RESOLUTION NO. 2016-31 CRA

2 A RESOLUTION OF CHAIR AND BOARD OF DIRECTORS OF 3 THE HALLANDALE BEACH COMMUNITY REDEVELOPMENT 4 AGENCY AUTHORIZING THE EXECUTIVE DIRECTOR TO 5 EXECUTE ADDENDUM NUMBER TWO TO DEVELOPMENT 6 AGREEMENT WITH STUART AND SHELBY FOR THE 7 CONSTRUCTION OF A NEW, SINGLE FAMILY HOUSE TO BE 8 SOLD TO AN INCOME ELIGIBLE BUYER (AFFORDABLE 9 HOUSING) AT THE CRA OWNED PROPERTY WITH FOLIO NO. 5142-21-09-0680 FOR AN AMOUNT NOT TO EXCEED 10 11 \$207,245; AUTHORIZING THE EXECUTIVE DIRECTOR TO TERMINATE ADDENDUM NUMBER TWO TO DEVELOPMENT 12 AGREEMENT IF STUART AND SHELBY FAILS TO MEET 13 14 PERFORMANCE BENCHMARKS; AND PROVIDING AN **EFFECTIVE DATE.** 15

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WHEREAS, on November 17, 2014 the Hallandale Beach Community Redevelopment 19 Agency ("HBCRA") authorized the allocation of eleven (11) vacant lots to four different 20 developers (Stuart and Shelby, Emerald Construction, BAND and Total Solutions) for the 21 construction of new housing units to be sold as affordable housing opportunities to eligible 22 buyers with the Development Agreements with each developer were also approved at the same 23 meeting; and

24 WHEREAS, Stuart and Shelby completed three units, which have been already sold: 25 Emerald Construction built three units recently completed and currently undergoing the sales 26 process; BAND is building two units which are expected to be completed the first week of 27 October, and Total Solutions was assigned three parcels for construction but no activity took 28 place; and

29 WHEREAS, the HBCRA Board of Directors and staff provided numerous and 30 reasonable extensions to Total Solutions to begin the process to build the houses; and

WHEREAS, all developers were required to provide a bond to guarantee the 32 construction of the units; unfortunately, Total Solutions was able to meet the bond requirement 33 for the construction of only one house, and, at that point, HBCRA staff assigned the two other parcels (originally assigned to Total Solutions) to Stuart and Shelby due to the excellent performance demonstrated during the construction of the three first units; and

WHEREAS, Total Solutions was to continue with the construction of one in-fill unit but at 37 no point did Total Solutions submit the Minor Development application to the Planning and Zoning Division and evidently no permit applications were submitted to the Building Division; and

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- WHEREAS, HBCRA staff continually sent email communications and letters to Total Solutions to follow up on the initiation of the construction process and, as a result of the inactivity of Total Solutions, HBCRA Staff sent on June 1, 2016 a certified letter and via email to Total Solutions regarding the termination of the Development Agreement for breach of contract due to failure to perform; the certified letter was returned to the HBCRA Office unclaimed; and
- WHEREAS, the lot initially assigned to Total Solutions is available for the construction of a new, single family house to be sold to an income eligible buyer (affordable housing); and
- WHEREAS, the Board of Directors of the HBCRA desires to authorize the HBCRA Executive Director to Addendum Number Two to Development Agreement with Stuart and Shelby for the construction of a new, single family house to be sold to an income eligible buyer (affordable housing) at the HBCRA owned property with folio no. 5142-21-09-0680 for an amount not to exceed \$207,245; authorizing the HBCRA Executive Director to terminate Addendum Number Two to Development Agreement if Stuart and Shelby fails to meet performance benchmarks.

NOW, THEREFORE, BE IT RESOLVED BY THE CHAIR AND BOARD OF THE HALLANDALE BEACH COMMUNITY REDEVELOPMENT AGENCY:

- 57 Section 1. <u>Recitals</u>. The recitals in the whereas clauses are true and correct, and 58 incorporated into this Resolution.
- Section 2. <u>Approval of Addendum Number Two to Development Agreement</u>. The Addendum Number Two to Development Agreement as attached hereto as Exhibit "A" is hereby approved with such non-material changes as approved by the HBCRA Executive Director and approved as to legal form and sufficiency by the HBCRA Attorney.
- Section 3. Execution of Addendum Number Two to Development Agreement. The HBCRA Executive Director is hereby authorized to execute Addendum Number Two to Development Agreement with Stuart and Shelby for the construction of a new, single family house to be sold to an income eligible buyer (affordable housing) at the HBCRA owned property with folio no. 5142-21-09-0680 for an amount not to exceed \$207.245.
- Section 4. Implementation of Development Agreement. The HBCRA Executive Director is hereby authorized to take all steps necessary and appropriate to implement the terms and conditions of Addendum Number Two to Development Agreement including setting certain benchmarks, and should Stuart and Shelby fail to meet performance benchmarks, the HBCRA Executive Director shall be authorized to terminate said agreement and award the lot to another developer.
- 74 Section 5. Effective Date. This resolution shall take effect immediately upon approval.

76 77	PASSED AND ADOPTED by a	vote of the Board of the Hallandale 17 th day of October, 2016.
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	ATTEST:	HALLANDALE BEACH COMMUNITY REDEVELOPMENT AGENCY
	MARIO BATAILLE, CMC, CRA CLERK	JOY COOPER, CHAIR
	APPROVED AS TO FORM:	
79	GRAY ROBINSON, P.A., CRA ATTORNEY	_