



Office of the
Town Manager

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December 21, 2023

Sirena Davila, District Director
Florida Department of Environmental Protection
Southeast District – West Palm Beach
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406

RE: Release of Deed Restrictions for Lake Park Harbor Marina Project

Dear Ms. Davila,

The Town of Lake Park is undergoing a major redevelopment of its waterfront on 12 acres of Town-owned land that fronts the Lake Worth Lagoon. As the centerpiece of this project, the Town has entered into a Public Private Partnership (P3) to redevelop and expand the Lake Park Harbor Marina, one of the premier public marinas in the South Florida region. The marina will serve as the anchor of a new mixed-use waterfront district that also includes residential, dry storage and wet slip marina, boat ramp, hotel, restaurant, and retail spaces along other public amenities (the "Project"). The Project will be a key economic generator for Lake Park and ensure the long- term stability of the Town's only public marina.

For the Town to realize the significant benefits of the Project, the Board of Trustees of the Internal Improvement Trust Fund ("TIIF") must release certain deed restrictions and or/reverter clauses recorded on title that prohibit land uses within some of the parcels TIIF conveyed to the Town in the 1960s. Under our P3 agreement, the Town as underlying landowner has agreed to work diligently with the developer to resolve these proprietary issues with TIIF. In particular, the following three (3) parcels within the Project are subject to title encumbrances by TIIF:

- **Parcel 1A.** Subject to "public drainage and park purposes only" under TIIF Dedication No. 24709 (2054-50), as recorded at ORB 1633 PG 606 of the county's public records;
- **Parcel 3.** Subject to "public park and boat ramp purposes only" under TIIF Deed No. 22899 (960-50), as recorded at ORB 694 PG 327 of the county's public records; and
- **Parcel 5.** Subject to "public purposes" only, under TIIF Deed No. 24018 (1339-5), as recorded at ORB 1239 PG 59 of the county's public records.

Enclosed herein are a site plan showing the locations of each component of the Project and a diagram that overlays the restrictions listed above as they affect the Project.

The Town maintains that the overall public/private partnership to develop the Project complies with the intent of "public purpose" deed restrictions imposed by TIIF and all components of the Project on these specific parcels will remain available for lease or use by the public. The hotel component shown on the west side of the site plan is fully outside of the Parcels encumbered by TIIF restrictions. The vast majority of the space within the parcels at issue is the public marina component (wet slips, dry storage, marina office, boat ramp, parking, etc.) which will be owned and leased by the Town for the operation of a marina, boat ramp and restaurant available to the public, and is clearly consistent with the TIIF land use restrictions. Note also that there will be a marina expansion developed on sovereignty submerged lands at this site, which we understand will require a TIIF lease, applied for in connection with the environmental resource permitting

However, the recorded encumbrances on parcels referenced above remain a cloud on title for the (i) marina restaurant and (ii) boat storage components of the Project, as shown on the attached site plan. The marina restaurant includes retail and event spaces available for rental by the public. The boat storage facility is a mixed-use building that will also incorporate retail and restaurant spaces on the ground floor, recreational spaces, and 24 lodging units on the upper floors intended to be available for those staying at the marina. It is our belief that TIIF will need to release the deed restrictions and reverter clauses to avoid a proprietary noncompliance issue for these uses.

Please be advised that the Town recently submitted an application to relocate boat ramps in the marina component of the Project (under FDEP App. # 220311-003), but the Town and its developer partner have not commenced the environmental resource permitting process for the remainder of the Project.

Redevelopment of the Lake Park Harbor Marina is expected to generate hundreds of local jobs and millions of dollars in revenue for the Town. The Project will help establish the Lake Park waterfront district as a destination attraction and ensure the long-term viability of its public marina.

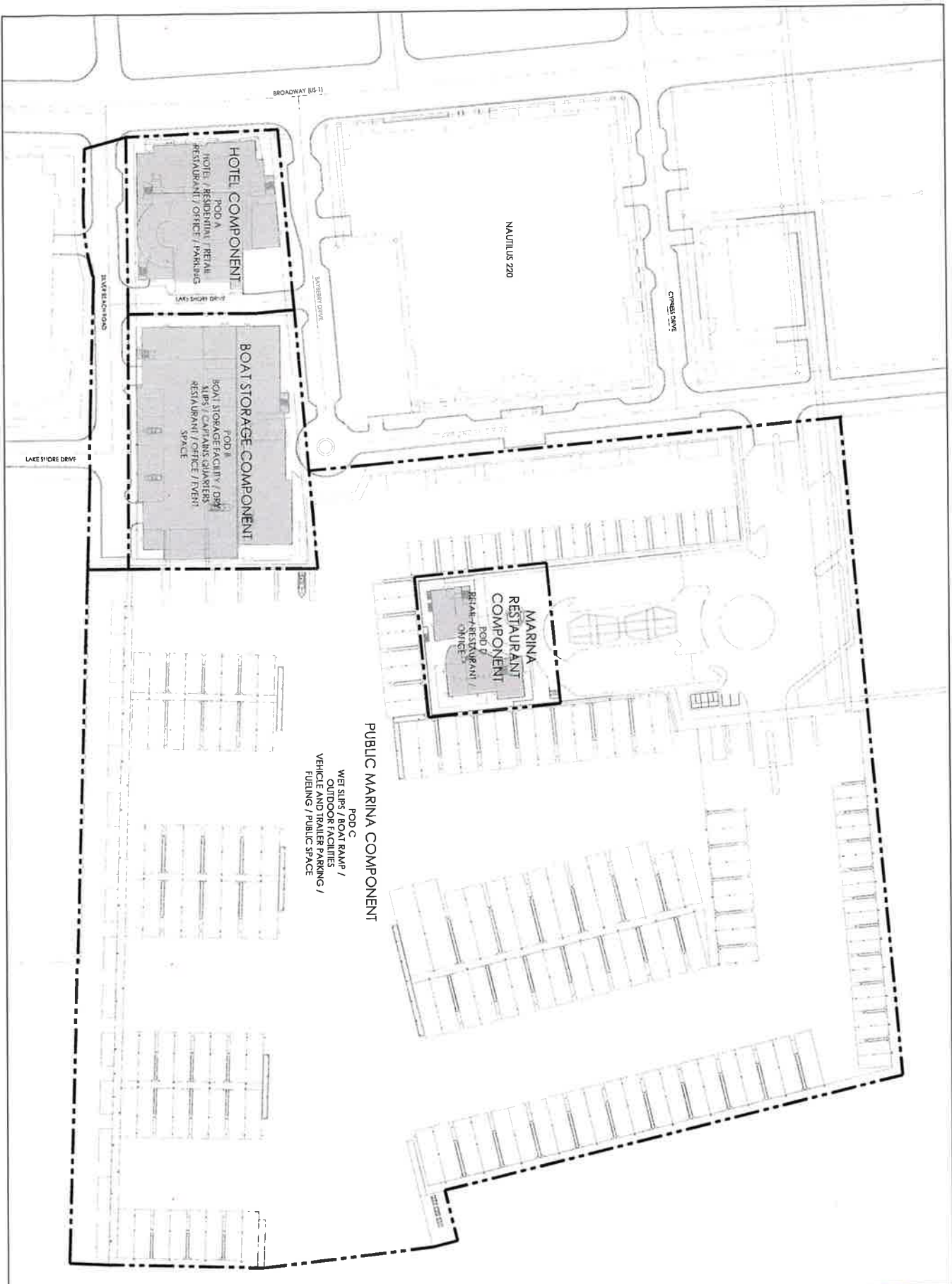
For all of the above reasons, we respectfully request that TIIF release the encumbrances described herein to allow this essential economic development project to proceed.

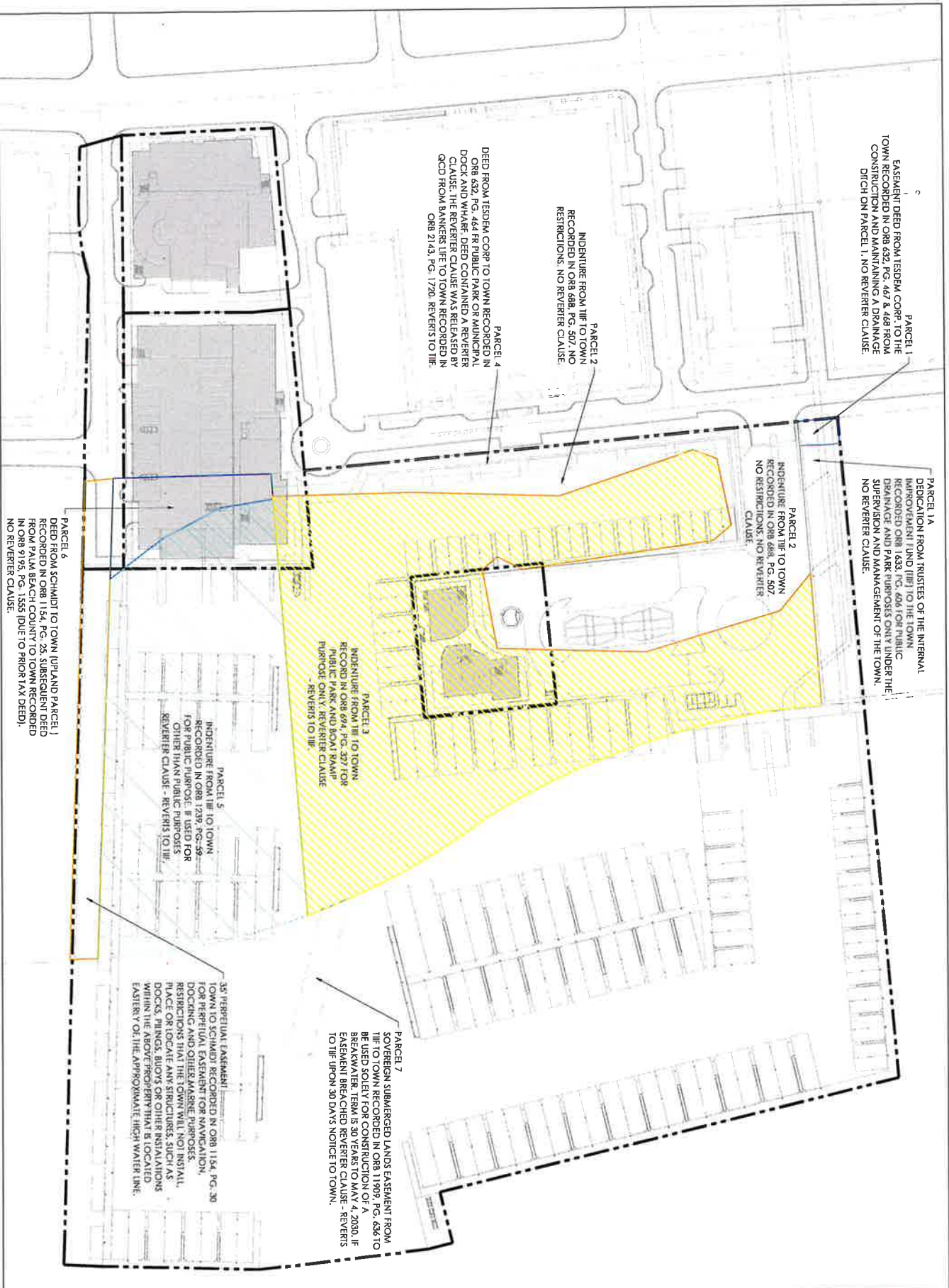
Sincerely,

John D'Agostino
Town Manager
Town of Lake Park

Enclosures

cc: Town Commission





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SHEET # MDE.1

MARINA DEED
EXHIBIT

Scale: 1" = 30'

North

0 30 60 90 120

Sheet No. 145C
Project No. 1154
Date: 08/07/2023