

RESOLUTION NO. 23-299

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AN AFFORDABLE HOUSING DEVELOPMENT AGREEMENT AND AN ASSUMPTION OF LIABILITY AND HOLD HARMLESS AGREEMENT WITH HABITAT FOR HUMANITY OF BROWARD, INC., DELEGATING AUTHORITY TO THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO EXECUTE BOTH AGREEMENTS TOGETHER WITH, ANY AMENDMENTS TO THE AFFORDABLE HOUSING DEVELOPMENT AGREEMENT THAT REFLECT THE MODIFICATIONS OR AMENDMENTS TO THE SITE PLAN THAT ARE ADMINISTRATIVELY APPROVED AND ANY SUPPLEMENTAL DOCUMENTS IN CONNECTION WITH THE AFFORDABLE HOUSING DEVELOPMENT AGREEMENT; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Live Local Act, Section 166.04151, Florida Statutes (2023), authorizes local governments to approve the development of housing that is affordable including, but not limited to, a residential development, on any parcel zoned for commercial or industrial use, so long as at least 10 percent of the units included are for housing that is affordable; and

WHEREAS, Habitat for Humanity of Broward, Inc. ("Habitat") proposes to develop a fee simple townhouse community with 20 affordable residential units on a 1.54-acre parcel located at 1040 NW 20th Street; and

WHEREAS, the property is zoned Community Business (CB) with an underlying future land use of Commercial; and

WHEREAS, Habitat is seeking to enter into an Affordable Housing Development Agreement along with an Assumption of Liability and Hold Harmless Agreement with the City of Fort Lauderdale, Florida ("City"), to develop the site based on the provisions of Section 166.04151(6) Florida Statutes (2023), which allows for the development of affordable housing on parcels of land that are zoned for commercial or industrial use, subject to the requirements in Section 420.0004, Florida Statutes (2023); and

WHEREAS, under Sections 166.04151(6) and 420.0004, Florida Statutes (2023), Habitat must ensure that at least 10% of the residential units are affordable and Habitat has

advised City staff that it will meet this requirement by restricting all the units within the development to those who are considered extremely low income (less than 30% of the area median income), low-income (less than 80% of the area median income) and moderate-income (less than 120% of the area median income); and

WHEREAS, the City and Habitat have agreed to enter into an Assumption of Liability and Hold Harmless Agreement to enable the City's contractors to provide trash pickup service on a private road located within the Development; and

WHEREAS, City staff wishes to process amendments to the Affordable Housing Development Agreement that are limited in scope in a more efficient manner; and

WHEREAS, City staff recommends that the City Commission also authorize the City Manager to approve and execute Amendments to the Affordable Housing Development Agreement that reflect modifications or amendments to the Site Plan attached to the Affordable Housing Development Agreement that are administratively approved by the Director of the Development Services Department; and

WHEREAS, in accordance with Section 166.04151(6), Florida Statutes (2023), Habitat is requesting that the City Commission approve an Affordable Housing Development Agreement and Assumption of Liability and Hold Harmless Agreement in substantially the forms attached hereto as Exhibit "A" and Exhibit "B".

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That the recitals set forth above are true and correct and are incorporated in this Resolution.

SECTION 2. That the City Commission of the City of Fort Lauderdale, Florida, hereby approves the Affordable Housing Development Agreement and Assumption of Liability and Hold Harmless Agreement in substantially the forms attached hereto as Exhibit "A" and Exhibit "B", and delegates authority to the City Manager or the City Manager's Designee to execute the aforementioned agreements together with any and all ancillary or subsequent documents necessary and incidental to the administration of the development agreement.

SECTION 3. The City Commission of the City of Fort Lauderdale, Florida hereby delegates authority to the City Manager or the City Manager's Designee to approve and execute all Amendments to the Affordable Housing Development Agreement that are limited in scope to

reflect amendments or modifications to the Site Plan attached to the Affordable Housing Development Agreement, that are administratively approved by the Director of the Development Services Department. Amendments to the Affordable Housing Development Agreement that reflect the administrative approval of modifications or amendments to the Site Plan do not require City Commission Approval.

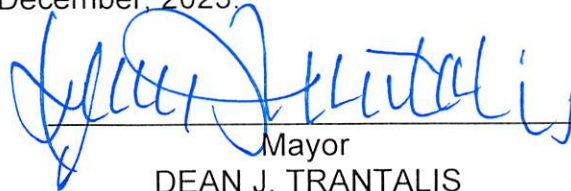
SECTION 4. That the office of the City Attorney shall review and approve as to form all documents prior to their execution by the City Manager.

SECTION 5. That all resolutions or parts of resolutions in conflict herewith are hereby repealed.

SECTION 6. If any clause, section, or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Resolution.


SECTION 7. This Resolution shall be in full force and effect upon final passage and adoption.

ADOPTED this 19th day of December, 2023.



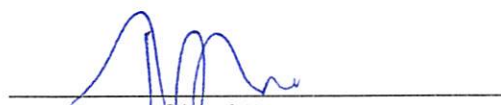
Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
DAVID R. SOLOMAN

APPROVED AS TO FORM
AND CORRECTNESS:



City Attorney
THOMAS J. ANSBRO

Dean J. Trantalis	<u>Yea</u>
John C. Herbst	<u>Yea</u>
Steven Glassman	<u>Yea</u>
Pamela Beasley-Pittman	<u>Yea</u>
Warren Sturman	<u>Yea</u>