



CITY OF RIVIERA BEACH – MEMORANDUM

TO: HON. MAYOR, CHAIRPERSON AND CITY COUNCIL

THROUGH: JONATHAN EVANS, CITY MANAGER, MPA, MBA, ICMA-CM

FROM: DAWN S. WYNN, CITY ATTORNEY

SUBJECT: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN PALM BEACH COUNTY AND THE CITY OF RIVIERA BEACH FOR THE REDEVELOPMENT OF BROOK'S SUBDIVISION WITH AFFORDABLE HOUSING, WHICH INCLUDES THE ASSIGNMENT OF THE CITY'S MORTGAGE ENCUMBERING BROOKS SUBDIVISION, ISSUANCE OF A QUIT CLAIM DEED AND RELEASE OF MUNICIPAL LIENS TO THE COUNTY.**

DATE: JUNE 2, 2021

CC: GENERAL PUBLIC

Background:

Section 163.01, Florida Statutes, known as the “Florida Interlocal Cooperation Act of 1969” authorizes local governments to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities that will harmonize geographic, economic, population and other factors influencing the needs and development of local communities.

Part I of Chapter 163, Florida Statutes, permits public agencies as defined therein to enter into interlocal agreements with each other to jointly exercise any power, privilege, or authority which such agencies share in common and which each might exercise separately.

The City and Palm Beach County have a common goal of providing affordable housing opportunities to low and moderate income persons in Palm Beach County.



A 22 lot parcel of vacant land, currently known as Brook’s Subdivision, hereinafter referred to as the “Subdivision”, provides an opportunity to develop affordable housing on the site. The County currently owns 18 of the parcels within the Subdivision, and intends to acquire the remaining 4 parcels which are encumbered by a Mortgage payable to the City and a Declaration of Restrictive Covenant that runs with the land, whose modification and or extinguishment is controlled by the City.

Both the City and the County wish to cooperate to ensure clear title to the property to the County to allow for the County’s development of the Subdivision with affordable housing.

Pursuant to the terms of the Interlocal Agreement, attached hereto, the City shall assign its Mortgage to the County in order for the County to obtain clear title to the remaining 4 parcels.

The City shall also issue a quit claim deed to the County to ensure there is no merger of title, and also to preserve any and all rights of the City to exercise its remedy of foreclosure of the lien of the mortgage. Furthermore, the City also agrees to issue a standard City release of the municipal liens to the County within 30 days of the Effective Date of this Agreement, which shall be held in escrow by the County, not to be recorded until the County extinguishes all third party interests in the Subdivision.

The County shall provide all necessary services to obtain clear title to the remaining 4 parcels. The County shall provide the City with the opportunity to comment on the overall design and implementation of affordable housing at the Subdivision. The County shall also coordinate efforts with one or more non-profit agencies within the City to perform activities for purposes of informing the Riviera Beach community of the home ownership opportunities as well as potential opportunities to participate in the construction and development processes relating to the Subdivision.

Finally, the County shall also encumber the Subdivision with a restrictive covenant to ensure that the homes will remain in affordable housing consistent with the terms of the funding source used to provide a down payment assistance for a period of thirty (30) years.

The City finds the Interlocal Agreement is in the best interest of the City and serves a valid public purpose.

Citywide Goals:

Enhance Government Stewardship and Build Great Neighborhoods.

Budget/Fiscal Impact:

There is no fiscal impact as a result of this Interlocal Agreement.



Recommendation(s):

The Office of the City Attorney recommends approval of the Interlocal Agreement.

Attachment:

Interlocal Agreement.

