



Cover Memorandum/Staff Report

File #: 22-54 CRA

Agenda Date: 1/24/2023

Item #: 8A.

TO: CRA Board of Commissioners
FROM: Christine Tibbs, Assistant Director
THROUGH: Renée A. Jadusingh, Esq., Executive Director
DATE: January 24, 2023

700 WEST ATLANTIC AVENUE TENANTS

Recommended Action:

Approve the following:

- 1) Authorize CRA Staff to issue a written notice to vacate by August 31, 2023, to tenants and licensees occupying or utilizing the 700 West Atlantic Avenue property; and
- 2) A Second Amendment to the Emanuel Jackson Sr. Project, Inc. Revocable License Agreement ("Agreement"), dated April 1, 2022, to amend the termination date of the Agreement to August 31, 2023; and
- 3) Authorize the CRA's Chair, Executive Director and legal counsel to execute any and all related documents to facilitate the above action(s).

Background:

On November 17, 2022, the CRA Board approved and authorized CRA staff to issue a sixty (60) days written notice to vacate to tenants and licensees occupying the 700 West Atlantic Avenue Property ("Property") after the issuance of the City of Delray Beach's ("City") demolition permit and approved a First Amendment to the Emanuel Jackson Sr. Project, Inc. Revocable License Agreement ("Agreement") to extend the termination date from December 31, 2022, to terminate the Agreement sixty (60) days after the issuance of the City's demolition permit for the Property.

Since that time, CRA staff has finalized the Interlocal Agreement with the Solid Waste Authority ("SWA") for the 2023 SWA Blighted and Distressed Property Clean-Up and Beautification Grant. The \$108,000 in Grant funds will be used to demolish the Property and adjacent parking lot and carries a December 31, 2023, deadline.

Additionally, CRA staff has begun preparing all the items that need to be submitted to the City to obtain the demolition permit. Part of the submittal requirements include an Asbestos Affidavit that has been reviewed by the Palm Beach County Health Department, a completed Florida Department of Environmental Protection Notice of Asbestos Renovation or Demolition form, an Asbestos Inspection Report/Survey, and disconnecting all utilities to the Property prior to submitting the demolition permit application (proof of all disconnection needs to be submitted as part of the demolition permit application.)

As such, CRA staff has determined that for the safety of all current tenants, licensees, and the general public that visit the Property, performance of the above necessary activities cannot occur while the Property is occupied.

CRA staff is cognizant that adequate notice needs to be given to all tenants and licensees and is requesting Board approval to modify the original notice date of sixty (60) days after the issuance of the demolition permit by the City, and send a written notice to vacate the Property by August 31, 2023, to the tenants and licensees. Additionally, the Emanuel Jackson Sr. Project, Inc. ("EJS") Agreement currently has a termination date of sixty (60) days after issuance of the demolition permit by the City, CRA staff is requesting that a Second Amendment to the Agreement be approved to amend the termination date to August 31, 2023.

After August 31, 2023, when the Property is not occupied or being utilized, CRA staff would finalize the asbestos related actions required by Palm Beach County, the Florida Department of Environmental Protection, and the City, disconnect all utilities to the Property, and then submit the complete demolition permit application package to the City for approval.

At this time, CRA Staff is requesting Board approval of the following:

- 1) Authorize CRA Staff to issue a written notice to vacate by August 31, 2023, to tenants and licensees occupying or utilizing the 700 West Atlantic Avenue property; and
- 2) A Second Amendment to the Emanuel Jackson Sr. Project, Inc. Revocable License Agreement ("Agreement"), dated April 1, 2022, to amend the termination date of the Agreement to August 31, 2023; and
- 3) Authorize the CRA's Chair, Executive Director and legal counsel to execute any and all related documents to facilitate the above action(s).

Attachment(s): Exhibit A - Location Map

CRA Attorney Review:

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Finance Review:

N/A

Funding Source/Financial Impact:

2023 Solid Waste Authority Blighted and Distressed Property Clean-Up and Beautification Grant - \$108,000

Overall need within the Community Redevelopment Area from Delray Beach CRA Redevelopment Plan:

Removal of Slum and Blight

Land Use

Economic Development

Affordable Housing

Downtown Housing

Infrastructure

Recreation and Cultural Facilities