

**Meeting Date:** September 13, 2022      ☐ Consent      ☒ Regular  
☐ Ordinance      ☐ Public Hearing

**Department:** Parks and Recreation Department

**Motion and Title: Staff recommends motion to approve:**

- Summary:** On November 16, 2010, the County and Town entered into an Interlocal Agreement, which provided the Town with \$2.4 million from the Waterfront Access Bond for the planned expansion of the Lake Park Marina (Marina) to be accomplished in two phases over a term of five years. First, the acquisition of 0.8 acres of land adjacent to the Marina for the expansion of boat trailer parking and second, closing of Lakeshore Drive to develop a pedestrian promenade. The Town closed on the acquisition in December 2010 using the County's grant funding and completed the boat trailer parking lot expansion. However, closing of Lakeshore Drive to develop a pedestrian promenade was delayed pending adoption of changes to the Town's Comprehensive Plan and zoning regulations designed to encourage high intensity mixed-use redevelopment. All required Comprehensive Plan amendments and zoning regulations were adopted as of May 2018. While it was the Town's intent to select a developer through either a Request for Proposals (RFP) or Public Private Partnership (PPP) procurement process, in January 2021, the Town received two unsolicited proposals for the development of the Marina and adjacent area. The Interlocal Agreement has been amended thrice (in 2014, 2019 and 2020) to provide the Town sufficient time to complete the redevelopment process. Pursuant to the Interlocal Agreement as amended, the Town had until October 20, 2021 to complete the RFP and/or PPP process and present to the Board of County Commissioners (Board) for its review the proposal it had selected as the most responsive. On January 24, 2022, the Town notified the County that it intended to reimburse the funds received from the Waterfront Access Bond and on July 15, 2022, it delivered to the County the corresponding payment. Since the Town has reimbursed the County, staff recommends that the Interlocal Agreement be terminated and funds reallocated to the Peanut Island Improvements project noting that to ensure compliance with U.S. Treasury Regulations applicable to the issued bond, the funds will need to be expended within two years of receipt. **(PREM) Districts 1 and 7 (HJF)**

**Attachments:**

- Recommended By: *[Signature]* *8-12-2022*  
Department Director Date

Recommended By: [Signature] 8-9-22  
Department Director Date

Approved By: U Baker Date 8/29/22  
County Administrator

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

| Fiscal Years                                     | 2022          | 2023     | 2024      | 2025            | 2026 |
|--------------------------------------------------|---------------|----------|-----------|-----------------|------|
| Capital Expenditures                             | \$2,400,000   |          |           |                 |      |
| Operating Costs                                  |               |          |           |                 |      |
| External Revenues                                | (\$2,400,000) |          |           |                 |      |
| Program Income (County)                          |               |          |           |                 |      |
| In-Kind Match (County)                           |               |          |           |                 |      |
| NET FISCAL IMPACT                                | 0             |          |           |                 |      |
| # ADDITIONAL FTE POSITIONS (Cumulative)          |               |          |           |                 |      |
| Is Item Included in Current Budget:              | Yes           | X        | No        |                 |      |
| Does this item include the use of federal funds? | Yes           |          | No        | X               |      |
| Budget Account No:                               | Fund 3038     | Dept 581 | Unit P922 | Object 6504     |      |
|                                                  | Fund 3038     | Dept 581 | Unit P922 | Rev Source 3778 |      |

B. Recommended Sources of Funds/Summary of Fiscal Impact:

Budget Amendment of \$2,400,000 within the \$50M GO 2005Waterfront Access Bond to Peanut Island Park Improvements project.

Fixed Assets Number N/A

C. Departmental Fiscal Review:

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

Live Monte 8/16/22  
OFMB 8-15-22 (2nd) 8-15-22  
Contract Development and Control  
8-17-22 TW

B. Legal Sufficiency:

Assistant County Attorney 8/18/22

C. Other Department Review:

Department Director

This summary is not to be used as a basis for payment.

**Background and Policy Issues:** The original Interlocal Agreement with the Town (R2010-1943) provided \$2.4 Million to the Town for acquisition of 0.8 acres at the northeast corner of Silver Beach Road and US-1. The Interlocal Agreement required the Town to develop the property in phases. The first phase required the Town to demolish the existing metal building and to repave and stripe the property so that it could be used for boat trailer parking within two years. The Town timely completed the Phase 1 work. In Phase 2 the Town was required, subject to receipt of grant funding, to close Lake Shore Drive and create a pedestrian promenade along the waterfront within 5 years.

Subsequent to approval of the Interlocal Agreement, residents of the Town became concerned about the requirement to close Lake Shore Drive. In 2014, the Town and County approved Amendment One to the Interlocal Agreement (R2014-0356) which only required closure of one lane of Lake Shore Drive and reduced the size of the pedestrian promenade and introduced a new requirement to reconfigure the trailer parking area to provide longer trailer parking spaces and improve circulation. Amendment One to the Interlocal Agreement required the Town to construct the pedestrian promenade, subject to receipt of grant funding, by November of 2015 and to reconfigure the trailer parking lot by March 2016.

The Town had been unable to obtain secure adequate funding for the required improvements and the Town required the assistance of private developers to accomplish its objectives. However, in order to attract private developers, the Town needed to revise its zoning regulations to allow for high intensity mixed use development along the US-1 corridor, including the marina and surrounding properties. The Town adopted all of the required changes by May 2018. The Town desired to obtain proposals from private developers for development of a mixed use project on land owned by the Town and adjacent privately owned property. The Town contemplated that they would either issue a RFP or utilize the provisions of Florida Statutes, Section 255.065 which establishes alternative procurement requirements for PPP.

On June 18, 2019, the Board approved Amendment Two (R2019-0892) which provided the Town an additional year to complete the Phase 2 improvements and authorized the Town to issue an RFP or conduct a PPP procurement process for redevelopment of the Marina property. Amendment Two also provided that upon selection of a proposal, County and Town staff would present it to the Board for approval. On October 20, 2020, the Board approved Amendment Three (R2020-1579) which provided the Town with an additional one-year extension for receiving proposals under a PPP for redevelopment of the Lake Park Marina. In January 2021, the Town received two unsolicited proposals for the redevelopment of the Marina and adjacent areas. The Town intends to pursue a mixed-use development, including restaurants, high-end retail, promenade area and luxury condominiums. The proposed plan provides for off-site boat trailer parking, which is a deviation from the original ILA. On January 24, 2022, the Town notified the County that it intended to reimburse the funds received from the Waterfront Access Bond and on July 15, 2022, it delivered to the County the corresponding payment.

Staff recommends that the Interlocal Agreement be terminated and the funds reallocated to the Peanut Island Improvements project. Staff is also seeking Board authorization to allow the County Administrator, or designee, to execute any documents that may be necessary to effectuate the termination and clear title, subject to prior review by the office of the County Attorney.

ATTACHMENT 1

Location Map



Attachment No. 2  
Letter from Town – 4 Pages



Office of the  
Town Manager

535 Park Avenue  
Lake Park, FL 33403  
Phone: (561) 881-3304  
Fax: (561) 881-3314

[www.lakeparkflorida.gov](http://www.lakeparkflorida.gov)

January 24, 2022

Verdenia C. Baker  
Palm Beach County Administrator  
301 North Olive Avenue, Suite 1101  
West Palm Beach Florida, 33403

Dear Ms. Baker:

I am writing to inform you that the Town of Lake Park, under the terms and conditions of our inter-municipal agreement, will pay 2.4 million dollars the County reserved for boat trailer parking spaces. The County graciously paid \$2.4 million from a bond authorization to provide public access to the coastal waterways in Palm Beach County. In addition, the town, along with Ross Hering in a third agreement, removed language regarding the number of parking spaces. The rationale was the unknown amount of development and the change in Land Development Regulations creating greater density on Marina parcels.

The town desires to enter into a P-3 agreement with a private investor to expand, update and create higher density on parcels in the Marina. The parcel purchased by the County included sixteen boat trailer parking spaces at 2.4 million dollars. Also, the agreement required the town to develop a promenade area. The Nautilus 220 project will develop 336 luxury condominium units. In addition, the mixed-use development on the ground floor will include restaurants, high-end retail, and a promenade area between the development and the Marina. The Marina will become a destination location for boaters and residents of Palm Beach County. The investment of over \$180 million and the projected \$100 million in marina expansion upgrades total close to \$300 million.

The Lake Park Harbor Marina will remain a public access Marina.

Sincerely Yours,

John D'Agostino  
Town Manager

Cc: Lake Park Town Commission  
Audrey Wolf, Director Facilities Development and Operations



## **TIMELINE OF EVENTS**

### **CURRENT REQUEST – ONE YEAR EXTENSION GIVEN OUR GOOD FAITH EFFORTS**

- **November 16, 2010**, the County and Town entered into an Interlocal Agreement which provided the Town with \$2.4 Million for acquisition of .8 acres of land adjacent to the Marina for expansion of boat trailer parking.
- **December 2010** – The Town closed on the acquisition using the County's grant funding. The Interlocal Agreement required the Town to complete the boat trailer parking lot expansion, which the Town completed. The Interlocal Agreement also required the Town to reconfigure the trailer parking lot and develop a pedestrian promenade, which the Town has not pursued pending adoption of changes to its Comp Plan and zoning regulations designed to encourage high intensity mixed use redevelopment.
- **2013 thru 2017** – preliminary changes to the Comprehensive Plan and Land Development Regulations.
- **April 2017** – the Town entered into a contract with a consultant to carry through the final steps of the required amendments to the Comprehensive Plan and Land Development Regulations to encourage the redevelopment envisioned by the Interlocal Agreement and for the entire corridor.
- **May 2018** – all required Comprehensive Plan Amendments and Land Development Regulations adopted.
- **2019** - The Town worked on issuing an RFQ to engage a P3 (PPP) consultant to Advise, Prepare, Develop and Manage a P3 Agreement with a Developer for Marina-related Mixed-Use Development to be located within the Lake Park Harbor Marina Area, consisting of several parcels owned by the Town of Lake Park in Lake Park and to be consistent with the vision of the Interlocal Agreement. At this time, a 1-year extension was requested and approved by the Palm Beach County Board of County Commissioners to allow for this process.
- **Early 2020** – The Town required a rebid to engage a P3 (PPP) consultant therefore, necessitating an additional extension by the Palm Beach County Board of County Commissioners. The second one year extension was granted pursuant to Resolution 68-10-20 with an expiration date of October 7, 2021.
- **October 7, 2020** – contract was awarded to a P3 Consultant
- **Between October 2020 – October 2021 (THIS REPRESENTS THE COUNTY'S EXTENSION PERIOD)**

### **November and December 2020**

The Town's P3 Consultant engaged in due diligence as per the scope of services and conducted a series of public workshops and training sessions to apprise the elected officials

and key senior Town Staff of the statutory requirements as presented in Section 255.065 Florida Statutes in the context of the State's P3 legislation.

**January 2021**

The Town's P3 Consultant received two unsolicited proposals regarding the Marina and adjacent area redevelopment initiative.

**February through April 2021**

The Town's P3 Consultant conducted workshops and held direct meetings with elected officials, senior staff, and the P3 Candidates regarding Section 255.065 (3)(4)(5).

**May and June 2021**

The Town's staff and P3 Consultant held public hearings as required by statute and found both unsolicited P3 proposals to be qualified as per statute.

Additional training was provided to all parties regarding the process to generate a more definitive conceptual proposal from each P3 Candidate.

**July through October 5, 2021**

A series of facilitation and negotiation sessions were established and held over a 120-day period. These facilitation and negotiation sessions, of which six were held, included the working parties of each P3 Candidate along with the Manager and the Town's P3 Consultant.

**October 5 through October 13, 2021**

The work of the Town Manager and P3 Consultant resulted in both of the P3 Candidates providing full presentations under the guidance of statute 255.065 to the Mayor and Commission.



Within eight days of the full presentations of the conceptual unsolicited Marina area proposals, the Mayor and Commission took immediate action in the meeting on the night of October 13, 2021.

The Forest Development Group was selected.

October 14-31, 2021

The P3 Consultant is beginning the process of undertaking the preparation of the approximate 13 components as delineated by state statute that will serve as the framework for a comprehensive agreement.

The terms of this agreement are guided by section 255.065(7) Florida Statutes.

Guidance from the Mayor and Commission dictates that the terms and conditions of this comprehensive agreement be presented in an appropriate form within 120 days.

The agreement will also include additional details beyond the statutory base that are necessitated by the deal structure and the more definitive version of the conceptual plan that was presented by the selected P3 Candidate on October 5.

***Additional Information worth mentioning*** - The Town also approved an adjacent, private property development plan (Nautilus 220 – details shared with Purvi Bhogaita in November 2020) that will serve to improve the pedestrian connections and waterfront access around the Marina as well, along with the addition of waterfront restaurants and retail improvements.

**IN ORDER TO CONTINUE MOVING FORWARD PER THE ILA,**  
**A ONE-YEAR EXTENSION IS NEEDED.**

***Thank you.***

*John D’Agostino, Town Manager*

*Nadia Di Tommaso, Community Development Director*

*Stephen Bogner, Marina Director*

*Don Delaney, Strategic Development Initiatives (Town P3 Consultant)*



Office of the  
Town Manager

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July 15, 2022

Mr. Eric Call  
Director of Parks and Recreation  
Palm Beach County Parks and Recreation Department  
2700 Sixth Avenue South  
Lake Worth, Florida 33461

**RE: Interlocal Agreement between the Town of Lake Park and Palm Beach County**

Dear Mr. Call:

On November 16, 2010 the Town of Lake Park entered into an Interlocal Agreement (as amended, the "Agreement") with Palm Beach County, whereby the County utilized \$2.4 million dollars from the \$50 million dollar Waterfront Access Bond for the acquisition of certain land west of the Town's marina (PCN 36434220 011140160). The Town appreciates this funding assistance by the County.

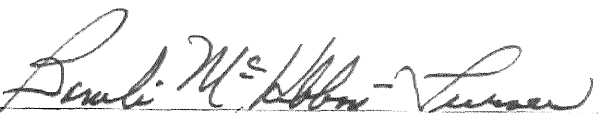
This Agreement expired on October 20, 2021.

At this time, we are happy to report that the Town has the resources to pay back the County for its funding assistance. Attached is a check to the County for \$2.4 million, which pays back the County in full for the funds provided by the County under the Agreement. We understand and accept this payment requirement as prescribed under the Interlocal Agreement and stand ready to discuss this compliance action with you or other appropriate County designees.

It is our understanding this payment of \$2.4 million satisfies all remaining obligations of the Town under the Agreement and the Agreement is now terminated and null and void. Thank you.

Sincerely,

JOHN D'AGOSTINO, TOWN MANAGER

By:   
Bambi McKibbin-Turner, Acting Town Manager

cc: Denise Coffman, Palm Beach County Attorney  
Thomas J. Baird, Town of Lake Park Attorney

Attachment  
SENT VIA FEDEX



22- 0941

BOARD OF COUNTY COMMISSIONERS  
PALM BEACH COUNTY, FLORIDA  
BUDGET AMENDMENT

Page 1 of 1

BGRV 580 080522\*505  
BGEX 580 080522\*1638

FUND 3038 - \$50M GO Access Waterfront Bond



| ACCOUNT NUMBER                                 | ACCOUNT NAME                                    | ORIGINAL<br>BUDGET | CURRENT<br>BUDGET | INCREASE         | DECREASE | ADJUSTED<br>BUDGET | EXPENDED/<br>ENCUMBERED<br>AS OF 08/05/22 | REMAINING<br>BALANCE |
|------------------------------------------------|-------------------------------------------------|--------------------|-------------------|------------------|----------|--------------------|-------------------------------------------|----------------------|
| <b>REVENUES</b>                                |                                                 |                    |                   |                  |          |                    |                                           |                      |
| 3038-581-P922-3778                             | Contributions From Other Local Govt Culture/Rec | 0                  | 0                 | 2,400,000        | 0        | 2,400,000          | 0                                         | 2,400,000            |
| <b>TOTAL RECEIPTS &amp; BALANCES</b>           |                                                 | <b>147,174</b>     | <b>147,756</b>    | <b>2,400,000</b> | <b>0</b> | <b>2,547,756</b>   |                                           |                      |
| <b>EXPENDITURES</b>                            |                                                 |                    |                   |                  |          |                    |                                           |                      |
| 3038-581-P922-6504                             | Improvements Other Than Buildings (IOTB)        | 0                  | 0                 | 2,400,000        | 0        | 2,400,000          | 0                                         | 2,400,000            |
| <b>TOTAL APPROPRIATIONS &amp; EXPENDITURES</b> |                                                 | <b>147,174</b>     | <b>147,756</b>    | <b>2,400,000</b> | <b>0</b> | <b>2,547,756</b>   |                                           |                      |

Signatures

Date

By Board of County Commissioners  
At Meeting of

Parks and Recreation Department  
INITIATING DEPARTMENT/DIVISION

8/11/2022  
8/16/22

September 13, 2022  
Deputy Clerk to the

Administration/Budget Department Approval

Board of County Commissioners

OFMB Department - Posted