

**RESOLUTION NO. 152-2024**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF  
PALM BEACH, PALM BEACH COUNTY, FLORIDA, APPROVING  
THE PHIPPS OCEAN PARK CAPITAL GRANT AND OPERATING  
AGREEMENT, AND TWO 75-YEAR GROUND LEASES WITH THE PRESERVATION  
FOUNDATION OF PALM BEACH, INC.**

**WHEREAS**, The Preservation Foundation of Palm Beach approached the Town to partner on a significant renovation of Phipps Ocean Park.

**WHEREAS**, The Preservation Foundation of Palm Beach engaged in the Extraordinary Spaces @ Phipps Ocean Park Capital Campaign to raise funds for the park renovation,

**WHEREAS**, at the September 13, 2022 meeting, the Town Council accepted a \$250,000 donation from the Foundation to establish a project account and allow for the solicitation of a Construction Manager at Risk to perform the Park Improvements.

**WHEREAS**, Burkhardt Construction was selected by the RFQ committee and ratified by Town Council at the November 8, 2022, meeting. The renovation project was presented and approved by the Landmarks Preservation Commission for a Certificate of Appropriateness (COA) and nine variances on November 16, 2022.

**WHEREAS**, on January 9, 2024, the Town Council approved the Site Plan Modifications associated with the Park Improvements and a seventy-five (75) year naming right to a lead donor of the Foundation for the Coastal Conservancy component of the Park Improvements.

**WHEREAS**, the Town Council approved the project Guaranteed Maximum Price (GMP) from Burkhardt Construction at its March 12, 2024 meeting which prior GMP has since expired.

**WHEREAS**, the Town Council approved a capital grant agreement with Preservation Foundation at its May 14, 2024 Agreement but the Preservation Foundation elected not to execute that prior Agreement.

**WHEREAS**, the Preservation Foundation and the Town have negotiated, and the Foundation has executed, a revised Agreement addressing the Foundation's funding of improvements, the Town's contributions, and the operation of the Park once the Improvements are completed.

**WHEREAS**, the under the agreement the Town will lease a portion of the Park to the Foundation, for a term of seventy- five (75) years, for the relocation and operation of the Little Red Schoolhouse to replace the existing lease once the schoolhouse is relocated and improved.

**WHEREAS**, under the agreement the Town will lease a portion of the Park to the Foundation for the operation of a Coastal Restoration Center and associated nursery for a period of seventy-five (75) years.

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**WHEREAS**, the agreement and leases require that the Park's operation is consistent with the Phipps family's donation of the Park.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1: The Town Council of the Town of Palm Beach hereby approves Resolution No. 152-2024 approving the Phipps Ocean Park Capital Grant and Operating Agreement with the Preservation Foundation of Palm Beach, Inc. The said agreement is attached as Exhibit "A".

Section 2: The Town Council of the Town of Palm Beach hereby approves Resolution No. 152-2024 approving the Coastal Restoration Center Ground Lease Agreement with the Preservation Foundation of Palm Beach, Inc. The said lease is included in Exhibit "A".

Section 3: The Town Council of the Town of Palm Beach hereby approves Resolution No. 152-2024 approving the new Little Red Schoolhouse Ground Lease Agreement with the Preservation Foundation of Palm Beach, Inc. The said lease is included in Exhibit "A".

Section 4: This resolution shall take effect upon execution.

**PASSED AND ADOPTED** in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 12th day of November, 2024.

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Danielle H. Moore, Mayor

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Bobbie D. Lindsay, Town Council President

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Lewis S.W. Crampton, Council President Pro Tem

ATTEST:

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Julie Araskog, Town Council Member

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Edward A. Cooney, Town Council Member

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Kelly Churney, Acting Town Clerk

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Bridget Moran, Town Council Member

