

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED AMENDED NOTE, MORTGAGE, AND GROUND LEASE (AS TO KEY WEST HOUSING AUTHORITY) FOR DOUGLASS SQUARE APARTMENTS, EXTENDING THE REPORTING AND AFFORDABLE RESTRICTIONS UNTIL OCTOBER 31, 2028; AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY DOCUMENTS UPON ADVICE AND CONSENT OF THE CITY ATTORNEY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in 1989, the City of Key West, Key West Housing Authority, HUD and Creative Choice IV, LLC, through its predecessor entity, entered into an agreement which provided funding for the development of Douglass Square Apartments, as an affordable housing project of 50 units; and

WHEREAS, as part of that Agreement, the City obtained and loaned certain funding to Creative Choice, and received and holds a Fourth Mortgage secured by a 99-year lease of the property from the Key West Housing Authority; and

WHEREAS, prior to the maturity of the Fourth Mortgage Note in 2016, the City determined that Creative Choice was not in compliance with certain annual reporting requirements, and the parties negotiated at length to resolve the dispute, resulting in the attached proposed Amended Note, Mortgage and Ground Lease; and

WHEREAS, City staff recommends approval of the attached Amended Note, Mortgage and Ground Lease, which extends reporting and affordable housing restrictions until October 31, 2028; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA AS FOLLOWS:

Section 1: That the attached Amended Note, Mortgage and Ground Lease as to the Key West Housing Authority, between the City of Key West and Creative Choice IV, LLC is hereby approved.

Section 2: That the City Manager is authorized to execute these documents, and any related documents, upon the advice and consent of the City Attorney.

Section 3: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this _____ day of _____, 2019.

Authenticated by the Presiding Officer and Clerk of the Commission on _____ day of _____, 2019.

Filed with the Clerk on _____, 2019.

Mayor Teri Johnston	_____
Vice Mayor Sam Kaufman	_____
Commissioner Gregory Davila	_____
Commissioner Mary Lou Hoover	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK