Agenda Item #: 3I-1

## PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

## **AGENDA ITEM SUMMARY**

Meeting Date:	February 7, 2023	[X] Consent [ ] Ordinance	[ ] Regular [ ] Public Hearing
Department:	Housing and Economic Develo	pment	

## I. EXECUTIVE BRIEF

**Motion and Title: Staff recommends motion to receive and file:** Documents executed in connection with a loan made to KWA Properties LLC, under the Housing and Urban Development (HUD) Section 108 Loan Program as follows:

- A) Palm Beach County Section 108 Promissory Note 2022 for \$470,000;
- B) Palm Beach County Section 108 Loan Agreement for \$470,000;
- C) Palm Beach County Section 108 Loan Program Agreement for \$470,000;
- D) Palm Beach County Mortgage Agreement for \$470,000;
- E) Palm Beach County Section 108 Collateral Security Agreement for \$470,000;
- F) Palm Beach County Section 108 Guaranty Agreement for \$470,000;
- G) Palm Beach County Section 108 Environmental Indemnity Agreement;
- H) Palm Beach County Section 108 Further Assurances and Errors and Omissions Statement;
- I) Borrower's Certificate for KWA Properties LLC;
- J) Corporate Guarantor's Certificate for Hamburger Haven Inc.;
- **K)** State of Florida Uniform Commercial Code Financing Statement for Hamburger Haven Inc.; and
- L) Intercreditor Agreement.

**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 R2009-0725, and are now being submitted to the Board to receive and file. This Section 108 loan in the amount of \$470,000 is for KWA Properties LLC, the real estate holding company for Hamburger Haven, Inc., a restaurant founded in 1941 by the Allen family. The Section 108 loan funds will be used for renovation of its existing building and facilities located at 1018-1022 N. Tamarind Avenue, West Palm Beach, FL 33401. The total cost of the project is \$1,884,500. The County's Section 108 loan funds will be matched dollar for dollar by the City of West Palm Beach Community Redevelopment Agency for the revitalization of the area. The project will create 14 new full time equivalent jobs over five years. District 7 (HF)

**Background and Justification:** The Palm Beach County Section 108 Loan Program (Program), which is administered by the Palm Beach County Department of Housing & Economic Development, was developed to create a source of loan funding for use by businesses and investors to implement business ventures that will create new jobs and help revitalize communities. Funding for the Program is received from HUD.

Attachment(s): Documents as listed in A through L above.

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Recommended By:	Department Director	Date
Approved By:	Lorra A. Malle Assistant County Administrator	//২০ /১১১২ Date

## II. FISCAL IMPACT ANALYSIS

Fiscal Years	2023	2024	2025	2026	2027
Grant Expenditures	\$470,000				
Operating Costs	<b>4.7.0,000</b>		——————————————————————————————————————		
External Revenues	(\$470,000)				
Program Income	(\$ 1.7 0,000)				
In-Kind Match					
NET FISCAL IMPACT	\$0				
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# ADDITIONAL FTE POSITIONS (Cumulative)					
ltem Included In Currentoes this Item include the					
udget Account No.:					
und <u>1540</u> Dept. <u>143</u> U	Jnit <u>2006</u> Sub	Unit <u>H035</u>	Object <u>8</u> 2	<u>201</u>	
. Recommended Sou	rces of Funds/Si	ımmary of l	Fiscal Impac	ot:	
The agreement alloca	nton \$470 000 in (	Coation 100	loon fundo ta	the project	
OFMD Fire Law II		W COMMEI			
OFMB Fiscal and/or	Contract Develo	opment and	Control Co	mments:	
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OFMB OF 1/19	1-20-23	Contract [	Developmen	and Control	
1.00001	Cow	Contract [	Development	and Control	
OFMB AH 1/19	1-20-23 0rney	Contract I	Development	and Control	
OFMB A IN Legal Sufficiency:  Assistant County Atto	1-20-23 0rney	Contract I	Developmen	and Control	
OFMB OF 1119  Legal Sufficiency:  Assistant County Atto	1-20-23 0rney	Contract I	Developmen	and Control	

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT)