

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date:	December 5, 2023	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
		<input type="checkbox"/> Ordinance	<input type="checkbox"/> Public Hearing

Department: Housing and Economic Development

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

A) Receive and File an Assignment of Developer Rights from Northwest Riviera Beach Community Redevelopment Corporation (“Assignor”) to Palm Beach County (“County”) for development rights as developer of Brooks Subdivision; and

B) Accept a Quit-Claim Deed issued by the Assignor for a drainage easement parcel located within the Brooks Subdivision site in Riviera Beach (PCN 56-43-42-29-65-004-0000).

Summary: Brooks Subdivision is a single-family affordable housing development that was not completed by the Assignor and remains vacant. It is comprised of 22 buildable lots owned by the County, and a drainage easement. The development of Brooks Subdivision was originally initiated over 15 years ago by the Assignor, who established the Brooks Subdivision Home Owners Association (“HOA”) and recorded the Brooks Subdivision Plat. The declaration that established HOA identified specific development rights in favor of the Assignor. As owners of the 22 lots, the County controls the HOA, including the development rights, and the plat dedicated the rights for the use and maintenance of the Drainage Easement to the HOA, but not the actual title to the Drainage Easement. In an abundance of caution, the County requested the Assignment of Developer Rights as specified in the declaration that established the HOA, and a Quit-Claim deed for the title to the Drainage Easement from the Assignor. In support of the Brooks project and its desire to see the Brooks development proceed, the Assignor agreed to both requests at no cost to the County. This Assignment of Developer Rights will further secure unquestionable development rights, and the Quit-Claim Deed will secure clean title to the drainage easement to the County for Brooks Subdivision and enable its development for affordable and/or workforce housing. District 7 (HJF)

Background and Justification: Brooks Subdivision is a single-family housing development project that did not materialize, and the County has since been able to acquire 18 of the 22 parcels via foreclosure. The remaining 4 Parcels were acquired by a quit-claim deed from the City of Riviera beach as accepted by the County on June 15, 2021 (R2021-0850). The development rights and the use of the drainage easement are located within an area eligible for Federal and/or State assistance and programs.

Attachments:
1. Assignment of Developer Rights
2. Quit-Claim Deed

Recommended By:	 Department Director	<u>11/29/2023</u> Date	
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Approved By:	 Assistant County Administrator	<u>11/29/23</u> Date	
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II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2024	2025	2026	2027	2028
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 X No
 Does this Item include the use of Federal funds? Yes No X
 Does this item include the use of State funds? Yes No X

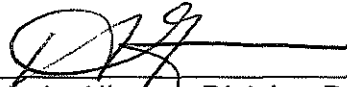
Per DHED e-mail on file, ownership will not be retained by the County; therefore, no asset numbers will be assigned. *L. DiPietro, M.S.V., Fund OFMB 11/16/23*
 Budget Account No.:

Fund 1164 Dept 143 Unit 310B Object 8201 Program Code/Period

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

No Fiscal Impact

C. Departmental Fiscal Review:


 Valerie Alleyne, Division Director II
 Finance and Administrative Services, DHED

III. REVIEW COMMENTS

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

Laura M. M... 11/20/23
 OFMB QA 11/9/23
 MD 11/9

J. DeF...
 Contract Development and Control 11/22/23

B. Legal Sufficiency:


 Assistant County Attorney 11/29/23

C. Other Department Review:

 Department Director

This instrument prepared by and return to:
John R. Sheppard, Jr., Esq.
Fowler White Burnett P.A.
515 N. Flagler Dr.
West Palm Beach, FL 33401

ASSIGNMENT OF DEVELOPER RIGHTS

THIS ASSIGNMENT OF DEVELOPER RIGHTS (this "Assignment") is made as of the ^{31st} day of ~~October~~ 2023, by WILLIAM H. BURRS, as the last known officer of NORTHWEST RIVIERA BEACH COMMUNITY REDEVELOPMENT CORPORATION under §617.1405, Fla. Stat. (mis-named as "NORTHWEST RIVERIA BEACH DEVELOPMENT CORPORATION") having an address at 2542 Canterbury Drive South, Riviera Beach, Florida 33404 (the "Assignor"), to , PALM BEACH COUNTY, a POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, having an address at 2633 Vista Parkway, West Palm Beach Florida 33463 ("Assignee").

RECITALS:

A. Assignor recorded a Declaration of Covenants, Restrictions and Easements for Brook's Subdivision (the "Declaration") in the Public Records of Palm Beach County, Florida on September 9, 2008, at OR Book 22882, Page 0479, created and controls, pursuant to the Declaration, the Brook's Subdivision Homeowner's Association, Inc. (the "Association,"), and had a Plat Recorded on December 14, 2007 in the Public Records of Palm Beach County, Florida, Plat Book 111, Page 1 (the "Plat")

B. Under the Declaration, Assignor is the Developer of the Subdivision under §720.301(6), Fla. Stat.

C. Assignor wishes to assign its Developer Rights to Assignee, and this Assignment is intended by the parties to be a written assignment of the rights and liabilities of the person or entity that created the community under §720.301(6), Fla. Stat.

ASSIGNMENT

GRANT OF ASSIGNMENT. For good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, Assignor hereby absolutely and presently conveys, transfers and assigns to Assignee, all of the right, title, and interest of Assignor now existing or hereafter arising in and to the Declaration, the Plat, and control of the Association and the Associaton governing documents, to have and to hold same forever, as if Assignee had been the original Developer.

ASSUMPTION OF DUTIES. Assignee agrees to assume the duties of the Developer under the Declaration and the provisions of Ch. 720, Fla. Stat.

FURTHER ASSIGNMENT AND DELEGATION. Assignee intends to further assign these Developer rights and delegate these Developer duties to a subsequent party who will become the successor Developer for the Subdivision and nothing in this Assignment shall be construed to place any limitations on such subsequent assignment and delegation.

BINDING EFFECT. The assignments, covenants, conditions, waivers, releases and agreements contained in this Assignment shall bind, and the benefits thereof shall inure to, the parties hereto and their respective heirs, executors, administrators, successors and assigns and are intended and shall be held to be real covenants running with the land;

IN WITNESS WHEREOF, Assignor, intending to be legally bound, has duly executed and delivered this Assignment as of the day and year first above written..

Signed, sealed and delivered

in our presence;

[Signature]
 Print Name: SHEANITHA LASHEA BROOKS

[Signature]
 Print Name: Richard Burrs

[Signature]
 WILLIAM H. BURRS, as the last known officer of NORTHWEST RIVIERA BEACH COMMUNITY REDEVELOPMENT CORPORATION under §617.1405, Fla. Stat.(mis-named as "NORTHWEST RIVERIA BEACH DEVELOPMENT CORPORATION")

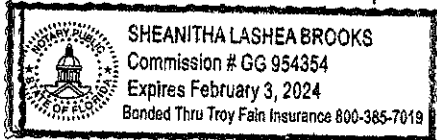
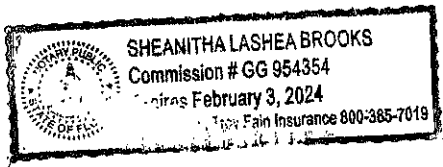
Address: 2542 Canterbury Drive South
 Riviera Beach, FL 33404

STATE OF FLORIDA)
)
 COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 31st day of October, 2023 by WILLIAM H. BURRS, as the last known officer of NORTHWEST RIVIERA BEACH COMMUNITY REDEVELOPMENT CORPORATION under §617.1405, Fla. Stat.(mis-named as "NORTHWEST RIVERIA BEACH DEVELOPMENT CORPORATION") who is personally known to me or who has produced _____ as identification.

(SEAL)

[Signature]
 Notary Public, State of FLORIDA



Print Name: _____
My Commission expires: _____

IN ACCEPTANCE OF THE ASSIGNMENT, the said Assignee has signed and sealed these presents the day and year first above written.

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

By: Jonathan Brown
Jonathan B. Brown, Director
Dept. of Housing & Economic
Development

**Approved as to Form and
Legal Sufficiency**

By: Howard J. Falcon III
Howard J. Falcon III
Chief Assistant County Attorney

Digitally signed by Howard J. Falcon III
DN: cn=Howard J. Falcon III, o=County of Palm Beach, ou=County of Palm Beach, email=hfalcon@palmbeach.fl.us, c=US, ou=Users, cn=Howard J. Falcon III, email=hfalcon@palmbeach.fl.us

**Approved as to Terms and Conditions
Dept. of Housing & Economic Development**

By: Sherry Howard
Sherry Howard, Deputy Director

This instrument prepared by and return to:
John R. Sheppard, Jr., Esq.
Fowler White Burnett P.A.
515 N. Flagler Dr.
West Palm Beach, FL 33401

QUIT-CLAIM DEED

THIS QUIT-CLAIM DEED made and executed this 30th day of October, 2023, by WILLIAM H. BURRS, as the last known officer of NORTHWEST RIVIERA BEACH COMMUNITY REDEVELOPMENT CORPORATION under §617.1405, Fla. Stat., (hereinafter referred to as "Grantor"), to PALM BEACH COUNTY, a POLITICAL SUBDIVION OF THE STATE OF FLORIDA, (hereinafter referred to as "Grantee"), whose post office address is at 2633 Vista Parkway, West Palm Beach Florida 33463 ;

(Wherever used herein the terms "Grantor" and "Grantee" include all parties to this instrument and the heirs, legal representatives, and assigns of individuals and the successors and assigns of corporations, wherever the context so admits or requires.)

WITNESSETH:

That the Grantor, for Ten Dollars (\$10.00), the receipt and sufficiency of which is hereby acknowledged, by these presents does hereby remise, release and quit-claim unto the Grantee, all right, title, interest, claim and demand which Grantor has in and to that certain land situate in Palm Beach County, Florida, to wit:

The Drainage Easement Tract and Drainage Easements as shown on and dedicated pursuant to the Brook's Subdivision Plat as recorded in Plat Book 111, Page 1, Public Records of Palm Beach County, Florida.

The subject property is vacant land and does not constitute the homestead of the Grantor herein, nor any member of his immediate family's homestead, as defined by the Constitution or Laws of the State of Florida, nor is it adjacent to the Grantor's or any member of his immediate family's homestead. This deed is being prepared at the request and direction of the Grantor without the benefit of any title examination.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said Grantor, either in law or in equity, to the only proper use, benefit and behoof of Grantee forever.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in our presence:

Sheanitha Lashea Brooks
Print Name: SHEANITHA LASHEA BROOKS

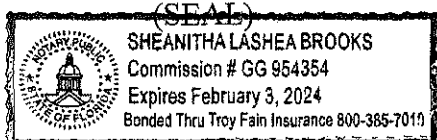
Richard Burrs
Print Name: Richard Burrs

William H. Burrs
WILLIAM H. BURRS, as the last known officer
of NORTHWEST RIVIERA BEACH
COMMUNITY REDEVELOPMENT
CORPORATION under §617.1405, Fla. Stat

Address: 2542 Canterbury Drive South
Riviera Beach, FL 33404

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of physical presence
or online notarization, this 31st day of October, 2023 by WILLIAM H. BURRS, as the
last known officer of NORTHWEST RIVIERA BEACH COMMUNITY REDEVELOPMENT
CORPORATION under §617.1405, Fla. Stat, [] who is personally known to me or [] who has
produced _____ as identification.



Sheanitha Lashea Brooks
Notary Public, State of FLORIDA
Print Name: SHEANITHA LASHEA BROOKS
My Commission expires: FEBRUARY 3, 2024