

RESOLUTION NO. 19-16 (CRA)

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF FORT LAUDERDALE COMMUNITY REDEVELOPMENT AGENCY APPROVING A SUBORDINATE LIEN ENCUMBERING THE SUB-SUB LEASEHOLD INTEREST OF YOUNG MEN'S CHRISTIAN ASSOCIATION OF SOUTH FLORIDA, INC., AS LESSEE, IN THE PROPERTY LOCATED AT 1409 SISTRUNK BLVD, FORT LAUDERDALE, FLORIDA UNDER AN OPERATING LEASE; DELEGATING AUTHORITY TO THE EXECUTIVE DIRECTOR TO EXECUTE THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT, THE CONSENT, RECOGNITION AND MORTGAGE SUBORDINATION AGREEMENT AND ANY AND ALL DOCUMENTS AND INSTRUMENTS REASONABLY NECESSARY OR INCIDENTAL TO CONSUMMATE THE TRANSACTION; AND FURTHER DELEGATING AUTHORITY TO THE EXECUTIVE DIRECTOR TO TAKE CERTAIN ACTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Fort Lauderdale Community Redevelopment Agency ("CRA"), an agency authorized under Chapter 163, Part III of the Florida Statutes, was created to eliminate "slum and blight" and to stimulate community redevelopment; and

WHEREAS, the City Commission adopted Resolution No. 95-86 on June 2, 1995, finding the existence of slum and blight conditions in that area of the City of Fort Lauderdale, Florida (the "City") known as the Northwest-Progresso-Flagler Heights Community Redevelopment Area, as more particularly described in that resolution, (herein referred to as the "Redevelopment Area"); and

WHEREAS, by adoption of Resolution No. 95-170, the redevelopment plan for the Redevelopment Area was approved by the City Commission on November 7, 1995 and was amended in 2001 by Resolution No. 01-86, in 2002 by Resolution No. 02-183, in 2013 by Resolution No.13-137, in 2016 by Resolution No.16-52 and in 2018 by Resolution No. 18-226 and as subsequently amended (the "Redevelopment Plan"); and

WHEREAS, on May 4, 2018, the CRA and the Young Men's Christian Association of South Florida, Inc. ("YMCA") entered into an Agreement For A Development Incentive Program Loan (the 'Development Agreement') as approved by the Board of Commissioners, under which the CRA agreed to fund a Ten Million Dollar Loan (\$10,000,000) (the "CRA Loan") for the construction of a new state of the art facility for the YMCA upon completion and compliance with certain conditions (the "Project"); and

WHEREAS, the YMCA has secured financing for construction of the Project under the New Markets Tax Credit Program ("NMTC"); and

WHEREAS, the Development Agreement contemplated that the CRA Loan would be secured by a second mortgage on the Ground Lease dated October 9, 2017, as amended by that First Amendment dated November 8, 2018, by and between the City of Fort Lauderdale and the YMCA; and

WHEREAS, as a condition of the NMTC financing, FCNMF 29, LLC, a Florida limited liability company, PCC-SUB-CDE IX, a Delaware limited liability company, and Suntrust Bank, a Georgia banking corporation, require the CRA to place a subordinate lien on the sub-sub leasehold interest of an Operating Lease (the "Operating Lease") by and between the YMCA, as lessee and Young Men's Christian Association of South Florida Support Organization, Inc, as lessor (the "Support Organization");

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE FORT LAUDERDALE COMMUNITY REDEVELOPMENT AGENCY:

SECTION 1. That the Recitals set forth above are true and correct and incorporated herein by this reference.

SECTION 2. That the governing body of the Fort Lauderdale Community Redevelopment Agency hereby approves a subordinate lien on the Operating Lease to secure the CRA Loan in lieu of a second mortgage on the Ground Lease and hereby ratifies and confirm the Development Agreement as amended.

SECTION 3. That the governing body of the Fort Lauderdale Community Redevelopment Agency hereby delegates authority to the Executive Director to execute the First Amendment to the Development Agreement, Consent, Recognition and Mortgage Subordination Agreement, in substantially the form attached hereto, and any and all other documents or instruments, including, without limitation, estoppel certificates, necessary or incidental to consummation of the transaction without further action or approval of this body. Except for the authority to increase the amount of the CRA Loan, the Executive Director or his designee is delegated authority to negotiate additional terms and conditions, modify the terms, take further actions, and make such further determinations he deems advisable in furtherance of the goals and objectives of the Redevelopment Plan.

SECTION 4. That the office of the General Counsel shall review and approve as to form all documents prior to their execution by the Executive Director.

SECTION 5. That this Resolution shall be in full force and effect upon final passage.

ADOPTED this the 17th day of September, 2019.

  
Chair  
DEAN J. TRANTALIS

ATTEST:



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CRA Secretary  
JEFFREY A. MODARELLI