



## Town of Lake Park Town Commission

### Agenda Request Form

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**Meeting Date:** January 7, 2026

**Originating Department:** Town Manager, Town Attorney & Community Development

**Agenda Title:** Update, Discussion & Direction - Town of Lake Park Marina P3 Project

**Approved by Town Manager:** \_\_\_\_\_ **Date:** \_\_\_\_\_

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**Cost of Item:** \_\_\_\_\_ **Funding Source:** n/a

**Account Number:** \_\_\_\_\_ **Finance Signature:** Barbara A. Gould

**Advertised:** \_\_\_\_\_

**Date:** \_\_\_\_\_ **Newspaper:** \_\_\_\_\_

**Attachments:** \_\_\_\_\_

\_\_\_\_\_

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**Please initial one:**

\_\_\_\_\_ Yes, I have notified everyone.

\_\_\_\_\_ Not applicable in this case

### Summary Explanation/Background:

The Town Attorney and Town Staff will provide the Town Commission with an update on various aspects of the Town of Lake Park Marina P3 Project, including:

1. Presentation - Real Estate Appraisal Services – Walter Duke + Partners
2. Update – State of Florida Board of Trustees of the Internal Improvement Trust Fund (TIITF) Proposed Modification of Town Marina Deed Restrictions – Community Development Director
3. Update & Direction – Florida Department of Environmental Protection (FDEP) Proposed Town Marina ERP Permit (various infrastructure improvements proposed by Forest Development) – Community Development Director
4. Update & Direction - Memo - Public Records Requests from Lee Feldman (Forest Development) re P-3 meetings – Town Attorney

5. Update - Complaint - Forest Development - Declaratory Relief & Specific Performance - December 2025 – Town Attorney

The Town of Lake Park entered into a Marina P3 Comprehensive Agreement with Forest Development on August 2, 2023 to provide/construct various improvements within Town-owned property to promote economic development opportunities within our community. This agreement provides many of the requirements/details regarding the proposed project, including a quarterly update to the Town Commission on the status of the project by our partner, Forest Development.

At the direction/request of the Town's Marina P3 Project Developer, Forest Development, following the Town Commission's determination (on August 6, 2025) to not move forward with the Governor and Cabinet meeting regarding the proposed amendment(s) to the State of Florida's TIITF Deed Restrictions within the Marina and to pause on all pending permits associated with the Marina P3 Project to enable staff and the Town Attorney to work with the developer on amending the P3 Project Comprehensive Agreement, including the critical path that continues to be significantly delayed.

The Town's Attorney and staff have proposed various amendments to the Marina P3 Comprehensive Agreement, including the following four (4) main areas of the Project's Agreement and/or Leases:

1. Revise Long-term financial contributions to the Town to ensure the financial viability of the project and fairly value the Town's property over the term of the proposed Agreement and Ground Leases
2. Revise the Ground Leases (i.e., terms, etc.) to provide the Town with the opportunity to address various aspects of the Agreement in the future as well as to ensure local, public access and Town input
3. Ensure that the Town Commission is included within the design/planning of the project prior to PUD Master Plan and Site Plan(s) approval
4. Approve various operational and management agreements:
  - a. Marina Operating Agreement
  - b. Rights-of-Way Maintenance & Repair Agreement
  - c. Open Space Maintenance & Repair Agreement

Other important changes (more favorable terms to the Town) expected to be proposed within the Agreement include: determination of the property requested to be removed from the State of Florida's Trustees of the Internal Improvement Trust Fund (TIITF) deed restrictions, clarification of decision making by the Town Commission regarding Town property; ensuring that there are firm and consequential deadlines to complete the various components outlined within the Agreement; assurance that all financial statements must be provided at a specified time (eliminate the ambiguous periodic requirement); long-term maintenance funding, etc.

Town staff had hoped to work with the developer through these issues during meetings and discussions; however, the Developer was very strong in their conversation that they did not want to negotiate against themselves and required the Town to put our proposed changes in writing. Thus, staff is working with the Town Attorney to propose amendments to the Comprehensive Agreement to ensure that we have an Agreement that, if agreed upon by both parties, would be more fair to the Town than what is currently in place.

Additionally, staff is working with Walter Duke + Partners, a local real estate brokerage group (with the specialty of working with local governments) that maintains significant experience with valuing marinas

and surrounding properties to ensure that the Town receives/requests upfront and long-term funding that is fair for the use of this incredible Town property. The expected valuations are planned to be presented to the Developer for consideration as an amendment(s) within the Comprehensive Agreement following Town Commission direction.

Note: The Town Commission selected Walter Duke + Partner in accordance with the Town's Purchasing Code – Section 2-244. Exemptions on November 5, 2025. Additionally, the Developer's Attorney maintains a current working relationship with Walter Duke + Partner; however, the Developers Attorney has verbally noted that he does not believe that there is a conflict, and, after speaking with the proposed vendor, nor does the Town's Attorney.

Additionally, during this timeframe, the Town was notified by the Developer's representative during a meeting on Friday, August 8, 2025, that the Town Commission had violated Florida Sunshine's Law related to the selection of the current Developer (which occurred over multiple "out of the public" meetings on and after October 5, 2021). As a result, the Town Manager notified and requested the Town Attorney and requested a review of this verbal claim and to provide an understanding on whether the Town did in fact violate state law. Additionally, the Town Attorney was requested to provide information on how to resolve this issue, if substantiated. Thus, the Town Attorney has prepared a Memo (dated December 8, 2025) and will provide further information regarding this issue.

Finally, on December 30, 2025, Forest Development began to contact members of the Town Commission to notify them that they have filed a claim against the Town for

*“declaratory relief and specific performance as a means to enforce it rights and hold the Town accountable for its abrupt and unjustified departure from its obligation to perform under an executed and legally binding agreement that governs the redevelopment of 12 acres of public waterfront property known as the Lake Park Harbor Marina.”*

This claim was filed in the Circuit Court of the 15<sup>th</sup> Judicial Circuit in and for Palm Beach County, Florida on Monday, December 29, 2025. The Town Attorney will be available to provide further information related to this claim to the Commission, if required.

**Recommendation:**

The Town Commission consider, discuss and provide input/direction on the various issues presented related to the Lake Park Marina P3 Project.