



COMMUNITY REDEVELOPMENT AGENCY BOARD MEETING OF: February 11, 2025

OLD BUSINESS

AGENDA ITEM 14.F

SUBJECT:

Discussion and Consideration of the Second Amendment to the Purchase and Development Agreement and the First Amendment to the Tax Increment Revenue Funding Agreement between the CRA and BB QOZ, LLC for the 115 N. Federal Highway Mixed Use Project (The Pierce)

SUMMARY:

On June 7, 2022, the CRA Board approved a Purchase and Development Agreement (PDA), the Tax Increment Revenue Funding Agreement (TIRFA), and the Parking Lease Agreement with BB QOZ, LLC for The Pierce project (see Attachments I-III). In response to litigation, the PDA was subsequently amended to extend certain deadlines (see Attachment IV).

BB QOZ, LLC (BB QOZ) has requested additional amendments to the PDA (see Attachments V). The proposed changes would:

- Remove the requirement that BB QOZ provide the CRA with updates on the process of obtaining financing for the Pierce project upon the CRA's request.
- Remove the requirement that BB QOZ provide adequate proof of financial closing prior to the property closing (ownership being transferred from the CRA to BB QOZ).
- Add a requirement that BB QOZ provide evidence of certain financial information after the property closing (ownership transfer) but no later than the date that would have been the latest possible closing date under the current PDA. The financial evidence would be required to indicated committed financing for the Pierce project, but may show that financing remain subject to certain pre-conditions, such as the condition that the Purchase expend their own capital first. The financial evidence would not require CRA approval.
- Permit "Pre-Construction activities" to occur only in the right-of-way, without triggering the "Commencement of Construction" obligations and deadlines.
- Add a provision that the failure to provide the financial information is cause for reverter, and that if BB QOZ brings legal action to halt the reverter but is ultimately unsuccessful, BB QOZ will be required to pay for reasonable CRA attorneys' fees and costs.
- Permit Commencement of Construction to occur 72 months from the date of the final land use approvals, plus one 12-month extension. This change removes one requirement that the CRA approve a 12-month extension; however, under the current PDA, extensions cannot be unreasonably withheld.
- Preserve the outside completion date.

- Preserve existing public parking until Commencement of Construction.

CRA PLAN/PROJECT/PROGRAM:

2016 Boynton Beach Community Redevelopment Plan

CRA BOARD OPTIONS:

1. Approve the proposed amendment to the Purchase and Development Agreement between the CRA and BB QOZ, LLC pending final legal review.
2. Do not approve the proposed amendment to the Purchase and Development Agreement between the CRA and BB QOZ, LLC.
3. Other action as determined by the Board upon further discussion.

ATTACHMENTS:**Description**

- [Attachment I - Executed Purchase and Development Agreement](#)
- [Attachment II - Executed TIRFA](#)
- [Attachment III - Executed Parking Lease Agreement](#)
- [Attachment IV - First Amendment to Purchase and Development Agreement](#)
- [Attachment V - Draft of the Second Amendment to Purchase and Development Agreement](#)