

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

31-3

AGENDA ITEM SUMMARY

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Meeting Date: February 1, 2011 [X] Consent [ ] Regular  
 [ ] Public Hearing

Department: Housing and Community Development

Submitted By: Housing and Community Development

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I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to approve: The following four (4) Amendments to Declarations of Restrictions with the Community Land Trust of Palm Beach County, Inc.:

- A) First Amendment to the Declaration of Restrictions For Very Low Income Households (441 Jennings Avenue, Greenacres, Property Control Number: 18-42-44-23-01-045-0240).
- B) First Amendment to the Declaration of Restrictions For Middle Income Households (876 Briarwood Drive, Haverhill, Property Control Number: 22-42-43-36-21-000-0290).
- C) First Amendment to the Declaration of Restrictions For Middle Income Households (9072 Arpege Place, Lake Worth, Property Control Number: 00-42-44-30-01-001-0030).
- D) First Amendment to the Declaration of Restrictions For Middle Income Households for (6095 Plains Drive, Lake Worth, Property Control Number: 00-42-44- 34-29-000-3450

**Summary:** On April 1, 2010, Palm Beach County entered into an Agreement (R2010-0903) with the Community Land Trust of Palm Beach County, Inc.,(CLT). The Agreement provided \$800,000 in Neighborhood Stabilization Program (NSP1) funds for the acquisition and rehabilitation of least four (4) single-family homes which will be sold to income qualified households. The CLT has already acquired four (4) homes, and will have sufficient funding to acquire one (1) more home. NSP1 funds used for the acquisition of these four homes were secured by a Declaration of Restrictions executed by the CLT at the closing for each home. The executed Declarations of Restrictions each provided for a date by which the CLT must sell these homes to income qualified households approved by the County. Delays associated with the proposed homeowners acquiring private mortgage financing and getting income qualified will not enable the resale of these homes by the designated date. The four Amendments whose approval is hereby requested will extend the designated date to enable the CLT to comply with the requirements of the Agreement. **These are Federal Neighborhood Stabilization Program Grant funds that require no local match.** Districts 2,3 and 6 (TKF)

**Background and Justification:** Palm Beach County entered into a Grant Agreement (R2009-1672) with the U. S. Department of Housing and Urban Development for the receipt of \$27,700,340 under the Neighborhood Stabilization Program (NSP1). On November 3, 2009, The BCC approved \$800,000 in NSP1 funding for the CLT along with six other recipients of funds. Under the CLT model, in order to make the sale of these homes affordable, the land for each home is leased to the proposed home buyer who only purchases the house and the site improvements.

**Attachments:**

- 1. First Amendment to the Declaration of Restrictions For Ver Low Income Households (441 Jennings Avenue, Greenacres, Property Control Number: 18-42-44-23-01-045-0240)
- 2. First Amendment to the Declaration of Restrictions For Middle Income Households (876 Briarwood Drive, Haverhill, Property Control Number: 22-42-43-36-21-000-0290)
- 3. First Amendment to the Declaration of Restrictions For Middle Income Households (9072 Arpege Place, Lake Worth, Property Control Number: 00-42-44-30-01-001-0030)
- 4. First Amendment to the Declaration of Restrictions For Middle Income Households for (6095 Plains Drive, Lake Worth, Property Control Number: 00-42-44- 34-29-000-3450
- 5. Agreement between Palm Beach County and CLT (R2010-0903) with exhibits A through I

Recommended by: Edward W. [Signature] 1/19/2011  
Department Director Date

Approved By: Sharon [Signature] 1/24/2011  
Assistant County Administrator Date

**II. FISCAL IMPACT ANALYSIS**

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2011	2012	2013	2014	2015
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income (County)					
In-Kind Match (County)					
<b>NET FISCAL IMPACT</b>					

# ADDITIONAL FTE POSITIONS (Cumulative)					
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Is Item Included In Current Budget? Yes \_\_\_ No \_\_\_  
 Budget Account No.:

Fund \_\_\_ Unit \_\_\_ Org \_\_\_ Object \_\_\_ Program Code/Period BG \_\_\_ -GY \_\_\_

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

**No fiscal impact**

C. Departmental Fiscal Review: SM 1-14-11  
 Shairette Major, Fiscal Manager I

**III. REVIEW COMMENTS**

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

*No fiscal impact, time extension only.*

OFMB

*[Signature]*  
 1/24/2011  
 1/21/11

Contract Development and Control

*[Signature]* 1/24/11

B. Legal Sufficiency:

**This item complies with current County policies.**

*[Signature]* 1/25/11  
 Senior Assistant County Attorney

C. Other Department Review:

\_\_\_\_\_  
 Department Director

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



**FIRST AMENDMENT TO THE DECLARATION OF RESTRICTIONS  
FOR VERY LOW INCOME HOUSEHOLDS**

This Amendment is entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between Palm Beach County and the Community Land Trust of Palm Beach County, Inc.

**WITNESSETH:**

WHEREAS, the Community Land Trust of Palm Beach County, Inc. (hereinafter referred to as "Agency") executed a Declaration of Restrictions (hereinafter referred to as "Declaration") on June 1, 2010, and recorded said Declaration on June 16, 2010, in Official Records Book 23903, at Page 1088, of the Public Records of Palm Beach County, Florida, for the subject property, hereinafter referred to as the "Property", and described as:

**Lot 24, Block 45 of Greenacres Plat No. 2, according to the plat thereof, on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 13, Page 3**

**Property Control Number: 18-42-44-23-01-045-0240**

and,

WHEREAS, Palm Beach County is the beneficiary of the restrictions against the Property as created by the granting of the Declaration, and

WHEREAS, the parties desire to modify said Declaration as follows:

**Paragraph 2(e):**  
Replace "November 28, 2010" with "June 30, 2011".

NOW THEREFORE, 1) all items in the Declaration in conflict with this Amendment shall be and are hereby changed to conform to this Amendment, and 2) all provisions not in conflict with this aforementioned Amendment are still in effect and shall be performed at the same level as specified in the Declaration.

Signed, sealed, and delivered in the presence of:  
Witness Name: Lisa Duhomme  
Witness Signature: [Signature]

**COMMUNITY LAND TRUST OF  
PALM BEACH COUNTY, INC.**  
By: [Signature]  
Cynthia LaCourse-Blum, Executive Director

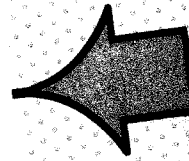
Witness Name: Dorothy Natiello  
Witness Signature: \_\_\_\_\_

(AGENCY SEAL BELOW)

[Signature]

(COUNTY SEAL BELOW)

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



ATTEST: Sharon R. Bock,  
Clerk & Comptroller

By: \_\_\_\_\_  
Karen T. Marcus, Chair  
Board of County Commissioners

By: \_\_\_\_\_  
Deputy Clerk

Document No.: \_\_\_\_\_

Approved as to Form and  
Legal Sufficiency

Approved as to Terms and Conditions  
Dept. of Housing and Community Development

By: \_\_\_\_\_  
Tammy K. Fields  
Senior Assistant County Attorney

By: [Signature]  
Amin Houry, Manager  
Housing and Capital Improvements



**FIRST AMENDMENT TO THE DECLARATION OF RESTRICTIONS  
FOR MIDDLE INCOME HOUSEHOLDS**

This Amendment is entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between Palm Beach County and the Community Land Trust of Palm Beach County, Inc.

**WITNESSETH:**

WHEREAS, the Community Land Trust of Palm Beach County, Inc. (hereinafter referred to as "Agency") executed a Declaration of Restrictions (hereinafter referred to as "Declaration") on June 7, 2010, and recorded said Declaration on July 20, 2010, in Official Records Book 23956, at Page 0245, of the Public Records of Palm Beach County, Florida, for the subject property, hereinafter referred to as the "Property", and described as:

**Parcel 1: Lot 1, Briarwood South, according to the plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 34, Pages 124 and 125.**

**Parcel 2: Lot 29, Briarwood North, according to the plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 34, Pages 122 and 123.**

**Property Control Number: 22-42-43-36-21-000-0290**

and,

WHEREAS, Palm Beach County is the beneficiary of the restrictions against the Property as created by the granting of the Declaration, and

WHEREAS, the parties desire to modify said Declaration as follows:

**Paragraph 2(e):**

Replace "December 4, 2010" with "April 30, 2011".

NOW THEREFORE, 1) all items in the Declaration in conflict with this Amendment shall be and are hereby changed to conform to this Amendment, and 2) all provisions not in conflict with this aforementioned Amendment are still in effect and shall be performed at the same level as specified in the Declaration.

Signed, sealed, and delivered in the presence of:  
Witness Name: Lisa Villanov  
Witness Signature: [Signature]

**COMMUNITY LAND TRUST OF PALM BEACH COUNTY, INC.**  
By: [Signature]  
Cynthia LaCourse-Blum, Executive Director

Witness Name: Dorothy Natiello  
Witness Signature: [Signature]

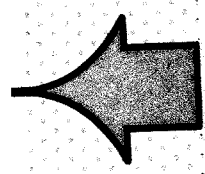
(AGENCY SEAL BELOW)

(COUNTY SEAL BELOW)

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

ATTEST: Sharon R. Bock,  
Clerk & Comptroller

By: \_\_\_\_\_  
Karen T. Marcus, Chair  
Board of County Commissioners



By: \_\_\_\_\_  
Deputy Clerk

Document No.: \_\_\_\_\_

Approved as to Form and Legal Sufficiency

Approved as to Terms and Conditions  
Dept. of Housing and Community Development

By: \_\_\_\_\_  
Tammy K. Fields  
Senior Assistant County Attorney

By: [Signature]  
Amin Houry, Manager  
Housing and Capital Improvements

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FOR MIDDLE INCOME HOUSEHOLDS**

This Amendment is entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between Palm Beach County and the Community Land Trust of Palm Beach County, Inc.

**WITNESSETH:**

WHEREAS, the Community Land Trust of Palm Beach County, Inc. (hereinafter referred to as "Agency") executed a Declaration of Restrictions (hereinafter referred to as "Declaration") on July 16, 2010, and recorded said Declaration on August 3, 2010, in Official Records Book 23986, at Page 1118, of the Public Records of Palm Beach County, Florida, for the subject property, hereinafter referred to as the "Property", and described as:

**The East 106 feet of the West 342 feet of the South 94.5 feet of the North 130.5 feet of Tract 29, Block 27, Palm Beach Farms Company, Plat No. 3, as recorded in Plat Book 2, Page 45 through 54, inclusive, Public Records of Palm Beach County, Florida, subject to easements over the Northerly 5 feet and over the Southerly 6 feet thereof. Also known as Lot 3, Block 1, Tropical Country Estates, Unrecorded subdivision.**

**Property Control Number: 00-42-44-30-01-001-0030**

and,

WHEREAS, Palm Beach County is the beneficiary of the restrictions against the Property as created by the granting of the Declaration, and

WHEREAS, the parties desire to modify said Declaration as follows:

**Paragraph 2(e):**

Replace "January 12, 2011" with "April 30, 2011".

NOW THEREFORE, 1) all items in the Declaration in conflict with this Amendment shall be and are hereby changed to conform to this Amendment, and 2) all provisions not in conflict with this aforementioned Amendment are still in effect and shall be performed at the same level as specified in the Declaration.

Signed, sealed, and delivered in the presence of:

Witness Name: Lisa Delhomme

Witness Signature: [Signature]

**COMMUNITY LAND TRUST OF  
PALM BEACH COUNTY, INC.**

By: [Signature]  
Cynthia LaCourse-Blum, Executive Director

(AGENCY SEAL BELOW)

Witness Name: Dorothy Natiello

Witness Signature: [Signature]

(COUNTY SEAL BELOW)

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

By: \_\_\_\_\_  
Karen T. Marcus, Chair  
Board of County Commissioners

ATTEST: Sharon R. Bock,  
Clerk & Comptroller

By: \_\_\_\_\_  
Deputy Clerk

Document No.: \_\_\_\_\_

Approved as to Form and  
Legal Sufficiency

Approved as to Terms and Conditions  
Dept. of Housing and Community Development

By: \_\_\_\_\_  
Tammy K. Fields  
Senior Assistant County Attorney

By: [Signature]  
Amin Hedry, Manager  
Housing and Capital Improvements



**FIRST AMENDMENT TO THE DECLARATION OF RESTRICTIONS  
FOR MIDDLE INCOME HOUSEHOLDS**

This Amendment is entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between Palm Beach County and the Community Land Trust of Palm Beach County, Inc.

**WITNESSETH:**

WHEREAS, the Community Land Trust of Palm Beach County, Inc. (hereinafter referred to as "Agency") executed a Declaration of Restrictions (hereinafter referred to as "Declaration") on June 1, 2010, and recorded said Declaration on June 14, 2010, in Official Records Book 23899, at Page 0551, of the Public Records of Palm Beach County, Florida, for the subject property, hereinafter referred to as the "Property", and described as:

**Lot 345, Homes of Lee's Crossing Plat No. 5, according to the plat thereof, as recorded in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 54, Page 178.**

**Property Control Number: 00-42-44-34-29-000-3450**

and,

WHEREAS, Palm Beach County is the beneficiary of the restrictions against the Property as created by the granting of the Declaration, and

WHEREAS, the parties desire to modify said Declaration as follows:

**Paragraph 2(e):**

Replace "November 28, 2010" with "April 30, 2011".

NOW THEREFORE, 1) all items in the Declaration in conflict with this Amendment shall be and are hereby changed to conform to this Amendment, and 2) all provisions not in conflict with this aforementioned Amendment are still in effect and shall be performed at the same level as specified in the Declaration.

Signed, sealed, and delivered in the presence of:

Witness Name: Lisa Delhomme  
Witness Signature: \_\_\_\_\_

Witness Name: Dorothy Natiello  
Witness Signature: \_\_\_\_\_

(COUNTY SEAL BELOW)

ATTEST: Sharon R. Bock,  
Clerk & Comptroller

By: \_\_\_\_\_  
Deputy Clerk

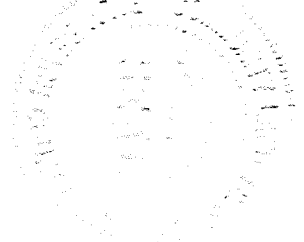
Approved as to Form and  
Legal Sufficiency

By: \_\_\_\_\_  
Tammy K. Fields  
Senior Assistant County Attorney

**COMMUNITY LAND TRUST OF  
PALM BEACH COUNTY, INC.**

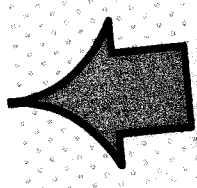
By:   
Cynthia LaCourse-Blum, Executive Director

(AGENCY SEAL BELOW)



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BOARD OF COUNTY COMMISSIONERS**

By: \_\_\_\_\_  
Karen T. Marcus, Chair  
Board of County Commissioners



Document No.: \_\_\_\_\_

Approved as to Terms and Conditions  
Dept. of Housing and Community Development

By:   
Amin Houry, Manager  
Housing and Capital Improvements