

CITY OF FORT PIERCE - OFFICE OF THE CITY ATTORNEY

MEMORANDUM


TO: Nick Mimms, Deputy City Manager
FROM: Robert V. Schwerer, City Attorney
SUBJECT: FPRA Resolution Authorizing TCRPC Loan No. 2
DATE: April 10, 2014

Attached is a final draft Resolution No. 14-02 authorizing and approving a loan of \$300,000 from the Treasure Coast Regional Planning Council (TCRPC) for cleanup costs associated with the King Power Plant site. Also attached in digital format are the Loan Documents. Please understand that the Loan Documents are a continuing work in progress and will be subject to minor additions and deletions as we approach the closing date. The Resolution is a required document for the loan.

While many of these Loan Documents are similar to those from the first loan, attention is drawn to Exhibits F and G to the Loan and Project Agreement. They contain additional and more extensive provisions which this office has reviewed in detail with FPRA Staff. These provisions also impact delivery of services from Cardno TBE in connection with their cleanup and associated activities.

It is requested that the Resolution and the draft Loan Documents be submitted as an agenda item for the April 21, 2014 meeting of the FPRA Board so that we may stay on timeline for the Loan Closing.

Please let me know if you have any questions.



Robert V. Schwerer, Esq.
City Attorney

RVS/cf

Attachments

cc: Fort Pierce Redevelopment Chair and Board Members (*w/o attachments*)
Robert J. Bradshaw, City Manager (*via email w/o attachments*)
Karen Emerson, Assistant City Attorney (*via email w/o attachments*)
Linda Cox, City Clerk (*via email w/o attachments*)

FPRA RESOLUTION NO. 14-02

A RESOLUTION OF THE FORT PIERCE REDEVELOPMENT AGENCY A DEPENDENT SPECIAL DISTRICT OF THE CITY OF FORT PIERCE, FLORIDA; AUTHORIZING AND APPROVING A LOAN OF \$300,000 FROM THE TREASURE COAST REGIONAL PLANNING COUNCIL FOR CLEANUP COSTS ASSOCIATED WITH THE KING POWER PLANT SITE; FINDING THAT SUCH LOAN CONFORMS WITH THE PURPOSES AND PROVISIONS OF CHAPTER 163, PART III FLORIDA STATUTES AND FURTHER SERVING A VALID PUBLIC PURPOSE BY PROVIDING FOR REMOVAL OF ENVIRONMENTAL CONTAMINATIONS ALLOWING FOR BLIGHT REMOVAL AND FUTURE REDEVELOPMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Treasure Coast Regional Planning Council (“TCRPC”) has proposed and approved a \$300,000 loan to the Fort Pierce Redevelopment Agency (“FPRA”) from its Revolving Loan Fund for cleanup costs associated with the King Power Plant property; and

WHEREAS, said loan has been determined by the FPRA, as a Dependent Special District of the City of Fort Pierce, Florida, created pursuant to Chapter 163, Part III, Florida Statutes otherwise known as the “Community Redevelopment Act”, to be essential for the revitalization and redevelopment of said lands which constitute a portion of the downtown area within the City of Fort Pierce, and will otherwise serve a valid public purpose; and

WHEREAS, the FPRA has agreed to accept the loan from the TCRPC consistent with the terms and conditions of the Treasure Coast Regional Planning Council Brownfield Program Cleanup Loan & Project Agreement and associated loan documents (collectively the “Loan Documents”).

NOW THEREFORE BE IT RESOLVED BY THE FORT PIERCE REDEVELOPMENT AGENCY OF THE CITY OF FORT PIERCE, FLORIDA, AS FOLLOWS:

Section 1. Authorization.

The FPRA Board hereby authorizes the \$300,000 loan from the TCRPC to be used for the purposes stated herein, and such loan is hereby approved in accordance with the terms, conditions, and provisions as set forth in the Loan Documents.

Section 2. General Authority.

That the FPRA, FPRA Board Chair, and FPRA Attorney are hereby authorized to do all acts and things required of them by this Resolution or desirable or consistent with the Loan Documents, and they are hereby authorized to execute and deliver all documents which shall be required by the TCRPC, and approved by the FPRA Attorney, to effectuate the loan.

Section 3. Effective Date.

This Resolution shall be effective immediately upon its adoption.

PASSED, APPROVED AND ADOPTED this ____ day of April 2014

LINDA HUDSON, CHAIR
Fort Pierce Redevelopment Agency

APPROVED AS TO FORM AND CORRECTNESS:



ROBERT V. SCHWERER, ESQ.
Agency Attorney