



## **COMMUNITY REDEVELOPMENT AGENCY BOARD MEETING OF: April 8, 2025**

### **OLD BUSINESS**

---

#### **AGENDA ITEM 14.D**

##### **SUBJECT:**

Continued Discussion and Consideration of the Second Amendment to the Purchase and Development 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 Attachment 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 indicate committed financing for the Pierce project, but may show that financing remain subject to certain pre-conditions, such as the condition that the Purchaser 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 the CRA brings a suit to enforce the reverter and is ultimately successful, BB QOZ will pay the CRA's reasonable attorney's fees.
- 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 staff and legal counsel also examined and discussed with BB QOZ several other options for accelerating the requested improvements, including the possibility of CRA participation in procuring and constructing improvements and a pre-development loan, but satisfactory terms were not reached for presentation to the Board.

**CRA PLAN/PROJECT/PROGRAM:**

2016 Boynton Beach Community Redevelopment Plan

**CRA BOARD OPTIONS:**

To be determined based on Board direction.

---

**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 Second Amendment to Purchase and Development Agreement](#)