

**ORDINANCE NO. 5104-24**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, APPROVING THE CONVEYANCE OF CERTAIN PROPERTY LOCATED AT AT 386 S. TAMARIND AVENUE; 810, 818, 826, 860 AND 910 EVERNIA STREET; AND 913 FERN STREET, WEST PALM BEACH, TO BE USED FOR HIGHER EDUCATIONAL PURPOSES; AUTHORIZING EXECUTION OF A CONVEYANCE AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

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**WHEREAS**, the City owns seven parcels of real property known as 386 So. Tamarind Avenue, 810, 818, 826, 860 and 910 Evernia Street, and 913 Fern Street, as further described in **Exhibit A** ("Property"); and

**WHEREAS**, by Resolution No. 235-21, the City determined that the Property was not needed for City purposes, declared the Property surplus, and Resolution No. 159-24 authorized the disposition through formal negotiations with Vanderbilt Education Florida, LLC; and

**WHEREAS**, Vanderbilt Education Florida, LLC, wishes to use the Property for higher educational purposes, to wit: construction, operation, and maintenance of a campus to support the mission of higher education offering graduate and post graduate programs together with innovation programs available to local residents and businesses; and

**WHEREAS**, the City Commission of the City of West Palm Beach, Florida, desires to enter into a conveyance agreement with Vanderbilt Education Florida, LLC.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA THAT:**

**SECTION 1:** The City Commission finds that donation of City property to Vanderbilt Education Florida, LLC, for the development of a higher education campus offering graduate and postgraduate degrees together with innovation programs available to local residents and businesses will be a benefit to the general welfare of the City and serves a public purpose.

**SECTION 2:** The City Commission hereby approves conveyance of the Property to Vanderbilt Education Florida, LLC, by Special Warranty Deed with a use restriction and a reverter clause. Said reverter clause provides that if the construction condition (i.e. commence vertical construction) is not satisfied within five years from the date of execution of the deed, the title to the Property and any improvements located thereon shall automatically revert to the City.

**SECTION 3:** The City Commission hereby waives any interest in the phosphate, minerals, and metals that are or may be in, on or under the Property and any interest in

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petroleum that is or may be in, on or under the Property, that the City may have pursuant to Section 270.11, Florida Statutes, recognizing that Palm Beach County retained the mineral rights when it conveyed several of the Property parcels to the City. The City will convey any interest in mineral rights that it has in the Property with the deed.

**SECTION 4:** The City Commission hereby approves execution of an Agreement for Conveyance and Development of Real Property ("Agreement") with Vanderbilt Education Florida, LLC, for donation of the Property under the terms and conditions provided therein. The Mayor is hereby authorized to execute the Agreement, the Special Warranty Deed, and any other documents necessary to effectuate the transaction contemplated by the Agreement, subject to approval by the City Attorney's Office.

**SECTION 5:** Upon execution of two (2) originals of the Agreement by Vanderbilt Education Florida, LLC and the Mayor, a fully-executed original of the Agreement shall be retained by the City Clerk as a public record of the City. If the City is in possession of a second original Agreement, such Agreement shall be provided to Deputy City Attorney, Nancy Urcheck, for forwarding to Vanderbilt Education Florida, LLC.

**SECTION 6:** This Ordinance has been approved by 4/5 of the membership of the City Commission at either First or Second Reading.

**SECTION 7:** This Ordinance shall take effect 31 days after Second Reading and shall be subject to the initiative process set forth in the City Charter.

[SIGNATURE ON FOLLOWING PAGE]

FIRST READING THIS 19TH DAY OF AUGUST 2024.

SECOND READING AND PASSAGE THIS 3RD DAY OF SEPTEMBER, 2024.



**ATTEST:**

X *Shaquita Edwards*

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CITY CLERK  
Signed by: Shaquita Lashae Edwards

**CITY OF WEST PALM BEACH  
BY ITS CITY COMMISSION:**

X *Keith A. James*

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PRESIDING OFFICER  
Signed by: Keith A. James

**APPROVED AS TO FORM AND  
LEGALITY:**

X *Kimberly L. Rothenburg*

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CITY ATTORNEY  
Signed by: Kimberly L Rothenburg

## **EXHIBIT A**

### **PROPPROPERTY**

### **LEGAL DESCRIPTIONS**

PCN 74-43-43-21-01-043-0062

386 So. Tamarind Avenue, West Palm Beach, FL

The West one half of Lot 6, Block 43, Map of the Town of West Palm Beach, according to the Plat thereof as recorded in Plat Book 1, Page 2, Public Records of Palm Beach County, Florida, Less and except the road right-of-way as described in that Order of Taking recorded in O. R. Book 2748, Page 627 Public Records of Palm Beach County, Florida, more particularly described as follows:

A parcel of land in West Palm Beach, Palm Beach County, Florida, more particularly described as follows:

From a point of beginning being the Northwest corner of Lot 6, Block 43, West Palm Beach (Original Townsite); an addition to the City of West Palm Beach, Florida, according to the Plat thereof recorded in Plat Book 1, Page 2, Public Records of Palm Beach County, Florida; run East along the North line of said Lot 6 a distance of 30 feet; thence South along a line 30 feet East of and parallel to the West line of said Lot 6, a distance of 108.15 feet, to the beginning of a curve concave to the Northeast, radius 25 feet, central angle  $78^{\circ}27'47''$ ; thence along the arc of said curve a distance of 34.24 feet; thence South along a line 50 feet East of and parallel to the West line of said Lot 6, a distance 20.48 feet to a point on the South Line of said Lot 6; thence West along the South line of said Lot 6, a distance of 50 feet, to the West line of said Lot 6; thence North along the West line of said Lot 6, a distance of 153 feet, to the Point of Beginning.

PCN 74-43-43-21-01-043-0031

910 Evernia Street, West Palm Beach, FL

Lot 4 and the West one half of Lot 3, Block 43, Less the North 20 feet for road right-of-way, and the West one half of Lot 7, Block 43, Less the South 20 feet for road right-of-way, Map of the Town of West Palm Beach, according to the Plat thereof as recorded in Plat Book 1, Page 2, Public Records of Palm Beach County, Florida.

PCN 74-43-43-21-01-043-0071

913 Fern Street

The East one half of Lot 7, Block 43; Map of the Town of West Palm Beach, according to the Plat thereof as recorded in Plat Book 1, Page 2, Public Records of Palm Beach County, Florida.

PCN 74-43-43-21-01-043-0020  
860 Evernia Street, West Palm Beach, FL

Lot 2, Less the North 20 feet for Evernia Street right-of-way, and the East one half of Lot 3, Block 43, Town of West Palm Beach, according to the Plat thereof as recorded in Plat Book 1, Page 2, Public Records of Palm Beach County, Florida.

PCN 74-43-43-21-01-034-0051  
818 Evernia Street, West Palm Beach, FL

The West 90 feet of Lot 5, Block 34, Map of the Town of West Palm Beach, according to the Plat thereof as recorded in Plat Book 1, Page 2, Public Records of Palm Beach County, Florida.

PCN 74-43-43-21-01-034-0042  
810 Evernia Street, West Palm Beach, FL

The West one half of Lot 4, Less the North 20 feet for road right-of-way, and the East 30 feet of Lot 5, Less the North 20 feet for road right-of-way, Block 34, Map of the Town of West Palm Beach, according to the Plat thereof as recorded in Plat Book 1, Page 2, Public Records of Palm Beach County, Florida.

PCN 74-43-43-21-01-043-0010  
826 Evernia Street, West Palm Beach, FL

Lot 1, Block 43, less the North twenty feet (20'), original townsite of West Palm Beach, according to the plat thereof, as recorded in Plat Book 1, Page 2 filed in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida.