

RESOLUTION NO. 2021-19

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE RIVIERA BEACH COMMUNITY REDEVELOPMENT AGENCY (THE AGENCY) AUTHORIZING THE ACCEPTANCE OF AN ASSIGNMENT AND ASSUMPTION OF GROUND LEASE FROM RIVIERA BEACH EVENT CENTER, LLC; AUTHORIZING AGREEMENT OF TERMINATION OF FACILITY LEASE AGREEMENT AND AGREEMENT OF TERMINATION OF PARKING AGREEMENT BETWEEN THE AGENCY AND RIVIERA BEACH EVENT CENTER, LLC FOR THE MARINA EVENT CENTER; DIRECTING AND AUTHORIZING THE CHAIRMAN AND EXECUTIVE DIRECTOR TO TAKE SUCH ACTIONS AS SHALL BE NECESSARY AND CONSISTENT TO CARRY OUT THE INTENT AND DESIRE OF THE AGENCY; PROVIDING AN EFFECTIVE DATE.

* * * * *

WHEREAS, the Agency is responsible for carrying out community redevelopment activities and projects in the community redevelopment area of the City of Riviera Beach; and

WHEREAS, the Citizens' Master Plan was approved on January 30, 2008, combining urban design principles with community input, creating a Citizens' Plan for the Community Redevelopment Area, including the Marina District; and

WHEREAS, the Agency and the City of Riviera Beach, Florida (the "City"), after numerous public meetings involving Viking Developers, adopted a unified long-range Marina District Conceptual Master Plan for development and redevelopment of the Marina District called the Marina District Master Plan. Said adoption occurred at a public meeting held by the Agency on February 24, 2013, and by the City, through Resolution 22-12, on February 27, 2013; and

WHEREAS, pursuant to the Marina District Master Plan, the Agency facilitated the financing and development of a two-story event center with a grand ballroom comprised of 6,000 square feet of meeting space and two retail spaces totaling 10,700 square feet (the "Marina Event Center") using New Market Tax Credits (NMTC) in coordination with Riviera Beach CDE, Inc.; and

WHEREAS, the compliance period for the NMTC financing has concluded and the NMTC financing has been unwound, necessitating the need for certain follow up actions by the Agency to enable the Agency to assume direct control of and responsibility for the Marina Event Center.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE RIVIERA BEACH COMMUNITY REDEVELOPMENT AGENCY THAT:

SECTION 1. The Agency agrees to accept an Assignment and Assumption of Ground Lease from Riviera Beach Event Center, LLC ("RBEC") substantially in the form attached hereto as Exhibit A, and in consideration of such assignments, agrees that any obligation for Riviera Beach CDE, Inc. ("RBCDE") to repay any amount under that certain Recoverable Grant Agreement dated as of December 11, 2013 between the Agency and RBCDE, as amended by that

certain First Modification to Recoverable Grant Agreement dated as of June 25, 2014 (collectively, the “Grant Agreement”) is deemed satisfied, and following such assignment, to enter into An Agreement of Termination of Facility Lease Agreement substantially in the form attached hereto as Exhibit B and an Agreement of Termination of Parking Agreement substantially in the form attached hereto as Exhibit C.

SECTION 2. The form of the Assignment and Assumption of Ground Lease, the form of Agreement of Termination of Facility Lease Agreement and the form of Agreement of Termination of Parking Agreement attached hereto as Exhibit “A”, Exhibit “B” and Exhibit “C”, respectively, are hereby approved, and the execution and delivery of the Assignment and Assumption of Ground Lease, the Agreement of Termination of Facility Lease Agreement and the Agreement of Termination of Parking Agreement by the Chairperson or Executive Director in substantially the form approved subject to such changes as may be approved by the Chairperson or Executive Director subject to advice of counsel, with the execution of the Assignment and Assumption of Ground Lease, the Agreement of Termination of Facility Lease Agreement and the Agreement of Termination of Parking Agreement by the Chairperson or Executive Director, as applicable, conclusive evidence of the approval of such changes.

SECTION 3. The Chairperson and Executive Director are hereby authorized to take such steps and execute and deliver documents and certificates on behalf of the Agency as shall be necessary and proper to carry out the purposes hereof.

SECTION 4. This resolution shall be effective immediately upon its adoption.

[Signatures on following page]

PASSED AND ADOPTED this 10th day of November, 2021.

RIVIERA BEACH COMMUNITY
REDEVELOPMENT AGENCY

ATTEST:

By: _____

Name: S. Lanier

Title: Chairperson

Executive Director

Approved as to form and legal sufficiency

MOTION BY: _____

SECONDED BY: _____

Date _____

General Counsel to CRA

T. MCCOY _____

K. MILLER-ANDERSON _____

S. LANIER _____

J. BOTEL _____

D. LAWSON _____

EXHIBIT A

FORM OF ASSIGNMENT AND ASSUMPTION OF GROUND LEASE

EXHIBIT B

FORM OF AGREEMENT OF TERMINATION OF FACILITY LEASE AGREEMENT

EXHIBIT C

FORM OF AGREEMENT OF TERMINATION OF PARKING AGREEMENT