

RESOLUTION NUMBER 103-20

A RESOLUTION OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A COMMERCIAL CONTRACT AND ALL NECESSARY DOCUMENTS, FOR THE ACQUISITION OF REAL PROPERTY LOCATED AT 2129 N. CONGRESS AVENUE, PALM BEACH COUNTY PARCEL CONTROL NUMBER 56-43-42-30-16-000-0800, (CONGRESS PARK LOT 8, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 52, PAGE 197, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA) FROM J.D. EATHERLY REVOCABLE LIVING TRUST, BY J.D. EATHERLY AS TRUSTEE, IN THE AMOUNT OF TWO MILLION TWO HUNDRED THOUSAND DOLLARS (\$2,200,000) PLUS CLOSING COSTS FOR THE PURPOSE OF DEVELOPING A MUNICIPAL SERVICE COMPLEX; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE COMMERCIAL CONTRACT FOR SAID PROPERTY; AUTHORIZING THE DIRECTOR OF FINANCE TO MAKE PAYMENT OF TWO MILLION TWO HUNDRED THOUSAND DOLLARS (\$2,200,000) PLUS CLOSING COSTS FROM PROJECT NUMBER 18034 UNDER THE TERMS OF THE COMMERCIAL CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Riviera Beach is in need of a municipal services complex that can accommodate the City Library, as well as the Youth Empowerment Program, and offer a flexible space for other City operations and activities; and

WHEREAS, at the April 15, 2020, regular City Council meeting, City staff identified an ideal property located at 2129 N. Congress Avenue, more particularly described as Palm Beach County Parcel Control Number: 56-43-42-30-16-000-0800; and

WHEREAS, on June 3, 2020, the City Council authorized the City Manager to conduct negotiations for the acquisition of the subject real property; and

RESOLUTION NO.: 103-20

PAGE 2 of 4

WHEREAS, City staff has concluded negotiations with the respective owner, J.D. Eatherly Revocable Living Trust, by J.D. Eatherly as Trustee, to enter into a Commercial Contract (hereinafter “Commercial Contract”) for Two Million, Two Hundred Thousand Dollars (\$2,200,000) plus closing costs for the acquisition of the subject parcel located at 2129 N. Congress Avenue, Riviera Beach, FL, more particularly described as Palm Beach County Parcel Control Number: 56 - 43- 42 - 30 - 16- 000 – 0800, CONGRESS PARK LOT 8, according to the Plat thereof, as recorded in Plat Book 52, Page 197, of the Public Records of Palm Beach County, Florida; and

WHEREAS, City staff believes that the Commercial Contract will satisfy the City’s desire to relocate the City Library and Youth Empowerment Program while the new construction of Library facilities is under way, thereby providing additional services to the community through education, workforce development and community engagement; and

WHEREAS, City staff also believes that the Commercial Contract will provide a flexible space upon the construction of the new Library to accommodate other City operations during the City’s capital construction initiatives; and

WHEREAS, the City will have an inspection period referred to as a Due Diligence Period, commencing on the date of the Commercial Contract through 5:00P.M. on the thirtieth (30th) day following the Effective Date to inspect and evaluate the physical and other conditions of or with respect to the property, including an inspection of the structural conditions and an environmental assessment thereof, with the Buyer having the obligation to deliver written notice to the Seller prior to the expiration of the Due Diligence Period of Buyer’s determination of whether or not the Property is acceptable; and

WHEREAS, the subject property is currently leased to Strides Pharma, Inc. (hereinafter “Tenant”); and

WHEREAS, the Tenant and the City have agreed to an early termination of the Lease without the payment of any fees or penalties, as documented in an Escrow Agreement; and

WHEREAS, the Closing Date is scheduled within seventy-five (75) days of the Effective Date of the Contract; and

RESOLUTION NO.: 103-20

PAGE 3 of 4

WHEREAS, City staff also believes that the Commercial Contract will provide a great benefit to the entire citizenry of Riviera Beach and allow the Library Department facilities and other City operations to be greatly improved and upgraded.

NOW, THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

SECTION 1. The above recitals are true and correct and incorporated herein by reference.

SECTION 2. That the City Council authorizes the Mayor and City Clerk to execute the Commercial Contract and all necessary documents on behalf of the City with J.D. EATHERLY REVOCABLE LIVING TRUST, BY J.D. EATHERLY, TRUSTEE, to purchase the real property located at 2129 N. Congress Avenue, Riviera Beach, Palm Beach County, Florida, Parcel Control Number 56 - 43- 42 - 30 - 16- 000 – 0800. Said Commercial Contract is attached hereto.

SECTION 3. That the City Council authorizes the Mayor and City Clerk to execute all necessary documents on behalf of the City with J.D. EATHERLY REVOCABLE LIVING TRUST, BY J.D. EATHERLY, TRUSTEE, and STRIDES PHARMA, INC., documenting the early termination of the lease and placing it in Escrow during the City's investigation of the Property, subject to the terms and conditions of the Escrow Agreement.

SECTION 4. That the City Council authorizes the Finance Director to make payment to J.D. EATHERLY REVOCABLE LIVING TRUST, BY J.D. EATHERLY, TRUSTEE of Two Million, Two Hundred Thousand Dollars (\$2,200,000) plus closing costs from Project Number 18034.

SECTION 4. That the Resolution take effect upon passage and approval by the City Council.

PASSED and APPROVED this ____ day of NOVEMBER, 2020.

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APPROVED:

RONNIE L. FELDER
MAYOR

JULIA BOTEL, Ed.D
CHAIRPERSON

ATTEST:

CLAUDENE L. ANTHONY
CERTIFIED MUNICIPAL CLERK
CITY CLERK

DOUGLAS A. LAWSON
CHAIR PRO TEM

TRADRICK MCCOY
COUNCIL MEMBER

KASHAMBA MILLER-ANDERSON
COUNCIL MEMBER

SHIRLEY D. LANIER
COUNCILMEMBER

MOTIONED BY: _____

SECONDED BY: _____

T. MCCOY _____

K. MILLER-ANDERSON _____

S. LANIER _____

J. BOTEL _____

D. LAWSON _____

REVIEWED AS TO LEGAL
SUFFICIENCY

Dawn S. Wynn
CITY ATTORNEY