

# Palms Fish Camp developer sues city over contract

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JACKSONVILLE — A development group has filed suit against the city of Jacksonville for breach of contract relating to an agreement to operate a new Palms Fish Camp on Jacksonville's Northside.

The suit, filed in November, states that the city terminated its agreement with The Palms Partnership LLC after the developer completed 95 percent of the work on the project. Now, Attorney Chris Cobb said, the managing director of the partnership, Paul Rohan, just wants

back the \$700,000 he's invested in the project.

"The city has received a building that can pretty much be occupied," said Cobb, a partner with Jimerson & Cobb PA.

According to public records, the city bought the 2-acre property at 6359 Heckscher Drive that includes a boat dock, ramp and kayak launch in 2002 for more than \$550,000.

The purchase was part of the Preservation Project Jacksonville, a land acquisition program created under the John Delaney administration designed to, among other things, manage growth and provide public access

to the city's natural resources. The city demolished the building that was the former Palms Fish Camp in 2005, with plans to build a new restaurant operated through a management agreement with a developer, according to the lawsuit.

Rohan, who is also the managing partner of Planet Five Development Group LLC based in Jacksonville, signed a restaurant management agreement with the city on Nov. 3, 2005, that stated the developer would renovate, equip and operate the new Palms Fish Camp. Rohan agreed to rebuild the restaurant at his own expense and lease the space

from the city to earn back his investment. The developer also agreed to pay 5 percent of the restaurant's gross revenue to the city as a form of rent.

Carol Mirando, an assistant general counsel for the city of Jacksonville, said the city has been served with the lawsuit and will file a response within the next month.

City officials declined further comment on the lawsuit, but public records show that the city extended the construction deadline five times between the original deadline in 2006 and 2011. The

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city first notified Rohan of its intention to suspend the agreement in 2010.

The letter in 2010 from the city to Rohan stated, in part, "In light of the three and a half years during which the city has sought to accommodate the partnership's construction schedule, I hope you understand that it is the sincere desire of the city that the facility will be completed within 30 days so that the parties may enter into the operational phase of their partnership and that the public may enjoy a much-needed eating establishment."

One of the issues that still needed to be addressed in 2010 was completing the septic system, according to public records. Cobb said the building is move-in ready save for the septic permit and some fixtures.

The first termination notice was issued

## PALMS FISH CAMP

The developer of the Palms Fish Camp on the Northside is suing the city of Jacksonville for breach of contract.

Jan. 1, 2011. No work has been completed on the site since 2011. The developer continued to negotiate with the city, however, and in February 2012, the city proposed a new agreement that included a requirement that the developer pay a management fee of 15 percent of the restaurant's gross revenues, up from the 5 percent originally proposed. The new agreement also changed the material terms of the management arrangement. After further discussions, in April the city terminated negotiations for the new agreement.

The area where the fish camp would be located is relatively barren of restaurants and Cobb said that many of the fishermen in the area have been anxiously awaiting the completion of the restaurant. Although a marlin is decorating the wall and the tables and chairs are set, they will have to wait longer.

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