



20 N. Swinton Avenue
Delray Beach, FL 33444

Agenda Item # 7E
October 20, 2016

~ CRA BOARD SUMMARY ~
**NW 12th AVENUE BEAUTIFICATION PROJECT –
PARKING RELOCATION AND TEMPORARY CONSTRUCTION EASEMENT**

At its meeting on July 23, 2015 the CRA Board authorized the Board Chair to execute the Parking Relocation and Temporary Easement Agreements with the property owners on NW 12th Avenue, between W. Atlantic Avenue and Martin Luther King, Jr. Drive, to relocate front yard parking to the rear of the structures, adjacent to the alleys to be constructed within the first blocks; provide additional front yard parking, where appropriate; and install landscaping, sidewalks as well as other site improvements, as appropriate. The Original Agreement outlined the CRA's and property owners' obligations.

The project construction was delayed due to reorganization and staff transitions within the City's Purchasing Department and Department of Environmental Services Department (ESD) which resulted in a prolonged procurement process. Construction for the NW 12th Avenue beautification project began on September 6, 2016 with an anticipated completion date in May 2017.

The term of the agreements was for a period of 360 days after the date of execution. Eight (8) of the eleven (11) Agreements executed will expire on or before January 26, 2017. Therefore, amendments to these agreements are needed to extend the term of the Agreements for a period not to exceed an additional 365 days.

The attached sample agreement is generally consistent with the other agreements for the properties recommended below.

Recommended Action:

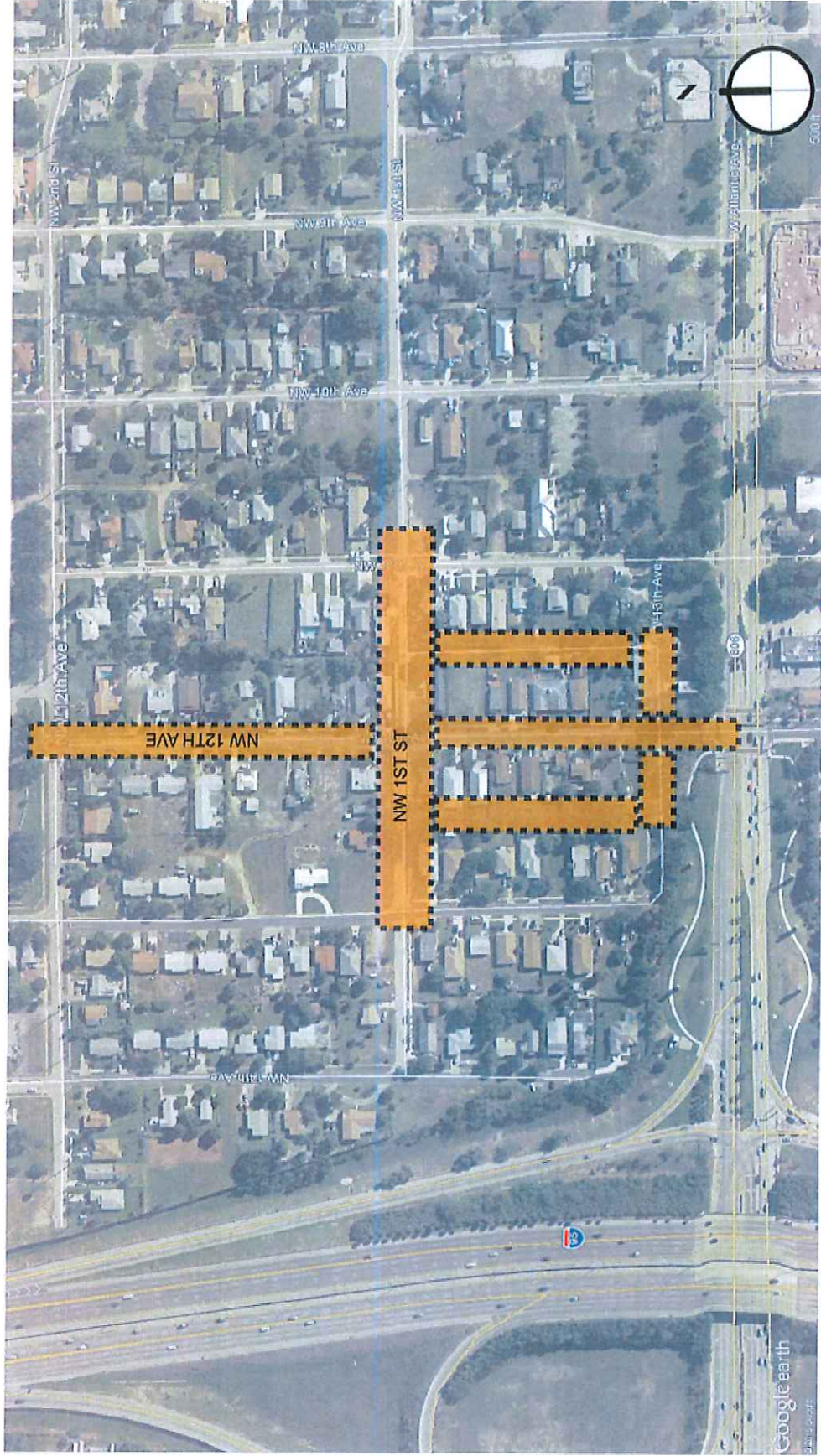
Authorize the Board Chair to execute the First Amendments to the Parking Relocation and Temporary Construction Easement Agreements (similar to the attached sample agreements) with the following property owners, associated with the NW 12th Avenue Beautification Project:

1. 18 NW 12th Ave (Judy Byrd)
2. 23 NW 12th Ave (Dorothy M. Weatherspoon)
3. 28 NW 12th Ave (Dorothy M. Weatherspoon)
4. 34 NW 12th Ave (Jerome Weatherspoon)
5. 36 NW 12th Ave (Dorothy M. Weatherspoon)
6. 50 NW 12th Ave (Triple Red Properties, LLC)
7. 104-106 NW 12th Ave (Emma J. Wright)
8. 112 NW 12th Ave (Dianne Gant Rahming)

Submitted By: Thuy T. Shutt, Assistant Director

Attachment: Location Map and First Amendment to Parking Relocation and Temporary Construction Easement Agreement

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DELRAY BEACH CRA
NW 12th Avenue



FIRST AMENDMENT TO THE PROPERTY BEAUTIFICATION AND IMPROVEMENT AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT

THIS FIRST AMENDMENT, dated the ___ day of _____, 2016, (the "First Amendment") by and between the Delray Beach Community Redevelopment Agency, a public body, corporate and politic, duly created and operated pursuant to Chapter 163, Florida Statutes, with an address of 20 N. Swinton Avenue, Delray Beach, Florida 33444, hereinafter "CRA", and _____, with an address of _____, Delray Beach, FL 33444, hereinafter "OWNER".

WITNESSETH:

WHEREAS, on _____, 2016, the CRA and OWNER entered into a Property Beautification and Improvement Agreement and Temporary Construction Easement for the property located at _____ NW 12th Avenue, Delray Beach, in association with the improvements to be constructed with respect to the properties and public rights-of-way along NW 12th Avenue within the City of Delray Beach (the "Original Agreement"); and

WHEREAS, the CRA and OWNER desire to enter into this First Amendment in order to amend the Original Agreement to provide for an extension of time for the CRA to complete the proposed improvements.

NOW THEREFORE, in consideration of the promises, mutual covenants, provisions and undertakings hereinafter contained and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. That the recitals set forth above are true and correct and are incorporated herein by reference.
2. That the CRA and OWNER agree to amend Section 4, "Temporary Construction Easement", of the Original Agreement, to provide for the extension of the term of the Temporary Construction Easement , for a time period up to, and including, 365 days from the date that this First Amendment is executed by the CRA.
3. That except as amended herein, the CRA and OWNER ratify, approve, and reaffirm the terms of the Original Agreement, and the Original Agreement shall remain in full force and effect, except as amended herein.
4. In the event of any conflict or ambiguity by and between the terms and provisions of this First Amendment and the Original Agreement, the terms and provisions of this First Amendment shall control to the extent of any such conflict or ambiguity.

IN WITNESS WHEREOF, the parties have executed this First Amendment to Agreement on the date first written above.

DELRAY BEACH COMMUNITY
REDEVELOPMENT AGENCY

BY: _____
Reginald A. Cox, Chair

ATTEST:

Jeff Costello, Executive Director

WITNESSES

OWNER:

Print Name: _____

By: _____
Print Name: _____

Print Name: _____

Date: _____

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH)

ON THIS ____ day of _____, 2016, before me, the undersigned notary public, personally appeared _____, personally known to me, or who has produced _____ as identification, and is the person who subscribed to the foregoing instrument.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

NOTARY PUBLIC

Print or Type Name

My Commission Expires:

DNT:dnt