



Legislation Text

File #: 20-0642, Version: 1

MOTION TO APPROVE AN AMENDMENT TO THE PROPERTY EXCHANGE AGREEMENT BETWEEN TERRA WORLD INVESTMENTS, LLC. AND THE CITY OF PEMBROKE PINES TO INCLUDE TA PINES CITY CENTER, LLC. IN THE AGREEMENT.

SUMMARY EXPLANATION AND BACKGROUND:

1. Terra World Investments, LLC and the City of Pembroke Pines are seeking to amend the parties that are included in the previously approved property exchange agreement. In the seventh amendment to the Agreement for Purchase and Sale, the City and Terra established a land exchange agreement for approximately 43,514 square feet of property as shown in the attached exhibits. The property exchange is a true up of land that was left over after development and consistent with the Purchase and Sale agreement.
2. The proposed revisions to the exchange agreement provides for a separate agreement for TA Pines City Center, who currently owns Parcel 2 (Publix) of the City Center development and calls for a simultaneous closing between the three entities: Terra World Investments, II LLC, TA Pines City Center, LLC and the City of Pembroke Pines. TA Pines City Center purchased parcel 2 after the property exchange agreement was approved.
3. The property exchange would equate to the following:
 - A. From the City to Terra: 25,726 square feet
 - B. From the City to TA Pines City Center: 17,761 square feet
 - C. From Terra to the City: 39,953 square feet
 - D. From TA Pines City Center to the City: 3,561 square feet
4. The properties being exchanged included previously delineated driveways, rights-of-way and the future park space. The exchange will clean up right of way, side walks and other properties and assign them to the correct property owner.

Legislative History

5. The City Commission at its August 6, 2014 meeting approved the purchase and sale agreement between the City of Pembroke Pines and Turnberry Pines, LLC for the purchase of +-47.5 acres of property including the northern portion of the City Hall parcel and the remaining acreage of the City Center property.
6. The initial "Investigation Period" as stipulated in the Purchase and Sale agreement ended on December 8, 2014. On December 3, 2014, the City Commission approved the First Amendment to the purchase and sale agreement extending the Investigation Period to January 8, 2015. On January 7, 2015 the City Commission approved the Second Amendment of the purchase and sale agreement extending the Investigation Period to February 9, 2015.

7. On February 4, 2015, the City Commission approved the Assignment of the Agreement for Purchase and Sale from Turnberry Pines LLC to Terra World Investment, LLC. At the same meeting, the City Commission approved the Third Amendment of the Purchase and Sale Agreement providing an extension to the Investigation Period to March 9, 2015.

8. On March 4, 2015, the City Commission approved the Fourth Amendment to the Purchase and Sale Agreement to allow Terra World Investments to modify the breakdown of the three phases in which the property is being purchased.

9. On May 6, 2015, the City Commission approved the Fifth Amendment to the Purchase and Sale Agreement to add SunTrust Bank as a party to the agreement as they own a portion of the Property as a Trustee under a Land Trust Agreement dated July 10, 2003.

10. On June 15, 2016 the City Commission approved an assignment of phase one, which consisted of 17.23 acres from Terra World Investments, LLC to Terra City Center Investments, LLC.

11. In September 2016, Terra City Center Investments, LLC and the City of Pembroke Pines closed on the real estate transaction for phase one.

12. In October 2017, Terra City Center Investments II, LLC and the City of Pembroke Pines closed on the real estate transaction for phase two A.

13. In December 2017, Terra City Center Investments MF, LLC and the City of Pembroke Pines closed on the real estate transaction for phase two B.

14. In June 2018, Terra World Investments, LLC and the City of Pembroke Pines agreed to the seventh amendment to the Agreement for Purchase and Sale which assigned the City hall north parcel to Terra City Center Investments III, LLC and clarified the thresholds for closing.

15. In August 2019 Terra World Investments, LLC and the City of Pembroke Pines agreed to the eighth amendment to the Purchase and Sale agreement that requires Terra City Center Investments III, LLC, at closing, to reimburse and repay the City for the City's share of the recorded Traffic Concurrency Agreement in the amount of \$122,148.00. The Traffic Concurrency Agreement between the City and Broward Co was approved by the City Commission and Broward County in 2001 and was recorded against the City Hall Plat. The eighth amendment allowed the Terra group and their assigns the ability to utilize the credits generated by the payment of the Traffic Concurrency Agreement for their development plans on the former City hall parcel (phase 3).

Recommendation

16. Administration recommends the City Commission approves the amendment to the Property Exchange agreement between the City of Pembroke Pines, Terra World Investment II, LLC and TA Pines City Center, LLC.

FINANCIAL IMPACT DETAIL:

a) Initial Cost: Not Applicable

b) Amount budgeted for this item in Account No: Not Applicable

c) Source of funding for difference, if not fully budgeted: Not Applicable

- d) 5 year projection of the operational cost of the project:** Not Applicable
- e) Detail of additional staff requirements:** Not Applicable