



Cover Memorandum/Staff Report

File #: 18-0392 CRA

Agenda Date: 7/9/2019

Item #:

TO: CRA Board of Commissioners
FROM: Tara Toto, Project Manager
THROUGH: Renée A. Jadusingh, CRA Executive Director
DATE: July 9, 2019

SECOND AMENDMENT TO AGREEMENT FOR PURCHASE & SALE - 300 SW 5TH AVENUE

Recommended Action:

Approve the Second Amendment to the Agreement for Purchase and Sale for 300 SW 5th Avenue, with Larry C. Singleton and Phyllis G. Tomczyk.

Background:

At its meeting of November 13, 2018, the CRA Board approved Resolution No. 2018-18 and the Agreement for Purchase and Sale with Larry C. Singleton and Phyllis G. Tomczyk for the CRA purchase of 300 SW 5th Avenue, with a purchase price of \$279,000.00. The subject property is located within the Southwest Neighborhood (CRA Sub-Area #8) and is zoned R-1-A (Single Family Residential). The property provides an opportunity to continue the stabilization efforts of infill affordable housing development as indicated in the objectives of the Community Redevelopment Plan.

During the inspection period, the title work revealed significant title issues that CRA General Counsel and the Seller's attorney are working to resolve. Given these circumstances, on May 14, 2019, the CRA Board approved the First Amendment to the Agreement for Purchase and Sale, extending the inspection period to August 30, 2019.

After further conversations between legal counsel for both parties, they felt it was more appropriate for the counsel representing the property owner, Mr. Tom Stanley, to conduct the due diligence to clear title. Pursuant to Section 5.1 (Evidence of Title) of the Purchase and Sale Agreement, once notice has been provided from Purchaser to Seller of title objections. If the Seller chooses to cure, the title objections shall be cured within 10 days of the notice. Given the complexity of the title objection, the Seller's counsel needs additional time to cure title and will also provide the title commitment. Based on this understanding, the Second Amendment to the Purchase and Sale Agreement to amend Section 5.1(Evidence of Title) of the Agreement to extend the time period to cure title, and to have the costs and expenses relative to the issuance of a title commitment and an owner's title policy borne by the Seller. In addition, Section 10.2 (Seller's Closing Costs) of the Agreement is modified to include: c) Owner's Title Insurance Policy, and removal of this requirement from Section 10.3 (Purchaser's Closing Costs). The Second Amendment is before the CRA Board for consideration.

Attachments: Exhibit A - Location Map; Exhibit B - Second Amendment to Purchase and Sale Agreement - 300 SW 5th Ave

CRA Attorney Review:

The CRA Attorney has prepared the attached Second Amendment to the Purchase and Sale Agreement to

form and determined it to be acceptable.

Funding Source/Financial Impact:

Funding has been allocated from General Ledger #6513 - Affordable/Workforce Housing Program - Land Acquisitions-Affordable Housing.