Agenda Item #: 3I-1

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Department:	[] Ordinance [] Public Hearing Department of Economic Sustainability				
Meeting Date:	December 1, 2015	[X] Consent [] Ordinance	[] Regular [] Public Hearing		

Motion and Title: Staff recommends motion to Receive and File: two (2) Satisfactions of Mortgage and Notices of the Survival of Certain Covenants and Restrictions, one (1) Agreement, one (1) Amendment to Loan Agreement, and one (1) Amendment to Agreement as follows:

I. EXECUTIVE BRIEF

- A) Satisfaction of Mortgage and Notice of the Survival of Certain Covenants and Restrictions with Vista Del Lago Limited Partnership under the State Housing Initiative Partnership Program (SHIP) (District 7);
- **B)** Satisfaction of Mortgage and Notice of the Survival of Certain Covenants and Restrictions with Lantana Associates Ltd. under SHIP and the Home Investment Partnership Program (HOME) (District 3);
- **C)** Agreement with Florida Atlantic Research and Development Authority (FARDA) under the Regional Innovation Strategies Program of the U.S. Department of Commerce Economic Development Administration (EDA) (District 1);
- D) Amendment No. 002 to the Loan Agreement (R2014-1921) with Community Land Trust of Palm Beach County, Inc. (CL T) under HOME (District 3); and
- E) Amendment No. 004 to the Agreement (R2013-1809) with Riviera Beach Community Development Corporation, Inc. under HOME (District 7).

Summary: In accordance with County PPM CW-0-051, all delegated contracts, agreements and grants must be submitted by the initiating Department as a receive and file agenda item. The attached documents have been executed on behalf of the Board of County Commissioners (BCC) by the County Administrator, or designee, in accordance with Resolution(s)/Agenda Item(s) 5B-3, 3I-4, 3I-6, 3I-1 and 3I-4 as approved by the BCC on September 10, 2013, October 21, 2014, November 18, 2014, April 21, 2015 and May 19, 2015. These executed documents are now being submitted the BCC to receive and file. **SHIP and EDA funds do not require a local match and the HOME Program matching requirement is met from State SHIP funds.** (JB)

Background and Justification:

A) On December 19, 1995, the County entered into a cash flow dependent Loan Agreement (R95-1780D) with Vista Del Lago Limited Partnership to provide \$161,926 in SHIP funds towards the construction of a 58 unit affordable housing project. The project, known as Vista Del Lago, is located at 1701 North Flagler Drive, in West Palm Beach. On April 21, 2015, the BCC approved the execution of a Satisfaction of Mortgage and Notice of the Survival of Certain Covenants and Restrictions subject to the receipt of \$150,000 no later than September 30, 2015. On September 14, 2015, the County received \$150,000 from Vista Del Lago Limited Partnership. The Satisfaction of Mortgage and Notice of the Survival of Certain Covenants and Restrictions was executed and delivered to Vista Del Lago Limited Partnership. The Satisfaction of Mortgage and Notice of the Survival of Certain Covenants and Restrictions was executed and delivered to Vista Del Lago Limited Partnership in exchange for the receipt of said funds. **Continued on Page 3**

Attachments: Documents as listed in A to E above.

II. FISCAL IMPACT ANALYSIS

Α. **Five Year Summary of Fiscal Impact:**

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income	/				
In-Kind Match (County)					
NET FISCAL IMPACT					
		••••••••••••••••••••••••••••••••••••••			
# ADDITIONAL FTE POSITIONS (Cumulative)		,			

Is Item Included In Current Budget? Yes _____ No ____

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

HOME funds allocated to Community Land Trust of Palm Beach County, Inc., were increased by \$307,743 from \$1,440,000 to \$1,747,743. The repayment of \$150,000 in SHIP funds from Vista Del Lago Limited Partnership and the repayment of \$174,604.76 in SHIP funds from Lantana Associates Ltd. will be treated as SHIP program income. The repayment of \$107,437.45 in HOME funds from Lantana Associates Ltd. will be treated as HOME program income. The FARDA Agreement withe grunded by a US Dept of Commerce - EDA

C. Departmental Fiscal Review:

Stip Shairette Majør, Fiscal Manager II

III. REVIEW COMMENTS

Α. **OFMB Fiscal and/or Contract Development and Control Comments:**

Development and Co 3

Β. Legal Sufficiency:

124/15 Assistant County Attorney

C. **Other Department Review:**

Department Director

Background and Justification: (Continued from Page 1)

B) On August 15, 1995, the County entered into a cash flow dependent Loan Agreement (R95-1070D) with Lantana Associates Ltd. to provide \$108,570 in SHIP funds towards the construction of a 94 unit affordable housing project. On June 4, 1996, the County entered into a Rental Program Assistance Written Agreement (R96-694D) with Lantana Associates Ltd. to provide an additional \$68,000 in HOME funds. The project, known as Villas at Cove Crossing, is located at 2730 West Lantana Road in unincorporated Palm Beach County. On May 19, 2015, the BCC approved the execution of a Satisfaction of Mortgage and Notice of the Survival of Certain Covenants and Restrictions subject to the receipt of principal and accrued and deferred interest no later than September 30, 2015. The County received \$174,604.76 as a repayment of SHIP funds and \$107,437.45 as a repayment of HOME funds. The Satisfaction of Mortgage and Notice of the Survival of Certain Covenants and Restrictions subject to the survival of Certain Covenants and \$107,437.45 as a repayment of HOME funds. The Satisfaction of Mortgage and Notice of the Survival of Certain Covenants and Restrictions was executed and delivered to Lantana Associates Ltd. in exchange for the receipt of said funds.

C) On November 18, 2014, the BCC authorized the submission of a grant application to EDA for the receipt of a Science and Research Park Development Grant under the Regional Innovation Strategies Program. EDA approved a grant of \$290,600 for a study to evaluate the feasibility of the development of the North County Science and Research Park. On September 16, 2015, the County entered into an Agreement with FARDA under which FARDA will provide research services towards this study and will receive up to \$155,000 of the \$290,600. FARDA currently operates an existing Science and Research Park on the campus of Florida Atlantic University in Boca Raton.

D) On October 27, 2014, the County entered into a Loan Agreement (R2014-1921) with the CLT to provide \$1,440,000 kg in from HOME funds for the Davis Landings West project to be located at 4938 Davis Road in unincorporated Palm Beach County. Amendment No. 001 (R2015-0855) dated July 7, 2015, extended the closing date from May 30, 2015 to November 30, 2015. Amendment No. 002 increased the loan amount to \$1,747,743.

E) On October 28, 2013, the County entered into an Agreement (R2013-1809) with Riviera Beach Community Development Corporation, Inc. (RBCDC) to provide \$897,082 in HOME funds for the construction of seven (7) affordable single-family homes. Amendment No. 001 (R2014-1046) dated May 19, 2014, provided an additional \$117,360.70 in HOME funds for the construction of one (1) additional home and amended the boundaries of the area within which these homes may be constructed. Amendment No. 002 (R2014-1923) dated November 5, 2014, expanded the types of expenditures for which RBCDC may receive reimbursement as allowed under the HOME Program. Amendment No. 003 (R2015-0624) dated April 2, 2015, increased the maximum per unit subsidy for the first two (2) homes to be constructed by the RBCDC and established the method for computing the per unit maximum subsidy amount for the remaining six (6) homes to be constructed. Amendment No. 004 reduced the number of homes to be funded through the Agreement from eight (8) to five (5).