

Yea: 5 - Vice Mayor Glassman, Commissioner Beasley-Pittman,
Commissioner Sturman, Commissioner Herbst and Mayor Trantalis

RMH CM-5 [24-0725](#)

Motion Authorizing the Acceptance of Fresh & Saltwater Submersible Hurst Rescue Tools in the Amount of - \$41,730 from Firehouse Subs Public Safety Foundation - (Commission Districts 1, 2, 3 and 4)

APPROVED

Yea: 5 - Vice Mayor Glassman, Commissioner Beasley-Pittman,
Commissioner Sturman, Commissioner Herbst and Mayor Trantalis

RMH CM-6 [24-0738](#)

Motion Approving a Retroactive Agreement for the State Road A1A Streetscape Improvement Project - Weekley Paving and Asphalt, Inc. - (Commission District 2)

APPROVED

Yea: 5 - Vice Mayor Glassman, Commissioner Beasley-Pittman,
Commissioner Sturman, Commissioner Herbst and Mayor Trantalis

LS CM-7 [24-0763](#)

Motion Approving FY 2024 Beach Business Improvement District (BBID) Grant Funding of Flockfest, FemAle Brewfest, and the Florida Panthers Stanley Cup Champions Parade in the total amount of \$135,000 - (Commission District 2)

APPROVED

Yea: 5 - Vice Mayor Glassman, Commissioner Beasley-Pittman,
Commissioner Sturman, Commissioner Herbst and Mayor Trantalis

LS CM-8 [24-0768](#)

Motion Approving the Third Amendment to the Purchase and Sale Agreement Between The Pantry Lofts Ltd. as successor to Green Mills Holdings, LLC and the City of Fort Lauderdale - (Commission District 2)

APPROVED

Yea: 5 - Vice Mayor Glassman, Commissioner Beasley-Pittman,
Commissioner Sturman, Commissioner Herbst and Mayor Trantalis

PGB CM-9 [24-0771](#)

Motion Authorizing Purchase of Excess Workers' Compensation Insurance - Safety National Casualty Corporation - \$591,592 - (Commission Districts 1, 2, 3 and 4)

APPROVED

Yea: 5 - Vice Mayor Glassman, Commissioner Beasley-Pittman,
Commissioner Sturman, Commissioner Herbst and Mayor Trantalis



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#24-0768

TO: Honorable Mayor & Members of the Fort Lauderdale City Commission

FROM: Susan Grant, Acting City Manager

DATE: September 3, 2024

TITLE: **REVISED CM-8** - Motion Approving the Third Amendment to the Purchase and Sale Agreement Between The Pantry Lofts Ltd. as successor to Green Mills Holdings, LLC and the City of Fort Lauderdale - (**Commission District 2**)

Recommendation

Staff recommends that the City Commission approve the third amendment to the purchase and sale agreement ("Agreement") in substantially the form attached, between Pantry Lofts Ltd. as successor to Green Mills Holdings, LLC, and the City of Fort Lauderdale for the property located at 221 NW 6th **Street Avenue**, Fort Lauderdale, FL, 33311 (Exhibit 1).

Background

On October 20, 2020, the City Commission approved a notice to award to Green Mills Holdings, LLC ("Green Mills") to purchase City-owned property located at 221 NW 6th **Street Avenue**. In August of 2021, Green Mills assigned the purchase and sale agreement to The Pantry Lofts, Ltd.

Green Mills/The Pantry Lofts Ltd. proposed the development of an eight-story building comprising eighty multifamily units specifically designed for active seniors aged 55 and above. The project aims to reserve the majority of its apartments for seniors whose earnings fall between 30% and 80% of the Broward County Area Median Income.

Recognizing the necessity of securing funding through the Federal Low-Income Housing Tax Credit ("LIHTC") administered by the Florida Housing Finance Corporation ("FHFC"), The Pantry Lofts, Ltd. applied for the 2021 LIHTC. Unfortunately, the application was not approved. Consequently, on November 1, 2022, the City approved the first amendment to the Agreement, extending The Pantry Lofts, Ltd.'s deadline to apply for the 2022 LIHTC.

The Pantry Lofts Ltd. once again did not secure the credits, however, FHFC introduced a resubmittal preference for the 2023 LIHTC, enhancing The Pantry Lofts Ltd. chance for success. On July 5, 2023, the City Commission approved a second amendment to the

Agreement to allow The Pantry Lofts Ltd. to reapply for the 2023 LIHTC, thus facilitating continued efforts to advance the project. On January 25, 2024, The Pantry Lofts, Ltd. was selected for the LIHTC tax credit program and received an Invitation to Credit Underwriting from FHFC. In February 2024, The Pantry Lofts, Ltd. received an environmental assessment that revealed significant contamination requiring remediation.

The Pantry Lofts, Ltd. is now requesting a third amendment to the Agreement to reduce the purchase price of \$560,000 by a not to exceed amount of \$108,100. The reduction aims to address the environmental expenses associated with cleaning the contaminated site at 221 NW 6th **Street** Avenue. The Pantry Lofts, Ltd. shall produce environmental expense invoices at or prior to closing listing all costs associated with the remediation.

Resource Impact

There is no current fiscal impact associated with this item. There will be a negative fiscal impact of \$108,100 to the City in a future fiscal year, resulting from the reduction in the purchase price after the closing is completed.

Strategic Connections

This item is a *2024 Top Commission Priority*, advancing the Housing Accessibility initiative.

This item supports the *Press Play Fort Lauderdale 2029 Strategic Plan*, specifically advancing:

- The Housing Focus Area, Goal 4: Enable housing options for all income levels.

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We Are Community*.

This item supports the *Advance Fort Lauderdale 2040 Comprehensive Plan* specifically advancing:

- The Neighborhood Enhancement Focus Area
- The Housing Element
- Goal 1: The Comprehensive Plan shall support the provision of adequate sites for future housing, including affordable workforce housing, housing for low-income, very low-income, and moderate-income families, mobile homes, and group home facilities and foster care facilities, with supporting infrastructure and public facilities.

Attachments

Exhibit 1 – Proposed Third Amendment

Exhibit 2 – Purchase and Sale Agreement

Exhibit 3 – Test Pit Memo (**Note that in Exhibit 3, the engineers use "221 NW 3rd Avenue" and "221 NW 6th Street" interchangeably throughout the report.**)

Exhibit 4 – Location Map

Exhibit 5 – Assignment of Contract for Sale and Purchase

Prepared by: Angela Salmon, Assistant to the City Manager, City Manager's Office

Charter Officer: Susan Grant, Acting City Manager

THIRD AMENDMENT TO PURCHASE AND SALE AGREEMENT

THIS THIRD AMENDMENT TO PURCHASE AND SALE AGREEMENT (the “**Amendment**”) is made and entered into as of the ___ day of _____, 2024 (the “**Effective Date**”), by and between CITY OF FORT LAUDERDALE, a municipal corporation of the state of Florida (“**Seller**”) and THE PANTRY LOFTS, LTD., a Florida limited partnership (“**Purchaser**”).

WHEREAS, Seller and Green Mills Holdings, LLC, a Florida limited liability company (“**Green Mills**”), previously entered into that certain Deposit Receipt and Contract for Sale and Purchase, with an effective date of October 20, 2020, as assigned by Green Mills to Purchaser by that certain Assignment of Contract for Sale and Purchase, entered into as of August 26, 2021, and as amended by that certain First Amendment to Purchase and Sale Agreement, entered into as of December 13, 2022 and that Second Amendment to Purchase and Sale Agreement entered into as of August 25, 2023 (collectively, the “**Agreement**”) regarding the sale and purchase of the property located in Broward County, Florida, being more particularly designated therein (the “**Property**”); and

WHEREAS, Purchaser and Seller desire to modify and amend the Agreement as hereinafter set forth.

NOW, THEREFORE, for good and adequate consideration, Purchaser and Seller hereby covenant and agree as follows:

1. Section 2 C. of the Agreement is modified to add the following sentence at the end of the paragraph: “Notwithstanding the foregoing, Seller agrees to reduce the amount of the Purchase Price in accordance with the Buyer expenses associated with environmental clean up efforts of the Property (“**Environmental Expenses**”), not to exceed \$108,100. Buyer shall produce an invoice at or prior to Closing listing the Environmental Expenses and the Purchase Price shall be correspondingly reduced by such amount.”

2. Except as modified herein, the Agreement remains in full force and effect.

3. In the event of any conflict between the terms of this Amendment and the terms of the Agreement, the terms of this Amendment shall control.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, Purchaser and Seller have caused this Amendment to be executed and to be effective as of the date set forth above.

SELLER:

CITY OF FORT LAUDERDALE, a Florida municipal corporation

By: _____

Susan Grant, Acting City Manager

Attest:

David R. Solomon, City Clerk

Approved as to form and correctness:
Thomas J. Ansbro, City Attorney


Lynn Solomon, Asst. City Attorney

PURCHASER:

THE PANTRY LOFTS, LTD., a Florida limited partnership

By: The Pantry Lofts GM GP, LLC, a Florida limited liability company, its general partner

By: Green Mills Holdings, LLC, a Florida limited liability company, its manager


By:  _____
Oscar Sol, Manager

IN WITNESS WHEREOF, Purchaser and Seller have caused this Amendment to be executed and to be effective as of the date set forth above.

SELLER:

CITY OF FORT LAUDERDALE, a Florida municipal corporation

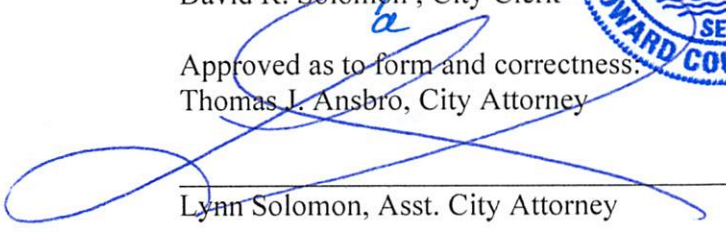
By: 
Dean J. Trantalis, Mayor

By: 
Susan Grant, Acting City Manager

Attest:

David R. Solomon, City Clerk

Approved as to form and correctness:
Thomas J. Ansbro, City Attorney


Lynn Solomon, Asst. City Attorney



PURCHASER:

THE PANTRY LOFTS, LTD., a Florida limited partnership

By: The Pantry Lofts GM GP, LLC, a Florida limited liability company, its general partner

By: Green Mills Holdings, LLC, a Florida limited liability company, its manager

By: _____
Oscar Sol, Manager





COMMISSION AGENDA ITEM
DOCUMENT ROUTING FORM

2L

Today's Date: 9/18/24

DOCUMENT TITLE: 3rd Amendment to the Purchase & Sale Agreement Between The Pantry Lofts Ltd. as Successor to Green Mills Holdings LTD. & COFL

COMM. MTG. DATE: 9/3/2024 CAM #: 24-0768 ITEM #: CM-8 CAM attached: YES NO

Routing Origin: CMO Router Name/Ext: Sonia. x-5598 Action Summary attached: YES NO

CIP FUNDED: YES NO

Capital Investment / Community Improvement Projects defined as having a life of at least 10 years and a cost of at least \$50,000 and shall mean improvements to real property (land, buildings, or fixtures) that add value and/or extend useful life, including major repairs such as roof replacement, etc. Term "Real Property" include: land, real estate, realty, or real.

1) Dept: CAO Router Name/Ext: Sonias X5598 # of originals routed: 2 Date to CAO: 9/18/24

2) City Attorney's Office: Documents to be signed/routed? YES NO # of originals attached: 2

Is attached Granicus document Final? YES NO Approved as to Form: YES NO

Date to CCO: 9/18/24 Lynn Solomon
Attorney's Name

[Signature]
Initials

3) City Clerk's Office: # of originals: 2 Routed to: Donna V./Amber c. /CMO Date: 09/19/24

4) City Manager's Office: CMO LOG #: SEP43 Document received from: CCO 9/23/24

Assigned to: SUSAN GRANT ANTHONY FAJARDO LAURA REESE BEN ROGERS

SUSAN GRANT as Acting City Manager

APPROVED FOR S. GRANT'S SIGNATURE N/A FOR S. GRANT TO SIGN

PER ACM: A. Fajardo _____ (Initial/Date) PER ACM: L. REESE _____ (Initial/Date)
B. Rogers _____ (Initial/Date)

PENDING APPROVAL (See comments below)

Comments/Questions: _____

Forward ___ originals to Mayor CCO Date: _____

5) Mayor/CRA Chairman: Please sign as indicated. Forward ___ originals to CCO for attestation/City seal (as applicable) Date: _____

6) City Clerk: Scan original and forwards 2 originals to: Sonia Sierra /CAO/ Ext. 5598

Attach ___ certified Reso # _____ YES NO

Original Route form to Sonias X5598