



Cover Memorandum/Staff Report

File #: 18-0810 CRA

Agenda Date: 5/25/2021

Item #: 8F.

TO: CRA Board of Commissioners
FROM: Ivan Cabrera, AICP, Redevelopment Manager
THROUGH: Renée A. Jadusingh, Esq., Executive Director
DATE: May 25, 2021

APPROVAL OF UNITY OF TITLE AND RATIFICATION OF RIGHT-OF-WAY DEED, GENERAL UTILITIES EASEMENT AGREEMENT, AND EASEMENT AGREEMENT FOR PEDESTRIAN CLEAR ZONE - 20 AND 26 NW 6TH AVENUE. FURTHER AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE ALL DOCUMENTS RELATED TO THE DEVELOPMENT OF 20 AND 26 NW 6TH AVENUE.

Recommended Action:

Approve the Unity of Title and Ratify the Right-of-Way Deed, General Utilities Easement Agreement and Easement Agreement for Pedestrian Clear Zone as part of the application approval process for the properties located at 20 and 26 NW 6th Avenue (Properties) related to the Ground Lease Agreement with Hatcher Construction & Development, Inc. (Hatcher). Further, authorizing the Executive Director to execute all documents for the development of the Properties by Hatcher.

Background:

On June 11, 2019, the CRA Board approved a Ground Lease with Hatcher Construction & Development, Inc. (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 of Delray Beach (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.

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 the April 27, 2021, CRA Board meeting, the Board approved a Second Amendment to Hatcher's Ground Lease Agreement, which includes the Landscape Maintenance Agreement with the City, and Hatcher assuming the responsibilities of the CRA as laid out in the Landscape Maintenance Agreement.

Part of the applications' approval process entails, the CRA as the owner of the Properties, granting easements and a Right-of-Way Deed, and recording a Unity of Title necessary for the approval of the development and compliance with the City's building ordinances.

At this time, CRA staff is requesting the CRA Board to approve the recording of the Unity of Title and ratify the following agreements:

- Right-of-Way Deed - the west two (2) feet of both Properties
- General Utilities Easement Agreement - the east 10 feet of both Properties
- Easement Agreement for Pedestrian Clear Zone - the east six (6) feet of both Properties

Further, authorizing the Executive Director to execute all documents for the development of the Properties by Hatcher.

Attachment(s): Exhibit A: Unity of Title; Exhibit B - Title Certificates; Exhibit C - Right-of-Way Deed; Exhibit C - General Utilities Easement Agreement; Exhibit D - Easement Agreement for Pedestrian Clear Zone

CRA Attorney Review:

The CRA Legal Counsel has reviewed the documents for legal sufficiency and form and determined it to be acceptable.

Finance Review:

N/A

Funding Source/Financial Impact:

N/A