

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: September 14, 2021 Consent Regular
 Ordinance Public Hearing

Department: Housing and Economic Development

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to: approve a Partial Release of Amended and Restated Declaration of Restrictions and Conditional Grant Agreement for Amelia Estates, LLC (AELLC).

Summary: On April 21, 2009 the Board of County Commissioners (BCC) entered into a Conditional Grant Agreement (R2009-0656) with Amelia Estates, LLC (AELLC) to provide \$800,000 in funding toward the development of 30 affordable rental units located on SW 16th Street, one block south of Dr. Martin Luther King Jr. Boulevard West in Belle Glade. On June 2, 2015 the BCC approved a Conditional Grant Agreement (R2015-0746) reducing grant funds to \$650,000. AELLC built the apartments along with 12 townhome units and is now ready to proceed with construction on the remaining undeveloped portion of the property. In order to secure financing for the next phase of the project, AELLC has requested that the Amended and Restated Declaration of Restrictions be released from the undeveloped area. If approved, the restrictions contained within the Amended and Restated Declaration of Restrictions will remain on the developed portion of the property and the requirements not be affected. District 6 (HJF)

Background and Justification: The Amelia Estates project consists of 30 three-bedroom apartments and 12 three-bedroom townhouses as part of phase I of the project. AELLC has re-platted the undeveloped portion of the property to construct additional housing units. This Partial Release of Amended & Restated Declaration of Restrictions applies only to the undeveloped portion and phase II of the project.

Attachment(s):

- 1 Partial Release of Amended & Restated Declaration of Restrictions and Conditional Grant Agreement

Recommended By: Jonathan Brown 8/24/2021
 Department Director Date

Approved By: Ronald A. Miller 9/3/2021
 Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2021	2022	2023	2024	2025
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income					
In-Kind Match (County)					
NET FISCAL IMPACT	-0-				

# ADDITIONAL FTE POSITIONS (Cumulative)					
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Is Item Included In Current Budget? Yes _____ No _____
 Does this Item include the use of Federal funds? Yes _____ No _____

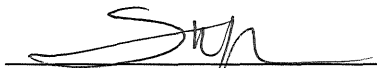
Budget Account No.:

Fund _____ Dept _____ Unit _____ Object _____ Program Code/Period _____

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

No Fiscal Impact

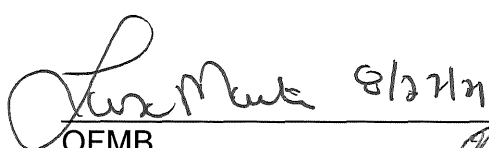
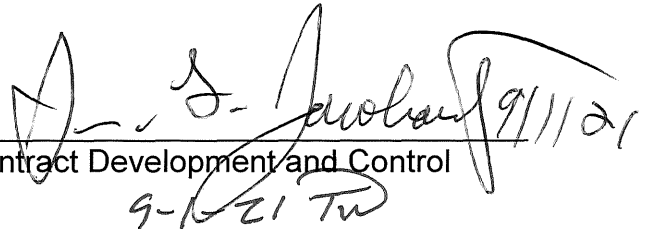
C. Departmental Fiscal Review:



 Shairette Major, Division Director

III. REVIEW COMMENTS

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

 8/27/21
 OFMB 8/27  9/11/21
 Contract Development and Control
 9-16-21 TW

B. Legal Sufficiency:

 9/2/21
 Assistant County Attorney

C. Other Department Review:

 Department Director

Prepared by and return to:
Palm Beach County
Department of Housing and Economic Development
100 Australian Avenue, Suite 500
West Palm Beach, FL 33406
Attn: Jeffrey Bolton

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**PARTIAL RELEASE
OF
AMENDED AND RESTATED DECLARATION OF RESTRICTIONS
AND
CONDITIONAL GRANT AGREEMENT**

KNOW ALL MEN BY THESE PRESENTS that **PALM BEACH COUNTY, FLORIDA, a political subdivision of the State of Florida**, party of the first part, in consideration of the sum of Ten Dollars and other good and valuable consideration received from **AMELIA ESTATES, LLC, a Florida limited liability company**, party of the second part, at or before the ensembling and delivery of these presents, the receipt whereof is hereby acknowledged, does hereby release, quit claim, and forever remove the encumbrance of that certain **AMENDED AND RESTATED DECLARATION OF RESTRICTIONS** made by **AMELIA ESTATES, LLC, a Florida limited liability company**, in favor of **PALM BEACH COUNTY, FLORIDA, a political subdivision of the State of Florida** recorded on **September 2, 2015, in Official Records Book 27778, Page 0590 as Instrument No. 20150326834**, of the Public Records of **Palm Beach County, Florida**, and the encumbrance of that certain **CONDITIONAL GRANT AGREEMENT** entered into by **AMELIA ESTATES, LLC, a Florida limited liability company**, in favor of **PALM BEACH COUNTY, a political subdivision of the State of Florida**, bearing the date of June 2, 2015, upon the following described land, to-wit:

All of that real property comprising AMELIA ESTATES REPLAT as recorded October 7, 2020, in Plat Book 131, Pages 35 and 36, Public Records of Palm Beach County, Florida.

The release of the above described property does not in any way release the Declarant from liability under the terms of the said Amended and Restated Declaration of Restrictions and Conditional Grant Agreement, nor does this release effect the enforceability of the said Amended and Restated Declaration of Restrictions or Conditional Grant Agreement against the remaining property encumbered thereby.

IN WITNESS WHEREOF, the party of the first part have set their seal this ____ day of _____, 2021.

Signed, sealed and delivered in our presence:

**PALM BEACH COUNTY, FLORIDA, a political
subdivision of the State of Florida**

ATTEST: _____

BOARD OF COUNTY COMMISSIONERS

Clerk & Comptroller

By: _____

By: _____
Deputy Clerk

Printed Name: _____

Title: _____

(COUNTY SEAL)

Document No.: _____

Approved as to Form and Legal Sufficiency:

**Approved as to Terms and Conditions
Department of Housing and Economic Development**

By: _____
[Signature]

By: _____
[Signature]

Printed Name: Howard Falcon

Printed Name: Jonathan Brown

Title: Chief Asst. County Attorney

Title: Director