

# POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY

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Meeting Date: January 19, 2016

Agenda Item \_\_\_\_\_

**REQUESTED CRA BOARD ACTION:**

Resolution(s)     Consideration     Approval     Other

SHORT TITLE OR MOTION:    A RESOLUTION OF THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY, APPROVING AND AUTHORIZING THE PROPER OFFICIALS TO EXECUTE A TERMINATION OF SUBLEASE AGREEMENT BETWEEN THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY AND BETTY'S SOUL FOOD, INC. RELATING TO PROPERTY LOCATED AT 731 HAMMONDVILLE ROAD, UNIT F; PROVIDING AN EFFECTIVE DATE.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Summary of Purpose and Why:**

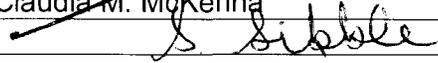
The beginning stages of the redevelopment cycle are difficult as blighted areas have yet turned around enough to capture the attention of the private sector. However the CRA has put in the infrastructure to pique interest from a few local businesses. Betty's Soul Food, Inc. was one of the first to open a new business in Downtown Pompano. Although Betty's attempted to introduce their concept to Pompano Beach, the restaurant never found its customer base. Being the first new business in an up and coming area is not an easy feat and will not always go as planned. Unfortunately Betty's could not find its footing and is requesting termination of the sublease agreement. CRA staff is confident that the right tenant will be found for the 731 MLK location and will be bringing a new tenant to the CRA Board soon.

**QUESTIONS TO BE ANSWERED BY ORIGINATING DEPARTMENT:**

- (1) Origin of request for this action:    Staff
- (2) Primary staff contact:    Adriane Esteban    Ext. 7841
- (3) Expiration of contract, if applicable:    Effective Date
- (4) Fiscal impact and source of funding:    N/A

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	AUTHORIZED SIGNATURE OR ATTACHED MEMO NUMBER
_____	_____	_____	_____

- CRA Executive Director
- CRA Attorney
- Finance Director

  
 \_\_\_\_\_  
 Claudia M. McKenna  
  
 \_\_\_\_\_

**ACTION PREVIOUSLY TAKEN BY CRA BOARD:**

Resolution	Consideration	Other:
Results: _____	Results: _____	Results: _____
_____	_____	_____
_____	_____	_____

# CRA

POMPANO BEACH

P. O. Drawer 1300  
Pompano Beach, FL 33060

Phone: (954) 786-5535  
Fax: (954) 786-7836

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## MEMORANDUM

**Date:** January 19, 2016

**To:** Pompano Beach CRA Board

**From:** Adriane Esteban, Project Manager

**Subject:** 731 Hammondville Rd. (MLK Blvd.)- Termination of Sublease Agreement- Betty's Soul Food, Inc.

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The early stages of the redevelopment cycle are difficult and sometimes new businesses in the up and coming areas do not always find their customer base. However, the CRA has put in the infrastructure in Downtown Pompano to start attracting the private sector. One of the first businesses to open a restaurant in Downtown Pompano was Betty's Soul Food, Inc. The CRA Board approved a Sublease Agreement with Betty's Soul Food, Inc. for Unit "F" in the 731 Hammondville Rd. (MLK) property in June 2013. Betty's had successfully operated their Fort Lauderdale location for years and both the CRA and Betty's were excited by the opportunity of having second location in Pompano Beach. After subsequent sublease amendments and completion of the 731 MLK building, Betty's opened for business in June 2015. Opening during the off-season was a challenge for the business, and unfortunately the restaurant never found their customer base. Being one of the first new businesses in a transitioning neighborhood can be a significant challenge. CRA staff received notice just before the holidays that due to low sales, Betty's was requesting their sublease agreement be terminated. Although this tenant did not work out, CRA staff knows the right tenant will come along and has already received interest from other restaurants. CRA staff is putting the process in place now to find a new tenant and will be back to the CRA Board soon with a Sublease Agreement.

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RESOLUTION NO. \_\_\_\_\_

**POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY**

**A RESOLUTION OF THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY, APPROVING AND AUTHORIZING THE PROPER OFFICIALS TO EXECUTE A TERMINATION OF SUBLEASE AGREEMENT BETWEEN THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY AND BETTY'S SOUL FOOD, INC. RELATING TO PROPERTY LOCATED AT 731 HAMMONDVILLE ROAD, UNIT F; PROVIDING AN EFFECTIVE DATE.**

**BE IT RESOLVED BY THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY THAT:**

**SECTION 1.** The Termination of Sublease Agreement between the Pompano Beach Community Redevelopment Agency and Betty's Soul Food, Inc., relating to property located at 731 Hammondville Road, Unit F, Pompano Beach, Florida (the Termination Agreement), a copy of which Agreement is attached hereto and incorporated by reference as if set forth in full, is hereby approved.

**SECTION 2.** The proper officials are hereby authorized to execute the Termination Agreement, together with such other documents as may be required to effectuate the Termination Agreement.

**SECTION 3.** This Resolution shall become effective upon passage.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of January, 2016.

\_\_\_\_\_  
**LAMAR FISHER, CHAIRPERSON**

**ATTEST:**

\_\_\_\_\_  
**MARGARET GALLAGHER, SECRETARY**

**TERMINATION OF SUBLEASE AGREEMENT**

**THIS TERMINATION AGREEMENT** is made between the Pompano Beach Community Redevelopment Agency (CRA) and Betty’s Soul Food, Inc. (Betty’s).

**WHEREAS**, the parties entered into a Sublease Agreement relating to property located at 731 Hammondville Road, Unit F, Pompano Beach, Florida (the Property), which Sublease Agreement was approved by Resolution No. 2013-73; and

**WHEREAS**, the parties entered into a First Amendment to the Sublease Agreement, which First Amendment was approved by Resolution No. 2014-30; and

**WHEREAS**, the parties entered into a Second Amendment to the Sublease Agreement, which Second Amendment was approved by Resolution No. 2014-61; and

**WHEREAS**, the parties entered into a Third Amendment to the Sublease Agreement, which Third Amendment was approved by Resolution No. 2015-60; and

**WHEREAS**, the parties desire to terminate the Sublease Agreement, as amended.

**NOW THEREFORE**, the parties agree as follows:

1. The above recitals are true and correct.
2. The effective date of this Termination Agreement shall be the date executed by the later of the CRA or Betty’s (the Effective Date).
3. The parties agree that the Sublease Agreement, as amended, shall be terminated as of the Effective Date and of no further force and effect.

**IN WITNESS WHEREOF**, the parties have executed this Agreement on the dates shown below.

Signed, sealed and witnessed  
in the presence of:

\_\_\_\_\_

Print Name: \_\_\_\_\_

\_\_\_\_\_

Print Name: \_\_\_\_\_

**“CRA”**

**POMPANO BEACH COMMUNITY  
REDEVELOPMENT AGENCY**

By: \_\_\_\_\_  
Lamar Fisher, Chairman

Date: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
Margaret Gallagher, Secretary

EXECUTIVE DIRECTOR:  
Redevelopment Management Associates, LLC  
a Florida limited liability company

\_\_\_\_\_  
Print Name: \_\_\_\_\_

By: MetroStrategies, Inc., a Florida corporation,  
a managing member

By: \_\_\_\_\_  
Kim Briesemeister, President

\_\_\_\_\_  
Print Name: \_\_\_\_\_

and  
By: \_\_\_\_\_  
Christopher J. Brown, a managing member

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_, 2016 by LAMAR FISHER as Chairman of the Pompano Beach Community Redevelopment  
Agency, who is personally known to me.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF FLORIDA

\_\_\_\_\_  
(Name of Acknowledger typed, printed or stamped

\_\_\_\_\_  
Commission number

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_, 2016 by MARGARET GALLAGHER, Secretary of the Pompano Beach Community  
Redevelopment Agency, who is personally known to me.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF FLORIDA

\_\_\_\_\_  
(Name of Acknowledger typed, printed or stamped

\_\_\_\_\_  
Commission number

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_, 2016 by KIM BRIESEMEISTER, President of MetroStrategies, Inc., as Managing Member of  
Redevelopment Management Associates, LLC, on behalf of the limited liability company. She is

personally known to me or has produced \_\_\_\_\_(type of identification) as identification.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF FLORIDA

\_\_\_\_\_  
(Name of Acknowledger typed, printed or stamped)

\_\_\_\_\_  
Commission number

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2016 by CHRISTOPHER J. BROWN, as Managing Member of Redevelopment Management Associates, LLC, on behalf of the limited liability company. He is personally known to me or has produced \_\_\_\_\_(type of identification) as identification.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF FLORIDA

\_\_\_\_\_  
(Name of Acknowledger typed, printed or stamped)

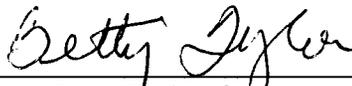
\_\_\_\_\_  
Commission number

“BETTY’S”

Signed, sealed and witnessed  
in the presence of:

**BETTY’S SOUL FOOD, INC.**  
a Florida corporation

  
\_\_\_\_\_

By:   
\_\_\_\_\_  
Betty Taylor, Owner

Print Name: Nehmia Matherin

Date: 1/11/16

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 11 day of JAN, 2016 by BETTY TAYLOR, as Owner of Betty’s Soul Food, Inc, on behalf of the corporation. She is personally known to me or has produced FL D/K (type of identification) as identification.

**Roschell J. Franklin**  
Notary Public, State of Florida  
My Comm. Exp. Dec.26.2017  
Comm.No.FF.79361

  
\_\_\_\_\_  
NOTARY PUBLIC, STATE OF FLORIDA

Roschell Franklin  
\_\_\_\_\_  
(Name of Acknowledger typed, printed or stamped)

FF 79361  
\_\_\_\_\_  
Commission number