

RESOLUTION NO.: 16-26

A RESOLUTION AUTHORIZING THE BOARD CHAIRMAN OR HIS DESIGNEE TO EXECUTE A TERMINATION OF LEASEHOLD USE AGREEMENT DATED SEPTEMBER 9, 1997 BETWEEN PINELLAS COUNTY AND THE YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF TAMPA BAY, INC. (YWCA) FOR A COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT KNOWN AS FAMILY VILLAGE; AND TO EXECUTE ALL OTHER DOCUMENTS NECESSARY TO EFFECTUATE THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Pinellas County utilizes federal Community Development Block Grant (CDBG) funding for construction of public facilities, and to fund services for the improvement of the social and economic welfare of its Urban County residents; and

WHEREAS, on August 2, 1994, Pinellas County entered into a Specific Performance Agreement (County Agreement), in the amount of \$100,000.00, for the construction of sixteen, two bedroom apartments, a children's day care center, and space for an array of social services on a property located in downtown St. Petersburg; and

WHEREAS, on July 25, 1995, Pinellas County entered into a second Specific Performance Agreement, in the additional amount of \$200,000.00, for the construction of eight, two-bedroom apartments for short term emergency shelter and eight, two bedroom units for transitional housing for families requiring long term transition assistance; and

WHEREAS, also on July 25, 1995, the Board and YWCA executed a Land Use Restriction Agreement (LURA) where the project was scheduled for construction, and on July 1, 1997, the Board released the LURA due to a different project location ultimately being selected; and

WHEREAS, on July 23, 1997, the City of St. Petersburg (City) entered into an Agreement (City Agreement), in the amount of \$300,000.00 with the Young Women's Christian Association of Tampa Bay, Inc. (YWCA) to construct a 21,636 square foot building for use as an emergency shelter, transitional housing and day care center (Facility) located on property leased from the City at 429 Sixth Avenue South, St. Petersburg, FL (City Property); and

WHEREAS, on September 9, 1997, the Board executed an Amendment to the July 25, 1995 County Agreement with the YWCA, outlining the new site for the project and the need for a revised construction schedule, and executed a Leasehold Use Agreement since the new location for the project was owned by the City; and

WHEREAS, the YWCA began providing services at the Facility pursuant to the Agreements on October 1, 1998; and

WHEREAS, on June 3, 2013, the City received a proposal from All Children's Hospital, Inc., a Florida non-profit corporation (ACH), offering to exchange 1) an unimproved property owned by its supporting entity All Children's Hospital Foundation, Inc. together with 2) an irregular linear parcel adjoining Booker Creek east of Roser Park for the City's use as an extension to the Historic Booker Creek Trail Loop of the Pinellas Trail for the City Property; and

WHEREAS, ACH stated that the acquisition of the City Property would facilitate its short and long term campus expansion planning and enable growth of its mission tenets: Patient Care, Education, Research and Advocacy; and

WHEREAS, ACH also indicated that the City Property would further spur the development of the healthcare corridor and demonstrate ACH's commitment to St. Petersburg while providing extensive economic development opportunities; and

WHEREAS, ACH's proposal identified several benefits of the land swap including the creation of numerous temporary construction jobs and permanent high income jobs, enhancement of the medical district within the Bayboro Harbor Community Redevelopment Area; and increasing the density of future development on the City Property with a proposed clinical facility that may exceed 250,000 square feet and house over 100 employees; and

WHEREAS, the City accepted the proposal from ACH and entered into a Property Disposition Agreement with ACH wherein the properties were transferred and the City's lease with the YWCA was assigned to ACH; and

WHEREAS, ACH provided a two year time period during which the YWCA could continue providing housing for homeless families; and

WHEREAS, at the July 15, 2015 meeting of the YWCA Board of Directors, the Board voted to discontinue providing emergency shelter and transitional housing effective September 1, 2015; and

WHEREAS, on August 11, 2015, the YWCA staff notified Pinellas County and the City of St. Petersburg, in writing, of its intention to close Family Village, citing cash flow difficulties; and

WHEREAS, the YWCA requested that Pinellas County and the City of St. Petersburg approve the termination of services currently being provided by Family Village, effective September 1, 2015; and

WHEREAS, on November 12, 2015, the City of St. Petersburg passed Resolution #2015-541 authorizing the Mayor or his designee to execute a termination of the Agreement with YWCA and cancel the City's \$300,000.00 promissory note executed on March 3, 1998; and

WHEREAS, due to the amount of County CDBG funding awarded, the YWCA was obligated to provide emergency shelter and transitional housing services through September 2018; and

WHEREAS, the YWCA continued to provide such housing at the site for eighteen years; and

WHEREAS, the YWCA children's day care center component of the project will continue to operate on the adjacent site and is not impacted by ACH's master plan at this time; and

WHEREAS, the continued provision of emergency shelter and transitional housing is no longer possible at the Facility due to ACH's master plan, and the YWCA determined that it is not financially feasible to provide housing for homeless families at an alternative location; and

WHEREAS, the goals of the Leasehold Use Agreement and the Specific Performance Agreements have been substantially met, and further requirements under the Leasehold Use Agreement and Specific Performance Agreements are unachievable for reasons beyond the control of the YWCA and should be waived.

NOW THEREFORE, BE IT RESOLVED by the Board, that the Board Chairman or his designee is authorized to execute a Release of Leasehold Use Agreement and to execute all other documents necessary to effectuate this Resolution.

Commissioner Eggers offered the foregoing Resolution and moved its adoption, which was seconded by Commissioner Gerard , and upon roll call, the vote was:

Ayes: Justice, Long, Welch, Eggers, Gerard and Seel.

Nays: None.

Absent and not voting: Morroni.

APPROVED AS TO FORM

By: Michelle Wallace
Office of the County Attorney