready to set NOD terms in August and defer until September, have marketing begin September 20 and NOD issue October 20 closing before Thanksgiving
- f. Extension of CBRE term
- g. Disposition terms

#### Terms:

1. Courthouse site only- not ROFR parcel
2. Comply with design standards and view corridor, or DIA would support deviation from view corridor if set back further from waterfront- Current ROW fully public but closed to traffic, next 50' no permanent vertical but outdoor activated public access such as outdoor restaurant seating allowed
3. Reduce required Bay Street retail from 80% to 35% Bay Street frontage ground floor retail or restaurant (not office), and provide scoring bonus for additional retail- (for this purpose, activated space such as tenant recreation space does not count as retail- all frontage must meet transparency requirement and all parking must be wrapped be residential, office, retail, etc.
4. 10,000 square foot restaurant on riverfront-minimum 7500 square feet one restaurant interior; no more than 2500 square feet of which is fast casual; how much interior vs. exterior
5. Resiliency- block construction; elevation
6. Design materials
7. Market Rate
8. Weight financial offer more- pay for land if expect comparable incentives to other developments
9. Donation to maintenance of Riverwalk/marina
10. Review scoring formulas

Attached for consideration and discussion are the terms, timeline and scoring criteria adopted in 2019

Timeline:

<b>NOTICE TIMELINE</b>	<b>DATE*</b>
Issue Notice	October 21, 2019
Pre-proposal Conference	November 5, 2019
Written Questions Due	November 12, 2019
Written Answers Due	November 21, 2019
Bids Due	January 21, 2020
Oral Presentations for short listed Respondents	January 30, 2020
Evaluation Committee recommendation to SIC Committee	February 10, 2020
DIA Board Meeting for Selection of Proposal	February 19, 2020
Award Posted	February 20, 2020

\*Date to be interpreted as “on or by” with a fourteen (14) calendar day extension at the sole discretion of the DIA CEO. Should the DIA Board not be able to meet within 14 calendar days of its February 19, 2020 Board Meeting, it will select a proposal at the earlier of a special meeting or its March 18, 2020 regularly scheduled Board Meeting, and the Award Posted date will correspond accordingly.

By its adoption of Resolution 2019-09-03, the Downtown Investment Authority approves the following Terms for inclusion into a Notice of Disposition<sup>1</sup>.

A. The Site

There are three (3) areas comprising the property: Area 1 (former Annex site), Area 2 (former Courthouse site) and Area 3 (submerged lands). Proposals may include all of the Areas, just Areas 1 or 2, or include a combination of Areas 1, 2 and 3; providing, however, that no proposal for just Area 3 will be accepted. Any combination offer may include an offer for less than 100% of Area 3.

B. Phasing

At least one phase of the primary-use structures per bid accepted must commence within 120 days of closing. All phases of proposed construction must commence within 48 months of closing. Closing to occur within nine months of award.

C. Mixed Use Development

Proposals shall include a mix of uses such as, but not limited to, multifamily, retail, office, open space and/or hospitality. Buildings directly fronting Bay Street shall have a vertical mix of uses, including ground floor retail. While the preference for high residential density will be communicated to prospective developers, specific density thresholds will not be established as qualification criteria.

D. Bay Street Activation

Proposals shall include ground floor retail uses (e.g., restaurants, retail, etc.) directly fronting and accessible by Bay Street at a minimum ratio of eighty percent (80%) of its ground floor Bay Street building frontage. At a minimum, the proposal shall include at least one semi-public use such as a sidewalk cafe or patio seating along Bay Street. 62.5% of the required retail must be street level while the balance can be second floor space.

E. St. Johns River

- i) Proposals shall include a minimum building setback of fifty (50) feet from the St. Johns River as measured from the landward side of a bulkhead.
- ii) Proposals that include Area 3 (submerged lands) shall include a marina with a material number of its slips dedicated in perpetuity for transient (i.e. short-term, public) boaters. and commercial vendors. For the marina component, all proposals must clearly define

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<sup>1</sup>The DIA Chief Executive Officer is authorized to include additional terms and conditions or modify the terms and conditions within this Exhibit 2 as necessary to comply with State and Local statutes and regulations regarding the disposition of property within a Community Redevelopment Area. The DIA Chief Executive Officer is further authorized to include terms and conditions such as requiring pro formas, sources and uses statement, financial references, development references, and any other information deemed necessary to establish that the developer or development team has the capacity to execute their proposal.

linear dock SF, slip numbers, slip sizes as well as an allocation of public versus private slips. Other experiential maritime uses shall be considered.

- iii) Proposals that include Area 2 (former Courthouse site) or Area 3 (submerged lands) shall include riverfront activation and shall include a riverfront Activity Node consistent with the Great Fire of 1901 node described in the “Riverfront Design Guidelines and Activity Nodes Plans” dated August 25, 2018.

F. Development Team

The following criteria will be used to pre-qualify proposals:

- i) Bid Bond  
*A bid bond of \$25,000.00 shall be included with all proposals in a form to be determined by the DIA Chief Executive Officer.*
- ii) Proposals that include all three Areas shall be from developers with experience of a singular project with aggregate value in excess of \$120 million and minimum square footage of 650,000.

Proposals for individual Areas will have the minimums outlined below:

Proposed Area	Comparable Projects of Minimum Size (SF)	Comparable Projects with a Minimum Development Budget (\$)
Areas 1 or 2	300,000	\$50 Million
Areas 1 & 2	600,000	\$100 Million
Areas 2 & 3	300,000	\$60 Million

- iii) Proposals shall include descriptions and visual materials related to the qualifying projects detailed above.
- iv) No proposal shall be accepted for evaluation if the developer has judgement liens (related to development performance) in excess of \$10 million, unpaid taxes in excess of \$1 million or active judgement liens not related to development performance in excess of \$10 million.

EXHIBIT 3

	Max Score	Score
<b>Experience and Qualifications</b>	<b>15</b>	
Experience developing mixed use projects of comparable size in an urban setting	8	
Financial Strength of Development Team	7	
Active litigation, judgement liens and outstanding tax payments	0 to Minus 10	

<b>Economic Benefit</b>	<b>15</b>	
Fee Simple acquisition price	3	
Financial return to the City (ROI), Economic impact (e.g. job creation, tax revenues)	9	
Equal opportunity / local participation	3	

<b>Project Development and Design</b>	<b>50</b>	
Project's ability to activate the urban core	7	
Thoughtful Mix of Uses	6	
Residential Density	6	
Development timeline (e.g. construction commencement and delivery timing)	5	
Civic and community benefits (e.g. quality and programming of open and green space, access to the river)	4	
Design for resiliency	4	
Quality of design and construction	5	
Activation of the riverfront and connection of the river to the development	5	
Number of marina slips available to short-term public use and commercial vendors	4	
Incorporation of Designated City Storyline for Site and Activity Node	4	

<b>Financial Proposal</b>	<b>10</b>	
Defined source and percentage of debt and equity	5	
Financial feasibility and cash flow analysis	3	
Post-Completion Management Plan	2	

<b>Oral Presentation</b>	<b>10</b>	
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Discretionary Bonus Points	Maximum Achievable	
Bonus Points for Proposals that include Only Area 1 and Area 2	5	
Bonus Points for Proposals that include Only Area 2 and Area 3 in its entirety	5	
Bonus Points for Proposals that include Areas 1, 2 and 3 in its entirety	10	

**TAB IV.a**

**RESOLUTION 2021-08-09 TERMINATION OF ISP-0307-20 (FORD ON BAY)**

**RESOLUTION 2021-08-09**

**A RESOLUTION OF THE DOWNTOWN INVESTMENT AUTHORITY (“DIA”) ADOPTING THE RETAIL ENHANCMENT AND PROPERTY DISPOSTION COMMITTEE’S RECOMMENDATION TO TERMINATE NEGOTIATIONS WITH SPANDREL DEVELOPMENT PARTNERS, THE HIGHEST RANKED PROPOSAL TO ISP-0307-20; REJECT ALL PROPOSALS RELATING TO ISP-0307-20; TERMINATE ISP-0307-20 (THE “NOTICE”); PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, via the adoption of Resolution 2019-09-03, the DIA instructed its Chief Executive Officer (“CEO”), through the City’s Procurement Division with the assistance of CBRE, Inc. , to seek proposals for the development of the City-Owned property located at 220 East Bay Street and 330 East Bay Street together with submerged lands associated therewith (the “Project”); and

**WHEREAS**, on October 21, 2019, the DIA through the City’s Procurement Division issued ISP-0307-20 (the “Notice”) for the proposed development of the Project; and

**WHEREAS**, after a notice period satisfying the minimum requirements of Section 163.380, Florida Statutes, and Section 122.434, Jacksonville Code of Ordinances, two (2) proposals meeting the minimum requirements set forth were received by the January 22, 2020, proposal opening deadline; and

**WHEREAS**, in accordance with the evaluation criteria set forth in the Notice, Spandrel Development Partners was determined to have submitted the highest ranked proposal (the “Response”) by the Evaluation Committee at their publicly noticed meeting held February 11, 2020; and

**WHEREAS**, via adoption of Resolution 2020-02-01, effective February 21, 2020, the DIA adopted the Recommendation of the Retail Enhancement and Property Disposition Committee and the Evaluation Committee by selecting Spandrel Development Partners as the highest-ranking proposer received pursuant to the Notice; and

**WHEREAS**, as a result of COVID 19, the negotiation was delayed but has continued over the last year and while Spandrel Development Partners remains interested in the Property, they are unwilling to proceed on the terms of the initial ISP response and have proposed terms that are a material departure from the 2020 award; and

**WHEREAS** other interested parties have expressed the desire to present proposals on parcels subject to the ISP; and

**WHEREAS**, ISP 0307-20 required the negotiation of a letter of intent within 30 days from notification of selection and negotiation of a detailed development Agreement within 120 days of selection; and

**WHEREAS**, ISP 0307-20 expressly reserves to the City the right to accept or reject any proposal with or without cause;

**WHEREAS**, the Retail Enhancement and Property Disposition Committee met on August 13, 2021, and, after deliberating voted to recommend to the DIA Board that negotiations with Spandrel Development Partners be terminated and that the DIA Board reject all proposals and terminate the Notice,

**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 hereby adopts the recommendation of the Retail Enhancement and Property Disposition Committee to terminate negotiations with Spandrel Development Partners related to ISP-0307-20, reject all proposals and terminate the Notice.

**Section 3.** The DIA hereby instructs its CEO to take all action necessary to effectuate the purpose of this Resolution

**Section 4.** This Resolution shall become effective on the date it is signed by the Chair of the DIA Board.

WITNESS:

DOWNTOWN INVESTMENT AUTHORITY

\_\_\_\_\_

\_\_\_\_\_  
W. Braxton Gillam, Esq., Chairman

\_\_\_\_\_  
Date

VOTE: In Favor: \_\_\_\_\_ Opposed: \_\_\_\_\_ Abstained: \_\_\_\_\_



**TAB IV.b**  
**RESOLUTION 2021-08-10 CBRE EXTENSION**

## **RESOLUTION 2021-08-10**

**A RESOLUTION OF THE DOWNTOWN INVESTMENT AUTHORITY (“DIA”) APPROVING THE THIRD AMENDMENT TO THE EXISTING AGREEMENT BETWEEN CBRE, INC. AND THE CITY OF JACKSONVILLE TO PROVIDE VARIOUS REAL ESTATE SERVICES RELATED TO 330 EAST BAY STREET PROPERTY FOR THE BENEFIT OF THE DIA; AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO EXECUTE ALL CONTRACTS AND DOCUMENTS AND OTHERWISE TAKE ALL NECESSARY ACTION TO EFFECTUATE THE PURPOSE OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, via Resolution 2019-08-07, the DIA approved CBRE, Inc. (“Contractor”) to provide real estate services for the Courthouse/Annex Property as provided in the Second Amendment to Agreement (Utilizing State Contract No. DMS-12/13-007A) between the City of Jacksonville and CBRE, Inc. for Various Real Estate Services; and

**WHEREAS**, on August 20, 2019, the City of Jacksonville executed the Second Amendment, which extended the contract with the City until April 8, 2024, increased the total maximum indebtedness of the City, and included a Scope of Work for Downtown Investment Authority for work related to the Courthouse/Annex Property, as identified in Exhibit C to the Agreement; and

**WHEREAS**, the Contractor recommended the highest and best use of the Courthouse/Annex Property (“the Ford on Bay Development”), marketed the property for the Notice of Disposition, and completed its deliverables and milestones, except for the services related to the final disposition of the Property, all of which are outlined in Exhibit C to the Agreement; and

**WHEREAS**, via Resolution 2021-08-09, the DIA voted to terminate negotiations with Spandrel Development Partners, the highest ranked proposer to ISP-0307-20; and

**WHEREAS**, it was determined that it would be most efficient and effective to continue to engage the Contractor to provide real estate services related to the Ford on Bay Development for the DIA since the reissued Notice of Disposition will utilize the Contractor’s work product; and

**WHEREAS**, a third amendment (“Third Amendment”) to the Agreement is required to delete and replace Exhibit C so that the scope of work for the DIA reflects the reissued Notice of Disposition for the Ford on Bay Development; and

**WHEREAS**, the DIA finds that the services to be provided in accordance with the terms set forth in the revised Exhibit C are valuable and warranted in connection with the pursuit of the highest and best use for, and greatest return to the City in connection with, the Ford on Bay Development.

**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 approves the reengagement of the Contractor to provide the real estate services for the Ford on Bay Development as provided for in the “Third Amendment to Agreement (Utilizing State Contract No. DMS-12/13-007A) between the City of Jacksonville and CBRE, Inc. for Various Real Estate Services,” the revised Exhibit C, Scope of Work for Downtown Investment Authority, is attached hereto as **Exhibit 1**.

**Section 3.** The CEO is authorized to execute any contracts and documents required to be executed by DIA and take all necessary action in connection with the Second Amendment.

**Section 4.** This Resolution shall become effective on the date it is signed by the Chair of the DIA Board.

WITNESS:

**DOWNTOWN INVESTMENT AUTHORITY**

\_\_\_\_\_

W. Braxton Gillam, Esq., Chair

\_\_\_\_\_ Date

VOTE: In Favor: \_\_\_\_\_ Opposed: \_\_\_\_\_ Abstained: \_\_\_\_\_

**RESOLUTION 2021-08-10**  
**EXHIBIT 1**  
**THIRD AMENDMENT TO AGREEMENT**  
**(UTILIZING STATE CONTRACT NO. DMS-12/13-007A)**  
**BETWEEN**  
**THE CITY OF JACKSONVILLE**  
**AND**  
**CBRE, INC.**  
**FOR**  
**VARIOUS REAL ESTATE SERVICES**

**THIS THIRD AMENDMENT** to Agreement for the provision of certain real estate services (the “Services”) is made and entered into this \_\_\_\_ day of August, 2021, by and between the CITY OF JACKSONVILLE, a municipal corporation existing under the Constitution and the laws of the State of Florida (hereinafter the “CITY”), and CBRE, INC., a Florida for-profit corporation with principal office at 225 Water Street, Suite 110, Jacksonville, Florida 32202 (hereinafter the “Contractor”).

**RECITALS:**

**WHEREAS**, on February 8, 2017, CITY and Contractor made and entered into City of Jacksonville Contract No. 10282 (hereinafter the “Agreement”) for the Services; and

**WHEREAS**, said Agreement has been amended two times previously; and

**WHEREAS**, CITY and Contractor wish to amend the provisions of the Agreement to reflect the revised Scope of Work for the Downtown Investment Authority and to revise **Exhibit C** of the Agreement accordingly, with all other provisions, terms, and conditions of said Agreement remaining unchanged; now therefore

**IN CONSIDERATION** of the premises and of the mutual covenants and agreements hereinafter contained and for other good and valuable consideration acknowledged by the parties to be sufficient, the parties agree as follows:

1. The above-stated recitals are accurate, true, and correct and are incorporated herein and made a part hereof by this reference.
2. Upon the Effective Date, the parties agree to delete the current **Exhibit C** and replace it with a new **Exhibit C** attached hereto and incorporated herein by reference.

**SAVE AND EXCEPT** as expressly amended in and by this instrument, the provisions, terms, and conditions of said Agreement shall remain unchanged and shall continue in full force and effect.

**RESOLUTION 2021-08-10**

**EXHIBIT 1**

**IN WITNESS WHEREOF**, the parties hereto have executed this Second Amendment the day and year first above written.

**ATTEST:**

**CITY OF JACKSONVILLE:**

By \_\_\_\_\_  
James R. McCain, Jr.  
As Corporation Secretary

By \_\_\_\_\_  
Lenny Curry as Mayor

In compliance with the Ordinance Code of the City of Jacksonville, I do hereby certify that there is an unexpended, unencumbered, and unimpounded balance in the appropriation sufficient to cover the foregoing Agreement, and that provision has been made for the payment of the monies provided therein to be paid. .

\_\_\_\_\_  
Director of Finance  
City Contract #10282, 2d Amd

Form Approved:

\_\_\_\_\_  
Office of General Counsel

**WITNESS:**

**CBRE, INC.**

By \_\_\_\_\_  
Signature

By \_\_\_\_\_  
Signature

\_\_\_\_\_  
Type/Print Name

\_\_\_\_\_  
Type/Print Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

**“Revised” Exhibit C**

Scope of Work for Downtown Investment Authority

<b>A. Summary of Desired Work Product</b>	
<i>Eligible User Information</i>	City of Jacksonville – Downtown Investment Authority (“DIA”)
<i>Short Descriptive Title for Work</i>	Real Estate Optimization Analysis and Transaction and Development Advisory Services
<i>Scope of Work</i>	<ul style="list-style-type: none"> <li>(a) Perform market due diligence, including development of a Broker Opinion of Value (“BOV”) as to highest and best use for assigned properties;</li> <li>(b) Recommendation of highest and best use(s) for the properties located at 220 East Bay Street and 330 East Bay Street (“Courthouse/Annex Property”) and development of a Notice of disposition (“NOD”) to include a Scoring Matrix to assist DIA review and ranking of responses. The scoring matrix shall be based upon criteria and guidelines for the development of the property set forth by the Board;</li> <li>(c) Assistance in the development of a NOD and “best in class” marketing collateral, to include presentation of the NOD to the DIA Board for approval prior to being noticed</li> <li>(d) Distribution of the NOD to the market place, with the goal of maximizing exposure of the property to experienced and qualified developers; and</li> <li>(e) Assisting the DIA in vetting proposals submitted in response to the NOD.</li> <li>(f) Negotiate business terms.</li> </ul>
<i>Specific Milestones or Deliverables</i>	<ul style="list-style-type: none"> <li>(a) Real estate analysis report for the Courthouse/Annex Property to determine highest and best mix of uses with a focus on waterfront development. Deliverable: Site-specific real estate analysis report with recommendations for redevelopment of the Property including mix of uses and potential site density.</li> <li>(b) Assisting the DIA in the development of a NOD for all or a portion of the Courthouse/Annex Property. Deliverable: NOD meeting the requirements for disposition of property within a Community Redevelopment Area.</li> <li>(c) Presentation of the NOD to the DIA Board. Milestone: approval of a NOD by DIA Board prior to distribution.</li> <li>(d) Assisting DIA Staff through the City’s procurement process. Milestone: issuance of a NOD to the marketplace, scheduling and conducting a pre-bid conference and soliciting, answering and directing Q &amp; A throughout.</li> <li>(e) Property marketing. Deliverable: Creation of “best in class” marketing collateral using traditional means such as signage, commercial listing services (<a href="http://www.cbredealfow.com">www.cbredealfow.com</a>), Costar, Loopnet, etc.), brochures and appropriate collateral materials. Issue press releases in conjunction with the City, promoting the offering. Using CBRE proprietary software (Campaign Logic), CBRE will schedule e-blasts to thousands of investors, brokers, and developers. Through Campaign Logic, CBRE has the ability to track who has viewed the e-blast, how often, etc. allowing our broker teams to follow up with interested parties and generate reports to the City related to this information. Design an interactive Property Website</li> </ul>

	<p>so prospects can download marketing materials.</p> <p>(f) Maximizing exposure of the Property. Deliverable: documentation that CBRE has distributed the NOD and marketed the Property to a national audience of experienced and qualified developers for 60 days minimum prior to the NOD period, which is anticipated to be between 30 and 45 days and completed the marketing items outlined in (e). Note: CBRE, DIA Staff and the City's Procurement Office will develop a process to ensure that processes for disposition of property within a CRA are followed.</p> <p>(g) Vetting proposals. Deliverable: CBRE will prepare a report analyzing each proposal and developer. Analysis to include, but not necessarily be limited to: Return on Investment analysis, financial capacity of the developer, and other criteria as may be developed in accordance with (b), above. Analyze Developer responses including objective and subjective criteria established in collaboration with the City:</p> <ul style="list-style-type: none"> <li>- Complete financial analysis</li> <li>- Review adequacy of Developer bid/response</li> <li>- Conduct in-person interview(s)</li> <li>- Assess Developer ability to perform (experience and financial)</li> <li>- Develop comparison matrix of responses for decision making</li> <li>- Present findings and recommendations as required, to the selection committee and elected officials</li> </ul> <p>(h) Negotiate business terms for the contracts with successful respondent and city legal counsel. Deliverable: lease, purchase or development agreements; operating agreements, parking agreements and cross easements if necessary.</p>
<i>Period of Performance</i>	From date of authorization to proceed through <a href="#">September 30, 2022</a> .

<b>B. Tenant Broker Proposal to Accomplish Work</b>	
<i>Compensation Proposal</i>	See below.
<i>Proposed Timeline</i>	12 -18 months
<i>Tenant Broker Information</i>	CBRE, Inc. 225 Water Street, Suite 110 Jacksonville, FL 32202

FEE FOR CONSULTING AND NON-BROKERAGE TRANSACTION SERVICES

In the event the DIA requires real estate consulting related services that are non-commissionable, CBRE will be compensated on an hourly basis in accordance with 2.3.2, Table 2 – Labor Rate Schedule contained in the DMS contract and City of Jacksonville and CBRE Agreement for Various Real Estate Services dated February 8, 2017 or by a not to exceed number to perform a specified task in accordance with 2.1.3.

In either instance, CBRE will provide the DIA with a quote in the format of either hourly rates at the rate in the DMS contract or not to exceed flat fee for services quote. The City shall be billed monthly, not to exceed a total contract value for all services provided to the City in connection with this Exhibit 2 of fifty thousand dollars (\$50,000).

FEE FOR TRANSACTION AND DEVELOPMENT ADVISORY SERVICES

The total fee to be paid to CBRE for Development Advisory Services shall be paid by the Developer and calculated based on the “Total Value of the Project” and sliding scale listed below. Total Value of the Project is defined as all hard and soft costs of the project including but not limited to; the value of the land plus infrastructure, design, and construction costs as proposed by Developer. The total project value calculation does not include any City provided incentives. CITY SHALL HAVE NO RESPONSIBILITY OR LIABILITY TO CBRE FOR ANY TRANSACTION AND DEVELOPMENT ADVISORY SERVICES, AND CBRE SHALL LOOK EXCLUSIVELY TO THE DEVELOPER FOR PAYMENT OF SUCH FEES.

The Developer shall pay the fee within Thirty (30) days of execution of all development agreements between the City and Developer. CBRE shall credit back to the City any consulting fees not to exceed \$50,000 at such time as CBRE is paid by Developer. CBRE will specify the fee arrangement and payment terms in the RFQ and RFP issued by CBRE on the City’s behalf and stipulate that said fee is to be paid by the developer as a condition for consideration of the Developer’s proposal by the City.

Service	Paid By	Amount	Timing
Consulting services for marketing, NODprocess and bid analysis	City	Not to exceed \$50,000, less any amount previously billed under the second amendment	Payable monthly as services are rendered
Transaction and development advisory brokerage	Developer	Per sliding scale listed below.	30 days of execution of development agreement



Commission Rate	Transaction Value Tranche
3.50%	\$0 - \$10 M
3.00%	\$10 M - \$20 M
2.50%	\$20 - \$30 M
2.00%	\$30 M - \$50 M
1.50%	\$50 - \$100 M
0.95%	\$100 M or greater

These fees reflect commission payable by the Developer to CBRE only. Any outside brokers / buyer representation will be responsible for seeking commissions from their principals, unless the City believes it to be prudent to offer a supplemental outside representation fee at its discretion. Commissions will be charged per transaction on cumulative and compounding basis.

\*This proposal includes all travel and incidental expenses as well as marketing related materials. This structure results in no additional out of pocket costs to the City.

**SCENARIO / EXAMPLE:**

The City engages CBRE for development advisory services to redevelop the Courthouse / Annex property and performs the tasks described above. One of two outcomes occur:

1. The City selects a qualified Developer, and CBRE earns a commission of 3%. In this case, the monthly retainer is credited back to the City in lieu of the earned commission.
2. For whatever reason, a Developer is not selected or approved, CBRE keeps the earned consulting fees to account for time and out of pocket expenses.

<b>C. Using Agency Acceptance &amp; Authorization to Proceed</b>	
<i>Approved to Proceed</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<i>Date</i>	
<i>Approver's Name &amp; Signature</i>	

**TAB IV.c**

**RESOLUTION 2021-08-11 DISPOSITION TERMS 330 BAY  
(FORMER COURTHOUSE PARCEL)**

## RESOLUTION 2021-08-11

**A RESOLUTION OF THE DOWNTOWN INVESTMENT AUTHORITY APPROVING THE TERMS AND CONDITIONS, SCORING CRITERIA AND TIMELINE TO BE INCORPORATED INTO A NOTICE OF DISPOSITION FOR THAT CERTAIN CITY-OWNED PROPERTY COMMONLY REFERRED TO AS THE FORMER COURTHOUSE PROPERTY; INSTRUCTING ITS CHIEF EXECUTIVE OFFICER (“CEO”) TO TAKE ALL NECESSARY ACTION TO EFFECTUATE THE PURPOSES OF THIS RESOLUTION; FINDING THAT THIS RESOLUTION FURTHERS THE BUSINESS INVESTMENT AND DEVELOPMENT (“BID”) PLAN, INCLUDING THE COMMUNITY REDEVELOPMENT AREA PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**WHEREAS**, the City owns an approximately 2.89 acres of upland riverfront property, comprising the upland portion of Duval County Tax Parcel Number 073358 0000, hereto referred to as the “Property”; and

**WHEREAS**, DIA desires to seek proposals for the redevelopment of the Property, and to that end has contracted with CBRE for real estate consulting and representation services, including the development of a Notice of Disposition; and

**WHEREAS**, in furtherance of the development of the Notice of Disposition, the DIA approves a Timeline, Terms and Scoring Criteria, attached hereto as Exhibit 1, Exhibit 2 and Exhibit 3, respectively; and

**WHEREAS**, DIA envisions that the property and anticipated disposition will be marketed for following adoption of this Resolution with the Notice of Disposition issued in October;

**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; and

**Redevelopment Goal No. 3**

Simplify the approval process for downtown development and improve departmental and agency coordination, 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 approves a Timeline to be incorporated into a Notice of Disposition, attached hereto as Exhibit 1.

**Section 3.** The DIA approves the Terms to be incorporated into a Notice of Disposition, attached hereto as Exhibit 2.

**Section 4.** The DIA approves Scoring Criteria to be incorporated into a Notice of Disposition, attached hereto as Exhibit 3.

**Section 5.** The DIA anticipates issuance of a 30 day Notice of Disposition regarding the Property in October in accordance with the Timeline.

**Section 6.** The DIA instructs the Chief Executive Officer of the Downtown Investment Authority to take all necessary action necessary to effectuate the purposes of this Resolution.

**Section 7.** This Resolution shall become effective on the date it is signed by the Chair of the DIA Board.

WITNESS:

**DOWNTOWN INVESTMENT AUTHORITY**

\_\_\_\_\_

\_\_\_\_\_  
W. Braxton Gillam, Esq., Chair

\_\_\_\_\_  
Date

VOTE: In Favor: \_\_\_\_\_ Opposed: \_\_\_\_\_ Abstained: \_\_\_\_\_

## RESOLUTION 2021-08-11

### EXHIBIT 1

#### Timeline Without a Broker

Development of NOD terms: August –September 15, 2021

NOTICE TIMELINE	DATE*
Issue Notice	September 21, 2021
Pre-proposal Conference	September 27, 2021
Written Questions Due	October 1, 2021
Written Answers Due	October 8, 2021
Bids Due	October 22, 2021
Oral Presentations for short listed Respondents	Week of Nov 1-5, 2021
Evaluation Committee recommendation to REPD Committee	November 8, 2021
DIA Board Meeting for Selection of Proposal	November 17, 2021
Award Posted	November 18, 2021

\*Date to be interpreted as “on or by” with a fourteen (14) calendar day extension at the sole discretion of the DIA CEO. Should the DIA Board not be able to meet within 14 calendar days of its November 2021 Board Meeting, it will select a proposal at the earlier of a special meeting or its December 2021 regularly scheduled Board Meeting, and the Award Posted date will correspond accordingly.

## RESOLUTION 2021-08-11

### EXHIBIT 1

Timeline with CBRE, terms sheet approved August:

**Marketing period pre NOD: August 23- September 30, 2021**

NOTICE TIMELINE	DATE*
Issue Notice	October 1, 2021
Pre-proposal Conference	October 11, 2021
Written Questions Due	October 15, 2021
Written Answers Due	October 22, 2021
Bids Due	November 1, 2021
Oral Presentations for short listed Respondents	Week of Nov 15-19, 2021
Evaluation Committee recommendation to REPD Committee	November 29, 2021
DIA Board Meeting for Selection of Proposal	December 15, 2021
Award Posted	December 16, 2021

\*Date to be interpreted as "on or by" with a fourteen (14) calendar day extension at the sole discretion of the DIA CEO. Should the DIA Board not be able to meet within 14 calendar days of its December, 2021 Board Meeting, it will select a proposal at the earlier of a special meeting or its January 2022 regularly scheduled Board Meeting, and the Award Posted date will correspond accordingly.

## RESOLUTION 2021-08-11

### EXHIBIT 1

Timeline with CBRE, terms sheet approved September:

**Marketing period pre NOD: September 15- October 21, 2021**

NOTICE TIMELINE	DATE*
Issue Notice	October 22, 2021
Pre-proposal Conference	November 1, 2021
Written Questions Due	November 5, 2021
Written Answers Due	November 12, 2021
Bids Due	November 23, 2021
Oral Presentations for short listed Respondents	Week of Nov 29-Dec 3, 2021
Evaluation Committee recommendation to REPD Committee	December 7, 2021
DIA Board Meeting for Selection of Proposal	December 15, 2021
Award Posted	December 16, 2021

\*Date to be interpreted as "on or by" with a fourteen (14) calendar day extension at the sole discretion of the DIA CEO. Should the DIA Board not be able to meet within 14 calendar days of its December, 2021 Board Meeting, it will select a proposal at the earlier of a special meeting or its January 2022 regularly scheduled Board Meeting, and the Award Posted date will correspond accordingly.

## RESOLUTION 2021-08-11

### EXHIBIT 2

By its adoption of Resolution 2021-08-10, the Downtown Investment Authority approves the following Terms for inclusion into a Notice of Disposition<sup>1</sup>.

#### A. The Site

There were three (3) areas included in the 2019 NOD: Area 1 (former Annex site), Area 2 (former Courthouse site) and Area 3 (submerged lands). The City has contracted for design of a public Marina to be constructed within Area 3, the submerged lands.

This NOD shall be issued only for Area 2.

#### B. Phasing

The primary-use structures per bid accepted must commence within 120 days of closing. Closing to occur upon receipt of DDRB approvals and proof of financial capacity to complete construction which shall be completed within nine months of award.

#### C. Mixed Use Development

Proposals shall include a mix of uses such as, but not limited to, multifamily, retail, office, open space and/or hospitality. Buildings directly fronting Bay Street shall have a vertical mix of uses, including ground floor retail. While the preference for high residential density will be communicated to prospective developers, specific density thresholds will not be established as qualification criteria. If residential units are proposed, only market rate units should be proposed for this location.

#### D. Bay Street Activation

Proposals shall include ground floor retail uses (e.g., restaurants, retail, etc.) directly fronting and accessible by Bay Street at a minimum ratio of \_\_\_ percent (35%) of its ground floor Bay Street building frontage. At a minimum, the proposal shall include at least one semi-public use such as a sidewalk cafe or patio seating along Bay Street. No more than 10% of the Bay Street frontage may directly visible parking garage. Ground floor uses other than retail or restaurant shall meet all transparency requirements. Activated tenant spaces such as gyms and community rooms or work/live units or office could comprise the remainder of the frontage but bonus points will be awarded for additional retail or restaurants on Bay Street and additional incentive consideration will be available.

#### E. St. Johns River

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<sup>1</sup> The DIA Chief Executive Officer is authorized to include additional terms and conditions or modify the terms and conditions within this Exhibit 2 as necessary to comply with State and Local statutes and regulations regarding the disposition of property within a Community Redevelopment Area. The DIA Chief Executive Officer is further authorized to include terms and conditions such as requiring pro formas, sources and uses statement, financial references, development references, and any other information deemed necessary to establish that the developer or development team has the capacity to execute their proposal.



## RESOLUTION 2021-08-11

### EXHIBIT 2

- i) Setback. Proposals shall include a minimum building setback of fifty (50) feet from the St. Johns River as measured from the landward side of a bulkhead. Any proposal that is set back only 50 feet from the bulkhead will be required to comply with height step-backs as well as include a view corridor between Bay Street and the River.

An alternative preferred design would set back vertical construction 100 feet or more from the bulkhead. If this design alternative is chosen, DIA staff will support a waiver of the view corridor requirement based on existing block widths and provided adequate façade differentiation is incorporated along Bay Street. No vertical construction would be allowed within 100 feet of the bulkhead however some publicly accessible outdoor seating, etc. could be incorporated in the 50 feet closest to the private development.

- ii) Riverfront Activation. Proposals shall include riverfront activation and shall include a riverfront Activity Node consistent with the Great Fire of 1901 node described in the “Riverfront Design Guidelines and Activity Nodes Plans” dated August 25, 2018.

Furthermore, a minimum of 10,000 square feet of restaurant/bar space shall be provided on the riverfront, of which at least 7500 square feet must be ground floor. The DIA desires a full service restaurant providing a dining opportunity for boaters on the waterfront.

F. Resiliency. The use of resilient construction materials and how the proposal addresses potential flooding and site elevation will be considered. If the site is to be filled, how the development remains pedestrian friendly from the sidewalk will be important.

G. Design and Materials. As a prominent waterfront and Bay Street location, the design and choice of construction materials will be taken into consideration and we encourage high quality product with architectural details and exterior finish worthy of the site.

H. Construction and Maintenance Contribution. Proposals should include Developer’s proposed monetary or in-kind contribution to the construction and ongoing maintenance of the Riverwalk and adjacent plaza/park space at this location.

#### I. Development Team

The following criteria will be used to pre-qualify proposals:

- i) Bid Bond  
*A bid bond of \$25,000.00 shall be included with all proposals in a form to be determined by the DIA Chief Executive Officer.*
- ii) Proposals shall be from developers with experience of a singular project with aggregate value in excess of \$50 million and minimum square footage of 300,000. The principal individual or company submitting the proposal shall meet this criteria and the financial

## RESOLUTION 2021-08-11

### EXHIBIT 2

capacity of lenders and partners will not replace the experience and financial capacity of the Developer who is leading the project.

- iii) Proposals shall include descriptions and visual materials related to the qualifying projects detailed above.
- iv) No proposal shall be accepted for evaluation if the developer has judgement liens (related to development performance) in excess of \$10 million, unpaid taxes in excess of \$1 million or active judgement liens not related to development performance in excess of \$10 million.

J. Financial Offer and Incentives. A multi-family market rate REV grant (Property tax rebate) will be considered for projects meeting the program criteria up to a maximum of 50% for a term of 20 years. The maximum would only be awarded to a project which met all desired DIA elements regarding retail and restaurant space, construction quality, setbacks, etc. In determining the offer price for the land, a proposer may take the REV grant into consideration. No other public incentive should be anticipated.

**RESOLUTION 2021-08-11**

**EXHIBIT 3**

	<b>Max Score</b>		<b>Score</b>
<b>Experience and Qualifications</b>	<b>20</b>	<b>20</b>	
Experience developing mixed use projects of comparable size in an urban setting	10	10	
Financial Strength of Development Team	10	10	
Active litigation, judgement liens and outstanding tax payments	0 to Minus 5	0 to minus 5	

<b>Economic Benefit</b>	<b>15</b>	<b>20</b>	
Fee Simple acquisition price	3	8	
Financial return to the City (ROI), Economic impact (e.g. job creation, tax revenues)	9	9	
Equal opportunity / local participation	3	3	

<b>Project Development and Design</b>	<b>50</b>	<b>45</b>	
Project's ability to activate the urban core	7	8	
Thoughtful Mix of Uses	6		
Residential Density	6	6	
Development timeline (e.g. construction commencement and delivery timing)	6	6	
Civic and community benefits (e.g. open and green space, access to the river)	4	10	
Activation of the riverfront	5		
Number of marina slips available to short-term public use and commercial vendors	4		
Incorporation of Designated City Storyline for Site and Activity Node	4	4	
Quality of Construction Material and Design	4	5	
Design for Resiliency	4	5	
Park/Riverwalk Maintenance			

<b>Financial Proposal</b>	<b>10</b>	<b>10</b>	
Defined source and percentage of debt and equity	5	5	
Financial feasibility and cash flow analysis	3	3	
Post-Completion Management Plan	2	2	

<b>Oral Presentation</b>	<b>10</b>		
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**Maximum Achievable**

<b>Bonus Points for Retail and Restaurant above minimum</b>	<b>10</b>		
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**TAB V.**  
**HARPER STREET DISPOSITION**

## **DIA Retail Enhancement and Property Disposition Committee**

### **DIA Informal Disposition**

#### **1511 Harper Street Notice of Disposition**

**August 05, 2021**

#### **Request**

This memo is being presented to the Retail Enhancement and Property Disposition Committee as information for the disposition of 1511 Harper Street, RE# 075399-0000, a City-owned property located near the intersection of Myrtle Avenue South and Harper Street in the LaVilla District of the Northbank Downtown CRA. This is a vacant piece of property approximately 2,164 square feet, or 0.05 acres, in area. It is approximately 600 feet from McCoys Creek but does not abut the Emerald Trail.

#### **Unsolicited Proposal**

An unsolicited proposal was submitted by Mr. Kenneth Grady to purchase the City-owned lot located at 1511 Harper Street for \$16,000. Mr. Grady is seeking to assemble the adjoining properties through the use of tax certificates in order to develop a retail storefront or restaurant at this corner. His goal is to be a part of the transformation of the Myrtle Street corridor and provide food service and create jobs in an area that is in need of both.

The parcel requested for purchase is located among four (4) small adjacent parcels which are all under different owners. The three (3) other parcels are all delinquent in taxes and have several nuisance liens against them. Mr. Grady has tax certificates on two (2) of the three (3) properties and has begun foreclosure proceedings on one (1) in his effort to eventually put them all together to develop the property.

#### **Appraisal**

The appraisal, obtained and paid for by Mr. Grady, was prepared by Moody Williams. The "as is" market value as of May 21, 2021, is listed as \$16,000. The highest and best use is identified as "assemblage with adjacent parcel for retail development".

#### **CRA Plan Considerations**

The proposed disposition is considered consistent with the CRA Plan based on the proposed use in the development of a delivery style pizza restaurant following assemblage of surrounding parcels which will put the property back on the tax roll and create jobs in that local area. The adjacent area is dominated by the 58,600 square foot Duval Container Company warehouse, and

also includes several undeveloped parcels, a small church, and a few scattered single-family homes. Formerly, a block building was found on the corner lot adjacent to the subject but has since been demolished.

Figure 1. Parcel Location Maps



Figure 2. Photograph of Subject Parcel (Block building is no longer present.)



- Because the appraised value of the property is less than \$25,000, and the proposed acquisition price equals the appraised amount, the DIA is following the Informal Notice of Disposition Process.
- A Notice of Disposition will be published that identifies the subject parcel, advises that further information can be obtained from the DIA Office, and invites other proposals

within 30 days from the date of publication, and requires a closing to occur within 90 days of selection, unless extended for up to 90 additional days by the DIA CEO for cause shown by the winning bidder.

- Any other proposals received will be evaluated by DIA staff for consistency with the CRA and BID plan, the financial and legal ability of the respondents to carry out the proposal, the purchase price, and the timeframe for commencement of improvements, if any.
- At the next regularly scheduled Board meeting following close of the notice period and evaluation of responses by staff, a term sheet regarding the disposition recommended by staff will be presented to the Board for consideration.
- The Informal Disposition process does not require engagement with the Procurement Department, a scoring committee, or formal criteria for scoring.
- Any other responses received will be reviewed by DIA staff and a recommendation made to the Board to proceed with a particular disposition or reject all responses or enter into a formal disposition process in accordance with the Formal Disposition process.

Per the informal disposition process, The CEO of the Downtown Investment Authority shall be authorized to initiate an Informal Disposition Process for transactions meeting the criteria as found within the Notice of Disposition policy and determined by the CEO to be consistent with the applicable CRA and BID plan and in the best interest of the CRA. The DIA Board shall approve the disposition prior to execution of any contract but Board approval shall not be required prior to initiation of the notice process.

Approved to initiate the notice of disposition process this day, August 16, 2021

  
\_\_\_\_\_  
Lori Boyer - CEO