



Cover Memorandum/Staff Report

File #: 24-077 CRA

Agenda Date: 8/29/2024

Item #: 7H.

TO: CRA Board of Commissioners
FROM: Ivan J. Cabrera, AICP, Redevelopment Manager
THROUGH: Renée A. Jadusingh, Esq., Executive Director
DATE: August 29, 2024

RESOLUTION 2024-09 - APPROVE AN EASEMENT AGREEMENT WITH FLORIDA POWER AND LIGHT COMPANY FOR THE COMMERCIAL CONSTRUCTION PROJECT LOCATED AT 95 SW 5TH AVENUE

Recommended Action:

1. Approve an Easement Agreement with Florida Power and Light Company (FPL) for the CRA-owned commercial property located at 95 SW 5th Avenue, in substantially the same form as attached in Exhibit C;

AND

2. Authorize the CRA Board Chair to execute the Easement Agreement, and any related documents, in a form legally acceptable to the CRA Legal Counsel.

Background:

On January 24, 2023, the CRA Board awarded Ahrens Enterprises DBA Ahrens Companies (Ahrens) Invitation to Bid CRA No. 2022-01 to construct a commercial building at 95 SW 5th Avenue (Project). The Agreement was executed by Ahrens and the Delray Beach Community Redevelopment Agency (CRA) on February 28, 2023.

The current design and construction of the Project requires the replacement of an existing FPL electrical pole just south of the Project site, on the south side of SW 1st Street. The new electrical pole will serve the Project site and also be used for nearby properties. More specifically, the new electrical pole is being installed so as to adequately provide electricity to the new FPL generator (to be installed on the Project site) that will be connected to all the meters that will directly provide electricity to the commercial building on the Project site. See Exhibit A for the approximate locations of the new FPL electrical pole and FPL generator.

For the installation of the FPL generator, FPL requires the CRA to enter into an Easement Agreement (Exhibit C). The easement will include an approximately 10' by 10' area located at the southeast corner of the Project Site (along SW 1st Street.)

At this time, CRA staff is requesting the CRA Board:

1. Approve an Easement Agreement with Florida Power and Light Company (FPL) for the CRA-owned commercial property located at 95 SW 5th Avenue, in substantially the same form as attached in Exhibit C;

AND

2. Authorize the CRA Board Chair to execute the Easement Agreement, and any related documents, in a form legally acceptable to the CRA Legal Counsel.

Exhibit A - Location Map; Exhibit B - Resolution 2024-09 for Easement Agreement; Exhibit C - Easement Agreement with Exhibits

CRA Attorney Review:

The CRA Legal Counsel has drafted the Resolution as it relates to the Easement Agreement and as reviewed the Easement Agreement for legal form and sufficiency.

Finance Review:

N/A

Funding Source/Financial Impact:

N/A

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