



Legislation Details (With Text)

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**On agenda:** 6/8/2022 **Final action:** 12/31/2023  
**Title:** UPDATE ON THE PURCHASE OF 115 SW 5th AVENUE  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Agenda Cover Report, 2. Exhibit A - Location Map, 3. Exhibit B - Executed Purchase and Sale Agreement

Date	Ver.	Action By	Action	Result
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**TO:** CRA Board of Commissioners  
**FROM:** Christine Tibbs, Assistant Director  
**THROUGH:** Renée A. Jadusingh, Executive Director  
**DATE:** June 8, 2022

**UPDATE ON THE PURCHASE OF 115 SW 5<sup>th</sup> AVENUE**

**Recommended Action:**

Approve the following:

1. Authorize Staff to proceed with the purchase of 115 SW 5<sup>th</sup> Avenue pursuant to the Purchase and Sale Agreement approved by the CRA Board on January 25, 2022

and

2. Authorize Staff to proceed with recommendations from Universal Engineering Sciences related to 115 SW 5<sup>th</sup> Avenue and conduct an environmental site assessment at 105 SW 5<sup>th</sup> Avenue.

**Background:**

The Subject Property is located within the Southwest Neighborhood at 115 SW 5th Avenue, Delray Beach, Florida, (CRA Sub- Area #8). The Subject Property is a vacant lot that is approximately 5,130 sq. ft. and is zoned Central Business District. The CRA owns the adjacent parcel north of this lot at 105 SW 5th Avenue.

The location of the Subject Property provides an opportunity to continue revitalization and stabilization efforts through infill development of affordable single-family housing, as indicated in the objectives of the CRA Plan and Southwest Area Neighborhood Redevelopment Plan.

On January 25, 2022, the CRA Board approved the purchase of the Subject Property for the amount of \$82,000.

Per the executed Purchase and Sale Agreement (“Agreement”), the initial Inspection Period ended on April 11, 2022. At the start of the Inspection Period, CRA staff ordered a Phase I Environmental Site Assessment

("Phase I ESA") from Universal Engineering Sciences. On March 22, 2022, CRA staff received a Phase I ESA Report, dated March 18, 2022, (a copy of the full Phase I ESA Report is available upon request) with the following recommendation:

"This assessment has revealed evidence of two offsite recognized environmental conditions connected with the subject property. Further assessment appears warranted at this time."

"Two (2) off-site facilities, Kent's Cleaners and Star Cleaners, were identified as *recognized environmental conditions* due to limited available records and no regulatory oversight during their time of operation. The subject property is located within Wellfield Protection Zone 3, which UES considers a *business environmental risk*. According to the information provided by the owner's interview, a septic tank was on the property that was closed by the City of Delray Beach. As no documentation could be found on the tank's closure, it constitutes a *business environmental risk*."

Accordingly, CRA staff ordered a Phase II Environmental Site Assessment ("Phase II ESA") from Universal Engineering Sciences. Per the Agreement, the Inspection Period was extended for an additional sixty (60) days to allow for the additional testing and assessment required of a Phase II ESA; the Inspection Period now ends on June 10, 2022.

On May 25, 2022, CRA staff received the Phase II ESA Report, dated May 23, 2022, (a copy of the full Phase II ESA Report is available upon request) with the following recommendation:

"Based on the results of the analytical data obtained from the Limited Phase II ESA, concentrations of Dieldren, Benzo[b]fluoranthene and Dibenz(a,h)anthracene exceeded the applicable soil target cleanup levels and groundwater cleanup target levels as established in Chapter 62-777, F.A.C. As such, further assessment is warranted at this time. UES recommends installing two temporary shallow monitoring wells on the property to test for the presence of pesticides and polyaromatic hydrocarbons in the groundwater."

Based on the information received during the Inspection Period, Staff recommends for the CRA Board to authorize Staff to proceed with the purchase of 115 SW 5th Avenue pursuant to the Purchase and Sale Agreement approved by the CRA Board on January 25, 2022 and authorize Staff to proceed with recommendations from Universal Engineering Sciences related to 115 SW 5th Avenue. Also, given the proximity of the CRA Owned property at 105 SW 5th Avenue to the Subject Property, Staff would also like Universal Engineering Sciences to perform an environmental site assessment of this property.

Attachments: Exhibit A - Location Map; Exhibit B - Executed Purchase and Sale Agreement

**CRA Attorney Review:**

N/A

**Funding Source/Financial Impact:**

Funding has been allocated from GL# 5610.

**Overall need within the Community Redevelopment Area:**

**Removal of Slum And Blight**

Land Use

**Economic Development**

**Affordable Housing**

Downtown Housing

Infrastructure

Recreation and Cultural Facilities