Cover Memorandum/Staff Report

File #: 18-0785 CRA   **Agenda Date:** 4/27/2021   **Item #:** 7L.

TO: **CRA Board of Commissioners**
FROM: **Kim Phan, Legal Advisor**
THROUGH: **Renée A. Jadusingh, Esq., Executive Director**
DATE: **April 27, 2021**

SECOND AMENDMENT TO THE GROUND LEASE AGREEMENT WITH HATCHER CONSTRUCTION & DEVELOPMENT, INC.

Recommended Action:
Approve the Second Amendment to the Ground Lease Agreement with Hatcher Construction & Development, Inc. in substantially the attached form.

Background:
On June 11, 2019, the CRA Board approved a Ground Lease (Original Lease) with Hatcher Construction & Development, Inc. (Hatcher) to construct a two-story 6,000 SF office building on two (2) adjacent, vacant CRA-owned parcels located at 20 and 26 NW 6th Avenue (Properties). The Ground Lease was executed on July 18, 2019.

On November 12, 2020, the CRA Board approved the First Amendment to the Original Lease to extend the expiration of the Site Plan Analysis Period from January 18, 2021, to July 18, 2021 and Hatcher agreed to assume the CRA's obligations under the CRA's Landscape Maintenance Agreement with the City of Delray Beach, Florida ("Landscape Maintenance Agreement") for the installation and maintenance of certain landscaping corresponding with the CRA's approved landscape plan.

The aforementioned Landscape Maintenance Agreement was never executed. The language in the Land Maintenance Agreement has since been revised. The Second Amendment to the Original Lease contains the revised Land Maintenance Agreement and Hatcher agrees to assume the responsibilities of the CRA as laid out in the most current Land Maintenance Agreement.

At this time, CRA Staff recommends approval of the Second Amendment to the Ground Lease with Hatcher.

Attachment(s): Exhibit A - Second Amendment to the Ground Lease Agreement with Hatcher Construction & Development, Inc.

CRA Attorney Review:
The CRA Attorney has reviewed the Agreement as to form and determined it to be acceptable.

Finance Review:
N/A

Funding Source/Financial Impact:
N/A