



# OFFICE OF HOUSING & URBAN IMPROVEMENT

Miriam Carrillo, Office of Housing & Urban Improvement Director

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**Memorandum 20-122**

**DATE:** April 22, 2020

**TO:** Mark Berman, City Attorney

**FROM:** Miriam Carrillo, OHUI Director; Alexander Goldstein, Compliance Manager, *AG*  
 Vincent Wooten, OHUI Community Development Specialists *vw*

**THROUGH:** Suzette Sibble, Assistant City Manager

**SUBJECT:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE RESTRICTIVE COVENANT AGREEMENT BETWEEN THE OWNER AND CITY OF POMPANO BEACH AS THE MORTGAGEE SPECIFIED IN THE DEVELOPMENT AGREEMENT WHICH INCLUDES A CONDITION OF WAIVING THE BROWARD COUNTY IMPACT FEES IN CONNECTION WITH THE AFFODABLE HOUSING PROJECT; PROVIDING AN EFFECTIVE DATE.

Please prepare a Resolution approving and authorizing the proper city officials to execute the restrictive covenant agreement between the owner (Marquis Partners, Ltd.) and City of Pompano Beach as the mortgagee specified in the development agreement which includes a condition of waiving the Broward County Impact Fees in connection with the affordable housing project.

This is a companion item to the April 28, 2020 Agenda item No. 11 file no. 20-365 regarding Marquis Apartments project and Amendment to the Development Agreement in connection with the 100 unit Affordable Housing project at located 1820-1850 Hammondville Road.

The owner is requesting the City join in the Restrictive Covenant Agreement which specifies the Owner has applied to BROWARD COUNTY for the waiver of ninety-nine thousand six hundred eighteen and 00/100 (\$99,618.00) in impact and/or administrative fees related to the Plat. Pursuant to Section 5-184 of the Broward County Land Development Code, a condition of waiving the impact and/or administrative fees for affordable housing is that OWNER must reasonably ensure that affordable housing units are rented or sold to persons meeting the income limitations defined in Section 5-201 of the Broward County Code of Ordinances.

The covenant imposes no obligation on the City, just confirms that the Developer will build and maintain affordable housing on the property pursuant to the Development Agreement which allows Broward County to waive the impact fees for on the Project.