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CITY COUNTY AND LOCAL GOVERNMENT ATTORNEY

May 8, 2026

VIA EMAIL ONLY

Mayor and Commissioners
City of Lake Worth Beach
7 North Dixie Highway
Lake Worth, FL 33460

Re: May 19, 2026 Agenda Item - Restrictive Covenant for 1718 South Douglas Street relating to Grant Funding obtained by For The Children, Inc.

Dear Mayor and Commissioners:

This agenda item was originally scheduled for your April 28, 2026 meeting. However, there were several questions that arose prior to the meeting. Therefore it was postponed to May 19th. I trust that this correspondence will address those questions.

On July 26, 2010, the City and For The Children, Inc. entered into a 99 year lease relating to City property owned at 1718 South Douglas Street (a copy of the lease is attached as ***Exhibit 1***). A review of the lease indicates that the purpose of this Agreement was for the City to lease the Old Osborne School building, “to develop the Premises, and to operate the use thereof, as a educational and recreational center, possibly including, but not limited to, a multi-use building that would include such facilities as a satellite library, a childcare center, a computer lab, a music/drama production studio, an art room, auditorium, a cafeteria, and a wellness center with fitness equipment....Designated facilities will be available for use by members of the nearby communities and the public in general.” The lease provided, in paragraphs 3 a & b, that For The Children was to complete a comprehensive site analysis and prepare a Comprehensive Development Plan (“Development Plan”) for the premises. There were certain deadlines provided in the Agreement relative to the comprehensive site analysis and the preparation and approval of the Development Plan. Paragraphs 3 c – g discussed improvements to take place over five (5) phases. Phase 1 of

the improvements, after completion of the site plan and development plan, was to be completed within three (3) years of the effective date of the lease (by July 26, 2013).¹

On December 13, 2022, For The Children entered into a Grant Agreement (*Exhibit 2*) with the State of Florida Department of State. The Grant Agreement provided, in paragraph 1a, that, “funds are to be used to make improvements to the existing historic Osborne School and construction of a new structure. Work items on the existing structure and property include: parking improvements; roof replacement; renovation of bathrooms; and replacement of interior and exterior doors. Work items on the new schedule include: design development; construction documents; and construction of new structure.” This Grant Agreement was to expire on June 30, 2023 (paragraph 2 of the Grant).² Attachment A of the Grant (page 14) provides a budget for the one million dollar grant.

The State has advised that: “For the Children provided documentation in the application that they had at least \$250,000 (the required match) cash on hand at the time of the application. The final payment request has not been submitted yet, but the expenditures documented so far do include match funds. The full final payment will only be released when documentation of all grant and match funds expended is received.” (*Exhibit 4*)

In support of the grant application, there were several letters of support provided to the State including the attached November 17, 2021 letter from Interim City Manager Juan Ruiz (*Exhibit 5*). This letter states that, “This grant will provide ‘For The Children’ (FTC) with the opportunity to put a new roof on the school, replace bathroom facilities and expand the overall site to serve the increasing number of families seeking services...Lake Worth Beach has been a strong partner with FTC from inception and we are in support of this grant application for the Osborne School project renovation and expansion”.

The Grant provided in paragraph 23 that For The Children and the City would execute and file Restrictive Covenants that would encumber the property for a period of ten (10) years (this is the Restrictive Covenant which is to be considered on your agenda). The Restrictive Covenant (*Exhibit 6*) provides that Premises shall be used as a “cultural facility” which is defined as, “a building which is used primarily for the programming, production, presentation, and/or exhibition of various cultural disciplines including music, dance, theater, creative writing, literature, architecture, painting, sculpture, folk arts, photography, crafts, media arts, visual arts, programs of museums and other such allied, major art forms.”

The Restrictive Covenant further provides that if, For The Children, as the grant recipient, violates the restrictions anytime for a period of 10 years, that they are responsible for repaying the grant, or a portion thereof, back to the State. There is no such language requiring the City to pay back the grant if the facility is not used as a cultural facility. However, by approving the Restrictive

1 It appears that the deadlines established in the Lease Agreement have not been complied with; although, those deadlines were not formally extended by the City, they certainly appear to have been informally extended. I would suggest that a future agenda item address the appropriate extensions of the deadlines in the Lease Agreement.

2 The Grant Agreement was extended, on November 3, 2025, to June 30, 2026. (See *Exhibit 3*)

Covenant, the City is agreeing that the restriction on the property for use as a “Cultural Facility” shall remain for the ten (10) year period of time.

On March 5, 2025, the City’s Planning and Zoning Board entered an Order (*Exhibit 7*) approving For The Children’s application for a major site plan and conditional use permit with conditions.

On April 4, 2023, the City Commission approved Ordinance 2023-03 which amended the City’s Comprehensive Plan Future Land Use Map (FLUM) changing the designations of the property at 1718 South Douglas Street from Public Recreation Open Space (PROS) to a Public (P) designation (*Exhibit 8*). On the same day, April 4, 2023, the City Commission also approved Ordinance 2023-04 which amended the City’s zoning map for said property from Public Recreation Open Space (PROS) to Public (P) at the subject property (*Exhibit 9*).

The current status of work at the site is:

- Permit 23-3284 - Remodel of interior and exterior including windows and doors - disapproved, never issued, no work done.
- Permit 24-1461 - Reroof on the existing building - completed and closed.
- Permit 25-546 - New daycare and emergency shelter - permit in progress
- Permit 25-2863 Daycare fire sprinkler system - permit in progress
- Permit 25-2919 Daycare fire sprinkler main and underground - permit in progress
- Permit 25-3048 Daycare fire alarm system- permit in progress

No site improvement building permit has been applied for or approved.

I trust that the above is of assistance to you in considering whether to approve the Restrictive Covenant for 1718 South Douglas Street.

Sincerely,



Glen J. Torcivia

cc. Troy Perry, Interim City Manager