

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: January 10, 2023 Consent Regular
 Ordinance Public Hearing

Department: Housing and Economic Development

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a Modification of Deed Restriction for a 0.126-acre residential parcel located at 928 West 7th Street in the City of Riviera Beach (the "Property"), conveyed to the Riviera Beach Community Development Corporation, Inc. (RBCDC).

Summary: On August 20, 2019 (R2019-1228), the Board of County Commissioners approved the donation of the Property to the RBCDC, a Florida not-for-profit corporation, at no cost. The Property was conveyed via County Deed with a restriction which only allowed the Property to be sold to a family earning no more than 80% of the Area Median Income (AMI), with the income restriction being in effect until December 31, 2049. At the time of the donation the Property was improved with a three bedroom, one bathroom single-family house ("Existing House") that was in a non-livable condition and required extensive repairs/renovations. In 2021 the RBCDC demolished the Existing House and rebuilt a two bedroom, two bathroom house to be sold to an eligible family. Due to the increased cost resulting from the demolition and in order to broaden the range of prospective buyers, the RBCDC is requesting a modification to the deed restriction to increase the AMI requirement from 80% to 140%. District 7 (HJF)

Background and Justification: The Property escheated to the County in July 2017 and was conveyed to the RBCDC in August 2019 for the rehabilitation of the Existing House to be used for affordable housing purposes. Due to the substantial cost associated with the extensive repairs/Renovations to the Existing House the RBCDC had determined that it was more feasible to demolish the Existing House and rebuild a new structure. RBCDC has successfully implemented both single-family and multi-family housing projects since inception and has an established track record in the affordable housing arena in Palm Beach County.

Attachment(s):

- 1 Location Map
- 2 Modification of Deed Restriction

Recommended By: _____

Jonathan Brown
Department Director

12/7/2022
Date

Approved By: _____

Ronda M. Smith
Assistant County Administrator

12/16/2022
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

| Fiscal Years | 2023 | 2024 | 2025 | 2026 | 2027 |
|--------------------------|------|------|------|------|------|
| Grant Expenditures | | | | | |
| Operating Costs | | | | | |
| External Revenues | | | | | |
| Program Income | | | | | |
| In-Kind Match (County) | | | | | |
| NET FISCAL IMPACT | | | | | |

| | | | | | |
|---|--|--|--|--|--|
| # ADDITIONAL FTE POSITIONS (Cumulative) | | | | | |
|---|--|--|--|--|--|

Is Item Included In Proposed Budget? Yes _____ No X
 Does this Item include the use of Federal funds? Yes _____ No X

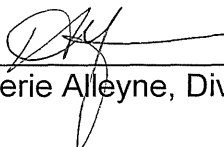
Budget Account No.:

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

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

NO FISCAL IMPACT

C. Departmental Fiscal Review:



 Valerie Alleyne, Division Director II

III. REVIEW COMMENTS

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

 12/15/22
 OFMB LM 12/15

 12/15/22
 Contract Development and Control
 TMA 12/15/22

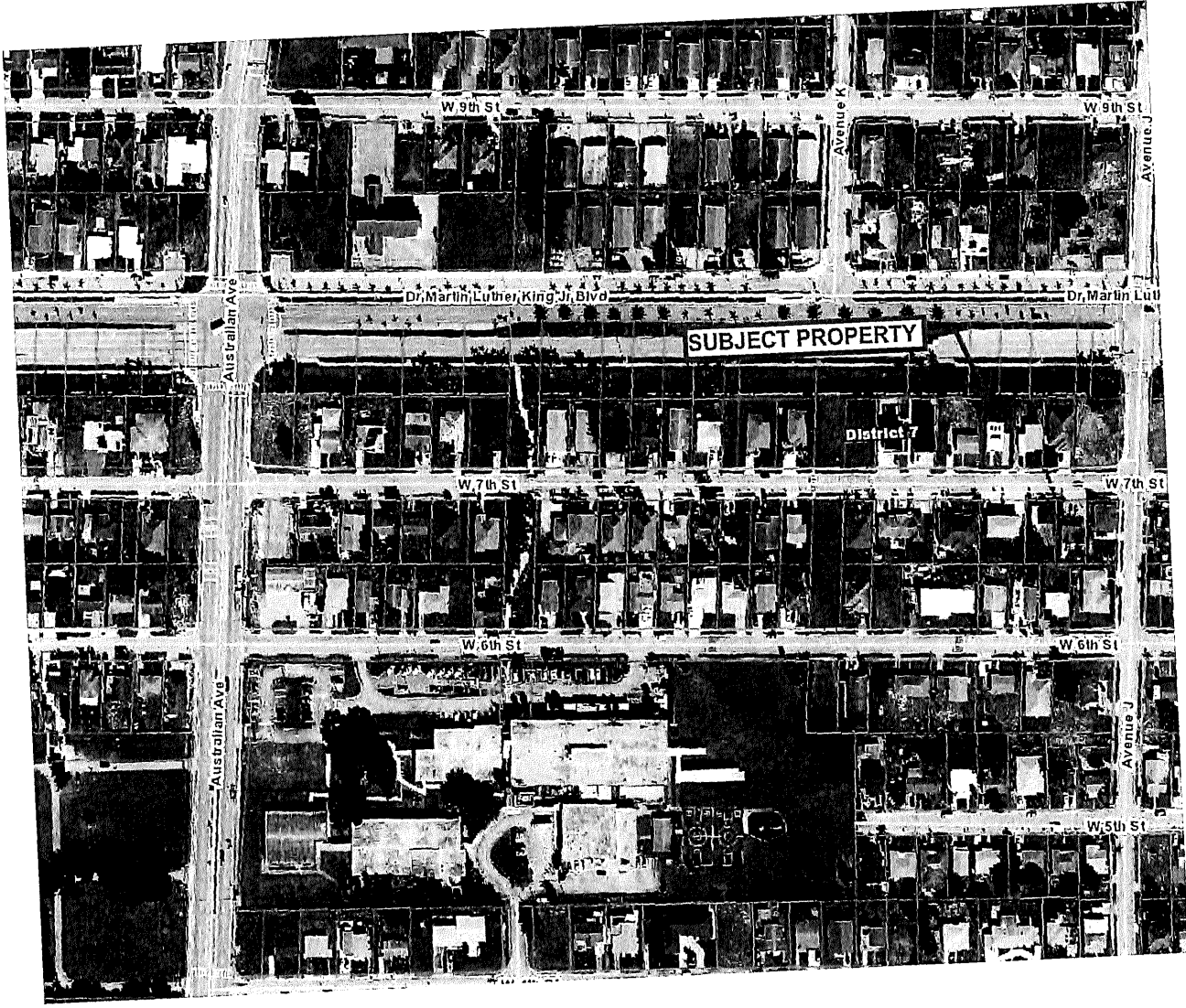
B. Legal Sufficiency:



 Chief Assistant County Attorney

C. Other Department Review:

 Department Director



Attachment No.1 - Location Map
Page 1 of 1

Attachment No.2
Modification of Deed Restriction – 4 Pages

Original

PREPARED BY:
Jeffrey Bolton, PBC Dept. of Housing & Economic Sustainability

RETURN TO:
PALM BEACH COUNTY
DEPARTMENT OF HOUSING AND ECONOMIC DEVELOPMENT
100 Australian Avenue, Suite 500
West Palm Beach, FL 33406

PCN: 56-43-42-32-01-034-0280

Property Address: 928 W. 7th Street, Riviera Beach, FL 33404

MODIFICATION OF DEED RESTRICTION

THIS MODIFICATION OF DEED RESTRICTION, made on _____, by **PALM BEACH COUNTY**, a political subdivision of the State of Florida, by and through its Board of County Commissioners, whose legal mailing address is 2633 Vista Parkway, West Palm Beach, Florida 33411-5605, "County", and **RIVIERA BEACH COMMUNITY DEVELOPMENT CORPORATION, INC.**, whose legal mailing address is 600 W. Blue Heron Boulevard, Suite C-225, Riviera Beach, Florida 33404-5612 "Grantee".

WHEREAS, County, by deed dated August 20, 2019, recorded in Official Record Book 30913, Page 1161 of the Public Records of Palm Beach County, Florida (the "County Deed"), conveyed to Grantee the following described land (the "Property"):

INLET CITY LTS 28 & 29 BLK 34 THE ABOVE BEING THE REAL PROPERTY DESCRIBED UNDER TAX CERTIFICATE NUMBER 33134 IN THE TAX DEED RECORDED IN OFFICIAL RECORD BOOK 29205, PAGE 1041, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

WHEREAS, the County Deed contains certain conditions and restrictions that were imposed upon Grantee; and

WHEREAS, Grantee has requested that the County Deed's conditions and restrictions be modified to allow for an increase in the occupancy's Area Median Income requirement; and

WHEREAS, County has agreed to modify the County Deed's conditions and restriction.

NOW, THEREFORE, for and in consideration of the sum of TEN and 00/100 (\$10.00) Dollars, and other good valuable consideration to County in hand paid by Grantee, the receipt of which is hereby acknowledged, the parties hereby agree as follows:

1. The foregoing recitals are true and correct and incorporated herein by reference.

2. Section 1 of the County Deed's existing conditions and restrictions is hereby deleted and replaced with the following restriction:

The Property is hereby restricted to use as a single family residential home occupied by, and affordable to, a person or family earning no more than one hundred and forty percent (140%) of the "Area Median Income" for Palm Beach County as defined by the United States Department of Housing and Urban Development, or any successor agency responsible for such definition.

3. The conditions and restrictions imposed herein shall constitute covenants running with the land and shall be binding upon and burden Grantee, its successors and assigns having or hereafter acquiring and right, title or interest in or to all or any portion of the Property.
4. Except as set forth herein, the County Deed (and conditions and restrictions therein) remains unmodified and in full force and effect and the parties hereby ratify, confirm and adopt the County Deed, as modified, in accordance with the terms thereof.

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

IN WITNESS WHEREOF, County and Grantee have caused this Modification of Deed Restriction to be executed the day and year aforesaid.

ATTEST:

COUNTY:

JOSEPH ABRUZZO
CLERK OF THE CIRCUIT
COURTS & COMPTROLLER

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

By: _____
Deputy Clerk

By: _____
Gregg K. Weiss, Mayor

Signed and delivered
in the presence of:

(OFFICIAL SEAL)

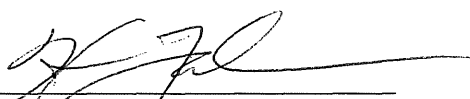
Witness Signature

Print Witness Name

Witness Signature

Print Witness Name

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

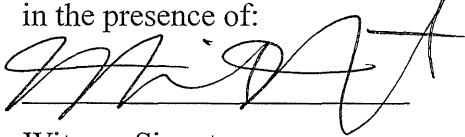
By: 
Assistant County Attorney

GRANTEE:

**RIVIERA BEACH COMMUNITY
DEVELOPMENT CORPORATION, INC.,
a Florida not for profit corporation**

By: 
Darryl Leonard, Chairman

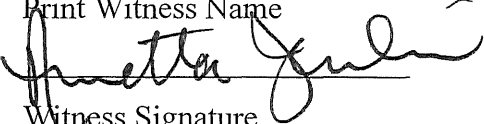
Signed and delivered
in the presence of:



Witness Signature

Mindca Nugent

Print Witness Name



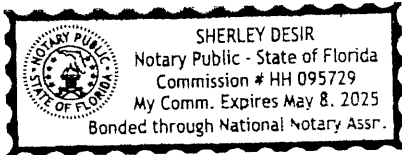
Witness Signature

Annetta Jenkins

Print Witness Name

**STATE OF FLORIDA
COUNTY OF PALM BEACH**

The foregoing instrument was acknowledged before me by means of physical presence
or online notarization on this 18 day of December, 2023, by Darryl Leonard,
Chairman, Riviera Beach Community Development Corporation, Inc., who is personally known
to me, or who has produced Driver License as identification and who did did not
take an oath.



(NOTARY SEAL ABOVE)

Signature: 

Notary Name: Sherley Desir
Notary Public - State of Florida