



Legislation Text

File #: 23-211 CRA, Version: 1

TO: CRA Board of Commissioners
FROM: Renée A. Jadusingh, Executive Director
DATE: September 28, 2023

APPROVE THE SECOND AMENDMENT TO THE REPURCHASE AGREEMENT - DELRAY BEACH COMMUNITY LAND TRUST, INC. - 102 NW 13TH AVENUE (FORMERLY 102 AND 1311 NW 14TH AVENUE)

Recommended Action:

Approve the Second Amendment to the Repurchase Agreement with the Delray Beach Community Land Trust, Inc. ("DBCLT") for 102 NW 13th Avenue (Formerly 102 and 1311 NW 14th Avenue) for the same purchase price as paid by DBCLT to the CRA in the amount of \$10,000.00.

Background:

On December 11, 2018, the CRA Board approved the Agreement for Purchase and Sale with Gabriel Clements, Trustee of the 1311 NW 14th Avenue Land Trust for the CRA's purchase of 102 and 1311 NW 14th Avenue ("Properties") with a purchase price of \$46,000.00.

The Properties are located within the Northwest Neighborhood (CRA Sub-Area #4) and are zoned R-1-A (Single Family Residential). The two substandard vacant lots total 6,100 sq. ft. or one buildable single-family lot.

On February 25, 2020, the CRA Board approved the posting of a 30-day notice of intent to dispose of the Properties. The CRA received one timely proposal from the DBCLT to develop one (1) three (3) bedroom, two (2) bathroom single family home with an enclosed two (2) car garage. On May 26, 2020, the CRA Board accepted the DBCLT's proposal for a total purchase price of \$10,000.00. On June 23, 2020, the CRA Board approved the Agreement for Purchase and Sale ("PSA") of the Properties to the DBCLT.

The PSA terms stated that a separate Repurchase Agreement for the Subject Property shall be executed upon closing and include the following conditions which allow the CRA: 1) the right to repurchase the property if a Certificate of Occupancy for a new single-family home is not received within 1095 calendar days of the closing date; and 2) the right to review and approve proposed construction plans prior to DBCLT commencing construction.

On July 28, 2020, the PSA and Repurchase Agreement revisions were approved by the CRA Board to reflect the correct development time frame from seven hundred and thirty (730) calendar days to obtain a certificate of occupancy to one thousand ninety-five (1095) calendar days.

Around October 11, 2022, the Palm Beach County Property Appraiser combined the Properties under a unity of title per the DBCLT's request. The Properties were combined under PCN 12-43-46-17-37-000-0120 with a property address of 102 NW 13th Avenue.

The DBCLT was approved for a building permit on August 24, 2023. The DBCLT is requesting the CRA for an additional five hundred and forty-seven (547) calendar days or a total of one thousand six hundred forty-two (1642) calendar days of the closing date on its obligation to obtain a certificate of occupancy for the single-family residence to be constructed on the property.

At this time, CRA staff is bringing the Second Amendment to the Repurchase Agreement with the DBCLT for the property located at 102 NW 13th Avenue for approval.

Attachments: Exhibit A - Second Amendment to Repurchase Agreement with DBCLT; Exhibit B - PBC PCN Combined Properties Letter dated 10.11.22

CRA Attorney Review:

The CRA Attorney has prepared the attached and has determined it to be acceptable as to form.

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