

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: February 13, 2007 [] Consent [X] Regular [] Public Hearing
Department: Housing and Community Development
Submitted By: Housing and Community Development

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Release of Restrictions for the Riviera Beach Housing Authority, releasing them from a Declarations of Restrictions executed in favor of Palm Beach County.

Summary: On April 20, 1999, Palm Beach County entered into an Agreement (R99-659D) with the Riviera Beach Housing Authority (RBHA) allocating \$99,866, from its Community Development Block Grant (CDBG) funds. The Agreement provided partial funding for a day care center/learning center with a total construction cost of \$298,604. A Declarations of Restrictions was executed by RBHA in favor of Palm Beach County to secure the amount funded under the Agreement, and the Declarations of Restrictions was recorded in the public records encumbering the property where the center was built. The RBHA wishes to demolish its one hundred (100) residential family units and other buildings (including the day care center/learning center) some of which were damaged by the recent hurricanes. The site will be reused to construct 166 rental and homeownership units as well as community buildings that will serve lower income residents. The RBHA has indicated that the day care center/learning center will be replaced by a similar "community use" building. The requested Release of Restrictions will remove the encumbrance created by the Declarations of Restrictions in order to allow the intended development of the site. (District 7) (TKF)

Background and Policy Issues: On April 1, 1997, Palm Beach County entered into an Agreement (R97-404D) with the Riviera Beach Housing Authority, to fund \$100,000, in CDBG for this project. A portion of these funds was expended for an asbestos survey and recording fees leaving \$99,866 available for construction costs. The project was delayed in the design phase, and while the RBHA secured its portion of funding needed for construction. Since the April 1, 1997, Agreement had expired, a new Agreement was executed on April 20, 1999, for \$99,866, when all the needed funding was in place and after design issues were resolved. The Declarations of Restrictions executed in connection with the first Agreement (securing \$100,000) remained in place in conjunction with the second Agreement since the entire amount was expended for the benefit of the RBHA for this project.

The encumbrance created by the Declarations of Restrictions is for ten (10) years from the expiration date of the Agreement being March 31, 2000. Among the provisions of the Declarations of Restrictions are ones that restrict the use of the facility for this period, establish the conditions under which a change in use is permissible, and the manner by which reimbursement is calculated in the event such is triggered. These provisions are derived from the Federal regulations pertaining to the use of CDBG funds. Federal regulations impose these provisions for a period of five (5) years. It has been the County's practice to impose these provisions for ten (10) years consistent with time frames used in other programs implemented with CDBG and other State and Federal funds. Staff recommends the execution of this Release of Restrictions because: a) the five (5) years imposed by Federal regulations already expired on March 31, 2005, b) the affected citizens have been given reasonable notice of the change in use of the property, c) the new use of the property is for the benefit of lower income residents which meets the CDBG program requirements.

Attachments:

- A. Release of Restrictions.
B. Letter from the Riviera Beach Housing Authority dated February 1, 2007.

(SEE PAGE 2 FOR OFMB/PREM/CONTRACT ADMINISTRATION COMMENTS)

Recommended by: [Signature] Department Director Date 2/6/07

Approved By: [Signature] Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2007	2008	2009	2010	2011
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	_____	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

No fiscal impact.

ZRB

C. Departmental Fiscal Review: Larry D. Brown, Financial Analyst II

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

Elizabeth Bloese
 OFMB
 2/8/07
 2/9/07

Jim J. Jacobus
 Contract Development and Control
 2/9/07
 E. Jones 2/8/07

B. Legal Sufficiency:

[Signature]
 2/12/07
 for Tammy Fields
 Assistant County Attorney

C. Other Department Review:

 Department Director

This summary is not to be used as a basis for payment.

Return to:

RELEASE OF RESTRICTIONS

Palm Beach County, Florida, the owner and holder of a Declarations of Restrictions executed by the **RIVIERA BEACH HOUSING AUTHORITY**, to the Board of County Commissioners of Palm Beach County, Florida, bearing the date of **March 27, 1997**, recorded in Official Records Book **9768** at page **1618**, of the Office of the Clerk of the Circuit Court of Palm Beach County, Florida, in the amount of **One Hundred Thousand Dollars (\$100,000)**, which contained certain conditions, restrictions, promises, and obligations, made by the grantor of said Declarations of Restrictions in connection with the property situate in said county and state, and described as follows, to wit:

A portion of tracts "V" and "W" Plat of Westside Estates, According to the Plat thereof as recorded in Plat Book 31, Pages 81 and 82 of the Public Records of Palm Beach County, Florida, Described as follows:

Commencing at the Northeast Corner of said tract "V" thence N87.57'28"W, along the North Line of said tract "V", 63.85 feet; thence SO2.09'49"W, 26.74 feet to the point of beginning; thence continue SO2.09'49"W, 83.68 feet; thence N87.50'11"W, 42.37 feet; thence NO2.38'01"E, 84.03 feet; thence S87.21'59"E, 41.68 feet to the point of beginning.

Said lands lying in the City of Riviera Beach, Palm Beach County, Florida, containing 3524 square feet (0.08 acres), more or less.

hereby releases its interest in the above stated Declarations of Restrictions.

Witness my hand and seal, this _____ day of _____, 20__.

**PALM BEACH COUNTY, FLORIDA, a
Political Subdivision of the State of Florida**

BOARD OF COUNTY COMMISSIONERS

By: _____
Addie L. Greene, Chairperson

ATTEST:
Sharon R. Bock, Clerk & Comptroller

By: _____
Deputy Clerk

**STATE OF FLORIDA
COUNTY OF PALM BEACH**

The foregoing instrument was acknowledged before me this ____ day of _____, 20__ by Addie L. Greene, Chairperson, Board of County Commissioners, who is personally known to me, and who did not take an oath.

Notary Name: _____
Notary Public, State of Florida

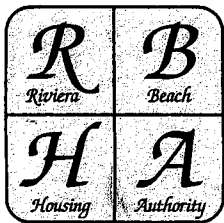
(Signature)

Approved as to Form and
Legal Sufficiency

(NOTARY SEAL BELOW)

By: 

Tammy K. Fields
Senior Assistant County Attorney



Riviera Beach Housing Authority FEB - 5 2007

2014 West 17th Court
Riviera Beach, FL 33404-5002

February 1st 2007

Mr. Philip O. Goombs
Executive Director

Mr. Amin Houry
Palm Beach County
Housing & Community Development
160 Australian Avenue, Suite 500
West Palm Beach, FL 33406

Administration

Phone:
(561) 845-7450

Subject: Request for Demolition of Day Care Facility

Fax:
(561) 845-9665

Dear Mr. Houry,

This is a follow-up to my letter addressed to Mr. Ed Lowery, Director of Housing & Community Development, dated January 9th 2007 and our telephone discussions this past week. There are two (2) Palm Beach County administered Community Development Block Grant (CDBG) program buildings located on our Ivey Green Public Housing property 2014 W. 17th Court, Riviera Beach, FL 33404. I have reviewed the "Declarations of Restrictions" documents pertaining to these buildings with the following observations;

1. Day Care Facility (which is the subject building):
Date of Execution: 03/27/1997
Amount of Grant: \$ 100,000.00
Parcel description: 0.08 acres

As noted in my letter dated January 9th 2007 to Mr. Lowery, the Riviera Beach Housing Authority (RBHA) is currently demolishing its one hundred (100) residential family units and other buildings to make room for it's new construction, re-development of the site as low-income rentals and affordable, home-ownership units (approximately 166 units) as well as a community building to serve the needs of the residents earning at or below sixty percent (60%) of Area Median Income.

The terms of the CDBG grant as stated in paragraphs 1 & 2 of the Declaration of Restrictions requires that "... restrictions can only be terminated or released by the Palm Beach County Board of County Commissioners (PBCBCC), and executed with the same formalities as this document".

Whereas, the RBHA wishes to demolish the Day Care Building, and whereas the required ten (10) year term for its continued use has not yet expired, and whereas the intended population (once served by the Day Care) resided in the family units at Ivey Green Apartments have been re-located throughout Palm Beach County with Section 8 Re-location Vouchers, and whereas the family units severely damaged by hurricanes in successive years 2004 & 2005 and deemed un-inhabitable are currently being demolished, and whereas the affected citizens of the subject property have been given reasonable notice of, and the opportunity to comment on, any such proposed change,

the RBHA covenants to replace the proposed demolished Day Care and annex with a similar 'community use' building for the residents of the new construction development.

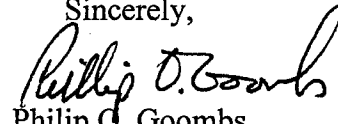
Striving for Excellence

I know this is a mouthful but in essence, the building as it exists, is insufficient and ineffective in serving the needs of the proposed population and its location creates re-development issues for this agency moving forward.

We are requesting that the PBC Board of County Commissioners forgive the repayment (by the RBHA) of the CDBG funds used in the construction of the Day Care and annex with the provision that its replacement will serve the common needs of the population that will reside at re-developed site. As we are currently demolishing the residential units, I am respectfully requesting your kind assistance in expediting this matter through Commission approval.

Thank you for your kind assistance and please contact me at 561-845-7450 for any additional information your department may require for Commission approval.

Sincerely,


Philip C. Goombs
Executive Director

Cc Ed Lowery, Director, Housing & Community Development
Karen Cato-Turner, Director, Miami HUD Field Office
Anthony Britto, Miami Field Office