



Legislation Text

File #: ID 2016-607, **Version:** 1

TO: Chair and Members of the Board

FROM: Diane Colonna, Executive Director

DATE: October 20, 2016

A RESOLUTION OF THE MARGATE COMMUNITY REDEVELOPMENT AGENCY, APPROVING A DECLARATION OF CONTINUING OBLIGATIONS, RESERVATION OF RIGHTS AND RESTRICTIVE COVENANTS AND REPURCHASE RIGHTS BY AND BETWEEN THE CRA AND NEW URBAN COMMUNITIES, L.L.C.; AUTHORIZING THE CRA CHAIR TO EXECUTE SAID DECLARATION

BACKGROUND: The Margate City Center Development Agreement was approved by the CRA Board at its July 12th meeting and fully executed by the CRA and Developer as of July 19, 2016 (the "Effective Date"). The Development Agreement is intended to address any and all matters pertaining to the property and the development project, including but not limited to: (i) the transfer of ownership; (ii) the planning, design, permitting, construction and operation of all structures and facilities within the project; (iii) the scope and timing of Developer's and CRA's respective obligations under the Agreement; (iv) use restrictions and architectural review rights of the CRA; (v) common area maintenance responsibilities; (vi) shared parking rights and cost allocations; and (vii) CRA's right to repurchase all or part of the property under certain conditions.

These contractual provisions are long term in nature and will extend well beyond the closing of each phase, therefore Article 7.5 of the Agreement calls for the approval and recordation of a Declaration of Continuing Obligations, Reservation of Rights and Restrictive Covenants and Repurchase Rights of the CRA. The Declaration is to be in a form agreed to by both parties within one hundred ten (110) days from the Effective Date. It includes many of the provisions that are already outlined in the agreement, and contains additional detail regarding the cost, use and maintenance of the parking facilities. The Declaration will be a covenant that runs with the land and be enforceable by the parties, their successors, and assigns.

RECOMMENDATION: Approve and execute the Declaration in accordance with the Development Agreement.

FISCAL IMPACT: The Declaration is only a further documentation of the approved Development Agreement; thus, there is no additional economic impact beyond that previously delineated with respect to the Development Agreement.

CONTACT PERSON: Diane Colonna, Executive Director