

**POMPANO BEACH  
COMMUNITY REDEVELOPMENT AGENCY**

**5**

Meeting Date: May 15, 2018

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

REQUESTED CRA BOARD ACTION:

\_\_\_\_ Resolution(s)  Consideration  Approval \_\_\_\_\_ Other

SHORT TITLE OR MOTION: A RESOLUTION OF THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY (CRA) APPROVING AND AUTHORIZING THE PROPER OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE PROPERTY DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE CRA AND HADAR HOMES, LLC. RELATING TO PROPERTIES LOCATED ON THE NORTHWEST CORNER OF NW 27 AVENUE AND NW 13 STREET TO CHANGE THE DESIGN FROM TWO BUILDINGS TO THREE; PROVIDING AN EFFECTIVE DATE

Summary of Purpose and Why:

Due to unforeseen issues the developer had to change the design from two buildings to three buildings. This constitutes a major site plan change under the agreement and therefore must be approved by the CRA Board. There are no other changes to the project.

QUESTIONS TO BE ANSWERED BY ORIGINATING DEPARTMENT:

- (1) Origin of request for this action: Staff
- (2) Primary staff contact: David Hasenauer Ext. 4655
- (3) Expiration of contract, if applicable: \_\_\_\_\_
- (4) Fiscal impact and source of funding: \_\_\_\_\_

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

- CRA Executive Director
- CRA Attorney
- Finance Director

*Greg Harrison*  
*Claudia M. McKenna*  
*A. Leon-Perez*

ACTION PREVIOUSLY TAKEN BY CRA BOARD:

<u>Resolution</u> Results:	<u>Consideration</u> Results:	<u>Other:</u> Results:
_____	_____	_____
_____	_____	_____
_____	_____	_____



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## MEMORANDUM

**DATE:** May 9, 2018

**TO:** Community Redevelopment Agency Board

**FROM:** David Hasenauer, Project Manager

**THRU:** Greg Harrison, Executive Director

**SUBJECT:** First Amendment to Property Disposition and Development Agreement with Hadar Homes, LLC

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### Background:

The redevelopment site (0.74 Acres) is located at the Northwest corner of NW 27 Avenue and NW 13 Street, immediately south of the Wendy's fast food restaurant on MLK Boulevard. The site is currently vacant and is zoned RM-12 (Multi-family Residential, 12 dwelling units per acre). A Request for Proposal (CRA RFP #01-2016) was issued on September 23, 2016 for a developer to construct a multi-family residential development on the parcel of land. The RFP selection committee ranked the proposal received from Hadar Homes/Azur Equities the highest.

### Issue:

To accommodate the setback, parking and green space requirements for the site, the Developer requires changes to the site plan. The new site plan will still consist of 11 units; however the units will be split between three buildings instead of two. There are no other changes to the project. Major site plan changes require approval of the amendment by the CRA Board.

### Recommendation:

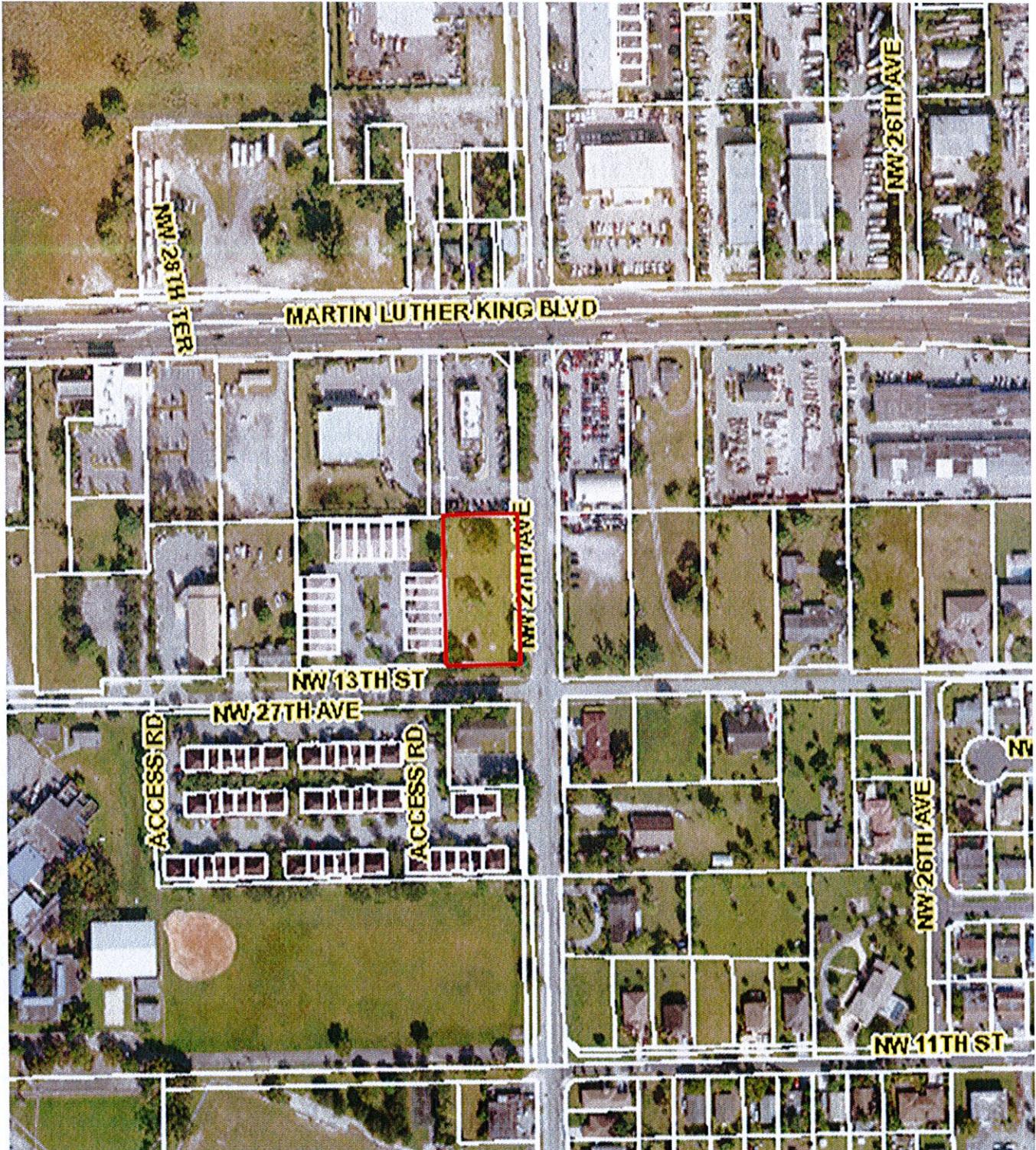
The CRA staff recommends approval of the First Amendment to the Property Disposition and Development Agreement between the Pompano Beach Community Redevelopment Agency and Hadar Homes, LLC.

# CRA

POMPANO BEACH

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RESOLUTION NO. 2018-\_\_\_\_\_

**POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY**

**A RESOLUTION OF THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY (CRA) APPROVING AND AUTHORIZING THE PROPER OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE PROPERTY DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE CRA AND HADAR HOMES, LLC. RELATING TO PROPERTIES LOCATED ON THE NORTHWEST CORNER OF NW 27 AVENUE AND NW 13 STREET TO CHANGE THE DESIGN FROM TWO BUILDINGS TO THREE; PROVIDING AN EFFECTIVE DATE.**

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

**SECTION 1.** The First Amendment to Property Disposition and Development Agreement between the Pompano Beach Community Redevelopment Agency and Hadar Homes, LLC, relating to properties located on the Northwest corner of NW 27 Avenue and NW 13 Street to change the design from two buildings to three (the First Amendment), a copy of which First Amendment 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 First Amendment, together with such other documents required to effectuate the First Amendment.

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

**PASSED AND ADOPTED** this \_\_\_\_ day of May, 2018.

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

**ATTEST:**

\_\_\_\_\_  
**MARSHA CARMICHAEL, SECRETARY**

**FIRST AMENDMENT TO  
PROPERTY DISPOSITION AND DEVELOPMENT AGREEMENT**

**This First Amendment to Property Disposition and Development Agreement** between the **Pompano Beach Community Redevelopment Agency (CRA)** and **Hadar Homes, LLC** (Developer) is entered into this \_\_\_\_\_ day of May, 2018.

**WHEREAS**, by Resolution 2017-30, the CRA approved the Property Disposition and Development Agreement entered into by the parties on April 18, 2017; and

**WHEREAS**, the Agreement contemplated an 11 townhome unit development consisting of two separate buildings.

**WHEREAS**, the parties desire to amend the Agreement to allow for the site plan to be changed and the 11 units to be spread between three buildings instead of two.

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

1. Each "Whereas" clause stated above is true and correct and incorporated in this First Amendment by reference.

2. The Agreement shall remain in full force and effect except as specifically amended below.

3. Article 1, Definitions is amended as follows:

Building and Improvements: an eleven (11) unit town house type development project contained within three (3) ~~two (2)~~ separate buildings with site improvements to include but not be limited to parking, drainage and landscaping.

Project: the construction of an eleven (11) unit town house type development project contained within three (3) ~~two (2)~~ separate buildings with site improvements to include but not be limited to parking, drainage and landscaping on the Property as described in the Proposal.

4. Article 4, Project Description, Paragraph 4.1 is amended to read as follows:

4.1 The Project: The CRA will sell the Property to Developer and Developer will purchase the Property for Fifty Thousand (\$50,000) Dollars. The Developer will design, fund and construct an 11-unit town house development consisting of ~~three~~<sup>two</sup> separate buildings; one building will contain ~~3~~<sup>5</sup> units while the other ~~two~~ will contain 4 ~~6~~ units. The development is proposed to be a rental town house development and the Developer has agreed to own, operate and manage the Project for at least 5 years after completion. Upon expiration of five (5) years from the dates of completion, Developer shall be released from all obligations under this Agreement and shall be free to sell all or any portion of the units, either separately or as a package.

5. No other amendment to the Agreement shall be effective unless contained in a written document executed with the same formality and of equal dignity with this First Amendment.

**IN WITNESS WHEREOF**, the parties have executed this First Amendment on the date and year first above written.

(INTENTIONALLY LEFT BLANK)

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date and year first above written.

Signed, Sealed and Witnessed  
In the Presence of:

**POMPANO BEACH COMMUNITY  
REDEVELOPMENT AGENCY**

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

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

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

ATTEST:  
By: \_\_\_\_\_  
Marsha Carmichael, Secretary

**EXECUTIVE DIRECTOR:**

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

By: \_\_\_\_\_  
Gregory Harrison, Executive Director

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018 by LAMAR FISHER as Chairman of the Pompano Beach Community Redevelopment Agency, who is personally known to me.

NOTARY'S SEAL:

\_\_\_\_\_  
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 \_\_\_\_\_, 2018 by MARSHA CARMICHAEL, Secretary of the Pompano Beach Community Redevelopment Agency, who is personally known to me.

NOTARY'S SEAL:

\_\_\_\_\_  
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 \_\_\_\_\_, 2018 by GREGORY HARRISON, Executive Director of the Pompano Beach Community Redevelopment Agency, who is personally known to me.

NOTARY'S SEAL:

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

\_\_\_\_\_  
(Name of Acknowledger Typed, Printed or Stamped)

\_\_\_\_\_  
Commission Number

**"DEVELOPER":**

**Hadar Homes, LLC**  
A Florida Limited Liability Corporation

Signed, Sealed and Witnessed  
In the Presence of:

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

By: \_\_\_\_\_  
Franck Gotsman, as Vice-President of  
Hadar Homes, LLC.

STATE OF FLORIDA  
COUNTY OF BROWARD

I HEREBY CERTIFY, that on this \_\_\_\_\_ day of \_\_\_\_\_ 2018, before me personally appeared Franck Gotsman, Vice-President of HADAR HOMES, LLC, who is personally known to me or has produced \_\_\_\_\_, and he acknowledged that he executed the foregoing instrument as the proper official of HADAR HOMES, LLC., and the same is the act and deed of HADAR HOMES, LLC.

NOTARY'S SEAL:

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF FLORIDA  
(Signature of Notary Taking Acknowledgement)

\_\_\_\_\_  
(Name of Acknowledger Typed, Printed or Stamped)

\_\_\_\_\_  
Commission Number