



Cover Memorandum/Staff Report

File #: 18-0782 CRA

Agenda Date: 4/27/2021

Item #: 7K.

TO: CRA Board of Commissioners
FROM: Ivan Cabrera, AICP, Redevelopment Manager
THROUGH: Renée A. Jadusingh, Esq., Executive Director
DATE: April 27, 2021

LANDSCAPE MAINTENANCE AGREEMENT WITH THE CITY OF DELRAY BEACH - 20 AND 26 NW 6TH AVENUE

Recommended Action:

Approve the Landscape Maintenance Agreement with the City of Delray Beach (City) as it pertains to the properties related to the Ground Lease Agreement with Hatcher Construction & Development, Inc. (Hatcher), in substantially the attached form.

Background:

On June 11, 2019, the CRA Board approved a Ground Lease with Hatcher to construct a two-story, approximately 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.

In February 2020, Hatcher submitted a Conditional Use and Class V Site Plan applications to the City for the development of the Properties. The development proposal consists of the following: construction of two separate 2-story, 3,556 SF commercial buildings for a total of 7,112 SF of office/retail/commercial space. The first floor of each building will have the flexibility to accommodate office/retail/commercial with office space on the second floor of each building.

Part of the applications' approval process entails complying with the City's landscaping requirements. As such, the CRA as the Properties' owner must enter into a Landscape Maintenance Agreement with City, and Hatcher, as Lessee of the Properties, will be assuming the responsibilities of the CRA as laid out in the Landscape Maintenance Agreement.

At the November 12, 2020, CRA Board meeting, the Board approved a First Amendment to Hatcher's Ground Lease Agreement in which Hatcher agreed to assume the CRA's obligations under the CRA's approved Landscape Maintenance Agreement with the City.

At this time, CRA Staff recommends approval of the Landscape Maintenance Agreement with the City. If approved, a Second Amendment to Hatcher's Ground Lease Agreement will incorporate the Landscape Maintenance Agreement.

Attachment(s): Exhibit A - Landscape Maintenance Agreement

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