



Legislation Text

File #: 23-174 CRA, Version: 1

TO: CRA Board of Commissioners
FROM: Kim N. Phan, Legal Advisor
THROUGH: Renée A. Jadusingh, Esq., Executive Director
DATE: August 22, 2023

700 WEST ATLANTIC AVENUE TENANTS

Recommended Action:

Approve the following:

- 1) Authorize CRA Staff to issue a new written notice to vacate by October 30, 2023, to tenants and licensees occupying or utilizing the 700 West Atlantic Avenue property; and
- 2) A Third Amendment to the Emanuel Jackson Sr. Project, Inc. Revocable License Agreement (“Agreement”), dated April 1, 2022, to amend the termination date of the Agreement to October 30, 2023; and
- 3) Authorize the CRA’s Chair, Executive Director and legal counsel to execute any and all related documents to facilitate the above action(s).

Background:

On November 17, 2022, the CRA Board approved and authorized CRA staff to issue a sixty (60) days written notice to vacate to tenants and licensees occupying the 700 West Atlantic Avenue Property (“Property”) after the issuance of the City of Delray Beach’s (“City”) demolition permit and approved a First Amendment to the Emanuel Jackson Sr. Project, Inc. Revocable License Agreement (“Agreement”) to extend the termination date from December 31, 2022, to terminate the Agreement sixty (60) days after the issuance of the City’s demolition permit for the Property.

Since that time, CRA staff has finalized the Interlocal Agreement with the Solid Waste Authority (“SWA”) for the 2023 SWA Blighted and Distressed Property Clean-Up and Beautification Grant. The \$108,000 in Grant funds will be used to demolish the Property and adjacent parking lot and carries a December 31, 2023, deadline.

Additionally, CRA staff has begun preparing all the items that need to be submitted to the City to obtain the demolition permit. Part of the submittal requirements include an Asbestos Affidavit that has been reviewed by the Palm Beach County Health Department, a completed Florida Department of Environmental Protection Notice of Asbestos Renovation or Demolition form, an Asbestos Inspection Report/Survey, and disconnecting all utilities to the Property prior to submitting the demolition permit application (proof of all disconnection needs to be submitted as part of the demolition permit application).

As such, CRA staff has determined that for the safety of all current tenants, licensees, and the general public that visit the Property, performance of the above necessary activities cannot occur while the Property is occupied.

On January 24, 2023, the CRA Board authorized CRA Staff to issue written notices to vacate by August 31, 2023 to the tenants and licensees occupying or utilizing the Property. On March 22, 2023, the CRA sent out Notices to Vacate to the tenants with an August 31, 2023 deadline for tenants to vacate the Property.

To allow the tenants more time to relocate, CRA Staff is recommending an until October 30, 2023 for the tenants to vacate the Property.

Additionally, the Emanuel Jackson Sr. Project, Inc. ("EJS") Agreement currently has a termination date August 31, 2023. CRA staff is requesting that a Third Amendment to the Agreement be approved to amend the termination date to October 30, 2023.

After October 30, 2023, when the Property is not occupied or being utilized, CRA staff would finalize the asbestos related actions required by Palm Beach County, the Florida Department of Environmental Protection, and the City, disconnect all utilities to the Property, and then submit the complete demolition permit application package to the City for approval.

At this time, CRA Staff is requesting Board approval of the following:

- 1) Authorize CRA Staff to issue a new written notice to vacate by October 30, 2023, to tenants and licensees occupying or utilizing the 700 West Atlantic Avenue property; and
- 2) A Third Amendment to the Emanuel Jackson Sr. Project, Inc. Revocable License Agreement ("Agreement"), dated April 1, 2022, to amend the termination date of the Agreement to October 30, 2023; and
- 3) Authorize the CRA's Chair, Executive Director and legal counsel to execute any and all related documents to facilitate the above action(s).

Attachment(s): Exhibit A - Location Map

CRA Attorney Review:

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Finance Review:

N/A

Funding Source/Financial Impact:

2023 Solid Waste Authority Blighted and Distressed Property Clean-Up and Beautification Grant - \$108,000

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