



Agenda Item # 9.E.1.
November 17, 2016

20 N. Swinton Avenue
Delray Beach, FL 33444

~ CRA BOARD SUMMARY ~
**FIRST AMENDMENT TO COMMERCIAL LEASE AGREEMENT –
BRP SENIOR HOUSING, LLC (186 NW 5th AVENUE)**

On May 8, 2014 the CRA Board authorized Staff to advertise the commercially converted structures at 182 & 186 NW 5th Avenue (Muse House and Harvel Cottage) for lease.

At its meeting on November 20, 2014 the board approved the Commercial Lease Agreement with Big Rock Partners Senior Housing, LLC for the CRA-owned property at 186 NW 5th Avenue. At a \$20 per square foot lease rate for the 1,100 square foot building, the monthly lease payment is \$1,833.33 and includes the property taxes, maintenance and building insurance. Additionally, the tenant is responsible for costs not included in the lease rate such as utility bills, liability and tenant insurance, and any costs associated with business operations. The term of the lease was for a two year period beginning on December 5, 2014, with the option to extend for an additional one (1) year term.

The lease expires on December 5, 2016 and Mr. Ackerman has submitted a request to extend his lease for an additional four (4) months up to April 1, 2017. Over the initial term of this lease, Mr. Ackerman has proven to be a responsible tenant and has made his monthly payments on time. The extension would allow Mr. Ackerman time to transition his business to a different location and afford staff the opportunity to secure new tenants that will provide career development services or serve as industry learning centers, as outlined in the Focus on Fifth Initiative.

Recommended Action:

Approve the First Amendment to the Commercial Lease Agreement with BRP Senior Housing, LLC for the CRA-owned property at 186 NW 5th Avenue up to April 1, 2017.

Submitted By: Yuberca Pena, Contract Manager

Attachments: First Amendment to Commercial Lease Agreement for BRP Senior Housing, LLC

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FIRST AMENDMENT TO LEASE AGREEMENT

THIS FIRST AMENDMENT TO LEASE AGREEMENT is entered into by and between **DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY**, a Florida public body, corporate and politic, created pursuant to Chapter 163, Florida Statutes, (the "Landlord") whose address is 20 N. Swinton Avenue, Delray Beach, Florida 33444, and **BRP SENIOR HOUSING, LLC**, a Delaware limited liability company, whose address is 315 South Beverly Drive, Suite 315, Beverly Hills, CA 90212 (the "Tenant") and shall be effective upon execution by the parties hereto.

WITNESSETH:

WHEREAS, on December 4, 2014, the Landlord entered into a Commercial Lease Agreement ("Lease") with Tenant for the leasehold premises legally described in the Lease Agreement having an address of 186 NW 5th Avenue, Delray Beach, Florida ("Premises"); and

WHEREAS, the Lease will expire on December 5, 2016; and

WHEREAS, the parties desire to enter into this First Amendment to Lease ("First Amendment") to provide for an extension until April 1, 2017.

NOW THEREFORE, the parties hereto in consideration of the mutual covenants and promises contained herein agree as follows:

1. That the above referenced "WHEREAS" clauses shall be confirmed and ratified as if fully set forth herein.
2. The term of the Lease is hereby extended up to and including April 1, 2017.
3. Except as modified by this First Amendment, all terms, covenants, obligations and provisions of the Lease shall remain unaltered, shall continue in full force and effect, and are hereby ratified, approved and confirmed by the parties in every respect. If the terms and conditions set forth in this First Amendment shall directly conflict with any provision contained in the Lease, the terms contained in this First Amendment shall control.

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IN WITNESS WHEREOF, the parties hereto have set their hands and seals the dates set forth below

LANDLORD:
DELRAY BEACH COMMUNITY
REDEVELOPMENT AGENCY, a Florida public
agency

BY: _____
REGINALD A. COX, CHAIR

ATTEST:

JEFF COSTELLO, EXECUTIVE DIRECTOR

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by Reginald A. Cox. as Chair and Jeff Costello as Executive Director, respectively, of the Delray Beach Community Redevelopment Agency on behalf of the Delray Beach Community Redevelopment Agency. They are personally known to me or have produced _____ (type of identification) as identification.

Notary Public – State of Florida

TENANT:
BRP SENIOR HOUSING, LLC,
a Delaware limited liability company

BY: _____
Print Name:

Title: _____

ATTEST:

Print Name: _____

(SEAL)

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by _____, as _____, of BRP SENIOR HOUSING, LLC, a Delaware limited liability company, on behalf of the limited liability company. He/She is personally known to me or has produced _____ (type of identification) as identification

Notary Public