



## Legislation Details (With Text)

**File #:** 22-1037      **Version:** 1      **Name:**  
**Type:** Resolution      **Status:** Agenda Ready  
**File created:** 7/31/2022      **In control:** City Commission  
**On agenda:** 9/19/2022      **Final action:**  
**Title:** RESOLUTION NO. 126-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING THE INVENTORY LIST OF CITY OWNED PROPERTY APPROPRIATE FOR USE AS AFFORDABLE HOUSING PURSUANT TO SECTION 166.0451, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.  
**Sponsors:** City Manager Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Cover Report, 2. Res. 126-22 - Inventory of City Property for Use as Affordable Housing v3, 3. FS 166.pdf, 4. Simple Legal Review Approval Reso 126-22

Date	Ver.	Action By	Action	Result
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**TO:** Mayor and Commissioners  
**FROM:** Jeffrey L. Oris, CEcD, Assistant City Manager  
**THROUGH:** Terrence R. Moore, ICMA-CM  
**DATE:** September 19, 2022

RESOLUTION NO. 126-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING THE INVENTORY LIST OF CITY OWNED PROPERTY APPROPRIATE FOR USE AS AFFORDABLE HOUSING PURSUANT TO SECTION 166.0451, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Recommended Action:**

Review and consider Resolution No. 126-22

**Background:**

Section 166.0451, Florida Statutes requires by July 1, 2007 and every 3 years thereafter, that each city prepare an inventory of real property within its jurisdiction to which the city hold fee simple title that is appropriate for use as affordable housing. This list is to include the address and legal description of each property and specify whether the property is vacant or improved. Further, the City Commission must review the inventory list at a public hearing and may revise the list at the conclusion of the public hearing. Following the public hearing, the City Commission needs to adopt the resolution that includes the list of properties.

City staff has reviewed the entire of the list of over 230 parcels that are owned by the City of Delray Beach and considered their use for affordable housing. It was found that a large majority of these parcels are used by the City for the provision of such services to the City's residents as fire stations, parking, water and sanitary infrastructure, stormwater retention, parks and recreational facilities, and for the administration of these services, thus they were removed from the list of parcels appropriate

for affordable housing. The remaining parcel list was shortened again by removing those parcels that are undersized or are oddly shaped to the extent that, even with potential development waivers, they could not be safely or reasonably built upon. This left an inventory list of 12 parcels appropriate for affordable housing. Most of the parcels on the inventory list have defects whose cost to cure would likely prevent private developers from wanting to acquire them. Such defects include a lack of access from an improved roadway, the parcel fronting on an alleyway, or they are undersized or oddly shaped and would require waivers from the City to properly develop them. The attached set of maps showing the properties on the inventory list was prepared to give a sense of the location of the parcels, how they fit into their surrounding neighborhoods, and to provide a sense of the defects (if any) that may present obstacles to the parcels development. Also noted are four properties around the Neighborhood Resource Center which the City Commission has already directed staff to prepare for transfer to the CRA for use as affordable housing, and one parcel along Germantown Road that the Utilities Department feels may be best to keep for future water storage needs. A similar list of 14 parcels with development potential was presented to the City Commission at their August 9, 2022 meeting, since that presentation, it has been brought to staff's attention that one of those 14 parcels had been put under agreement for the "Eagle's Nest" homebuilding project with Atlantic High School and one other parcel was obtained from the Florida Department of Transportation with the caveat that it be used for open greenspace and thus those properties are not included in this list.

Section 166.0451, Florida Statutes, allows the City to make the identified parcels available for sale with proceeds used to buy land for affordable housing or to support the local government fund for affordable housing. It further suggests the land may be sold with restrictions that require the parcels to be developed for affordable housing; may be donated to a non-profit housing organization for construction of permanent affordable housing; or the city may otherwise make the land available for use for the production and preservation of affordable housing. To this extent, the City Commission may wish to discuss and direct staff as to any action to take regarding the list or any parcel on the list. Should the City wish to dispose of any or all of the properties, additional preparation such as title review and survey work will be required.

**City Attorney Review:**

Resolution No. 126-22 is approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

Since 2007 the City has been required by Florida Statutes to adopt an inventory list of city owned property that is appropriate for use as affordable housing every three years. 2022 is a year in which the City must adopt its updated list to be in compliance with this statute.