



## **DEVELOPMENT AGREEMENT**

**Between:**

**The Public entity Country Sint Maarten**

**&**

**General Pension Fund St. Maarten**

**for the development of affordable housing**

THIS AGREEMENT, by and between:

1. The public entity **COUNTRY SINT MAARTEN**, Government Administration Building, Clem Labega Square, Philipsburg, represented by the Minister of Public Housing, Spatial Planning, Environment and Infrastructure (Dutch acronym: VROMI), Honorable Mr. Claret Connor, who is duly authorized to carry out legal acts under private law and sign this Agreement;
  - hereinafter referred to as "SXM";
2. THE GENERAL PENSION FUND SINT MAARTEN (Dutch: '*Algemeen Pensioenfonds Sint Maarten*') a self-governing entity possessing legal personality established in accordance with the National ordinance general pension fund of St. Maarten (Dutch: '*Landsverordening Algemeen Pensioenfonds*', AB 2013, GT no. 65), having its registered office at Yogesh Commercial Complex Unit 1A /1B A.J.C. Brouwersweg, Philipsburg, St. Maarten, herein duly represented Mr. Franklyn Richards, Chairman of the Board, and Mr. Michel Soons, Member of the Board, on the basis of Board Decision B1 made on December 7, 2012;
  - hereinafter referred to as "APS";

**WHEREAS:**

- A. SXM acknowledges that availability of adequate and affordable housing on Sint Maarten is the very foundation for sustainable and healthy development of the welfare of the community, and to that extent has assigned a high priority in enabling the realization of affordable housing projects in its Governing Program of July 2015;
- B. SXM has acquired a parcel of land in Welgelegen and considering that cost of land is the inhibiting factor towards affordability, intends to make this parcel of land available, at conditions enabling the realization of affordable housing projects to a Developer, with adequate resources;
- C. The first housing project qualifying as affordable housing will be an example for future similar developments which are identified in the future Sint Maarten National Housing Program;
- D. Affordable housing is direly needed in St. Maarten;
- E. The development and sale, as well as future assignment of the houses erected must be undertaken in a non-discriminatory, efficient, transparent and effective manner;
- F. APS wishes, in view of its foundation purposes and goals, to invest in projects in Sint Maarten which offer unwavering yields in accordance with the APS' Investment Policy and Plan. APS classifies the development of land, building and offering for sale affordable housing and necessary infrastructure, a potential investment. In this respect (within this framework) APS is prepared to accept the position of Developer, leading to the accomplishment of the set goal as envisaged by SXM and APS;
- G. SXM and APS are desirous in entering an agreement in which SXM will make the parcel of land available to APS and where APS will assume the responsibility of Developer for the purpose of developing set parcel of land and selling affordable houses, under conditions further specified in this agreement;



