



**CITY OF FORT LAUDERDALE**  
**City Commission Agenda Memo**  
**Regular Meeting**

**#13-0190**

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**TO:** Honorable Mayor & Members  
Fort Lauderdale City Commission

**FROM:** Lee Feldman, ICMA-CM City Manager

**DATE:** February 5, 2013

**TITLE:** HOUSING AUTHORITY OF THE CITY OF FORT LAUDERDALE  
Authorization to Execute Second Amendment – (1) Restrictive Covenants;  
And (2) Conveyance, Development and Use Agreement

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**Background**

On March 13, 2008 a Conveyance, Development and Use Agreement was executed between the City and the Housing Authority (HACFL). The Agreement provided for the conveyance of eight (8) parcels from the City to HACFL requiring the HACFL to develop the Parcels for affordable housing.

A Special Warranty Deed dated September 8, 2008 conveyed the eight (8) parcels in question to the Housing Authority from the City of Fort Lauderdale; which also included a Declaration of Restrictive Covenants. The Restrictive Covenants govern how the Parcels are to be developed for affordable housing, time frames, future use, etc. and, among other matters, reserve unto the City a reversionary interest in the Parcels.

As HACFL was about to close on tax credit financing in 2010, relative to Phase 1 Development of Northwest Gardens I, the City Commission authorized execution of a First Amendment to the Declaration of Restrictive Covenants and a First Amendment to Conveyance, Development and Use Agreement tailored to the Phase I Development.

Now, in 2013, as HACFL prepared to close on financing for the Phase II Development it is necessary, to make certain adjustments in the Declaration of Restrictive Covenants tailored to Phase II (Second Amendment to Declaration of Restrictive Covenants – Exhibit #1). As to the Conveyance, Development and Use Agreement, since the post-closing covenants in that Agreement have been merged into the Declaration of Restrictive Covenants there is no further need of an amendment other than to have the parties agree that that Agreement has merged into the Declaration and the Agreement is accordingly of no further force and effect (Second Amendment to Conveyance, Development and Use Agreement – Exhibit #2) A copy of the exhibits referenced above have been attached in substantial form.

Therefore, it is requested that the City Commission pass a motion authorizing the City Manager to execute a Second Amendment to the Declaration of Restrictive Covenants and a Second Amendment to the Conveyance, Development and Use Agreement.

**Resource Impact**

No Resource Impact

Attachments

Exhibit 1 – Second Amendment to Declaration of Restrictive Covenants

Exhibit 2 – Second Amendment to Conveyance, Development and Use Agreement

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Prepared By: Al Battle, Economic & Community Reinvestment Manager

Department Director: Greg Brewton, Sustainable Development