

RESOLUTION NO. 21-15 (CRA)

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE FORT LAUDERDALE COMMUNITY REDEVELOPMENT AGENCY, APPROVING THE SALE OF REAL PROPERTY LOCATED AT 1017 SISTRUNK BLVD., 606 NW 10TH TERRACE, AND XXX SISTRUNK BLVD. TO NORTHEAST 6TH DEVELOPMENT, LLC IN CONSIDERATION OF THE SUM OF FOUR HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS; APPROVING A DEVELOPMENT INCENTIVE PROGRAM FORGIVABLE LOAN OF TWO MILLION FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$2,450,000) TO NORTHEAST 6TH DEVELOPMENT, LLC FOR THE VICTORY ENTERTAINMENT COMPLEX; AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE ANY AND ALL RELATED INSTRUMENTS; 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 of the City of Fort Lauderdale, Florida, 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, in 2018 by Resolution No. 18-226 and as subsequently amended (the "Redevelopment Plan"); and

WHEREAS, on March 5, 2020, the CRA issued a Notice of Intent to Dispose of real property located at 606 NW 10th Terrace, 1017 Sistrunk Blvd., and XXX Sistrunk Blvd, Fort Lauderdale, Florida (collectively, the "Property"); and

WHEREAS, three proposals were received and the Evaluation Committee found that Northeast 6th Development, LLC received the highest ranking for development of the Property; and

WHEREAS, the CRA Development Incentive Program (DIP) is intended to support projects with an investment of \$5,000,000 or more; and

WHEREAS, Northeast 6th Development, LLC, a Florida limited liability company ("Northeast 6th"), has applied for funding in the amount of \$2,450,000 for development of a commercial entertainment complex on the Property with a total development cost of approximately \$4,000,000 (the "Project"); and

WHEREAS, the CRA Advisory Board for the Redevelopment Area approved funding for this Project on January 12, 2021; and

WHEREAS, staff finds that the physical improvements comply with the Redevelopment Plan and will improve the Redevelopment Area; and

WHEREAS, the Board of Commissioners of the CRA finds that development of the Project will enhance the physical appearance of the Redevelopment Area, create new businesses, retail spaces, as well as facilitate a responsive and proactive business climate, all in accordance with and in furtherance of the Redevelopment Plan, as authorized by and in accordance with the Act; and

WHEREAS, the CRA Board finds that Northeast 6th Development, LLC has demonstrated that it has the financial capacity, legal ability, development experience and qualifications to develop this Project.

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 Fort Lauderdale Community Redevelopment Agency hereby waives the minimum investment requirement for participation under the Development Incentive Program (DIP) in order to accommodate Northeast 6th Development, LLC's request for funding as described in CAM 21-0320.

SECTION 3. Pursuant to Section 163.380(3) (a), Florida Statutes, a Notice of Intent to Dispose of the Fort Lauderdale Community Redevelopment Agency Property for the Development of Vacant Real Property(s) located at 606 NW 10th Terrace, 1017 Sistrunk Blvd., and XXX Sistrunk Blvd in the Northwest-Progresso-Flagler Heights Community Redevelopment Area was published in the Sun Sentinel on or around March 5, 2020. The CRA Board hereby ratifies and approves issuance and publication of the Notice of Intent to Dispose of Fort Lauderdale Community Redevelopment Agency Property.

SECTION 4. That the Board of Commissioners of the Fort Lauderdale Community Redevelopment Agency hereby approves a forgivable loan, under the CRA's Development Incentive Program (DIP), in the amount of Two Million Four Hundred Fifty Thousand Dollars (\$2,450,000.00) to Northeast 6th Development, LLC for the development of a commercial entertainment complex on the Property, approves the Letter of Intent, in substantially the form attached to CAM 21-0320, and authorizes the Executive Director to execute the Letter of Intent and any and all other documents or instruments, including, without limitation, development agreement, subordination agreements and 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 this forgivable 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 CRA plan.

SECTION 5. The Board of Commissioners of the Fort Lauderdale Community Redevelopment Agency hereby accepts the offer from Northeast 6th Development, LLC as set forth on the proposal submitted on July 6, 2020, and authorizes the Executive Director to execute the Commercial Contract and Addendum, in substantially form attached to CAM 21-0320, (hereinafter, "Contract"). Authority to impose additional conditions on transfer of the Property and make such further determinations in furtherance of the goals and objectives of Redevelopment Plan is delegated to the Executive Director or his designee. Further, the CRA Board hereby delegates authority to the Executive Director or his designee to execute any other instruments reasonably necessary or incidental to the sale and conveyance of the Property. Delivery of all instruments shall be in accordance with the terms of the Contract.

Closing on the Property shall be subject to the following conditions:

- A. The Purchase Price is Four Hundred Fifty-Thousand and No/100 Dollars (\$450,000.00).

- B. Conveyance of the Property to shall be by Quit Claim Deed and Northeast 6th Development, LLC shall bear all closing cost(s).
- C. Any and all outstanding bonds must be satisfied and discharged at closing from the proceeds of the sale of the Property and the purchase price must be sufficient to pay and discharge such bonds or obligations according to their terms.
- D. The sale of the Property shall be for cash due at closing and no purchase money mortgage will be held by the CRA.
- E. The Property shall be conveyed "As-Is", including any and all title defects.
- F. Such other terms and conditions as stated in the Agreement.
- G. Such other terms and conditions imposed by the Executive Director in the exercise of his discretion as to whether the proposed Project furthers the goals and objectives of the Redevelopment Plan.

SECTION 6. 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 7. That this Resolution shall be in full force and effect immediately upon and after its passage.

ADOPTED this 16th day of November, 2021.


CRA Chairperson
DEAN J. TRANTALIS

ATTEST:


CRA Secretary
DAVID R. SOLOMAN